


SOS answers some community questions . . .

On the matter of Cobleskill Stone Products' two-year-long battle to expand its Schoharie mine, SOS chairman John Poorman was asked to answer questions many in the community might well be asking at this point.

Q: *Why are we still talking about the quarry expansion? Wasn't this settled a couple of years ago?*

A: *As far as the town and village of Schoharie are concerned, it was settled through a joint comprehensive plan and local laws prohibiting mining in the proposed*

expansion area. However, CSP started a lengthy legal action against the town and submitted a mining permit application to the state for an expansion on the prohibited land. Both the lawsuit and the state application continue
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On the afternoon of August 17, 2007, dust from a blast from CSP's Schoharie mine rises and drifts over the Conboy property located on Warner Hill Road.

In their own words

Town Council candidates state positions on mine issue

Candidates for the November 6 Town Council election were given a summary of Cobleskill Stone Products' attempt to enlarge its Schoharie quarry, and asked one question:

Could you please explain your stance on the Town's continued fight to uphold its laws and community character against Cobleskill Stone Products' determination to enlarge the existing Schoharie quarry? Their written responses follow.

Frank Lawyer III (Central Bridge)

One question you may have would be where I might stand on the Mine Expansion Question, which seems to be a talked about topic, well I am in favor of business and expanding our tax base to take the burden off us, the tax payers, BUT NOT at the expense of our Safety and the Well Being of Our Community.

Michele Marger (Central Bridge)

Simply stated I do not support quarry expansion in Schoharie. Zoning Laws were created to protect areas like ours from the consequences of such an expansion. The stance of the current Town Board is the correct one. Their determination to uphold our laws and protect our community character are to be commended. It is a position that must be held firm.

I would like to state my displeasure at a system that requires our town to defend at such great length, legally binding zoning laws. I would like to see a revised system of checks and balances to restrict a business with such huge financial means as this from depleting the resources of a town in which they reside in an effort to rescind long standing popular law. It appears they not only wish to compromise our community environment

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*‘Modern laws are not very useful when they are not applied or enforced.’
The school’s playing fields are flanked by the quarry.*



SOS answers some questions

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to require the town’s and village’s time and attention.

Q: Doesn’t the state consider all the important issues in deciding on a mining application? Why are the town and village spending scarce tax dollars on the state’s process?

A: Unfortunately, many of the key issues of the proposed expansion were not examined by the Department Environmental Conservation or documented by CSP – issues such as air quality, truck traffic, noise, economic impact or community conflicts. For example, DEC staff has acknowledged that it has not tested the air quality impacts of the current quarry for over 30 years. For that reason, the town, village and SOS have had to engage experts, conduct studies and document impacts on their own just to be sure relevant issues are fully considered.

Q: What is the status of the Article 78 (CSP’s challenge to the Town of Schoharie’s Land Use Law)?

A: Legal delays continue. It still stands unresolved as the state’s process crawls along.

Q: What happens if CSP wins the Article 78?

A: A “win” would only be based

on process. The town could simply readopt the law following a more careful process, if necessary. The court cannot make the town change its law.

Q: New York’s environmental laws are known to be very strict. Don’t they offer enough protection on their own?

A: Modern laws are not very useful when they are not applied or enforced. To date, CSP has successfully argued that their Schoharie operations are largely exempt from the kind of environmental scrutiny that other activities receive. The basis for this argument is simply that there was some form of quarry on site before New York adopted modern laws. Not much protection for Schoharie.

Q: I thought that DEC staff recommended that the permit be denied. Why is the process still going on?

A: DEC regional staff sent the application to an administrative hearing process (with a recommendation that it be denied because of community character). That action transferred the responsibility for the final decision to the administrative law judge who conducted a public hearing in June

and heard arguments from attorneys and experts from CSP, the town, village, SOS and others in July.

Q: What is SOS’ involvement in the process? Isn’t the town and village involvement enough?

A: The town, village and SOS have coordinated work to cover all issues and avoid duplicate work. SOS has helped save tax dollars by taking the lead on air quality, noise, historic preservation and other issues.

Q: Why not just let CSP do what it wants? Don’t we want to support local businesses?

A: Letting CSP do what it wants would make it very hard for Schoharie to have the kind of balanced, quality community we all want. One business would benefit; many other businesses and residents would suffer.

Q: What is it that CSP wants?

A: CSP wants the immediate authority to expand -- when it chooses -- onto more land overlooking the village. It also wants the town and state to recognize the “natural progression” of its mine onto more and more adjacent property over time.

Q: Where will Schoharie ever get the finances to defend itself against a multi-million dollar business?

A: Unfortunately, mining interests have been known to stretch out legal challenges for years. But at some point, courts will stop entertaining CSP’s challenges to town or state actions. The legal expenses will end.

Q: What is the time line for the state’s processing of the permit application? When will the matter end?

A: SOS has summarized the time line for the state process (see our web site, www.saveourschoharie.org) for details). An adjudicatory hearing is next, followed by the judge’s ruling and an eventual decision by the DEC commissioner.

Q: If the DEC Commissioner finds against the permit, is that the end of the matter?

A: Once any legal challenges to that action are settled, that should be the end of the matter.

Mining bill passes NYS Assembly, awaits Senate action

Legislation prohibits DEC from granting mining permits in conflict with local laws

This past June, Assemblyman Tim Gordon announced that the NY State Assembly passed legislation he sponsored to prohibit the Department of Environmental Conservation from approving mining permits if doing so contradicts local laws or ordinances (A.7119).

Gordon recently sent a letter to the commissioner of the Department of Environmental Conservation, condemning the DEC's approval of a controversial permit for industrial hard-rock mining in the town of Nassau. The letter raised concerns over unanswered questions about the mining's potential

effects including reduced property values and environmental hazards to air and water quality.

One community's struggle prompts NY State Assembly to pass legislation strengthening home rule.

The residents of Nassau strongly oppose mining in their community, and any decision made by the state should respect the community's wishes," Gordon said.

Last year, the town of Nassau – sparked by the efforts of Residents Against Mining, a local grassroots organization in opposi-

tion to mining within the town – passed legislation banning mining within its borders. Gordon said although the town requested the right to be heard, the DEC ignored its requests and approved a permit application submitted by Troy Sand and Gravel, Inc. The West Sand Lake-based company intends to mine greywacke, a hard rock that is highly valued for paving highways.

"Allowing the residents of Nassau to make their voices heard will help protect the health and quality of life of all Nassau families for generations to come," Gordon said. "The Senate and governor must sign onto this bill and help all communities in the state of New York."

When your home shakes or is coated with dust when blasting occurs, let the right party know! If DEC doesn't hear from you about it, they won't know it is happening.

Give them a call at 607-652-7741 or write to:

Kent P. Sanders, Deputy Regional Permit Administrator
NYS Dept. of Environmental Conservation

65561 State Highway 10, Suite 1, Stamford, N.Y. 12167-9503
kpsanders@gw.dec.state.ny.us

Treasures in your attic?

Find out on Nov. 3rd from 12:00-5
at **The Parrott House in Schoharie**



Come enjoy the first annual

SCHOHARIE COUNTY ANTIQUES ROAD SHOW

Featuring expert appraisals on quilts, linens, postcards, textiles, furniture, ironstone, art pottery, glass and china, jewelry, silver, folk art, and more. (Just bring items in . . . no reservations required.)

Free admission . . . appraisal fee of \$5 per item
Lunch offered by **The Parrott House**

Event to benefit Save Our Schoharie, Inc. (SOS)

For additional information, call
Ruth Anne Keese (518)231-7241



Save Our Schoharie

Chairman . . . John Poorman
Vice Chairman . . . Robert Montione
Treasurer . . . Patti Conboy
Secretary . . . Dawn Johnson
Newsletter Editor . . . Tom Smith

Town Council candidates . . . (continued from page 1)

but our financial stability as well. Ideally if they want to exercise their right to protest local law it should be done at their own expense, exclusively.

Gene Milone (Schoharie)

The struggle to preserve small town and village lifestyles across our country is often compounded by those individuals attempting to impose change by virtue of their wealth. These individuals have forced the implementation of numerous laws by elected officials which would safeguard communities against issues that are deemed undesirable.

Such is the case with respect to Schoharie's Land Use Laws, which were written by our elected officials and passed unanimously by our residents, to keep our villages and town out of harms way. Unfortunately, there are those in this life that have a total disregard for our laws, namely the leadership of Cobleskill Stone. This individual has made it clear to many of our residents that the community does not have the monetary needs to fight his proposed mine expansion, and because his finances are greater than ours, he will be victorious.

Arrogance of this nature not only is upsetting, it defines ones character and discloses what an individual is truly all about. Profit at any cost. Thankfully our community is strong. Once again it has come together to ward off something undesirable. Our residents will continue to make the necessary sacrifices to preserve the villages and town.

For this reason, and this reason only, our laws shall prevail because they represent the will of the people. No one individual shall own us or our community because of the wealth they have derived from what has been taken from our landscape.

Richard Sherman (Gallupville)

In answer to your question regarding the expense of addressing this issue on Mine Expansion:

The major expenditure of taxpayer money on this issue is due to Cobleskill Stone Products Article 78 Lawsuit challenge to our Land Use Law. The Town Board has been placed in the position of spending thousands of tax payer dollars on legal and other professional service fees defending your law.

This expense could be zero if CSP would drop

the Article 78 Lawsuit against your Town. I personally do not anticipate this happening so quite likely thousands more of taxpayer dollars will be spent defending the validity of your Land Use Law due to Cobleskill Stone Products Article 78 Lawsuit.

Please take the time to review the Towns last financial report, on file at the Town Clerk's Office, to see how much taxpayer money has been spent on this single issue over the past 10 months. The figure is astonishing.

You should keep in mind that no matter what anyone tells you differently the Article 78 Lawsuit is NOT about a Mining Permit. It is about Cobleskill Stone Products forcing YOUR Town Board, with YOUR money, to defend YOUR Land Use Law and they are spending thousands of dollars to have YOUR law declared invalid and possibly illegal.

To address the question posed in this survey of my position on Mine Expansion:

It is quite simple and has been my position throughout this ongoing issue.

The Town of Schoharie has a Land Use Law and I am legally bound to follow it and to represent the citizens of the Town of Schoharie by doing everything in my power to make sure that all involved entities do the same. This is the same responsibility that covers every issue, big or small, that comes before the Town Board.

I am a legally elected Official who swore to uphold the Law. For a well written explanation of my position on the Mine Expansion refer to the document Town of Schoharie Land Use Law Adopted August 15, 2005. Copies are available upon request from the Schoharie Town Clerks Office and can be found in PDF format on the Town of Schoharie Website at: [http://www.schohariecounty-ny.gov/CountyWebSite/townsch/Schoharie\(T\)LandUseLaw.pdf](http://www.schohariecounty-ny.gov/CountyWebSite/townsch/Schoharie(T)LandUseLaw.pdf)

Review pages 39 - 40 Section 5.7 subsections 1, 2 & 3 and Schedule A - Town of Schoharie Land Use Chart pages 1 - 2.

That is and always has been my position! Anyone who promises you differently is not being honest with you.

Be sure to cast your vote on Tuesday, November 6

Looking west from Lasell Park in the Village of Schoharie and (below) east from Terrace Mountain Road.



A tale of two vistas — *The Town of Schoharie's Land Use Law is intended to foster positive development of the region, and forbids industrial development on any land not previously zoned for that use.*



On Thursday morning, October 25, a wind from the north blows dust and exhaust from the quarry south over the school yard.

A question of compatibility

With numerous large stone piles, a crusher, and an asphalt plant situated right next to Schoharie's school grounds, Cobleskill Stone Products was testing the limits of the town's tolerance even before it sought to have DEC permit mining on lands zoned agricultural and residential. The proposed expansion would extend the mine deeper into the mountainside toward the village's center.

Last spring, the Region 4 DEC sided with Schoharie Town & Village governments and SOS, citing unmitigatable effects on community character that would result from the expansion proposal.

The DEC Commissioner will eventually render a final decision.



Few would deny the preciousness of Schoharie's landscapes, nor the importance of the roads that enable people to view them. What is in dispute is whether a single company should be able to operate with total disregard for local laws and community consensus.



Be a proud protector of our community. The Save Our Schoharie (SOS) by-laws state that membership fees are due annually. Please show your continuing support for SOS by sending your membership renewal for 2007 at your earliest convenience to:

SOS
PO Box 856
Schoharie, NY 12157
Name _____
Address _____

Phone _____

Check off any/all boxes that apply.
 Membership Renewal
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 Family \$20
 Donation only
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E-mail address: _____

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