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Court sides with firm's plans for asphalt plant

By Paul Post, The Saratogian

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BALLSTON >> A state Supreme Court decision has paved the way for Dolomite Products Co. to pursue plans for an asphalt plant at Curtis Industrial Park off Route 67 in Ballston.

The project still needs town Planning Board approval, which Dolomite hopes to obtain this winter, said Adam Schultz, the firm's attorney.

The company could break ground next spring and have the plant up and running in time for the 2016 construction season, he said.

"It's been a long process," Schultz said. "We're determined to see it through."

Town of Ballston Attorney James Walsh could not immediately be reached for comment.

Both the town and a local group called Citizens for a Clean Environment have tried to keep the controversial project from moving forward.

Dolomite first presented plans to the town in 2011. Asphalt plants were a permitted use at that time.

In 2013, the town board adopted a local law prohibiting such plants. A year later, the Supreme Court nullified this law on procedural grounds.

The town then passed a new local law, again expressly prohibiting asphalt plants, in September 2014.

But in a Dec. 1 ruling, Saratoga County state Supreme Court Judge Robert Chauvin said the town "clearly engaged in an ongoing course of action which inordinately delayed the application ... and effectively prohibited" Dolomite from pursuing its project.

Schultz said delays and legal fees have cost the company about \$2 million more than if plans had followed a normal course of action. The company has spent another \$1 million on things such as air monitoring, traffic and noise impact studies, which are part of the environmental review process, he said.

The latest ruling effectively determines that asphalt plants are a permitted use at the industrial park. Dolomite would build the facility on a 10-acre leased site.

The plant would employ five people directly and contribute to the area's economy by supporting related jobs such as trucking and highway construction, Schultz said.

Asphalt from the plant would be used for municipal and town projects. Municipalities are exempt from sales tax, but private purchases could generate tens of thousands of dollars in sales tax annually.

"If things are handled according to the law, it will be approved," Schultz said.

There are currently two asphalt plants in Saratoga County, owned by Pompa Brothers and Palette Stone on Route 29, several miles west of downtown Saratoga Springs.

Dolomite is a sister company of Callanan Industries Inc. while Palette is a division of Wilton-based D.A. Collins Co.

Callanan and Collins are two of the area's biggest construction firms and regularly compete with each other for state contracts, such as highway projects.

Callanan has two existing asphalt plants in Watervliet and Colonie.

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