



Vol.5, Issue 1

In light of Cobleskill Stone Products' decade-long push to continue mining away on the Village of Schoharie's eastern side, SOS asked candidates running for Town Council seats to say how they felt about it.



Candidates respond (and don't) to quarry expansion issue

In 2005 Cobleskill Stone Products (CSP) applied to the NYS Department of Environmental Conservation for a permit to expand mining to acreage south of the current excavation. At the same time, an Article 78 law suit was brought by CSP to challenge the Town of Schoharie's Land Use Law.

In 2007 the Department of Environmental Conservation's Region 4 office, citing irreparable harm to community character, recommended against permitting expansion of Cobleskill Stone Products' Schoharie mine.

As it has for each election, SOS asked all candidates running for Town Council seats to explain their stance on the Town of Schoharie's continued efforts to uphold its master plan, laws, and community character against Cobleskill Stone Products' determination to enlarge the existing Schoharie quarry.

TOWN SUPERVISOR'S RACE

Wanda Colyer - *(Masters in Special Education & Reading, Member, Capital District Adult Education Professional Development Consortium)*

"Thanks for asking. I am a member of SOS, but I just joined. I was a member of the town ZBA for 15 years, followed by a few health issues, so my membership is fairly recent. I did not feel that I could join while I was on the ZBA, and I am too busy to attend meetings right now.

I am in favor of the comprehensive plan and solid zoning laws. I am against quarry expansion, and the invasion of our community. After attending several meetings where the zoning is being reviewed, I am concerned about the "anything goes attitude" of a few of the town board members who want to throw everything

out and have no rules. It really is an important time for SOS members to attend the meetings to review the zoning. I was really concerned after one meeting. There appeared to be only one member who got the importance of zoning.

I can't say how I feel about the new zoning until I see what they do. I hope that they don't weaken it."

Gene Milone - *(Former Full Superintendent of NYC Transit Authority and Surface Transportation, & President/Business Manager of Amalgamated Transit Workers of Staten Island)* -

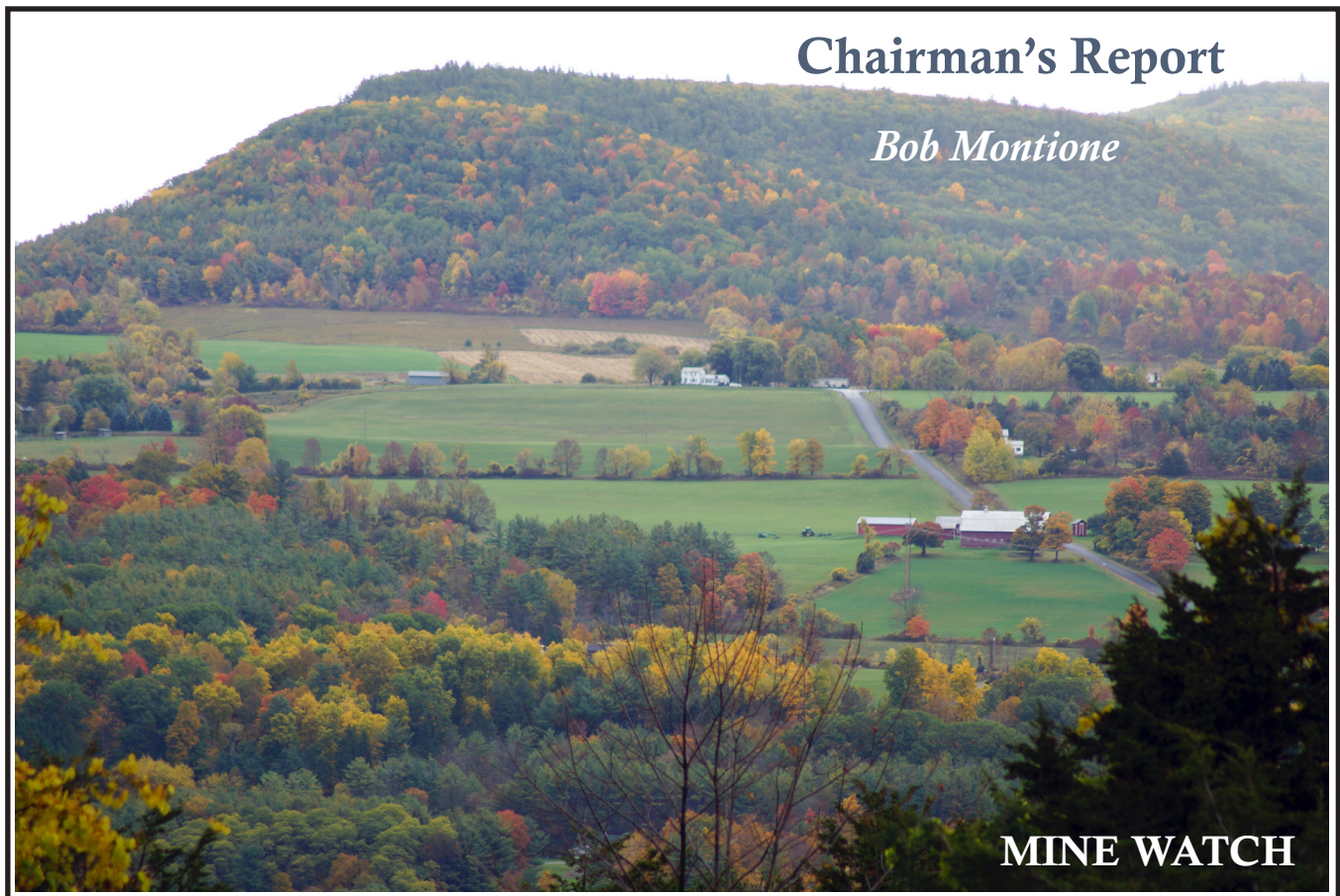
"I once again wish to thank you for the opportunity to comment on this unfortunate struggle that the Town of Schoharie has been in litigation over for years.

Your question mentions the fact that DEC supports our residents on the issue of community character, and I once again agree that any further expansion of the existing mine will mar our community even more. I have stated many times over recent years that, as an elected representative, I am duly bound to support the laws that have been put in place by our residents. There is no logic that can explain away that obligation.

Our land use laws will continue to monitor the growth of the community in accordance with the vision defined by town residents. Individuals that are not willing to adhere to our laws must face the reality that EVERYONE is subject to them.

The Town's land use laws are no different than any other laws governing society and must be respected. I remain fully committed to staying the course defending those laws with anticipated victory."

(continued on p.3)



Chairman's Report

Bob Montione

MINE WATCH

Updates on CSP's Schoharie Quarry, DEC process

CURRENT OPERATIONS – CSP's permit from the NYS Dept. of Environmental Conservation (DEC) for their current mining operation expired in 2010. Since then it has been operating under State Administrative Procedures Act, which allows them to continue operating while negotiating a new permit. SOS has learned that there are currently active discussions between the NYS DEC and CSP on renewing their state mining permit. SOS has recently sent the NYSDEC comments which included actions that could be taken to reduce the negative impacts to the community. SOS also conducted noise monitoring this summer which documented violations of CSP's permit conditions and NYS DEC policy over the summer and fall, and submitted those results to the NYS DEC. SOS also submitted photographs taken by SOS members documenting dust blowing from the CSP quarry into the surrounding neighborhood, which also violates CSP's permit conditions. Finally, SOS has inquired as to the status of an enforcement action taken by the NYS DEC on the effects of blasting. SOS is currently waiting to hear back from the NYSDEC on these inquiries and submissions.

EXPANSION – Immediately after the courts struck down the Town of Schoharie's Land Use Plan (LUL) in 2014, and before the current effort to rewrite the LUL with a moratorium on major developments, CSP submitted a slightly modified plan for their proposed expansion onto the south of Rickard Hill Road. SOS, along with the town and village, submitted comments to NYS DEC objecting to any expansion of mining in the town. The NYS DEC judge hearing the legal arguments on the permit for expansion, will be requesting additional information on noise issues. SOS will have its sound/noise expert consultant available for any actions taken by the NYS DEC on this issue.

Updates on Carver Middleburgh Quarry

In late 2013, Carver applied to the NYS DEC to further expand its Middleburgh quarry. This expansion involved 50 acres about 1,000 ft. to the east of their current quarry pit. The proposed expansion would be farther from Route 30, but closer to Schoharie residents along the southern town boundary. SOS became aware of this in late 2014, when the Scope of Work (which details the studies to be done in the Environmental Impact Study) was released for public comment. SOS submitted comments on the scope of work and is awaiting the results of the EIS investigations. In the meantime, a group of residents along the Middleburgh/Schoharie town line became very active in the process, and coordinated with SOS to submit additional concerns to the NYS DEC, Carver, and the Town of Middleburgh. Recently Carver has announced that they will relocate the proposed expansion farther to the southeast (farther from Schoharie). SOS is currently awaiting more detailed plans on the renewed proposal.



A GOOD NEIGHBOR? -- Dust from a quarry blast on Sept. 21, 2015, at 2:15 on a school day, blows off premises to Warner Hill Rd. The mountainside of farm fields and forest would be further gouged out if Cobleskill Stone Products expanded. Beyond that, there is little doubt that, applying the same logic the company uses to justify its currently-sought expansion, it would keep expanding ever deeper into the mountain on any adjacent land it can manage to buy, forever altering the nature of Schoharie.

Candidates respond... (con't. from p.1)

Chris Tague (General Manager, Cobleskill Stone Products) - Declined to respond.

RUNNING FOR 2 TOWN COUNCIL SEATS

Floyd Guernsey (Owner Guernsey's Nursery) - Declined to respond.

Ann Ryan (Owner, Magical Printing & Designs)

"I am against Cobleskill Stone Products' determination to enlarge the existing Schoharie quarry. I do not want the expansion.

I will continue the stance for our residents in the Town and Village of Schoharie to uphold the law and community character."

James Schultz (Automotive Mechanic, Schoharie County Department of Public Works)

Mr. Shultz did not submit a written response, but asked to respond to the question in a conversation with SOS chairman Bob Montione.

The incumbent candidate voiced the opinion that the Comprehensive Plan should be redone in the future with the large number of new residents whose views may be different from before. He further said that architectural requirements in the plan are too strict.

Mr. Shultz said he supports the current version of the draft Land Use Law, which limits industrial mining to the current industrial zone. He said that he is unsure what the best legal path is for the town on the Article 78 lawsuit, but would not make a decision on dropping the defense of the land use law without more public input and public hearings.

As far back as 1965, Schoharie Town & Village gov'ts sought to avoid what happened in 'Howe Cave'

Unlike many communities in NY and beyond, Schoharie's Town & Village governments have been working collaboratively for years now.

In 1965, a committee representing both came up with a zoning map and a "Master Plan for the Town & Village of Schoharie." The plan was far-sighted and clear-spoken, as these excerpts from that document show.

"[One] area which is shown [on the zoning map] as agricultural is the farmland between Mix Lane and Eastern Avenue, which serves as a buffer between the stone quarry and surrounding residential use." (The last CSP expansion disregarded this advice.)

About the need for zoning itself, the 1965 document says: "It only takes a

few mistakes to ruin the character of a community. For this reason, it has been necessary to restrict many uses and potential uses to relatively specific areas in the Town."

Finally, the Master Plan of 1965 notes the following: "The only industrial areas shown on the Land Use Plan are those surrounding the cement plant at Howe Cave and the stone quarry in the Village."

'It only takes a few mistakes to ruin the character of a community.'

- Master Plan for the Town & Village of Schoharie, 1965

"Howe Cave was once a thriving community with resort hotels and many homes and stores. Because of the proximity of the cement plant, this hamlet is not being considered in the Land Use Plan as suitable for residential or commercial use as in the past."

* * * * *

"With the coming of the automobile, people are no longer interested in living in the shadow of where they work. It is unfortunate that a hamlet with two churches and a school should be so completely dominated by the smoke, dust and fumes of one industry, but that is in the past and cannot be undone."

Save Our Schoharie's Mission statement:

Save Our Schoharie (SOS) is a volunteer group of residents and property owners concerned for the effective preservation and enhancement of Schoharie's natural environment, economic vitality, public health and quality of life.

SOS recognizes and supports the town and village of Schoharie's comprehensive plans. These official policy documents call for revitalization of existing business and residential areas, protection of historic properties and settings, preservation of agricultural lands and economies, stewardship of natural resources and careful design and siting of new residential and business development.

Specifically:

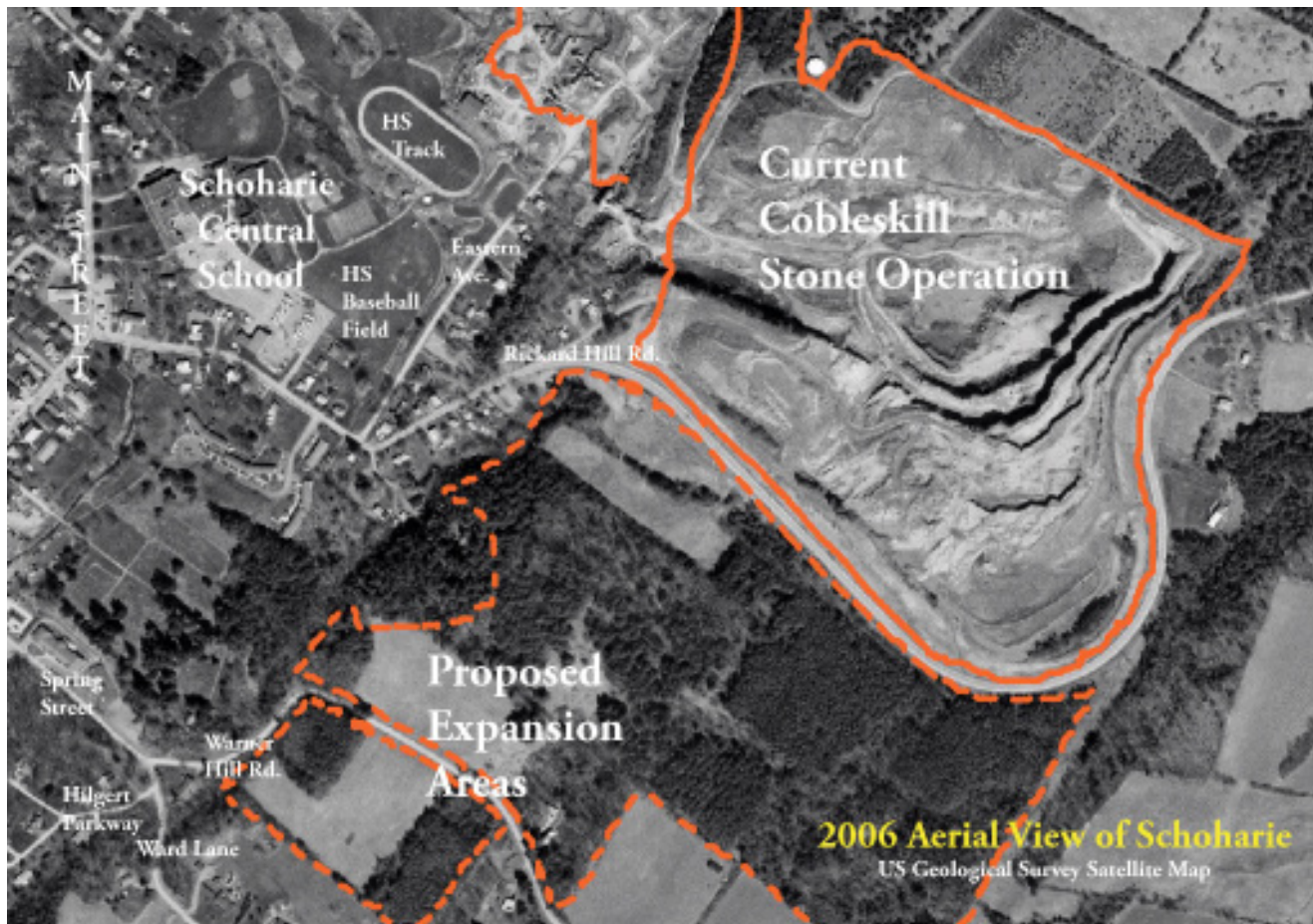
SOS seeks a balanced, community-driven approach to public policy, infrastructure investment and land use decisions so that these actions may best achieve the comprehensive goals of the town and village plans.

SOS believes that only through cooperative efforts to create and sustain an attractive, safe, cohesive and inviting community will Schoharie have sufficient appeal to residents and visitors to support a healthy economy and provide an adequate tax base for the schools and public services that we all desire.

SOS recognizes that the 21st century poses unprecedented challenges for

older rural communities in Upstate New York, and that the threats to the character and viability of Schoharie include the significant potential for loss of agriculture, decline of Main Street business activity, stagnant tourist trade, lagging property values and growing tax rates.

SOS will assist municipal leaders in actions that reflect the balanced, comprehensive nature of the adopted plans and will support private investment that advances the collective vision for the community. SOS will also objectively articulate opposition to public or private action that is inconsistent with the collective vision or that jeopardizes its attainment.



OVERHEAD VIEW - The solid line in this overhead shot from ten years ago shows the massive size of the quarry and terrain sacrificed by the already expanded Cobleskill Stone Products at that point in time. The area within the dotted line shows CSP's desired expansion, onto land protected from quarrying by the town & village's shared land use law. CSP proposed to tunnel under Rickard Hill Road, moved during the company's last expansion, and run a pit mine

into what is currently mountainside rising from the village. The resulting cavity would extend along the eastern edge of historic Lasell Park and continue onto acreage across Warner Hill Road. Despite the town & village land use law, years of clear public opposition and DEC's recommendation that the permit should be denied as being clearly harmful to community character, Cobleskill Stone has persisted in its determination that the land become an extension of its current mine.



Schoharie's future in the hands of its residents

In March 2008, John Poorman, the late chairman of Save Our Schoharie, wrote an essay whose main point was that "the future of Schoharie is not inevitable, it is built."

What he meant by that is the quality of life in Schoharie five, ten or twenty years from now will be the result of individual and community actions taken in the present.

These are wise words, and they are particularly important to remember as we continue to recover from the devastation of the 2011 floods and also work to ensure that the CSP quarry does not expand and further threaten the future of our community. The two things are intimately connected.

The battle against quarry expansion has gone on now for more than ten years. That's a long time and sometimes it is difficult to recall exactly what happened, when it happened and what the current situation is. Here is a summary of events.

In January of 2005, CSP acknowledged they had applied for a permit to expand their quarrying operation across Rickard Hill Road. The company had purchased the property in December of 2000 using a straw buyer.

CSP's announcement alarmed the community because it would bring the quarry within close proximity to the County Courthouse, the Parrott House, Lasell Park and a number of other historic structures and add significantly to the noise, dirt and pollution already assailing the community.

The announcement galvanized the community. Within a matter of months, the Town Board enacted the Land Use Law (LUL), which they had been considering for a number of years. Public hearings showing that most members of the public opposed quarry expansion played a huge role in persuading the board to act. The LUL placed the quarry expansion area in an industrial zone and prohibited mining within its confines.

Simultaneously, The New York State Department of Environmental (DEC) held hearings on CSP's permit application. Within a matter of months, the DEC District Office recommended denying the permit because the "proposed mine expansion and potential

impacts represent a significant adverse change in community character even after the incorporation of impact mitigation measures into the project."

Cobleskill Stone contested both actions. They instituted an Article 78 lawsuit against the Town challenging the validity of the LUL, and also contested the DEC's ruling. In regard to the latter, hearings have been held and evidence gathered, but a final decision has been deferred until other legal proceedings have been concluded.

Unfortunately, as most of us know, the Article 78 lawsuit was decided in favor of CSP. It is important to understand the exact meaning of the Court's ruling. The Court did not throw out the LUL; it found that the Town had had not filed a required environmental study – known as SEQR – on the potential impact of the LUL. You have all heard the phrase – "thrown out on a technicality" – well, that is exactly what happened in this case. CSP won on a technicality, not on the merits of the issue.

The decision was handed down in May of 2014. The Schoharie Town Board immediately passed a moratorium on development to allow for the consideration and preparation of a new LUL. Public hearings on our new LUL, which also prohibits mining in the contested area, will be held in the near future.

In addition, a trial will be held in December of this year on CSP's claim that it has a "vested right" to mine. Lawyers with whom I have spoken feel there is little merit to this claim and that the case was returned to a lower court for the trial on – you guessed it – a technicality!

To return to John Poorman's point that I started with, the future is dependent on the decisions and actions that we all make in the present. While preventing CSP's expansion and the appearance of an even larger quarry looming over the Village of Schoharie will not guarantee a bright, happy and prosperous future for all of us in this part of Schoharie County, allowing it to happen will certainly condemn all of us to a rather bleak and desolate existence.

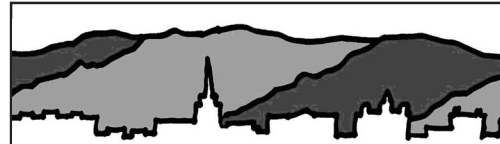
Peter J. Johnson
SOS

**TOWN ELECTIONS ARE
ON TUESDAY, NOVEMBER 3**
for Schoharie's future, please

VOTE



ENOUGH IS ENOUGH -- *The upper portion of the current quarry pit looms above the school and its playing fields. After a blast at the quarry rained dust over the school grounds during the school's annual Field Day in w 2009, Cobleskill Stone Products agrteed to let the school know before it conducts blasts during the school day so that the school can bring students inside. How many communities would allow for the placement of a quarry where its fugitive dust, smell, & noise impact a school's students and staff and community residents? And how many schools are willing to fit their schedule around the activity of a quarry?*



SAVE OUR SCHOHARIE

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Vice Chairman . . . Patti Conboy

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Asst. Editors . . . Flora Kenyon,

Jill Attanasio

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If you support the mission of SOS,

STAND & BE COUNTED!

SOS invites all those wishing to join in the fight to preserve the character of Schoharie's environment to join. The group meets the first Tuesday of every month at the Schoharie Reformed Church Heritage House. We welcome different levels of participation.

Please return this portion with checks payable to:

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

*Check **all** that apply:*

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