

Sand Lake debate over open-pit mining regulations continues

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By Joseph A. Phillips

SAND LAKE — A growing controversy over a familiar issue, open-pit mining, is developing in the town of Sand Lake — a controversy stirred up by the town's long-awaited revision of its nearly 40-year-old zoning code.

A public hearing on that revision, launched at April's regular monthly meeting of the Sand Lake town board, continued Wednesday night.

For more than two hours over two dozen town residents offered their views, and numerous others peppered the board with questions, on a single provision of that draft — a proposed "commercial extraction overlay district" designation for several areas currently in use as open-pit mines in the town and some additional adjacent areas.

Conceived as a means of limiting the scope of such mining operations, the overlay district idea instead is drawing fire from a growing chorus of town residents opposed to any expansion of mining operations.

The hearing was continued until at least next month, supervisor Burton Rounds told residents Wednesday, in order to "make sure everyone is heard" on the issue.

There will also be a public meeting of the zoning code revision committee on May 26 at 6:30 — tentatively scheduled for the Sand Lake Public Library, but it may be moved to town hall to accommodate more participants.

Wednesday's discussion concluded without board members offering any comment on the mining controversy or taking action on the zoning proposal.

"A day and time will come when decisions have to be made," Rounds said, declining to answer a direct question about where the board stood. "Until that time, we don't have to be forced into any corner."

The zoning code revision follows the town's overhaul of its Comprehensive Plan nearly three years ago, shepherded by a citizen's committee advised by the Saratoga county-based firm Elan Planning and Design Associates.

Its main feature: creating special mixed-use hamlet zones to preserve the rural town's residential character. A zoning revision committee formed subsequently, and also guided by Elan's planners, circulated a preliminary draft of their work in 2008, and last December a revised draft was presented at a public hearing. That draft did not include the commercial-extraction overlay.

Wednesday, Elan representatives Lisa Nagle and Kate Mance outlined the process by which the overlay proposal was created, in response to comments at the December hearing. There are three existing commercial open-pit mines in the town, along with the town's own gravel-pit operation, collectively occupying 425 acres — and local governments are "very, very limited in terms of what the town can do in terms of zoning" to restrict those mining operations, Mance said.

Towns may regulate the terms of "ingress and egress" to the sites — which roads may be used — or impose special conditions, like setback requirements including limited hours of operation.

The "overlay districts" would require 500-foot buffer zones between mining operations and existing roadways, and 200-foot buffers with adjacent residential parcels — and would restrict the location of mining to existing areas where it is already practiced. One of the proposed overlay zones would incorporate a 30 acre portion between two existing mines as potential future mining land.

While it is ultimately the state Department of Environmental Conservation which controls the permitting process for mine operators, the overlay, Mance said, would "draw a line in the sand for DEC" making the community's wishes clear.

"This proposal as it exists right now, I think a lot of people would agree, tramples on the idea that our property has value," said Thais Road resident Tom Carroll.

Many complained about conditions at the existing quarrying operations in town and expressed concern about their property values and quality of life. "I'm affected every day of my life with this mine, with the dust, the noise, the trucks," said Jane Hunt. Said another, Anne Bittig: "If you want us to leave this area, keep expanding this mine."

Mining in the town was not without its supporters. "I have a right to mine my land," said Spring Road resident Brian Hunt, opposing further restrictions. And Jude Clemente, owner of mine operator Troy Sand & Gravel, spoke of the "other face to mining" — an economic one. He debunked the notion that mines lower nearby property values and said his own business is a good corporate citizen. "We're not Goldman-Sachs, we're a family business in West Sand Lake," he said, employing members of some 70 local families. A lack of businesses in the town drives local property taxes higher: the Averill Park School district, he said, is "a Cadillac district on a Chevrolet budget" because of the modest business tax base.

Mance said the draft proposal was "consistent with the Comprehensive Plan in spirit" but is not cast in stone. "We're ready to listen," she said, and pledged to take Wednesday's comments into consideration in further revisions.

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