

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE

3 *****
4 ICS WASTE SYSTEMS
5 7 RAILROAD AVENUE
6 APPLICATION FOR FINAL SITE PLAN APPROVAL
7 *****

8 THE STENOGRAPHIC MINUTES of the above entitled
9 proceeding BY NANCY STRANG-VANDEBOGART,
10 a Shorthand Reporter, commencing on
11 January 10, 2012 at 8:01 p.m. at the Public
12 Operations Center 347 Old Niskayuna Road,
13 Latham, New York 12110

14 BOARD MEMBERS:

- 15 PETER STUTO, CHAIRMAN
- 16 MICHAEL SULLIVAN
- 17 KATHLEEN DALTON
- 18 TIM LANE
- 19 LOUIS MION
- 20 BRIAN AUSTIN
- 21 BRIAN HAAK
- 22 ELENA VAIDA, Esq., Attorney for the Planning Board

23 Also present:

- 24 Joe LaCivita, Director, Planning and Economic
25 Development
- Victor Caponera, Esq.
- Joe Grasso, PE, Clough Harbour and Associates
- Scott Reese, Registered Landscape Architect
- Hadi Ipek

1 CHAIRMAN STUTO: The next item on the
2 scheduled at 7:45; ICS Waste Transfer Station,
3 7 Railroad Avenue. This is 14,080 square foot
4 waste transfer station. This is an application
5 for final site plan approval presented by
6 Zareh Altounian and reviewed by our Town
7 Designated Engineer, Clough Harbour and
8 Associates, currently known as CHA.

9 Joe, do you want to do an introduction?

10 MR. LACIVITA: Actually, you said
11 everything that I was going to say, Peter, so
12 I'll assume that we're going to go right to
13 Mr. Caponera.

14 MR. CAPONERA: Good evening, Mr.
15 Chairman. I'm Victor Caponera representing the
16 owners of the property, Hadi Ipek, who is with
17 us tonight. His brother is in another country
18 right now.

19 Also with me is Mr. Altounian who is the
20 engineer of the project, the architect of the
21 project and certainly last but not least we
22 have Mr. Reese who has worked diligently on
23 this project with DEC.

24 For the Board's edification, was there
25 anybody that was on the Board back in '08?

1 CHAIRMAN STUTO: I think that Elena and I
2 were here in some capacity. I don't remember
3 which roles we both played.

4 MR. CAPONERA: I can't either, but I do
5 know that I don't think that anyone else was.

6 For the rest of the Board's edification,
7 I was here back then and we had a couple of
8 detailed meetings. At the end of the day, as
9 you all are well aware on June 24, 2008, we
10 got concept approval that was unanimously
11 granted by the Board, as well as a neg dec on
12 the SEQRA.

13 There was a tremendous amount of back and
14 forth questions and they were very good
15 meetings. Sufficed to say that what we have
16 here is a piece of property that is at the end
17 of Railroad Avenue. I'm sure that everyone has
18 been to the property and seen where it is.
19 It's next to the former NL Industries plant
20 that was recently cleaned up at \$150 million
21 dollars and counting.

22 After we got concept approval and we were
23 moving toward finishing up the engineering on
24 this, we were advised by the Planning
25 Department - it was Mike Lyons who told me

1 that the Town may expand Railroad Avenue such
2 that it's going to go from the end and swing
3 around and come out around to Central Avenue.
4 If that happens, we're going to have to take a
5 small triangular piece of this property. That
6 meant that we had to go back to the drawing
7 board and move the building further away from
8 Railroad Avenue.

9 What I did was get out there with various
10 Members of the Town Departments and we came up
11 with an idea of doing what's called a land
12 swap. What that means is that there is a piece
13 of land in the back that my finger is on
14 (Indicating). It's kind of a trapezoid. So,
15 what we did was prepared this. I talked to
16 Town Attorney Mike Magguilli. He suggested
17 that we get an appraisal of the two
18 properties. We did that.

19 Then, I had to go to the Town Board for a
20 vote, which they voted on recently and
21 accepted the proposed land swap. So, in so
22 doing, we compared deeds; ongoing from the
23 Town to my clients and this one going from my
24 clients to the Town. We got the title
25 insurance and it was all submitted to the town

1 Attorney's office and as I said, the Town
2 Board approved that swap for no consideration
3 because the parcels are worth approximately
4 the same. So, that took us awhile to get back
5 in front of this Board. It took several months
6 in fact.

7 Anyway, also submitted was a detailed
8 easement to go from Railroad Avenue back to
9 the rear of the property that's owned by the
10 Town of Colonie - and used that for a
11 detention area. I don't know that there is
12 anymore that's been done on the proposed road
13 that's going to go all the way from Railroad
14 to Central Avenue, but it's in place for that
15 to happen now, now that the Town owns the
16 front triangular piece.

17 So, for those of you that weren't here
18 back in '08, this is a C & D proposal that was
19 approved. There were various conditions that
20 were placed on the Board when we got our
21 concept approval, which includes the
22 following:

23 "No pulverizing, shredding or any similar
24 process of waste without further Planning
25 Board review and approval. This facility must

1 be constructed and operated by a construction
2 and demolition debris waste processing
3 facility under 6 New York Code of Rules and
4 Regulations Part 360 permit."

5 CHAIRMAN STUTO: Are these notes on the
6 plans? You're saying that these are
7 conditions, right?

8 MR. CAPONERA: Yes, I'm looking at these
9 right now. Yes. It's right here on the plans.
10 That was one of the requirements that your
11 capable engineering company suggested.

12 CHAIRMAN STUTO: I like it when it's on
13 the notes.

14 MR. CAPONERA: I agree 100 percent. It's
15 right on the plans.

16 "No pulverizing, shredding or similar
17 processing of waste without further Planning
18 Board review and approval. Facility will be
19 instructed and operated construction,
20 demolition, C & D waste processes in facility
21 under New York State Code of Rules and
22 Regulations Part 360 permit from the New York
23 State Department of Environmental
24 Conservation. Days and hours of operation
25 shall be Monday through Saturday from 7:00

1 a.m. to 6:00. Transfer materials shall occur
2 indoors. Truck repairs will consist of minor
3 repairs and maintenance items such as tire
4 change, flat tire, lubrication, hoses and
5 batteries."

6 These were things, if you remember, Mr.
7 Chairman, when we were here that was a part of
8 the Board's concerns and we made it part of
9 the record and part of the conditions of
10 getting concept approval. So, long story
11 longer, it took us all this time from June of
12 2008 to get back in here because of everything
13 that I was telling you about; having to do the
14 land swap and making sure that DEC had looked
15 at all this stuff. We have all that
16 information and DEC has looked at this and
17 approved of it. As I've indicated to Scott,
18 this is one of the better projects that
19 they've seen.

20 Everyone knows or should know that in the
21 future, we're going to have to preserve and
22 save more and more of our waste. We can't
23 continue to put it and make mountains of waste
24 in facilities. We were just talking about
25 this - Mr. Reese and I - before we came in.

1 DEC will, in the near future, require a higher
2 percentage of waste to be preserved and
3 reclaimed. Which is exactly what this whole
4 process is about. In fact, we even have a
5 possibility and a letter from the CSX to bring
6 a railcar in so that the C & D can be put on a
7 railcar and leave that way, which is a very
8 smart idea in terms of traffic and things of
9 that nature.

10 We've also submitted in the SEQRA - it's
11 going to be approximately 300 tons per day.
12 They'll be 30 trucks in and 15 trucks out.
13 That question was also discussed in detail
14 when we were here back in 2008.

15 The Board wanted to make sure that the
16 traffic was going out Railroad Avenue, to
17 Fuller, to I90 and not use any other side
18 roads.

19 That's pretty much it, Mr. Chairman, and
20 Members of the Board.

21 CHAIRMAN STUTO: Okay, we'll turn it over
22 to our TDE, Joe Grasso and see what comments
23 he might have.

24 MR. GRASSO: And in your packets, you've
25 got the last letter that we did which was

1 dated September 21, 2011. You'll see that when
2 we went through the summary of the history of
3 the project, our company has done multiple
4 rounds of review in response to various plan
5 submissions. In summary, all of our technical
6 comments regarding the application have been
7 adequately addressed on the plans and then
8 their responses. If the project is considered
9 for final site plan approval, we did recommend
10 some conditions be made to that approval.

11 One being the execution of the land swap
12 between the Town and the applicant. The second
13 being Albany County Health Department review
14 and approval of the water main extension which
15 is associated with the project, as well. The
16 third being issuance of a Town of Colonie work
17 permit for any work that's required within the
18 Railroad Avenue right of way. The fourth being
19 construction of the proposed public
20 improvements, including a water main extension
21 and improvements to Railroad Avenue. The fifth
22 being issuance of a utility crossing permit by
23 CSX, the current owner of the rail line,
24 adjacent to the site. That crossing permit is
25 required for proposed sanitary sewer lateral

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1 =that's going to serve this building. Then the
2 sixth one being all four drains in the
3 warehouse and truck repair area shall be
4 connected to the exterior oil/water separator
5 system.

6 That sums up our review. As it was noted,
7 the project received a negative dec back in
8 2008 when the project was going through the
9 concept review process. Victor also mentioned
10 that the application is subject to a Part 360
11 review and approval process by DEC who governs
12 construction and demolition waste facilities.

13 So, before it goes to the Planning Board
14 for consideration, I think that it would be
15 helpful if Victor, or the applicant, or one of
16 the other consultants just give a brief
17 description in terms of the operation. Where
18 the waste stream is coming from? What it
19 typically entails? What are the operations
20 that occur within the building? Then, when
21 it's separated, where is the waste stream
22 leaving both in terms of truck trips as well
23 as the rail siding which is part of the
24 application to bring the rail siding into the
25 building as well. I think that if you do that,

1 it might be helpful.

2 CHAIRMAN STUTO: Can you show us where
3 the rail is now and where you are proposing?

4 MR. CAPONERA: Absolutely. Here is the
5 proposed rail stub that goes right to the
6 existing rail (Indicating).

7 CHAIRMAN STUTO: It sort of merges or
8 ducktails in.

9 MR. CAPONERA: That's exactly right.
10 That's the proposal. So, a railcar can back
11 in, get loaded and go right out onto the
12 active track. It's a great idea.

13 I have to be honest with you. When my
14 client told me that he was going try to get
15 permission from CSX, I said fat chance. I
16 dealt with CSX before. I can't believe it, but
17 he actually got a letter that we put it in the
18 record.

19 I'm going to bring the honorable
20 Mr. Reese up.

21 MR. REESE: My name is Scott Reese. I'm a
22 registered landscaped architect.

23 The incoming debris would consist mostly
24 of new construction demolition, renovation
25 projects and waste from large box stores

1 around the capital region. The waste will be
2 generated by commercial, residential and
3 municipal projects. The expected waste
4 composition will be concrete, bricks,
5 cinderblocks, scrap lumber, paper, corrugated
6 cardboard, wood packaging, metal and scrap
7 metal, glass and plastics. Other material may
8 include asphalt, asphalt shingles, drywall and
9 cleanout from homes. Expected waste quantities
10 are currently estimated at 300 tons per day
11 consisting approximately 30 incoming loads per
12 day as projected as three-quarters of that
13 will be most likely from roof shingles.

14 As far as the description of the overall
15 operations and the functions -

16 CHAIRMAN STUTO: Three-quarters will be
17 roof shingles?

18 MR. REESE: The majority of it will be
19 from roof shingles.

20 CHAIRMAN STUTO: Are you in the roofing
21 business?

22 MR. REESE: He is in that business,
23 correct.

24 CHAIRMAN STUTO: So, the old roofs -
25 that's what's being ripped off. That's what

1 you're going to be bringing in.

2 MR. IPEK: My name is Hadi Ipek.

3 CHAIRMAN STUTO: This is an education for
4 me, anyway.

5 MR. IPEK: Basically, what we have done
6 is we are contractors, Ipek and Sons.
7 Everybody knows us by that, mostly.

8 We started this thing on our own to begin
9 with because we have no way to get rid of
10 shingles. When you take out roofs, you have no
11 where to put them. We started just for our
12 business and it became such a demand that
13 everybody wanted it. But the biggest thing is
14 that when we started this, DEC actually had
15 said to us - they talked about recycling the
16 roofing shingles. We said, we don't know. We
17 need to learn how to do it and what to do.
18 This is where this whole thing began. We
19 decided that we're going to do this thing and
20 let's do it right and lets do it legit and get
21 it all done.

22 What happened is that the weight of
23 shingles is so much heavier -- it's just as
24 heavy as blacktop. An average roof is about
25 three or four tons. The weight of it is a lot

1 more. The small boxes are a ton or a ton and a
2 quarter. That's where the whole thing began
3 really with us. It was just a matter of how to
4 get rid of the debris. That was the biggest
5 problem. Then the demand began and people kept
6 asking us if we had more boxes or not and
7 that's how this whole thing started. After
8 five years down the road, we're still here.

9 CHAIRMAN STUTO: Where is the market for
10 asphalt shingles?

11 MR. IPEK: This is really to recycle it
12 to a point that they can melt it down and put
13 it back on the roads and the highways.

14 CHAIRMAN STUTO: But you're not doing all
15 that. You're selling to someone that does
16 that.

17 MR. IPEK: Exactly. They're talking about
18 it and they asked us if we want to talk about
19 it. I said, we know nothing about it.

20 CHAIRMAN STUTO: Where is the plant that
21 they would be doing it? Where is the nearest
22 plants?

23 MR. IPEK: I don't know. We really
24 haven't gotten to that point yet. I've been so
25 busy with my general contracting work, I

1 really haven't gotten into that research yet.
2 Once we get going, I assume we're going to
3 find out. Also DEC is more than willing to
4 tell us how to do it and how to handle it. Of
5 course it has to be separated and sorted
6 because you have paper and it's all a
7 different process. It's something that once we
8 get through this thing, I'm sure we'll be
9 learning exactly how to do it. They're willing
10 to teach us how to do it.

11 CHAIRMAN STUTO: Okay, Joe, do you have
12 any comments?

13 MR. GRASSO: This is a sorting operation.
14 It's not reprocessing of breaking down or
15 anything else of the materials.

16 MR. LANE: It all get sorted?

17 MR. IPEK: The cardboard goes to
18 cardboard, the plastic goes to plastic. It's
19 basically recycling.

20 MR. GRASSO: I'm going to ask you a
21 couple of questions to qualify the
22 application.

23 If the rail siding does not occur, you're
24 still going to move forward with the facility
25 as proposed where all material will come in on

1 roll-off containers, sorted and reloaded onto
2 truck roll-off containers and then leave the
3 site.

4 MR. IPEK: Yes. There will be different
5 trailers.

6 MR. REESE: There will be storage bins
7 inside. Everything is going to go out the same
8 day.

9 MR. LANE: Will there be some outdoor
10 storage? I think that there was a question
11 about that.

12 MR. GRASSO: Just to qualify that, the
13 outdoor storage is just for empty roll-off
14 containers and trucks.

15 MR. IPEK: The only thing might be for an
16 hour or two or three where we get the
17 metal -- we need to put it aside until we
18 bring a new box in to be able to move it out.
19 It might be for one day, but that's the only
20 storage. Most of the storage is going to be
21 empty boxes, basically, sorted outside in the
22 trailers and in the trucks, of course.

23 MR. REESE: It's being stored outside.
24 It's covered on the truck.

25 MR. IPEK: Yes.

1 MR. GRASSO: I'll turn it over to the
2 Board.

3 MS. DALTON: Are you going to hiring
4 people when this all gets underway?

5 MR. IPEK: I'm hoping so. If it's all
6 going to be me, I'm going to be in trouble.

7 MS. DALTON: Do you have any idea how
8 many people you would need to hire?

9 MR. IPEK: We'll have at least six people
10 on the floor checking out the people that are
11 coming in and making sure that we have the
12 right legal stuff on there. They unload the
13 truck to make sure that -- if we see anything
14 we'll just pull it right out.

15 MR. CAPONERA: We have a policy in place
16 that when the truck comes in, it isn't allowed
17 to leave until the material is dumped. If they
18 see anything there that's not supposed to be
19 on there, it gets put back in and the truck
20 leaves.

21 MS. DALTON: I'm happy with this because
22 we hear so frequently about people complaining
23 that government doesn't work. Here you have a
24 successful business and DEC encourages you to
25 expand it and it's incorporating

1 environmentally friendly policies. We're going
2 to be able to hire people and there is a land
3 swap with the Town. It's like -- this is a
4 great story. You should get some PR or
5 something. It would be good for your business.

6 MR. IPEK: Only if someone would pay for
7 it.

8 MS. DALTON: They're supposed to do that
9 for free in the press.

10 MR. MION: I don't have any questions. I
11 like the idea. I think that it's a great idea.

12 MR. AUSTIN: The only question that I
13 have is: Is it a hand sorting operation or is
14 it a machine sorting operation?

15 MR. IPEK: I think that it has to be
16 mostly by hand. I mean some things like a
17 propane tank - you don't want to grab a
18 propane tank with a machine. That's why we're
19 going to have six people on the ground. When
20 the truck comes in, we stop it and make sure
21 that it's okay and if it's something heavy,
22 they ask.

23 MR. AUSTIN: So, there will be some
24 machinery as well.

25 MR. IPEK: Yes, end loaders and

1 excavators.

2 CHAIRMAN STUTO: I think that it's great.

3 MR. LANE: Is this just going to be
4 basically like an aluminum frame building?

5 MR. IPEK: We really haven't gotten to
6 that point yet. We're looking at all the
7 options basically.

8 CHAIRMAN STUTO: That's a valid question.
9 Joe?

10 MR. LACIVITA: We have an elevation here.

11 MR. LANE: You can't really tell.

12 MR. IPEK: It's a prefab building with
13 steel. It's basically galvanized pad on the
14 outside. It's just your average warehouse.

15 MR. LACIVITA: That would be a question.
16 If this is the plan that's approved today,
17 they're going to ask for these plans to be
18 signed and they're going to go to the Building
19 Department and that's what they would be
20 looking to review - is this type of elevation,
21 look and feel.

22 MR. IPEK: It's going to be a steel
23 building, basically.

24 MR. CAPONERA: Joe, we're fine with that.

25 MR. LACIVITA: That's what I thought.

1 MR. SULLIVAN: My only question was on
2 the land swap and that has been answered.

3 MR. CAPONERA: That's all done.

4 CHAIRMAN STUTO: The deed is recorded and
5 all that?

6 MR. CAPONERA: The bottom line is that
7 they're all prepared and signed and delivered
8 to the Town Attorney's office. Mike Magguilli
9 needed that to present it to the Town Board. I
10 think that happened in the last two weeks. It
11 happened before the end of the year because he
12 wanted to get it done before the end of the
13 year. The bottom line is I don't know if it's
14 been filed yet. Everything has been signed and
15 submitted along with the 583's and the 5217's
16 which are legal documents to record legal
17 deeds. The answer is yes. I can't attest if
18 they've been recorded yet, but they are with
19 the Town Attorney; signed sealed and
20 delivered.

21 CHAIRMAN STUTO: Brian?

22 MR. HAAK: I have no questions. I think
23 that it's a great project. I think that you've
24 addressed all the issues that were raised
25 before. I think that it's going to be nice

1 having gone down and looked at the site to see
2 something like this down there. I have no
3 questions.

4 CHAIRMAN STUTO: Anything else from Joe?

5 MR. GRASSO: Elena mentioned under the
6 information provided by the Planning
7 Department - there is a couple other
8 conditions of approval that should be included
9 if the project gets final approval.

10 One would be the granting of an ingress
11 egress easement to the Town for access to the
12 Town owned stormwater basin.

13 MR. CAPONERA: That's already done.

14 MR. GRASSO: These things are included in
15 the application materials.

16 The second one would be submission of a
17 New York State DEC permit for the solid waste
18 handling that I mentioned before. The
19 applicant is aware of all of these conditions
20 that I have mentioned and they have agreed to
21 all of them.

22 CHAIRMAN STUTO: Is there a motion for
23 final approval on this?

24 Anyone from the public here?

25 ***(There was no response.)***

1 CHAIRMAN STUTO: You want to make the
2 motion?

3 MR. LANE: I'll make the motion for final
4 approval of all the conditions met.

5 MS. DALTON: I'll second it.

6 CHAIRMAN STUTO: And the conditions in
7 the TDE letter and in the Town comments?

8 MR. LANE: Yes.

9 CHAIRMAN STUTO: All those in favor?

10 ***(Ayes were recited.)***

11 CHAIRMAN STUTO: All those opposed?

12 ***(There were none opposed.)***

13 CHAIRMAN STUTO: The ayes have it.

14 Thank you.

15

16 ***(Whereas the proceeding concerning the above***
17 ***entitled matter was adjourned at***

18 ***8:25 p.m.)***

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CERTIFICATION

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3
4 **I, NANCY STRANG-VANDEBOGART, Shorthand**
5 **reporter and Notary Public in and for the**
6 **State of New York, hereby CERTIFY that the**
7 **record taken by me at the time and place**
8 **noted in the heading hereof is a true and**
9 **accurate transcript of same, to the best of**
10 **my ability and belief.**
11
12
13

14 **NANCY STRANG-VANDEBOGART**
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16

17 **Dated January 24, 2012**
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