

THIS IS A TWO-SIDED DOCUMENT



**Adirondack  
Park Agency**

P.O. Box 99, 1133 NYS Route 86  
Ray Brook, New York 12977  
Tel: (518) 891-4050  
[www.apa.ny.gov](http://www.apa.ny.gov)

**DRAFT** APA Permit  
2025-0238

Date Issued: **XXXX**

In the Matter of the Application of  
**CARSON POWER**  
Permittee  
for a permit pursuant to § 809 of the Adirondack  
Park Agency Act

To the County Clerk: Please index  
this permit in the grantor index  
under the following name(s):  
**1. Carson Power**  
**2. Sacandaga BESS A, LLC**  
**3. Sacandaga BESS B, LLC**  
**4. Cheryl Gifford**

**SUMMARY AND AUTHORIZATION**

This permit authorizes the construction and operation of a major public utility use and a subdivision by lease in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map in the Town of Northampton, Fulton County.

This authorization shall expire unless recorded in the Fulton County Clerk's Office within 60 days of issuance of a signed and notarized permit. The signed and notarized permit shall be recorded in the names of all persons listed above and in the names of all owners of record of any portion of the project site on the recordation date.

The project shall not be undertaken or continued unless the project authorized herein is in existence within five years of the date the permit is recorded in the Fulton County Clerk's Office. The Agency will consider the project in existence when the major public utility use has been constructed.

The project shall be undertaken in compliance with all conditions stated herein. Failure to comply with this permit is a violation and may subject the permittee, successors, and assigns to civil penalties and other legal proceedings.

This permit does not convey any right to trespass upon the lands or interfere with the riparian rights of others in order to undertake the authorized project, nor does it authorize the impairment of any easement, right, title or interest in real or personal property.

Nothing contained in this permit shall be construed to satisfy any legal obligations of the permittee to comply with all applicable laws and regulations or to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional, or local.

## **PROJECT SITE**

The project site is an approximately 32-acre parcel of land located on NYS Route 30 in the Town of Northampton, Fulton County, in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 45, Block 2, Parcels 19 and 20, and is described in a deed from William A. Gifford to William A. and Cheryl A. Gifford, dated January 7, 2022, and recorded January 20, 2022 in the Fulton County Clerk's Office under Instrument Number 2022-72537.

The project site is partially located within the NYS Route 30 highway Critical Environmental Area. The project site also contains wetlands located to the west and north of the project area. Additional wetlands not described herein or depicted on the Project Plans may be located on or adjacent to the project site.

The project site is improved by a pre-existing commercial use automotive repair business, associated accessory structures and related infrastructure.

## **PROJECT DESCRIPTION**

The project as conditionally approved herein involves construction and operation of two, 5MW AC, four-hour battery energy storage systems consisting of six lithium ion battery units within a fenced enclosure.

The project includes the removal of approximately 0.144 acres of incidental wetland fill consisting of bark/wood chips. The fill is located within portions of three separate wetland areas. These areas are to be restored prior to construction of any authorized utility infrastructure.

All development will be located within a 0.85-acre leased area located within an existing 2+-acre cleared area adjacent to the pre-existing commercial use. Existing access from NYS Route 30 will be utilized. The project includes improved gravel access, equipment pads, electrical grid interconnection poles and equipment.

New trees will be planted and existing vegetation maintained to minimize visibility of the project from NYS Route 30.

The project is shown on the following Project Plans:

- a set of site development plans titled, "Sacandaga BESS," prepared by CHA, dated September 25, 2025, and last revised 12/19/2025 (Site Plans);
- a document titled, "Restoration Plan Narrative – Sacandaga BESS," and an associated "Wetland Delineation Map," both prepared by Environmental Design Partnership, received by the Agency December 9, 2025 (Wetland Restoration Plan);
- a visual impact analysis depicting existing and proposed conditions prepared by Saratoga Associates for Carson Power, received by the Agency December 17, 2025 (Visual Simulations); and
- a decommissioning plan titled, "Battery Energy Storage System (BESS)," prepared by Carson Power, dated August 1, 2025: Revised November 18, 2025 (Decommissioning Plan).

A reduced-scale copy of Drawing No. C-101 of the Site Plans is attached as a part of this permit for reference.

## **AGENCY JURISDICTION**

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, a permit is required from the Adirondack Park Agency prior to the establishment of any major public utility use on Resource Management lands in the Adirondack Park.

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, a permit is required from the Adirondack Park Agency prior to the undertaking of all land uses and development and subdivisions of Resource Management lands within 300 feet of the edge of the right-of-way of any state highway in the Adirondack Park.

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, a permit is required from the Adirondack Park Agency prior to any subdivision in a Resource Management land use area in the Adirondack Park.

## **CONDITIONS**

### **THE PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The project shall not be undertaken until this permit has been recorded in the Fulton County Clerk's Office.
2. This permit is binding on the permittee, all present and future owners or lessees of the project site, and all persons undertaking all or a portion of the project, for as long as the major public utility use remains on the site. Copies of this permit and Project Plans shall be furnished by the permittee to all subsequent owners or lessees of the project site prior to sale or lease, and by the permittee and/or any subsequent owner or lessee to all persons undertaking any development activities authorized herein.
3. In addition to complying with all terms and conditions of this permit, all future activities on the project site shall be undertaken in compliance with the requirements of New York State's Adirondack Park Agency Act, Freshwater Wetlands Act, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].
4. All deeds conveying all or a portion of the lands subject to this permit shall contain references to this permit as follows: "The lands conveyed are subject to Adirondack Park Agency Permit 2025-0238, issued **XXXX**, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
5. This permit authorizes the construction of a battery energy storage system and related infrastructure in the location shown and as depicted on the Site Plans and Visual Simulations. Any change to the location, dimensions, or other aspect of the authorized development shall require prior written Agency authorization.
6. Prior to the construction of any development authorized herein, all fill shall be removed from wetland boundaries as depicted and described in the Wetland Restoration Plan. A compliance report and post-restoration monitoring shall be provided to the Agency as described in the Wetland Restoration Plan Narrative.

The undertaking of any activity involving wetlands other than as authorized herein shall require a new or amended permit.

7. The project shall be undertaken in compliance with the Grading and Erosion and Sediment Control Plan shown on Drawing No. C-102 of the Site Plans.
8. When brought from off-site, all equipment, including but not limited to trucks, excavators, tractors, etc., and hand excavation tools such as shovels, rakes, and picks, to be used on the project site shall be clean and free of soil, mud, or other similar material. If washed on the project site, equipment shall be washed in one location to prevent the distribution of propagules among different wash sites.
9. Any new free-standing or structure-mounted outdoor lights associated with the major public utility use on the project site shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward NYS Route 30 or adjoining property.
10. Any signs associated with the major public utility use on the project site shall comply with the Agency's "Standards for Signs Associated with Projects" [9 NYCRR Part 570, Appendix Q-3].
11. Within 100 feet of the edge of pavement of NYS Route 30 and within 200 feet to the north of the lease area boundary, no trees, shrubs, or other woody stemmed vegetation may be cut or otherwise removed on the project site without prior written Agency authorization, except for the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
12. All trees and shrubs depicted on the Landscape Plan (Drawing No. L-100) shall be planted and maintained as described in the Landscape Details (Drawing No. L-101). Trees and shrubs that do not survive shall be replaced annually until established in a healthy growing condition.
13. The Agency shall be provided with color photographs showing the completed project within 30 days of project completion. Photographs shall be taken at the project site and from NYS Route 30 as depicted in the Visual Simulations. All photographs shall identify the date the picture was taken, the location of the photograph, and the lens size employed.
14. Prior to operation of the battery energy storage system and related infrastructure authorized herein, the Agency shall be provided with a copy of a Certificate of Occupancy or Certificate of Completion for the project issued by the Town of Northampton Code Enforcement Office.
15. Except pursuant to written approval by the Agency, within one year of the energy storage facility ceasing to operate, all infrastructure associated with the facility shall be removed and the site shall be restored to pre-development conditions at the owner's and/or operator's expense pursuant to the Decommissioning Plan.

16. Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, the undertaking of any new land use or development not authorized herein on the project site within 300 feet of the right of way of NYS Route 30 will require a new or amended permit.

## **CONCLUSIONS OF LAW**

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, the Freshwater Wetlands Act and 9 NYCRR Part 578 and 9 NYCRR Part 574. The Agency hereby finds that the project authorized as conditioned herein:

- a. will be consistent with the land use and development plan;
- b. will be compatible with the character description and purposes, policies, and objectives of the Resource Management land use area;
- c. will be consistent with the overall intensity guidelines for the Resource Management land use area;
- d. will comply with the shoreline restrictions of § 806 of the Adirondack Park Agency Act; and
- e. will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park or upon the ability of the public to provide supporting facilities and services made necessary by the project.

ADIRONDACK PARK AGENCY

BY-

John M. Burth  
Deputy Director, Regulatory Programs

STATE OF NEW YORK  
COUNTY OF ESSEX

On the      day of                      in the year 2026, before me, the undersigned, a Notary Public in and for said State, personally appeared John M. Burth, 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.

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## Notary Public