

Ballston asphalt plant target of suit

Neighbors fear noise and odors, but company cites extensive planning process

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Ballston Spa

Neighbors of an industrial park are suing the **Ballston Town Planning Board** to try to halt the construction of a hot mix asphalt plant.

IM Landscaping and three other neighbors are suing the board, the asphalt company **Dolomite Products** and Curtis Industrial Park where the plant is to be built, claiming construction violates zoning codes on noise limits and air and odor emissions.

The filing reads that the planning board's decision was "arbitrary and capricious" and should therefore be annulled.

The lawsuit follows the Planning Board's May vote to approve construction of the Dolomite plant, a sister division of **Callanan Industries of Schenectady**.

"We plan no delays for construction," said Dolomite lawyer **Adam Schultz** of Couch, White LLC in Albany. "The process the planning board took was lengthy and detailed. I was more than sufficient. I believe the courts will uphold the planning board's decision."

Dolomite applied to build an asphalt mixing plant in the industrial park off of Route 67 in 2011. But the project has been held up by local opposition and votes cast by the **Town Board** in 2013 and 2014 to prohibit heavy industry in the park.

IM Landscaping, a nearby nursery, as well as **Steven P. Therrien**, **Melissa Lescault** and Wesley Chella believe the nearness of the plant "will cause them environmental harm that is different from the public at large."

"The environmental impacts will be huge," said **Claudia Braymer** of **Caffry & Flower** in Glens Falls, the claimants' attorney. "It will affect noise, traffic, community character,

air and water in Ballston Lake. It will have a significant impact on the neighbors. The planning board had totally valid grounds to deny Dolomite moving forward."

Dolomite has a 20-year lease on 10 acres within the industrial park to build the plant.

wliberatore@timesunion.com • 518-454-5445 • @wendyliberatore

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