

## *Living on the edge, but not by choice*

*When the Kenndy family built their house, they didn't know the stresses that awaited them*

Once you know their story, you understand why Brian Kennedy and his family respond more personally than most to the prospect of further expanding the Schoharie quarry.

Theirs is the brick and gray vinyl-sided raised ranch house situated atop a knoll on the southwest lip of the current enormous quarry pit, separated from the chasm by only a manicured, rolling front yard, the re-routed Rickard Hill Road, and a slag berm.

The Kennedy's have undergone unsettling changes to what they hoped would be an ideal residence when they built it back in 1989. Back then, Brian and his wife Linda had three teenage children active in after-school sports programs, so the couple resolved that they would try to build a home within a half mile of the school.

Before they decided whether or not to buy a parcel of land on the old Rickard Hill Road just above the school, both say Brian approached officials of Cobleskill Stone Products (CSP), which had purchased the quarry in 1984. Brian asked the company if it had any plans to expand the quarry near to the land he and his wife hoped to buy.

When several representatives assured them no such plans existed, the Kennedys went ahead and purchased the plot -- just over an acre -- and erected their home on it.

However, if no blueprint to expand was in place in 1989, "three years after we moved in," recalls Linda, "they [CSP] came up with 'The Big Propo-



*The already much enlarged quarry not only dwarfs the school grounds, but has crept its way right up to the new Rickard Hill Road & the relocated Kennedy house (upper right of photo).*

al'." The proposal entailed an expansion of the mine that would necessitate the moving of the bottom section of Rickard Hill Road, a winding entryway into Schoharie via mountains to the east of the village.

*The Kennedys recall CSP owner Emil Galasso telling them that the mine would not approach their new Rickard Hill Road residence "in our lifetime."*

As part of the plan, CSP would broaden and straighten the twisty descent of the narrow mountain road. In return, the company would gain access to a greater amount of mineable limestone.

Standing in the way of fully realizing the project, though, was the Kennedy's

new home. With Rickard Hill Road moved, their property would jut out into what was to be the expanded quarry. By way of compromise, Cobleskill Stone offered to move the house, which sat atop limestone reserves, to a nearby spot on the edge of the new Rickard Hill Road, on a larger parcel of CSP property consisting of shale, not limestone. The company proposed to nicely landscape the new homesite and install a large blacktop driveway and parking area.

The Kennedy's lawyer advised them to accept CSP's offer, saying the deal being offered by the company was superior to what they would get if they turned it down, and the county took their property through an eminent domain maneuver, a likely eventuality.

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# Kennedy family says 'enough' . . .

(continued from page 1)



*The family feels they were foolish to have relied upon the assurance [of the quarry growth timetable] in the first place, since it had no legally binding force behind it. Seen here are views from the front & back of the Kennedy house during blasts over the past few years.*



Adding to the Kennedy's comfort over the offer to have the house moved was Cobleskill Stone Products' owner Emil Galasso, who they recall assuring them it would be ten years before the quarry reached even the *old* Rickard Hill Road, and that the mine would not approach the new Rickard Hill Road "in our lifetime."

That promise, however, wound up carrying no weight. By 2005, the active quarry already extended all the way to the new road, where a steep slag berm was erected around the southern perimeter of the pit, obstructing much of the valley view once enjoyed by the Kennedy house and creating recurring episodes of fugitive dust and increased noise from quarry blasting, drilling, tumbling and crushing.

This rapid progression of excavation ever closer to their home has had routine negative effects on the Kennedy home, and they feel betrayed.

Of course, perspectives differ. The quarry, for its part, has excused its timing miscalculation as an unforeseeable increase in demand for stone, a development over which they had no control. At a public meeting in 2006, CSP owner Emil Galasso attempted to defend the estimate of the

excavation progression he had given the Kennedys, asking: "How was I to know that our business would almost triple?"

To the Kennedys, though, CSP's unforeseen sales are of little consolation. To them, the situation represents a promise broken. And -- as a practical matter -- the family feels they were foolish to have believed the assurance in the first place, since it had no legally binding force behind it.

Brian's father and mother, Elijah and Betty Kennedy, also live in Brian and Linda's Rickard Hill home. Elijah was born and lived most of his adult life on Eastern Avenue, which serves as the main access road to the quarry, so the family is no stranger to living near a stone operation. "We all dealt with it," says Brian, "because you could back then [when a much smaller quarry was operated by Cushing Stone Company]. Now it's much harder to tolerate, with far, far more in the way of truck traffic and much larger blasts."

Elijah, long since retired from his job as a roofer for General Electric, is routinely alerted before CSP dynamites, and takes photos of the fallout from the explosions. "At times the dust is horrific," he says, "not

just from the blasts, but on a windy day when the tumbler is working."

When they blast at the quarry, prevailing winds often shroud the Kennedy property, including the laundry hanging on a clothesline behind the house, in dust. It is a violation of the quarry's DEC permit for blast dust to escape the confines of quarry property. Still, four years of reports by Elijah Kennedy to the DEC office -- including photos clearly showing instances of such violations -- have not resulted in any remediation of the problem. Cobleskill Stone once spoke to the family about the company's intent to purchase a water cannon to lessen the dust dispersal, but no such move has been made as yet.

"I remember way back when they were gonna move the road," says Brian. "There was an article in The Times Journal where the quarry talked about how they were gonna plant trees in front of the berm. At least that would make it look half-way decent, and it might block some of the dust."

For the present, the only hope the Kennedy family dares to embrace is that the crawl of quarry expansion, that has so influenced their capacity to enjoy their home, will end.



# Candidates for town government spots speak up

The town's and villages joint comprehensive plan now is over ten years old. The Article 78 proceedings initiated by Cobleskill Stone Products are still active. The DEC administrative hearings regarding CSP's planned expansion have yet to take place. The business environment of Schoharie's downtown is still fragile. Candidates were asked to make a statement about how, if elected, each would help lead the town in dealing with these challenges. Not all candidates responded to the request for a statement. The candidates and their responses follow in alphabetical order (*note that these continue on page 6*).

## Matt Brisley - Running for Town Council

*If re-elected I plan on continuing my support of our town's Land Use Law.*

*From time to time I have people ask my why the Town doesn't just drop "our" lawsuit against the stone quarry.*

*Of course it isn't that simple, as the Town is the one that had the Article 78 brought against it, not vice versa, I am also committed to work with the*

*other members of the Town Board, Village Board, and citizens group such as yours to defend our land use law and quality of life here in Schoharie. I believe we should expand our efforts in working with the Village in addressing the business climate.*

*I feel that over the past 8 years on the board I have shown that I listen to the concerns of the people, other members of the board, keep an open mind to the views of*

*others, and use my best judgement when casting my vote on town issues.*

*I realize the tough financial times we are in and will continue to work with my colleagues on the council and department heads to provide a balance of great services at a reasonable cost to the homeowner, which I believe we have done in the past.*

## Gene Milone - Running for Town Supervisor

*Let me begin by saying that I truly admire the efforts made by S.O.S. concerning one of the major issues affecting our community. I also respect the concerns raised by the group pertaining to the upcoming election.*

*That being said, I will first address the comprehensive plan. As you are aware, it was suggested that its content be reviewed every five years. To the best of my knowledge, that has not happened.*

*I am certain that there exist many new suggestions from our residents that could change the whole complexion of the plan itself. It is imperative that leadership conduct the necessary town hall meetings to acquire a true sense of direction, with respect to the will of the people, and select a committee to review and update what the plan will call for.*

*With respect to the Article 78, it is my full intention to continue the effort in place to protect the land use laws that were passed by our residents. The Town's budget will continue to reflect the necessary tax dollars put aside to support this effort. Leadership must never falter when it comes to protecting the community. The administrative hearings will require close monitoring and it is my intention to do just that.*

*I am certain that you are aware of the fact that almost a year ago I contacted the D.O.T. concerning signage being placed on Route 30A at the park and ride announcing the various businesses that exist in the village of Schoharie. After numerous letters and discussions, my effort failed.*

*I then took my suggestion to the next level of government, our Assemblyman, Pete Lopez. He has put forth a true effort and hopefully is close to having D.O.T.*

*representatives adding signage to the already existing footprint at this location. It is imperative that business in the village is given an equal opportunity to capture traffic flow from exit 23 off I-88.*

*Our residents must also be encouraged to support local merchants and Town and Village leadership must exploit the possibilities of new business opportunities in the entire community.*

*There are issues at hand that could alter the continued existence of our village and town, as we know it. If we wish to pass on the way of life we enjoy and the beauty of the town's landscape, we must be willing to meet those types of challenges, collectively, to protect it all. We must remain united as a community with strong leadership in front of our residents, encouraging solidarity ending in victory, for future generations.*

## Kathryn Saddlemire - Running for Town Council

*I wholeheartedly support all efforts to defend our land use regulations. Development of these regs was long and difficult with input from many participants to produce a document that protects the town's growth and future.*

*I respect efforts by any business to expand and improve their bottom line*

*but not at the detriment of an entire community, especially when there are other options available.*

*It's time to update the comprehensive plan but that process should be put on hold while litigation is still active.*

(continued on page 6)

*Have you  
attended a  
town meeting  
lately?*

## ***School's field day, westerly wind fail to halt quarry blast last June***



On June 17, 2009, Schoharie was in the midst of its annual field days for elementary school students when, at 1:00PM, the quarry conducted a blast that showered the school and its fields with dust.

A stiff westward wind made it likely, if not inevitable, that a strong blast would result in dust being carried off quarry property (a violation of the quarry's DEC permit) and toward the school grounds, but neither that consideration, nor school being in session, stopped the quarry from

conducting the blast.

On July 1, these photos and others were given to the superintendent and school board, urging them to contact the Department of Environmental Conservation (DEC), the NY State agency responsible for enforcing proper quarry practice.

In a future issue, the SOS newsletter will explore the Schoharie School District's perception of the event and what their response to it has been.



## Off the margin

By Brennan Stasiewicz

When my wife Ashley and I were married in June of '09, we stood at the altar and made our life commitments to each other. In the presence of our family and friends, we shared one of the greatest experiences of our lives. But despite the magic and immediacy of it all, the truth is we had already made our life promise to each other long before we uttered the words "I do."

It's safe to say that our wedding vows were first realized in the month of March, three months prior to our wedding, when we signed a bid on our dream home together in the Village of Schoharie. One half an acre was to be our wedding band; the eventual blood, sweat and tears we'd put into the home became our bond. Our roots were firmly planted.

Needless to say, Schoharie has left an indelible mark on our new lives together. The town is a part of our family, even though we have only met a handful of its residents.

Like many others in the area, we maintain dual residences. We rent a small apartment in New York City, in order to work, and we bought our home in Schoharie, in order to live. We are a young, Middle-Class, working family with kids quickly on the way. We wear our hearts on our sleeves and strive to follow a strong moral compass.

Sometimes I think that there's nothing special or abnormal about us. And that's exactly why every time I think about the reasons I'm writing this essay I reach a sort of mental standoff.

What right do we have to voice our opinion on a matter that until recently didn't even involve us? What right do we have to try to influence the future of Schoharie?

***Newlyweds Brennan & Ashley Stasiewicz chose to make Schoharie their home, seeing it as 'Americana personified.' They embrace the cause of SOS and count themselves as proud new members.***



Before choosing Schoharie, Ashley and I scoured the Catskill and Mid-New York region in search of an affordable place to call home. We saw twenty-five properties in many towns, despite the fact that our heart was won on the very first day when we came to Schoharie.

Everything about this place felt right. It was a rare moment of clarity. As silly as it sounds, for us, this place represented something more meaningful than just a location.

To us, Schoharie is America, the America of our grandparents, in a time when it's getting harder and harder to find. And that's exactly what we need right now. For us, that is worth saving.

We don't presume to know more about what's good for Schoharie than others. We don't feel comfortable on a soapbox and don't have much to say on the topic that others can't say better. All we know is this is our home. So we ask, who is going to benefit from this destruction? What happens when it's over? Who will reap those rewards and who will be left to suffer the long-term trauma?

A mine doesn't last forever. If our current economic climate and 'business leaders' are emblematic of anything, it's that too few win when we, the people, are asked to sacrifice for the sake of profit.

We don't want to see our Schoharie hurt and scarred from within. She is our family. Her economies can be rebuilt. Her progress can be revitalized. And her people – her good people – will prevail in doing so. But the land itself can never be returned. Integrity can't be resurrected. And sometimes, a town's soul can never be mended.

Who dreams of a Schoharie, bright and green, strong, standing on its own the way it has for centuries? And then who dreams of a Schoharie systematically mined of its body, its spirit cashed in, written down as just another score for some shareholders' margins?

We know our answer.

*Brennan Stasiewicz is a TV writer/director and his wife Ashley is a graphic artist.*

## *Candidates for Town Office* (continued from page 3)

### **Martin Shrederis - Running for Town Supervisor**

*I as supervisor have been involved with the village on the sidewalk and the town walkway. We are still working to complete the walk way segment at the business park to route Seven.*

*I have also tried to keep SSA, in the village or town. SSA will be signing a lease with the town for a three year lease to stay in the village.*

*With the Article 78, I still stand fast*

*to our Land Use Law. This is the LAW that stands. Working with the Village and SOS will make THE USE LAW stand up in court.*

*I am always here to promote the Village business's and do what I can to make the town a better place to live. I have worked on town budgets to have NO increases in taxes and still provide town hall build-ings, new equipment for the town at no*

*increase taxes to the town residents. I will always hold that line.*

*MY job is not completed yet, I want to see this Article 78 to the end. I also think this is not the time to change SUPERVI-SOR'S. There is a lot at the county level that needs to take place to hold taxes at a level that people living in the county can afford. WE NEED JOBS HERE IN THE COUNTY!!!!*

### 3D ANNUAL SCHOHARIE COUNTY ANTIQUES ROAD SHOW



**Sunday, November 8**

**At Schoharie's historic  
Depot Lane Railroad Complex  
Depot Lane, Schoharie  
11:00 - 4:00**

*Expert appraisals available for quilts, linens,  
postcards, textiles, furniture, ironstone,  
art pottery, glass and china, jewelry, silver, folk art,  
and more*

**No admission charge**

**Appraisal fee - \$5.00 per item**

**Lunch available**

**Sponsored by SOS (SAVE OUR SCHOHARIE)**

*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*

*Fund Raising . . . Randy Nelson*

*Newsletter Editor . . . Tom Smith*



Schoharie's historic business block faces a fragile future.  
The town's and village's shared comprehensive plan stipulates that additional quarrying not be part of that future.

# Where do we stand?

*By John Poorman, SOS Chairman*

**As the leaves fall, our thoughts naturally turn to winter – cold, snowy, hunker-down-and-wait-for-spring winter. Outdoor activities slow. The hustle and energy of summer seems more like years than months away.**

Winter may be a good analogy for the current status of the proposed mine expansion in Schoharie. The legal proceedings in the courts and in the administrative process at the New York State Department of Environmental Conservation have been in a prolonged “winter season”.

Cobleskill Stone Products’ (CSP) lawsuit challenging the legality of the town of Schoharie’s land use law is several years old, but still has not yet been heard by a judge. At DEC, the rulings of the administrative law judge over which issues he would entertain in a hearing over CSP’s proposed expansion were appealed also several years ago – and DEC Commissioner Pete Grannis has yet to act on these appeals.

But just as our back yards eventually shed the snow and life moves back into high gear in the spring, so too will the frenzy and drama of the quarry and its future. The court will rule one way or the other on the lawsuit, and Commissioner Grannis will rule on the appeals and the expansion hearings will get underway.

SOS members encourage all concerned residents and business owners in Schoharie to remember the issues that brought hundreds of people out to the public meetings and hearings in 2005 and 2006. They haven’t gone away.

- A proposed 60-acre mine on agricultural land behind Lasell Park overlooking the village of Schoharie
- Serious environmental threats of an expanded quarry to:
  - livability and downtown business sustainability
  - air quality, including air quality at the Schoharie central school
  - water quality
- No stated need for the new acreage for forty years, but with the owner’s assertion that mining

will start at the owner’s convenience

- Incompatibility with such a massive industrial quarry with the adopted comprehensive plan of the town and village of Schoharie
- Inconsistency with the town’s land use law which limits mining to the current quarry area
- A recommendation from DEC Region 4 to deny the expansion permit
- Continued evidence of violations of the permit conditions of the current quarry

SOS continues to be confident that the objective information will resolve this matter in the community’s favor and that CSP activities at the current mine will use best-available practices to limit dust, noise and other impacts. BUT THIS OUTCOME REQUIRES GOOD INFORMATION, A COMMITTED LOCAL GOVERNMENT AND STRONG PUBLIC SUPPORT. The issues haven’t changed. Neither should our concern.

***What can you do? What can we do together to assure the right outcome?***

Report obvious issues. There is a nuisance log sheet on the SOS web site (& in this newsletter). Use it to notify DEC with specifics if you see dust leaving the quarry property, if you are shocked by the impact of a blast; if your well suddenly loses pressure or acquires odd tastes. DEC monitors activity primarily through nuisance reports!

- Consider candidates’ positions on the quarry expansion issue when you vote. The town and village of Schoharie will need to remain vigilant in the coming months and years; loss of interest or compromise on the part of our elected leaders would be devastating.
- Show your support. Consider putting up a “No Mine Expansion” sign in your yard. Share your thoughts with your friends. Contribute to SOS or help in one of our fund-raising activities. Go to a town board meeting and state your support for the town’s position. Write a letter to the town; send DEC a copy.

The “winter” of the mine expansion process may end suddenly and without warning. Be prepared for the heat!





## Signs that we care . . .

Some locals have complained that the SOS "No Mine Expansion" signs create an eyesore for those who travel through the town of Schoharie, and there is truth to that observation.

However, it is also arguable that the signs are an open demonstration of a shared community sentiment.

That people who are proud of their front yards are willing to upset the look of them with the signs, says a great deal about the hope they have for their town's future, and how seriously they take the threat of mine expansion, as a destructive impediment to that future.

Any family wanting a sign need only contact an SOS member, who will help retrieve them one, or call 295-7454, 295-7731 or

## Join the effort to support the work of SOS

*The lawyers and experts SOS hires to defend our beloved community from further quarry expansion are not inexpensive. We invite all those sympathetic to the struggle to make a tax deductible contribution to the group's work..*

**SOS Address: PO Box 856, Schoharie, NY 12157**

Check all that apply:

☐ **Individual Membership**

\$10 annually ☐ new member ☐ renewal

☐ **Family Membership**

\$20 annually ☐ new member ☐ renewal

☐ Donation Only \$ \_\_\_\_\_

☐ Please put me (us) on your e-mail list

Email address: \_\_\_\_\_  
Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

## NUISANCE LOG

Name: \_\_\_\_\_

Address of impacted property: \_\_\_\_\_

Contact phone number: \_\_\_\_\_

Contact email address: \_\_\_\_\_

DATE OF INCIDENT	TIME AND DURATION	DESCRIPTION OF NUISANCE & POSSIBLE SOURCE	DESCRIPTION OF IMPACT ON YOU &/OR YOUR PROPERTY*

I affirm that each of the above statements are true and correct. \_\_\_\_\_ (signature)

*\*No person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration which are injurious to human, plant or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life or property. (6NYCRR Part 211.2)*

S.O.S.  
P.O. Box 856  
SCHOHARIE, NY 12157

For those interested, the group meets the first Tuesday of each month at the Schoharie Presbyterian Church Fellowship Hall at 7:00 pm.