

## Dolomite wins again, sues Ballston for \$4M

### Neighbors lose lawsuit to keep asphalt plant from Curtis Industrial Park

BALLSTON - Neighbors to the Curtis Industrial Park lost their lawsuit to halt an asphalt plant from moving in.

On July 21, State **Supreme Court** Judge **Robert Chauvin** ruled that rattled residents in and around the area could not reverse the planning board's 2015 approval of the **Dolomite Products** from building on 10 acres there. The ruling ends another chapter in a four-year legal battle against Dolomite, in which Dolomite won all rounds – first knocking out the town and now the neighbors.

But there is no truce yet. Dolomite is seeking \$4 million in damages from the town, the town board and one board member in particular, **William Goslin**, for what it claims is willfully deterring the company's progress in Ballston.

"We are seeking damages to cover consulting fees, legal fees and punitive damages," said Dolomite lawyer **Adam Schultz** of **Couch White LLP**. "William Goslin is named because he campaigned against it. He went to planning board meetings and told them the plan wasn't appropriate here. He individually took action outside the scope of his duties as a town board member to oppose it."

In 2011, Dolomite, a sister company of **Callanan Industries of Schenectady**, sought approval to build the hot mix plant on Route 67. In an effort to stop it, the town changed the zoning in the area from industrial to light industrial, interrupting the approval process. The town also banned hot mix asphalt plants.

"The town took deliberate actions to zone out the application," Schultz said.

In the complaint, Schultz called the town's actions "a conspiracy intended to deny Dolomite its rights."

The company took the town to court twice, in 2013 and 2015. And both times it won.

That's when the neighbors got involved. IM Nursery, **Steven P. Therrien**, **Melissa Lescault** and **Wesley Chella** tried to reverse the planning board's approval, which Dolomite achieved after the town lost its suits. In their complaint, they said the nearness of the plant "will cause them environmental harm."

Goslin believes that is true because the property, which will be leased for 20 years, borders wetlands, the Zim Smith Trail and Ballston Lake. But he is resigned to seeing Dolomite move in.

"From a legal perspective, Dolomite is clear to build," Goslin said. "I don't know what the neighbors plan to do, but I don't believe the town will be able to do any more. The town did everything it could."

Meanwhile, Schultz said the neighbors don't need to fear.

"This is a state-of-the-art plant that has been carefully designed," Schultz said. "Once they get more comfortable with the operation, they will come to see that Dolomite is a good neighbor."

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