

Vol.1, Issue 4
SOS NEWSLETTER

Several candidates weigh in on conflicting State, local roles

THE QUESTION POSED BY SOS — Would you support an Executive Order or state legislation that extends to the entire state the respect for home rule regarding mining currently granted only on Long Island? That is, would you take steps to direct DEC to process mining applications only on those lands where it is legally permitted?

PETER LOPEZ

Thank you for your letter addressing a potential change in state statute, as it relates to DEC review of mining applications.

New York State's statutes do not, and should not, eliminate the need for local zoning approval. The state should respect local home rule, including its legally-adopted local

SCOTT TREES

In response to your question, if elected to the Assembly, I would take steps to direct DEC to process mining applications only on those lands on which it is permitted. I do not support quarry expansion in Schoharie.

For several years, I was a partner in a business consulting firm that specialized in analyzing the impact of policy on both businesses and communities. One of our clients was a small Native American tribe in Wisconsin that was fighting the creation of a large mine that would have been built adjacent to the reservation. In the end, my partners and I were able to convince the Army Corps of Engineers in Washington that the mine would have been extremely

land use regulations. This power is granted to localities in the New York State Constitution, and is one I will always support and uphold.

None of us want to see state or local resources used unnecessarily. I would be willing to explore legislation that would require DEC to take action on applications based on local zoning.

profitable for its owners, but would have seriously eroded the quality of life and the environment in the communities surrounding the mine.

We conducted an extensive economic impact report which revealed that the mine imposed serious costs on neighboring localities that were never offset by payments to those affected. In economics, we call these third party costs externalities. In the case of mining, the externalities can be extensive. In fact, zoning laws were created to deal with externalities because a market economy ignores them.

Frankly, I think your group is doing exactly the right thing. The mine imposes costs, or externalities, on the

Thanks again for reaching out to me on this important issue.

Sincerely,

*Peter D. Lopez
Republican, Conservative,
Independence Candidate
NYS Assembly -- 127th Assembly
District*

community and you have chosen to use zoning laws to address the problem. The stone quarry's bottom line is not the bottom line for the community.

While I have openly supported small, locally owned businesses in this campaign, only the residents of Schoharie are in a position to know the severity of the externalities created by the mine.

Ultimately, I think the people have spoken and don't want expansion, and I think that it would be a mistake for DEC to take the decision away from the community.

*Warm regards,
Scott Trees
Candidate for State Assembly*

Candidates comment (con't.)

JAMES L. SEWARD

Thank you for contacting my office concerning the issue of Cobleskill Stone's mining application in Schoharie and the issue pertaining to DEC reviews of mining applications where certified by the applicant as locally permissible.

The state's current regulations do not nullify the need for local zoning approval. State laws relative to mining do not, and should not, supersede local zoning regulations.

I support home rule and the right of local governments to determine what happens within their borders and will always fight for that principle.

The important issue for me, and I am sure for SOS, is that home rule be upheld at the end of the day.

When the litigation has been concluded [CSP's Article 78 suit against the Town of Schoharie], I will look at the possibility of legislation that would require the state DEC to

take action on an application based on local zoning. That makes sense from strictly the standpoint of state finances and economics.

Again, thank you for contacting me. Please do not hesitate to do so again if I can be of additional assistance.

With best wishes, I remain

*Sincerely yours,
James L. Seward
State Senator*



The CSP quarry from Morning Sun Drive, off the Schoharie Hill Road

In brief . . .

• **CSP's Lawsuit Against Schoharie**
A decision on the Article 78 filed by Cobleskill Stone Products against the Town of Schoharie's Land Use Law (LUL) has yet to be handed down. The decision, originally expected in late August, has been delayed by actions of the attorney(s) for CSP, according to a source familiar with the case.

• **A Wake-Up Call the Village Can Do Without** - CSP's Schoharie quarry crusher has been heard cranking away as early as 5:00AM this fall.

According to a DEC source, the quarry has no limitations on the crusher's hours of operation, but DEC will intervene if it receives repeated complaints.

• **Last Chance on Oil Painting Raffle** - The drawing for Elizabeth Apgar-Smith's original oil, *Tranquility*, will be held at the November 6 SOS meeting at Heritage Hall, next to the Schoharie Reformed Church. All proceeds benefit SOS.

• **SOS Rolls Grow** - Individual and family memberships now put SOS's

ever-increasing numbers at nearly 300 people.

• **About The Yard Signs** - SOS is asking citizens to continue to sport yard signs until such time as CSP stops seeking to permit lands prohibited for mining under the Schoharie Land Use Law.

The signs reflect our town's determination to repel an active threat to its well-being. Once the threat goes away, the signs will be consigned to basements & garages, hopefully never to be needed again.

By the way, anyone whose sign is damaged should contact an SOS member. SOS will replace any sign free of charge.

• **Students & quarry neighbors** - If anyone in your family has experienced breathing difficulties due to what you believe to be a stone dust-related source, please contact an SOS member with that information. If you don't know an SOS member, write: SOS, PO Box 856, Schoharie, NY 12157.

• **Address any complaints** related to Cobleskill Stone Products' Schoharie operation to Kent Sanders (607-652-2564), the Department of Environ-

mental Conservation's contact for CSP.

Complaints connected to Carver Stone's operation should be directed to Al Hewitt (357-2162), DEC's contact for Region 4 mining issues.

• **Village wins grant** - Through the efforts of the Village Board & the Main Street Revitalization Committee, Schoharie was recently awarded a \$200,000 small cities grant from the State of NY to assist local businesses.

• **Yard Sale Recap** - Participation in the recent village-wide garage sale netted SOS \$1,514.50. Special thanks to Randy Nelson & Kim Kimball for the donation of a spectacular tent that spared the booth from the rain.

A drawing for 2 Christine Horvath handmade quilts donated by Joan Nelson produced 2 winners: Laurie Campeau of Schoharie won the queen-size quilt & Sharon Washam of Arizona the crib quilt.

• **The SOS booth at the Schoharie Antiques Show**, sponsored by Colonial Heritage, made \$2,032 for the cause. Again, a special thanks to Randy & Kim, not only for the donation of the tent, but for saving SOS a second time from the ravages of rain.

• **SUPPORT LOCAL BUSINESSES!**



**Truck
traffic
grows on
streets of
Schoharie**



Save Our Schoharie

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



Beyond the environmental effects of local mines, are traffic and pollution issues brought on by the ever-increasing number of trucks -- from both Carver Stone and Cobleskill Stone Products operations -- that pass through the village of Schoharie all day long. Recent weeks have been marked by far greater numbers of the extended "flowboys" amongst the carriers.

SOS challenges CSP claims in its DEC permit process

SOS has reviewed the Draft Environmental Impact Statement (DEIS) for the expansion of the CSP Schoharie quarry by Cobleskill Stone Products (CSP) first submitted in December 2005, with revisions in March and May of 2006.

A number of general and specific comments have been forwarded by SOS to the Department of Environmental Conservation (DEC) in response to CSP's revised DEIS.

Although the NY State DEC has not yet opened up the process to further public comment, SOS has documented numerous examples of ongoing negative impacts from the *current* CSP operation in Schoharie and submitted these preliminary comments based on a review of the main body of CSP's claims to DEC. SOS plans to submit additional comments during the public

comment period, when and if DEC accepts CSP's DEIS as complete.

In its submission to DEC, SOS maintains that CSP's DEIS is incomplete in numerous places, and generally lacks sufficient site-specific data to back its claims.

Based on an assessment of the available information, SOS sees clear indications that the proposed expansion will have unacceptable adverse environmental impacts — in terms of dust, noise, blasting effects, habitat destruction, visual and scenic vistas, etc. — which would have large negative impacts on the quality of life and economic viability in the Schoharie community.

These impacts, SOS argues, are sufficient to deny a permit for expansion. SOS stresses that there are unacceptable impacts from the already operating CSP Schoharie

quarry that need addressing under the present permit.

Even if DEC eventually permits CSP's application, the unanimously passed town Land Use Law bans quarry expansion in the Town of Schoharie, and "home rule" has consistently been honored as the final word by NY State.



Member of SOS or not, you can show your feelings about quarry expansion with a sign on your property. The cost of a sign is \$10. Call 295-7875, 295-6247, 295-7731 or 295-9804 to order one & to arrange for pick-up or delivery. Leave a message if no one answers.

Become a member!

If you share the belief that our Town Land Use Law is worth fighting for, consider joining SOS to help state & local officials protect our beautiful environs.

SOS meets the 1st Tuesday of each month at 7:30 in the Schoharie Presbyterian Church Fellowship Hall.

(NOTE: In November, due to election day, we meet Monday the 6th at the Heritage Hall, next to the Reformed Church on Main Street in Schoharie.)

Return this portion with a check payable to:

SOS or Save Our Schoharie and send to:

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

Yes, I want to be a member

\$10 (individual) \$20 (family)

I do not want to be an active member,
but am sending a contribution

Name _____

Address _____

Phone _____

email _____



Schoharie artist Elizabeth Apgar-Smith has donated the above oil painting to benefit the work of SOS.

The painting, valued at \$1,500, depicts a portion of the mountainside adjacent to land that a quarry seeks to mine, in spite of The Town of Schoharie's Land Use Law forbidding any mining expansion on lands not already zoned for that purpose.

Raffle tickets may be purchased from SOS members, Wellington's Herb & Spice Farm, or through The Apgar-Smith Gallery at 246 Main St. in Schoharie, where the original painting is on view.

The artist, who has been featured in *American Artist* and *The Artist's Magazine*, has a show entitled *Faithful Labors* (a celebration of Schoharie County's family farms) touring venues in the Northeast. Her work may be viewed on her website, www.apgarsmith.com.

Win this painting!

Tickets: \$5.00 each or
5 for \$20

Drawing: Monday, November 6, 2006

From the post office parking lot



Location, location, location . . . While recognizing the obvious need for stone products and the quarries that produce them, it is equally obvious that an *even larger* quarrying operation is incompatible with a residential community. The Town of Schoharie's Land Use Law reflects that truth.



THE QUARRY THAT HASN'T ALWAYS BEEN THERE —

Some people assert that "there has always been a quarry in Schoharie."

While it's true that early settlers quarried rocks out of the mountainside to build their homes, a commercial quarry has existed in Schoharie for only around 100 years. The village, however, has been in existence ever since between 500-700 German Palatines settled in the valley in 1711 (nearly 300 years ago).

A glance at these aerial photos of the Mix farm at the north entry to the village shows how quarrying expanded between 1940 (left) and 1979, the year that CSP purchased the quarry. A similar photo taken today would reveal radically greater excavation of the land to the east of the farm.

A HOPEFUL SIGN

EnCon Commissioner emphasizes preservation at SUNY Cobleskill Roundtable

New York State Department of Environmental Conservation Commissioner Denise Sheehan recently singled out "preservation of the state's farmlands, parklands, scenic vistas, and quality communities" as DEC's number one priority.

Commissioner Sheehan made the remark as the keynote speaker at SUNY Cobleskill's annual roundtable breakfast held in early October.

Sheehan was preceded to the podium by acting SUNY Cobleskill President Anne Meyers, who cited her college's direction as guided by the theme of sustainability. Said Meyers: "We must leave enough [resources] to enable our children to enjoy what we have enjoyed in our lifetimes."

The priorities voiced by each administrator echo the principles at the base of SOS.

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