



SOS

NEWSLETTER

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May 2007

Linda Lown, her Pomeranian Barkley, and cat Brutus stand in the road in front of their Eastern Avenue home. Ms. Lown's house is enveloped on two sides by the quarry, and on a third side by the access and exit road to and from the mine.



Mine neighbor says conditions worse since last CSP expansion

The last person to speak at the NY State Department of Conservation's first public hearing was a voice raised publicly for the first time during the community's two-year-long push to convince DEC that mine expansion in the town is inappropriate for a host of reasons.

That speaker, Linda Lown, is a

survivor of sorts, having lived for 58 years in a 126-year-old house located right next to the Schoharie quarry on Eastern Avenue.

Although unused to speaking in front of a large audience, Ms. Lown was determined to be heard and spoke passionately of her existence, as she added her voice to those

opposing mine expansion. "You have to speak up if you believe in something, or else you have no right to complain if something you don't like happens," she reasons.

Ms. Lown's pride in the home she grew up in is obvious. Showing a visitor around her property on an
(continued on page 2 . . .)

Save the evening of June 12th

Another public hearing on deck, as judge to decide on expansion permit

On March 30, 2007, William Clarke, Regional Permit Administrator of the NYS DEC Region 4 Office, sent a letter to Cobleskill Stone Products informing them that his office had made a determination to hold an adjudicatory public hearing for the case.

What happens now?

This notification means that the regional office elevated the decision to a higher (and final) authority in the DEC process. An adjudicatory hearing involves presenting the case in front of an environmental law judge, who will make a determination on the case, with the commissioner of DEC signing the final decision.

This process will involve an initial issues conference in which the parties present their legal arguments in front of the judge, and the court will select those issues

which are important enough to present in the actual adjudicatory hearing. Following that hearing, the judge will make a final determination, and recommend a course of action to the commissioner of DEC.

Will Schoharie citizens be involved with this process?

Yes. On April 24, the parties involved (CSP, DEC Region 4, the Town and Village governments of Schoharie, the Northeast Cave Conservancy, and SOS) held a phone conference with Judge Kevin Casutto to set a date for the issues conference. Subsequently, we received a Notice of Legislative Hearing and Conference. The court has decided to hold a public legislative hearing on June 12, 2007 at the Holiday Inn Express in Schoharie at 7 PM. This public hearing will have the exact same format as the
(continued on page 2 . . .)

Mine neighbor . . . (continued from page 1)

early May evening, leaves were about to pop on a giant sycamore, and nearly two dozen well attended bird feeders dotted her lawn. "I'd love to wake up to hear the birds and have breakfast on the back porch," she says wistfully, "but once that [crushing machine] gets going, forget it!" She says the crusher typically starts running at 5:30 in the morning.

Adding to the noise is a CSP water truck that makes periodic trips down Eastern Avenue to wash away accumulated stone dust. While it serves to clean the road, "it's much noisier than the stone trucks," she insists.

"I was used to living next door to a quarry," says Ms. Lown, "but since the last expansion, conditions have grown much worse." She has no problem recounting some of the routine issues she faces, as she did at the last public forum: "We never sit outside until the quarry closes for the day. We can't hang out clothes on a line. I just had the house painted, but the dust has already begun coating it again."

"It's useless to wash the windows of the house," she says, "The other night I was cookin' and burned something, so I opened the front windows. Dust rolled in through the open windows. I just sat there and watched it roll in."

"I don't wash the car," she chuckles, "I just pray for a hard rain."

Ms. Lown says her late mother developed asthma at the age of 50. She is suspicious that proximity to all the dust caused it. Now her beloved 10-year-old pomeranian Barkley has "a lung condition that can't be cured, only controlled." She doesn't *know* that the dust caused Barkley's condition, but she can't help but wonder.

Far from bitter, by and large, Linda Lown is philosophical about living next to a quarry. She finds a certain faded monastery-like grandeur in the old tin and wood enclosures that loom on the mountainside over her property.

What she dislikes are conditions she has seen worsen since Cobleskill Stone Products' last expansion. In particular, she cites the increased number and size

of the trucks: "They're much bigger than they used to be. Some drivers are considerate, but some shift and go as fast as they can, kickin' up dust. Some don't put their tops down."

Connected to that, she worries about the welfare of the several stray cats she has taken in, who now call her home theirs. "Brutus (a large orange long-hair tomcat) is road-smart . . . the others, I don't know."

Were it not for the quarry, homes on Eastern Avenue likely would represent prime real estate, with the school and its playing fields directly across the road. As it is, the avenue is CSP's access and exit driveway.

"Nobody wants the quarry road going by their house. I understand that," says Ms. Lown, whose tolerance ends at the idea of expanding the existing mine into one with a longer lifespan. Of the loss of even further mountainside, she says: "What really upsets me is that [some] people don't realize what they have until it's gone. When it's gone, it's gone."

. . . June 12th (continued from page 1)

public hearing held in March of this year.

The following day, the issues conference will begin at 10AM (and run as long as required) in Schoharie at the Holiday Day Inn Express. This will involve the lawyers for each party with status in the case presenting arguments on each issue, with testimony from technical experts as needed. This conference is open to the public, but only the legal staff and experts will be allowed to speak. Following this issues conference, a date for the adjudicatory hearing will be set.

Regional DEC shows that it listened to multitude of arguments against expansion

An important section of the Notice of Legislative Hearing and Conference, called the Tentative Determination, states the following:

"Department staff has determined that the proposed expansion will not meet applicable SEQR [State Environmental Quality Review] statutory and regulatory requirements and, therefore, should be denied. Specifically, Department staff has

determined that the proposed mine expansion and potential impacts represent a significant adverse impact in community character even after the incorporation of impact mitigation measures into the project."

DEC staff have recommended that the permit application be denied, and based this on the very broad issue of "community character," which incorporates the numerous separate issues that have been raised. It has been rare that DEC staff recommend denial of a permit application. That they have recommended denial in this case is a reflection of the very high quality of the arguments put forth by the public, the Town, the Village, the Northeast Cave Conservancy, and SOS. This recommendation by DEC is a significant event in the way that the New York SEQR process is handled. Everyone who has assisted in this process in any manner should be commended.

SOS greatly appreciates the stance, effort, and technical quality of the comments, of the Town and Village of Schoharie in opposing this expansion, which were critical to achieving this favorable result.

SOS sounds call for large-scale community support

One of the chief reasons SOS emerged was to assure that the community be able to muster a concerted opposition to a well-funded threat to our town's future.

At this moment in time, lawyer fees and expert testimonial costs are both rising, as both these parties prepare arguments necessary to convince a DEC judge that quarry expansion is, for many reasons, incompatible with the Schoharie community.

To defray costs and make the best use of scant time, lawyers for SOS, the Town of Schoharie, and the Village of Schoharie have worked together to establish a division of labor. This unprecedented coordination is saving thousands of dollars in what would otherwise be duplication of effort.

Further, out of respect for the nature of the community's cause, a number of experts have made their services available without payment, or at greatly reduced costs.

The next several weeks and months are crucial ones. It is not that the Schoharie community can easily afford the expense of defending its future; it is the question of what happens if it does not.


SOS implores **all** people in the Town of Schoharie to attend the June 12 DEC public hearing, and to consider giving what you can to a battle that needs fighting.



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WHAT CAN I DO TO HELP?

- **Show up at the public meeting June 12, 7PM at the Holiday Inn Express**
- Contribute a donation to help meet the cost of defending your community
- Display a "No Expansion" sign on your property
- Call DEC (607-652-7741) when your house shakes from quarry blasting



Save Our Schoharie
Chairman . . . John Poorman
Vice Chairman . . . Robert Montione
Treasurer . . . Patti Conboy
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call 295-7731 or 295-7457 for tickets

NAME _____
ADDRESS _____
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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

____ New Membership

____ Individual \$10

____ Family \$20

____ Donation only

____ Please keep me informed by e-mail

E-mail address: _____



CALENDAR OF UPCOMING EVENTS

June 5 - SOS meeting . . . Presbyterian Church Fellowship Hall at 7PM

June 12 - DEC pulic hearing . . . Holiday InnExpress, 7PM

June 13-15 - Issues Conference . . . Holiday Inn Exp., 10AM

Public may attend, but speaking is limited to lawyers & expert witnesses for opposing sides.

August 4 - Chicken BBQ . . . Lasell Hall lawn (across from NBT Bank in village of Schoharie), 11AM until chicken & ribs all sold.

***Sept. 8** - Village-wide Garage Sale . . . Lasell Hall lawn

****Is your surplus stuff collecting dust?***

****Is your green thumb out of control?***

This year the annual village wide garage sale will be September 8th. SOS will once again be set up on the lawn of Lasell Hall. We need donations. Please set aside any items you no longer use or want but think would sell at the garage sale.

We would also like to sell house and garden plants. Anyone is invited to divide/split or just share your green thumb by donating plants, plant sections, seedlings, bulbs, tubers, or whatever from your indoor and outdoor collections. Please start rooting the indoor plants now to get a good root system for September.

In the next newsletter, we will notify you of our drop off point for all items. You can drop your donation items off the week previous to the sale. Please contact one of the following phone numbers if you need someone to pick up your donations – 295-7875 or 295-7454.

S.O.S.

P.O. BOX 856

SCHOHARIE, NY 12157