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**Adirondack
Park Agency**

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APA Project Order
2016-0081

Date Issued: November 18, 2016

In the Matter of a Proposal by

**NEW YORK STATE POWER AUTHORITY,
NEW YORK STATE DEPARTMENT
OF ENVIRONMENTAL CONSERVATION,
NEW YORK STATE POLICE, and
NEW YORK STATE ADIRONDACK PARK
AGENCY**

Subject to Section 814 of the
Adirondack Park Agency Act
and 9 NYCRR Part 579

INTRODUCTION AND JURISDICTION

On June 23, 2016 the Adirondack Park Agency received a complete Notice of Intent from the New York State Power Authority, the New York State Department of Environmental Conservation, the New York State Police and the Adirondack Park Agency to Undertake New Land Use and Development within the Adirondack Park for the construction of a biomass heating system at the Ray Brook State Office Complex in the Town of North Elba, Essex County.

The project consists of new land use and development by State agencies on state land and, therefore, requires review by the Adirondack Park Agency pursuant to § 814 of the Adirondack Park Agency Act and 9 NYCRR Part 579. Based upon receipt of the Notice of Intent and other materials related to the project and due deliberation on said materials, the following findings of fact are hereby made and adopted.

FINDINGS OF FACT

Project Site: Project Overview

1. The project site is a 49± acre portion of a 140± acre parcel owned by the State of New York, on NYS Route 86 in the Town of North Elba, Essex County. The 49± acre project site is classified "State Administrative" on the Adirondack Park Land Use and Development Plan Map, and the remaining 91± acres of State Land is classified "Wild Forest." The 140± acre parcel is described on Town of North Elba Tax Map Section 32.004, Block 1, and Parcel 22. The property is described in a deed from Merle Harden, et al to The People of the State of New York, dated March 12, 1947, and recorded April 7, 1947 in the Essex County Clerk's Office under Instrument Number at Book 250, Page 375.

2. The purpose of the project is to construct a Biomass District Heating System to serve the Ray Brook State Office complex, including the office buildings of New York State Department of Environmental Conservation, State Police, and the Adirondack Park Agency. Memorandum of Understanding (MOU) No. AM09775, executed in 2015 between the three Agencies/Departments, outlines the proposal and explains that a high-efficiency, low-emission woody biomass system could heat the three offices, while reducing reliance on fossil fuel and promoting homegrown energy sources through Governor Cuomo's initiative "Renewable Heat NY."
3. The project is depicted on 26 sheets of drawings entitled "New York Power Authority Biomass District Heating System for the Ray Brook Office Complex," prepared by LABELLA Associates, and dated April 2016 (Hereinafter "Project Plans"). A reduced-scale copy of drawing numbers A-100, A-300, C-100, C-101 and M-100 are attached as a part of this order. The original, full-scale maps and plans described in this paragraph are the official plans for the project, with copies available upon request from Adirondack Park Agency headquarters in Ray Brook, New York.
4. The project will involve these elements:
 - a. Removal of an old "gas island" that is no longer used, and construction of the new biomass facility in that location, adjacent to the existing asphalt parking area, and shown as a 100± ft. by 200± ft. area on Drawing C-100.
 - b. Construction of a 660± sq. ft. (16.5± ft. X 40± ft.) building to house two pre-fabricated equipment trailers, which contain the biomass operating system components. The 660± sq. ft. wood-sided building will include a 16.5± ft. x 7± ft. visitor viewing area, as the facility will serve as a demonstration/education center for biomass systems. The height of the building will measure approximately 16.5± ft. from grade to the roof ridgeline.
 - c. Adjacent to the building, a storage silo will be installed, measuring approximately 12 ft. in diameter and approximately 35 ft. in height (with an approximate 50 ton net usable capacity). The silo will be a dark shade of forest green to blend with existing vegetation which back-drops it.
 - d. A U-shaped asphalt driveway around the new building is proposed for access, deliveries, and snow removal.
 - e. Underground piping will connect the biomass system to each of the three state office buildings.
 - f. Within the 20,000 sq. ft. biomass site, there will be approximately 7,000 sq. ft. of land disturbance, including the new driveway and vegetative clearing around the facility.
5. The temporary construction trailer and the construction staging area will be located in the existing asphalt parking areas directly northwest and southeast of the biomass site as shown on the project plans.

6. Demolition wastes will be disposed of in a New York State Department of Environmental Conservation (NYSDEC) authorized landfill.
7. There are no jurisdictional wetlands within 200 ft. of the proposed biomass site and associated site disturbance.
8. To construct the facility approximately 56 trees greater than 4 inches dbh will be removed from the site. NYSDEC Division of Lands and Forests issued A State Land/Easement Project Work Plan (Project # 2016-RB-007) authorizing the removal of trees on the State Administrative land.
9. The work will be completed in accordance with New York State Standards and Specifications for Erosion and Sediment Control. Erosion and sediment control plans will be finalized by the contractor awarded the project bid. Since the project does not disturb greater than 1 acre of erodible soil, a NYSDEC SPDES General Permit for Stormwater Discharges is not required.
10. The New York State Power Authority (NYPA) conducted archeological testing in June 2016, and no evidence of archeological resources was found. Further, NYS Office of Parks Recreation and Historic Preservation (OPRHP) issued a letter dated August 29, 2016, stating the project would have no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places.
11. NYPA and NYSDEC have confirmed that the project will not require a NYSDEC Air Quality Permit. However, the project will be registered with NYSDEC Division of Air.
12. The State Office biomass system will serve as a demonstration site exemplifying high-efficiency, low-emission woody biomass systems that reduce reliance on fossil fuel and promote homegrown energy sources through Governor Cuomo's Renewable Heat NY (RHNY) initiative. The facility will include an (ADA accessible) educational component for group tours, schools, and others to promote biomass and RHNY. To the extent that the wood pellets are sourced locally, the project will support regional jobs in the forestry and manufacturing sectors by creating more demand for wood products. Additionally, the project will serve as an anchor user for pellet / wood chip manufacturers and distributors. As described in the applicant's submission, the proposed project is anticipated to reduce greenhouse gas emissions by potentially more than 10,000 metric tons annually, and the total annual energy cost savings to the three serviced entities are expected to be potentially \$58,000.
13. The project is an accessory public use building less than 4,000 sq. ft. in size and NYPA has determined it to be a Type II action under the State Environmental Quality Review Act [6 NYCRR 617.5(c)(7)].
14. The Agency published a notice of the proposal in the Environmental Notice Bulletin and sent Notice to landowner's adjoining the project site. No comments have been received.

HAVING GIVEN DUE CONSIDERATION to the Notice of Intent filed by the New York State Power Authority and New York State Department of Environmental Conservation and other materials associated with the project application, and

HAVING DULY CONSIDERED the above Findings of Fact, the Agency hereby makes and adopts the following conclusions:

1. The project would be consistent with the provisions of the Adirondack Park Land Use and Development Plan.
2. The project would not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park, taking into account the economic and social benefits to be derived from the project provided the following conditions are met:
 - a. The biomass facility and related development shall be undertaken in accordance with the plans referenced herein, and in the location shown and as depicted on the plans. All exterior building materials, including roof, siding and trim, of the new 660± sq. ft. building shall be a dark shade of brown, green, or grey.
 - b. The storage silo shall be a dark shade of green that blends with the surrounding vegetation, and shall not exceed the dimensions or height described herein. Prior to ordering/installing the silo, a manufacturer's color chart showing the proposed dark green color shall be provided to the Agency for approval. If the biomass facility ceases to operate for a period of 5 or more years or is otherwise abandoned, the storage silo shall be removed from the site.
 - c. Clearing of vegetation on the project site shall be limited to that shown on the plans referenced herein and as authorized by NYSDEC.
 - d. Within 30 days of the biomass structures being completed, a landscape plan shall be submitted to the Agency for approval, which includes planting trees in the grassy area between NYS Route 86 and the Biomass facility. The proposed plantings should be of species native to the region, and should aim to soften the visual impact of the proposed structures – particularly the storage silo – from NYS Route 86. Following Agency approval of the landscape plan, the trees shall be then planted in the first spring or fall planting season. Any trees that do not survive shall be replaced annually until all trees are established in a healthy growing condition.
 - e. All new free-standing or building-mounted outdoor lights associated with the biomass facility shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward NYS Route 86 or adjoining property.
 - f. Any signs associated with the biomass facility shall comply with the Agency's "Standards for Signs Associated with Projects" [9 NYCRR Part 570, Appendix Q-3].

- g. An Erosion and Sediment Control Plan shall be prepared and submitted to the Agency for review and approval prior to any ground disturbance so as to ensure erosion and sediment control from proposed construction activities are adequately addressed. Conformance with the Erosion and Sediment Control Plan will protect against erosion, sedimentation, water quality degradation, and protect soils, surface water, and groundwater resources.
- h. The U-shaped driveway and parking area for the new building shall be paved as proposed and to the standards described on the project plans within six months of completion of construction of the biomass facility.

NOW THEREFORE, upon all of the foregoing and under authority delegated to the Deputy Director, Regulatory Programs, it is

ORDERED, that these findings be duly reported to the New York State Power Authority, New York State Police, Adirondack Park Agency and New York State Department of Environmental Conservation.

ORDER issued this day
of , 2016.

ADIRONDACK PARK AGENCY

BY: _____
Richard E. Weber III
Deputy Director (Regulatory Programs)

STATE OF NEW YORK
COUNTY OF ESSEX

On the day of in the year 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared Richard E. Weber III, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

REW:CCP:DFK:EAP:SEL:slp:lb