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PLANNING BOARD COUNTY OF ALBANY
TOWN OF COLONIE

MATHESON GAS
15 GREEN MOUNTAIN DRIVE
APPLICATION FOR CONCEPT ACCEPTANCE

THE TAPED AND TRANSCRIBED MINUTES of the above
entitled proceeding BY NANCY STRANG-VANDEBOGART
commencing on February 15, 2011 at 9:20 p.m. at the
Public Operations Center 347 Old Niskayuna Road,
Latham, New York 12110

BOARD MEMBERS:

- PETER STUTO, CHAIRMAN
- THOMAS NARDACCI
- LOUIS MION
- KATHY DALTON
- PAUL ROSANO
- ELENA VAIDA, Esq., Attorney for the Planning Board

Also present:

- Chuck Voss, Barton and Loguidice
- Joe LaCivita, Director, Planning and Economic Development
- Tom Andres, ABD Engineers and Surveyors

1 CHAIRMAN STUTO: Next we have Matheson
2 Gas at 15 Green Mountain Drive. Change in
3 tenant and two new outdoor gas storage
4 building totaling 3,342 square feet;
5 application for concept acceptance.

6 MR. LACIVITA: Pete, this is one of those
7 companies that you hope would come to the Town
8 based on the fact that we have Global
9 Foundries just to the north of us. This
10 company came to us from Connecticut. I believe
11 that's where there hometown is.

12 MR. ANDRES: New Jersey.

13 MR. LACIVITA: They are going to be
14 servicing a greater component of Global
15 Foundries and they are locating here in the
16 Town of Colonie. We'd like the site to move
17 forward with the approval process. We have it
18 here before you, and again this is one of the
19 spin-offs that we're happy to have here.

20 CHAIRMAN STUTO: Okay, we'll take a
21 presentation from the applicant.

22 Can you identify yourself?

23 MR. ANDRES: Certainly. I'm Tom Andres of
24 ABD Engineers and Surveyors. As Joe said, this
25 company was based out in New Jersey looking to

1 be able to come to this market to provide
2 specialty gasses.

3 Matheson Gas provides all kinds of design
4 gasses. They're not a propane type dealer.
5 These are very unusual and exotic gasses.

6 CHAIRMAN STUTO: Can you give a couple of
7 examples?

8 MR. ANDRES: They're all listed in the
9 rest of the narrative.

10 CHAIRMAN STUTO: What are the uses of the
11 gasses?

12 MR. ANDRES: The uses are mostly in the
13 electronic industry. So, when you're making a
14 silicone wafer, there are certain gasses that
15 have to go into that atmosphere to make that
16 wafer. The gasses are highly concentrated and
17 highly toxic in most instances. So, they are
18 not something that you just put into regular
19 storage. There are very defined storage
20 requirements for it. That's what we are
21 proposing here for this for this site.

22 Just so you understand it's not a
23 refilling station. It's not like they have
24 tanks. They have little containers. These are
25 all, again, specialty gasses. They're all

1 shipped in. It's basically a storage facility.
2 They are basically a wholesale distributor,
3 bringing in those gasses to the clients.

4 It's only 3,000 square feet, but because
5 of the nature of the gasses, there are a
6 number of regulations that have to be observed
7 in the site design. Because of that, they're
8 clearing around it, the access to it. The
9 building is again, 3,300 square feet total.
10 There are three buildings in the back. Two of
11 them are fully enclosed. One is a shed because
12 those chemicals can't actually be in an
13 enclosed area.

14 All of the buildings are sprinklered.
15 There is not a sprinkler system in the main
16 building right now. So, we are bringing a line
17 into the building and then out to provide fire
18 protection for these buildings. Everything
19 around it is concrete. We went through the DCC
20 and all of these products are gasses and are
21 under different pressures. They are all
22 contained when they hit a certain pressure.
23 They're always gas and never liquid. So, you
24 don't have this issue of something turning
25 into a liquid and running down the drains.

1 Everything is a gas. Obviously if we have a
2 leak, that's a major problem for them. These
3 gasses are extremely expensive. They take a
4 lot of precautions.

5 Containers that size tend to be very
6 small. They come in on a tractor trailer on
7 pallets and they bring a forklift and bring
8 the pallet over to the building. They put the
9 pallet down and manually roll it as they would
10 a propane tank. They then put it into its
11 defined storage area. These aren't huge tanks.
12 They're small because, again, the nature of
13 the gas and the cost of it.

14 Basically, that's what we're doing. We're
15 taking the existing building that there was a
16 tenant in. The tenants of the building have
17 been removed. We're going to use about
18 one-third of it for office storage area. We
19 would not have another tenant in the building
20 just due to the nature of the operation. The
21 operation is fully enclosed. We do have a
22 fence line around the pole. Near the storage
23 area there are automatic sliding gates that
24 are all controlled.

25 The whole facility is monitored under the

Legal Transcription

1 monitoring within the building. There are
2 certain setbacks from the building to the
3 fence. There are setbacks to the tree lines so
4 someone can't climb into a tree and try to
5 access the site. This is not usually a
6 problem. Basically, we're taking the existing
7 building and going to clean it up a little
8 because this is an industrial site. The
9 driveway south of us does go to Aquatic
10 Amusements. They design water park rides.

11 CHAIRMAN STUTO: Is that the Ellis
12 Company?

13 MR. ANDRES: Yes. Basically we'd take
14 this open area and fence it in. We would be
15 adding a number of pines in between some of
16 the trees.

17 That's pretty much what we're here for.

18 MR. NARDACCI: What kind of fence?

19 MR. ANDRES: It is a seven-foot high
20 fence with three strands of barbed wire at
21 45 degree angles going out. That is a
22 requirement of the regulatory agency.

23 CHAIRMAN STUTO: Okay, we'll hear from
24 the TDE.

25 MR. VOSS: We submitted a letter on

1 February 3rd to the Board with just our general
2 review comments.

3 Just to clarify for the Board, this is an
4 existing structure in a predominately
5 industrial area. The area is zoned industrial
6 through Green Mountain Drive. Currently at the
7 rear of the site, it is wooded. There are no
8 facilities other than an existing septic area
9 that I don't believe is actually being used at
10 the moment. Sewer and water facilities, as
11 Mr. Andres mentioned, are existing on Green
12 Mountain Drive and sewer and water will
13 certainly be connected through Green Mountain
14 Drive to the site. A new waterline -

15 Is it eight-inch or ten-inch that we're
16 talking?

17 MR. ANDRES: It will be an eight-inch.

18 MR. VOSS: Okay, an eight-inch water line
19 not only to service the building, but both the
20 storage buildings, which is certainly a size
21 large enough for fire suppression purposes. I
22 believe that we're talking about potentially
23 expanding the paved area in the back a little
24 bit in assisting with some of the parking
25 spaces to the south of the building.

1 MR. ANDRES: That is correct. There is
2 sort of a darker area shown in the site plan.
3 There is circulation around the building now
4 and we'd like to be able to look a little
5 better for us for the tractor trailer there is
6 this area that is going to get some additional
7 pavement. Unfortunately this site has seen its
8 better days. We'd like a nice presentation to
9 our customers when they are coming in. We will
10 be repaving and restoring the pavement
11 including the façade of one of the buildings
12 to the south side. We're just trying to clean
13 that up and put some landscaping there. We're
14 going to rip out some of the concrete and
15 other material. It's not handicapped
16 accessible right now.

17 MR. VOSS: That leads to the parking. You
18 appear to have about 30 spaces existing which
19 is more than enough to meet the code at this
20 point.

21 Just technical comments very quickly for
22 the Board.

23 We would just ask that the applicant is
24 sure that all aspects of the design conform to
25 state and federal regulations including New

1 York State and Town Fire Code of the operation
2 of handling and storage of hazardous chemicals
3 on the site. I know that the Town Fire
4 Department has certainly looked at this and
5 submitted comments to the Board.

6 Again, as we just noted, just make sure
7 that the applicant confirms that the water
8 system to service the site to provide adequate
9 fire flows for the facility and that they meet
10 the ISO requirements for the industry
11 standards for this type of facility. We just
12 want the applicant to verify through
13 additional information that the sewer system
14 as proposed will be only servicing sanitary
15 and domestic nature waste and not industrial
16 waste or any gas waste or anything like that.
17 I think that we did discuss that.

18 MR. ANDRES: That's correct. There won't
19 be any industrial waste because again, there
20 will be just the gasses.

21 CHAIRMAN STUTO: Can you just repeat that
22 for the record?

23 MR. ANDRES: I'm confirming that it will
24 be domestic only to the sewer. Right now the
25 building is on a septic system. We're

1 proposing to connect to the sewer system.

2 A number of years ago, the X-Tra Mart
3 across the street was our client who designed
4 a sewer and it was constructed. It goes out to
5 Fonda Road. Green Mountain Drive has always
6 had a sewer line down its middle - a gravity
7 sewer that's dry that runs the other way
8 towards the landfill.

9 MR. VOSS: There is an existing septic
10 area towards the rear of the site which is the
11 eastern side.

12 Tom, could you make a note that that area
13 appears to be poised for redevelopment as a
14 stormwater management area for the site?

15 We had some discussions with the DCC
16 about that; just for the Board's
17 clarification.

18 MR. ANDRES: Yes, there is the existing
19 site and in working with Albany County and DEC
20 they have a small sand filter in the rear. We
21 will be removing that sand filter and will
22 work with DEC to see what has to be done to
23 take that sand filter out so that we don't
24 have to continue to disturb other areas. It's
25 going down the slope and digging that out and

1 we'll use that for our stormwater management
2 plans.

3 CHAIRMAN STUTO: It spills into the
4 creek?

5 MR. ANDRES: It does. There is a creek
6 that actually goes right down into the Mohawk.

7 CHAIRMAN STUTO: The SPDES permit will
8 stay in existence?

9 MR. ANDRES: No. There is a procedure
10 that we will proceed with once the building is
11 connected to the public sewer. We'll certify
12 through DEC that it's connected.

13 MR. VOSS: The only other thing that we
14 had to comment on is that it appears that
15 there is only three-quarters of an acre of
16 disturbance. It doesn't look like a full SWPPP
17 will be necessary.

18 We've just asked that they provide
19 calculations.

20 MR. ANDRES: We have done the
21 calculations. We're anxious to move this
22 process though so that we can come right back
23 before the Board and try to get construction
24 going.

25 MR. VOSS: That's all I have

1 Mr. Chairman.

2 CHAIRMAN STUTO: We'll talk about
3 scheduling in a minute.

4 MR. ROSANO: Do we have any other type of
5 business like this in the area?

6 MR. ANDRES: Not that I'm aware of. There
7 was an announcement, I believe, in the paper
8 about a facility that was going to be going up
9 in southern Saratoga County.

10 MR. ROSANO: Is there any special type of
11 agency that regulates -- are there certain
12 inspections?

13 MR. ANDRES: There is a whole
14 certification that has to be done and there is
15 a whole design. They're all designed a certain
16 way so that if there is an explosion,
17 everything is kept contained.

18 CHAIRMAN STUTO: Tom?

19 MR. NARDACCI: I don't have any
20 questions. I just want to note for the record
21 that you were in contact with the Fire Chief
22 and he has reviewed the concept and has no
23 issues with it. I just want to make that point
24 because this is something that is important in
25 that regard.

1 MR. ANDRES: We've had discussions since
2 the beginning. We've had those discussions
3 with fire and emergency services.

4 CHAIRMAN STUTO: Lou?

5 MR. MION: No questions.

6 CHAIRMAN STUTO: Kathy?

7 MS. DALTON: Just with regards to the
8 type of gas that is going to be there and in
9 talking about different alarm systems and
10 security systems -- I don't know how to phrase
11 this, but is there any reason why this
12 facility would be of interest for a terrorist
13 threat or anything like that?

14 MR. ANDRES: I think that's why they take
15 a very serious approach to the security of it.
16 For all intents and purposes, we think that
17 there will be no problem. You have to have
18 provisions for teenagers climbing over and
19 trying to play with this. But again, it's a
20 facility that clearly has hazardous materials
21 and has to be in a secure area.

22 CHAIRMAN STUTO: Let me ask you this
23 question about the behavior of the gas: Let's
24 assume that 75 percent of the gasses were
25 released at the same time in some type of

1 accident or deliberately. What would the
2 behavior of those gasses be?

3 MR. ANDRES: They're all going to go up.
4 If they're ignited by a spark, then there will
5 be a firewall and it would be over. It's not
6 like the propane tank farm that you have
7 thousands and thousands of gallons of propane
8 filling and you see in the news where propane
9 tanks are blown all over the place. If this
10 goes, it's going to glow. There will be a
11 crater the size of the site there.

12 CHAIRMAN STUTO: They're highly
13 explosive.

14 MR. ANDRES: They're explosive depending
15 on the gas.

16 CHAIRMAN STUTO: Is there any
17 measurements or engineering in telling us how
18 fast this would dissipate and not be harmful?

19 MR. ANDRES: You're talking about gallon
20 tanks that are this big (Indicating). There is
21 not a lot of gas in there. The methodology of
22 how it's released - there are tracking systems
23 so if there is a pin hole or something, that's
24 different than if someone dropped it and the
25 cap came off. Everything goes up so it's not

1 like propane that will move sideways.

2 CHAIRMAN STUTO: They're very light
3 gasses like helium?

4 MR. ANDRES: They're all, I'm sure,
5 lighter.

6 MR. LACIVITA: It seems as though the
7 precautions here are higher than how we store
8 LP gas or any of those at the Home Depot or
9 anything else.

10 MR. ANDRES: There would be no
11 comparison. What you're doing is even at a
12 large propane storage facility where you have
13 the 3,000 gallon tanks -- this has a monitor
14 and they have sensors for everything.

15 MR. NARDACCI: Is this federally
16 regulated?

17 MR. ANDRES: I don't believe that I
18 brought the information of the actual
19 regulatory agency. It is a federal agency. I'm
20 not sure what the name is.

21 CHAIRMAN STUTO: Do you know, Chuck?

22 MR. VOSS: Not off hand, no. It would be
23 something for them to provide that information
24 to the Board.

25 MR. ROSANO: Is that building occupied

1 24/7?

2 MR. ANDRES: There will not be people in
3 there all the time working. It will be
4 monitored 24/7, but my understanding is that
5 after a certain time, it's monitored with
6 computers.

7 MR. ROSANO: They have monitors within
8 the building.

9 MR. ANDRES: Yes, and they have cameras
10 on the building. They cover the whole fence
11 line and all of those are a system that not
12 only allows monitoring within the building but
13 monitors the whole site.

14 MR. ROSANO: So you're monitoring by an
15 outside company that works 24/7?

16 MR. ANDRES: I don't know what company is
17 monitoring this.

18 MR. ROSANO: So basically, there will be
19 eyes on the building.

20 MR. ANDRES: There will be a 24-hour
21 audit on the building for all the security
22 fences and everything.

23 MS. DALTON: I think that when we come
24 back, it's not anything that I would reject,
25 but it would be really nice if you could give

1 us as much information as you can about the
2 monitoring, how it's monitored and who
3 regulates it.

4 MR. ANDRES: I will certainly get you who
5 the regulatory agency is and the monitoring.
6 I'm not sure who is going to do the exact
7 monitoring. I will get that information and
8 I'm sure that it's 24-hour monitoring.

9 MR. LACIVITA: When you look at the
10 volume of gas that's being stored there, I'm
11 assuming that working with that federal agency
12 that they have to have an impact zone, God
13 forbid, you had an event. Did you have to
14 provide any of that?

15 MS. ANDRES: I would have to check that.

16 MR. LACIVITA: Just to find out what
17 would be the potential red zone or whatever
18 you want to call it.

19 CHAIRMAN STUTO: Who is the first
20 responder?

21 MR. VOSS: Fire Services.

22 MS. ANDRES: There would be a whole set
23 up on what the procedures would be.

24 MR. NARDACCI: For the next time, it
25 would be important to have that information

1 clearly in the record for fire services.

2 MR. ANDRES: That's not a problem.

3 MS. DALTON: I did want to say that you
4 did a nice job of touching the bases. Everyone
5 that I looked for who was supposed to sign
6 off, has. I think that we would all feel
7 better knowing the criteria of how this all is
8 monitored.

9 CHAIRMAN STUTO: Anyone from the public
10 want to speak?

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

12 CHAIRMAN STUTO: Elena?

13 MS. VAIDA: If the Board is going to vote
14 on this and they vote to accept the concept,
15 that the acceptance of the concept plan does
16 not bind the Planning Board in any way in the
17 future. It's not to be construed as an
18 approval of the project in any way. It's not
19 an approval of any waivers, if any waivers
20 should be needed, and it should not be
21 construed as a determination of the
22 environmental impact under SEQRA.

23 CHAIRMAN STUTO: Somebody want to make a
24 motion on concept?

25 MS. DALTON: I will.

1 MR. MION: I'll second.

2 CHAIRMAN STUTO: All those in favor?

3 **(Ayes were recited.)**

4 CHAIRMAN STUTO: All those opposed?

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

6 CHAIRMAN STUTO: The ayes have it.

7 MR. LACIVITA: Peter before we adjourn we
8 need to call the hearing of Cornerstone
9 Meadows public hearing? If we could have a
10 motion to call a public hearing for March 1st
11 for the next meeting?

12 CHAIRMAN STUTO: Okay, we'll call that.
13 Motion to adjourn?

14 MR. NARDACCI: I'll make that motion.

15 MR. MION: Second.

16 CHAIRMAN STUTO: All in favor?

17 **(Ayes were recited.)**

18 CHAIRMAN STUTO: The ayes have it.

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22 **(Whereas the proceeding concerning the above**

23 **entitled matter was adjourned**

24 **at 9:44 p.m.)**

25

