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Dolomite wins 6-year legal battle, will build Saratoga County plant

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Dolomite Products Co. has survived a six-year legal battle over a proposed asphalt plant in Ballston, New York, and plans to build the project by early next year.

The stone, gravel and ready-mix concrete supplier won a state Supreme Court decision in Saratoga County this month, allowing the company to begin building an asphalt plant capable of producing up to 200 tons of material per hour.

"It's been a long road ... There shouldn't be any more roadblocks," said attorney [Adam Schultz](#), a partner at the Albany firm [Couch White LLP](#). Dolomite already is applying for permits from the state Department of Transportation.

The company invested more than \$800,000 seeking approvals to construct an asphalt plant in the Curtis Industrial Park off Route 67 in the center of one of the fastest-growing counties in the state. Construction has been delayed by numerous legal challenges, including an attempt by the town to alter zoning to prevent a plant from being built.

Dolomite's latest victory came this month when [state Supreme Court Judge Robert Chauvin](#) dismissed a case filed by [neighbors and the owner of Brookside Nursery and I.M. Landscape Associates](#). The suit sought to overturn the Ballston planning board's May 2016 decision to approve the Dolomite plant.

Critics of the project have complained the asphalt plant would add too much traffic to a heavily traveled area. The Route 67 corridor running between Interstate 87 in Malta and Route 50 in Ballston carries an average of 16,000 vehicles per day.

Schultz said a federal lawsuit between Dolomite and the town is pending. Dolomite is seeking damages in that suit against the town for delaying the project. The town also could face additional costs in defending the federal suit.

Court records in the federal suit include a document regarding the town's insurer, Selective Insurance Co. of New York. The document notified the town in a letter dated May 18 that town policies will not cover legal costs or damages related to the federal lawsuit with Dolomite.

"Selective no longer has any obligation to pay for or assign the defense of this lawsuit," the letter states.



DMITRY KALINOVSKY

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Town officials could not immediately be reached for comment.

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Reporter

Albany Business Review

