



**Adirondack
Park Agency**

PERMIT WRITING FORM – P2025-0238

Assigned EPS: **D. Korn** Reviewed by: **DRAFT** Date: **DRAFT**

APPLICANT

Project Sponsor(s): **Carson Power**

Landowner(s): **Cheryl Gifford**

Authorized Representative: **Owen Hooper**

PROJECT SITE

Town/Village: **Northampton County: Fulton**

Road and/or Water Body: **NYS Route 30**

Tax Map #(s): **45-2-19 and 20**

Deed Ref: **Instrument 2022-72537**

Land Use Area(s): H MIU LIU RU RM IU

Project Site Size: **32± acres**

Same as Tax Map #(s) identified above

Only the H MIU LIU RU RM IU portion of the Tax Map #(s) identified above

Other (describe): **n/a**

Lawfully Created? Y N Pre-existing subdivision: **n/a**

River Area: Y N If Yes: Wild - Scenic - Recreational Name of River: **n/a**

CEAs (include all): Wetland - Fed Hwy - State Hwy - State Land - Elevation - Study River

PROJECT DESCRIPTION

Construction and operation of two, 5MW AC, four-hour battery energy storage systems consisting of six lithium ion battery units placed on concrete pads within a fenced gravel enclosure in compliance with all applicable codes. All disturbance and development will be located within a 0.85-acre leased area and includes 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.

JURISDICTION (including legal citation)

Pursuant to APA Act Section 809(2)(a) and:

810(1)(e)(1)(e) – New land use and development and subdivision (by lease) on Resource Management lands within three hundred feet of the edge of the right of way of a state highway;

810(1)(e)(3) – Subdivision (by lease) of Resource Management lands; and

810(1)(e)(16) – Major Public Utility Use in a Resource Management land use area.

PRIOR PERMITS / SETTLEMENT AGREEMENTS BEING SUPERSEDED

None

FINDINGS OF FACT – ENVIRONMENTAL SETTING

LAKES, PONDS, NAVIGABLE RIVERS & STREAMS

Check if none

Water Body Name:	<i>n/a</i>	
Length of Existing Shoreline (feet):	<i>n/a</i>	MHW M determin.: <input type="checkbox"/> Y <input type="checkbox"/> N
Minimum Lot Width:	<i>n/a</i>	Meets standard: <input type="checkbox"/> Y <input type="checkbox"/> N
Structure Setback (APA Act):	<i>n/a</i>	Meets standard: <input type="checkbox"/> Y <input type="checkbox"/> N
Structure Setback (River Regs):	<i>n/a</i>	Meets standard: <input type="checkbox"/> Y <input type="checkbox"/> N
<input type="checkbox"/> Y <input type="checkbox"/> N	Cutting proposed within 6 ft of MHW M?	If Yes, < 30% vegetation? <input type="checkbox"/> Y <input type="checkbox"/> N
<input type="checkbox"/> Y <input type="checkbox"/> N	Cutting proposed within 35 ft of MHW M?	If Yes, < 30% trees 6" dbh? <input type="checkbox"/> Y <input type="checkbox"/> N
<input type="checkbox"/> Y <input type="checkbox"/> N	Cutting proposed within 100 ft of river area? (If Yes, include under jurisdiction)	

Non-Navigable Streams in proximity to development

Check if none

Permanent Stream Intermittent Stream Classified? Y N

[DEC Environmental Resource Mapper](#) stream classification: *n/a*

Wetlands

<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Jurisdictional wetland on property, or
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Wetlands are a basis of development jurisdiction <input type="checkbox"/> If Yes, RASS biologist consulted → If Y, covertype: <i>n/a</i> → If Y, value rating: <i>n/a</i>
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Draining, dredging, excavation of wetland Area of wetland loss: <i>n/a</i> Permanent? <input type="checkbox"/> Y <input type="checkbox"/> N
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Fill/structure in wetlands Fill/structure area: <i>n/a</i>
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Shading of wetland Area of shading: <i>n/a</i>
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Clearcutting >3 acres of wetland *RASS forester consulted Clearcut area: <i>n/a</i>
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Untreated stormwater discharge into wetland
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Pollution discharge into wetland Pollution type: <i>n/a</i>
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Pesticide/Herbicide application in wetland Pollution type: <i>n/a</i>
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	OSWTS within 100 feet of a wetland Distance to Wetland: <i>n/a</i>

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 will be restored prior to construction of any authorized utility infrastructure.

Ecological / Wildlife

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Natural Heritage Sites/listed species or habitat present, including bat
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Forest management plan existing or proposed <input type="checkbox"/> If Yes, RASS forestry analyst consulted
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Biological Survey required by RASS Biologist 2 or Supervisor <input type="checkbox"/> If Yes, completed

Special Districts

Y N Agricultural District

Slopes

RASS engineer consulted if structure proposed on >15%, driveway on >12%, or wpts on >8/15%

Existing slope range: 0 – 3 % Building area(s) if authorizing development: 0%

Soils

Y N Deep-hole test pit completed? (Necessary for every building lot) Check if N/A

If Yes, soil data information determined or approved by RASS soil analyst?

NRCS Mapped Soil Series or Other Comments: Site appears to be pre-existing stabilized, graded fill

Stormwater

Y N Greater than 1 acre disturbance, or

Y N Proposed ground disturbance < 100 feet from wetlands

If Yes, stormwater management reviewed and approved by RASS engineer

Setback to wetlands: 75 FT – Limited use pervious access road, eight utility poles, and portions of the fencing enclosure will be located approximately 75 feet from wetlands.

Character of Area

Nearby (include all): Residential Commercial Industrial Agricultural Forested

Adjoining Land Uses / State Land: Private / NYS Highway

Is nearby development visible from road? Y N

→ If Y, name road and describe visible development: In addition to the automotive repair shop adjacent to the project area, commercial storage facilities exist across the road and along NYS Route 30 north of the project area. Additional commercial development is located approximately 1-mile to the south on NYS Route 30.

Additional Existing Development (ex: dam on site, etc.): Storage trailers associated with the existing commercial use that are proposed to be removed.

INDIVIDUAL LOT DEVELOPMENT REVIEW

Existing Development

PRINCIPAL BUILDINGS

Structure	Pre-existing (Y/N)?	Lawfully constructed (Y/N)?
Automotive Repair Building	Y	Y

ACCESSORY STRUCTURES

Structure	Pre-existing (Y/N)?	Lawfully constructed (Y/N)?
Storage Shed	N	Y
Garage	N	Y

Proposed Development
PRINCIPAL BUILDINGS

Structure	Footprint	Height	# Bedrooms	Slopes
None	n/a	n/a	n/a	n/a

Have necessary density? Y N N/A - Town has ALLUP and regulates density
remaining potential principal buildings = 1 from survey or estimate

ACCESSORY STRUCTURES

Structure	Footprint	Height	# Bedrooms	Slopes
Lithium-ion Battery Units (6)	< 600 SF	< 12 FT	n/a	0 %
Wooden Utility Poles (16)	< 3 SF	38.5 FT	n/a	0 %
Fencing	+/- 600 LF	8 FT	n/a	0 %
Inverters (4)	< 100 SF	< 8 FT	n/a	0 %

ACCESS

*Consult RASS engineer for driveway > 12% slope / *consult RASS ecologist for driveway > 1/4 mile

Driveway is <input checked="" type="checkbox"/> existing / <input type="checkbox"/> proposed	Length: +/- 500 FT	Width: 20 FT
Sight distance evaluated? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Slopes: 0%	
Need clearing/grading? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Comments: Gravel; Existing road cut to be utilized.	
Need hwy access permit? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	NYSDOT has reviewed and approved construction traffic safety plan for the project. Appropriate clearances for access around the facility provided as required.	
Need easement? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		
Need signs? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		

VISUAL / AESTHETIC

N/A – no proposed/authorized development

Y N Proposed development visible from public areas

If Y, list public viewpoints: NYS Route 30 as viewed traveling north

Y N Existing topography / vegetation will screen, if retained

Y N Planting plan proposed If Yes, RASS forestry analyst consulted

WASTEWATER TREATMENT (WWTS) *Consult RASS engineer for engineered plans

Individual on-site Municipal Community N/A - no proposed/authorized development

Y N Slope suitable for WWTS (i.e., ≤8% shallow, ≤15% conventional)?

Y N Soil suitable for WWTS (i.e., depth to SHGW and bedrock)?

Y N All water bodies or streams > 100 feet WWTS? (If No, needs variance – from Town if ALLUP)

Y N If fast perc (1-3 min/in), water > 200 feet WWTS? (If No, amended soils required)

Y N All jurisdictional wetlands > 100 feet WWTS? (If No, counts as permit jurisdiction)

Y N Suitable 100% replacement area identified?

Existing WWTS proposed to remain (needs suitable 100% replacement area)

WATER SUPPLY

Individual on-site Municipal N/A – no proposed/authorized development
 Y N All water supplies, on-site and off-site, > 100 feet WWTS? (If No, need DOH waiver)

STORMWATER / EROSION & SEDIMENT CONTROL *Consult RASS engineer

N/A – no proposed/authorized development
 Y N Does proposed development maintain existing drainage patterns?
 Y N < 1 acre disturbance proposed (May need E&S Control Plan if water/slope/soil resources at risk)
 Y N > 1 acre disturbance proposed (SWPPP required, which includes E&S Control Plan)

UTILITIES

Available on site? Y N Overhead Underground
Available at road? Y N Overhead Underground
Proposed for site? Y N Overhead Underground

FINDINGS OF FACT – COORDINATED REVIEW

Y N Archeologically Sensitive Area, according to OPRHP If Yes, APA APO / OPRHP consulted
 Y N Structures > 50 years old on or visible from site If Yes, APA AHPO / OPRHP consulted
 Y N Solar Project > 50 acres requiring ZVI & historic inventory If Yes, APA AHPO consulted
 Y N Within Lake George Park If Yes, LGPC consulted / application submitted
 Y N Public water supply If Yes, DEC / DOH application submitted
 Y N Greater than 1,000 gpd wastewater If Yes, DEC application submitted
 Y N Disturbing bed or bank of classified/navigable water body If Yes, DEC application submitted
 Y N Disturbing 300 LF or more of a stream (temp + perm) If Yes, DEC application submitted
 Y N Disturbing ¼ acre of Corps wetlands (temp + perm) If Yes, DEC application submitted
 Y N Creating 5 or more lots less than 5 acres each If Yes, DOH application submitted
 Y N Army Corps involvement * If Yes, ACOE consulted
 Y N Agency-approved Local Land Use Program If Yes, Town/Village consulted
 Y N Local land use controls If Yes, Town/Village consulted
 Y N Work within highway ROW If Yes, DOT application submitted

*- Review the Pre-Construction Notification (PCN) thresholds for the [Buffalo District](#) and the [New York District](#) to help determine if an application (PCN) needs to be submitted to the Corps. Additionally, review the [Section 10 waters list](#) to determine if a Section 10 Navigable Waters permit might be required from the Corps.

PERMIT CONDITIONS AND IMPACT ANALYSIS

Merger

Justification if merger required: [n/a](#)

Check if N/A

Deed Covenant

Non-building lot being created? Y N

If Yes and lot is not being merged by condition, no PBs? Or no structures at all? Justification: **n/a**

Easement

Easement proposed or required? Y N

If Y, consult with Legal for conditions. Justification: **n/a**

Construction Location and Size (may be different for each subdivision lot)

Is new development (other than oswts) being authorized without further Agency review? Y N

→ If Y: Structure height limit and justification: **As proposed and reviewed on Project Plans**

Structure footprint limit and justification: **As proposed and Reviewed on Project Plans**

→ If N:

→ Acceptable development sites identified for all subdivision lots with PB allocation? Y N

→ Review of future development required? Y N

→ If Y, justification: **n/a**

Guest Cottages (if authorizing a dwelling)

Check if N/A

Proposed and reviewed? Y N

If N, guest cottages potentially allowed? Y N

→ Justification for any conditions: **n/a**

Boathouses (if project site contains shoreline)

Check if N/A

Proposed and reviewed? Y N

If N, boathouses potentially allowed? Y N

→ If N, justification: **n/a**

→ If Y, review required (beyond definition limits)? Y N

→ If Y, justification: **n/a**

Docks (if project site contains shoreline)

Check if N/A

Proposed and reviewed? Y N

Y N

If N, docks potentially allowed? Y N

Y N

→ If N, justification: **n/a**

→ If Y, review required (beyond definition limits)? Y N

→ If Y, justification: **n/a**

Outdoor Lighting (if authorizing development)

Check if N/A

Plan proposed and reviewed? Y N

Building Color (if authorizing development)

Check if N/A

If color condition required, justification: **Minimize visual impacts resulting from development**

Tree Cutting / Vegetation Removal

Town with Northern Long-Eared Bat occurrences? Y N

Indiana Bat habitat indicated on Lookup? Y N

Vegetative cutting restrictions required? Y N

If Y, restrictions required (choose all that apply):

within - feet of limits of clearing
 within 100 feet of road
 within - feet of river/lake/etc
 within - feet of wetlands
 Other: 200 feet to the north of the lease area
OR on entire site outside limits of clearing

Extent of cutting restriction necessary within the area noted above:

Cutting of all vegetation prohibited
 Cutting of trees of - diameter dbh prohibited
 Other: n/a

Justification: Reduce visual impacts from the project as viewed by the public traveling on NYS Route 30 and ensure wetland protection and function.

Plantings

Plan proposed and reviewed? Y N

If N, plantings required? Y N

→ If Y, species, number, location, and time of year: As proposed and reviewed

PLANT SCHEDULE						
	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER
TREES						
	AR	17	ACER RUBRUM	RED MAPLE	1" CAL.	B&B
	PG	8	PICEA GLAUCA	WHITE SPRUCE	5'-7' HT.	B&B
	TS	21	THUJA OCCIDENTALIS 'SMARAGD'	EMERALD GREEN ARBORVITAE	5' HT.	B&B
SHRUBS						
	AS	23	ALNUS SERRULATA	SMOOTH ALDER	18-24" HT.	CONT.
	IG	10	ILEX GLABRA	INKBERRY HOLLY	12-18" HT.	CONT.
	SD	33	SALIX DISCOLOR	PUSSY WILLOW	18-24" HT.	CONT.
	SC	30	SAMBUCUS CANADENSIS	AMERICAN ELDERBERRY	18-24" HT.	CONT.
SYMBOL	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER
GROUND COVERS						
		6,632 SF	WETLAND SEED MIX			

Justification: Minimize visual impacts, restore any lost wetland function, stabilize disturbed soils

Density (may be different for each subdivision lot)

Located in Town with ALLUP? Y N (If Y, STOP, Town oversees density.)

Authorizing PB on substandard-sized lot created pre-2000 with no permit? Y N

If N and N, list existing PBs, including whether they are pre-existing/year built: Auto repair shop 1970

Mathematically available # of new PBs (in addition to existing or replacement): 1 (See P2025-0096)

Extinguishing PBs? Y N If Y, number: n/a

Wastewater (if authorizing construction of a new PB without further review)

Check if N/A

Municipal system connection approved?	<input type="checkbox"/> Y <input type="checkbox"/> N
Community system connection approved by RASS?	<input type="checkbox"/> Y <input type="checkbox"/> N
Proposed on-site system designed by engineer and approved by RASS?	<input type="checkbox"/> Y <input type="checkbox"/> N
If N, has RASS field-verified location for conventional standard trench system?	<input type="checkbox"/> Y <input type="checkbox"/> N
If N, has RASS field-verified location for conventional shallow trench system?	<input type="checkbox"/> Y <input type="checkbox"/> N
Suitable 100% replacement area confirmed for existing / proposed system?	<input type="checkbox"/> Y <input type="checkbox"/> N
Consult with RASS for additional conditions.	<input type="checkbox"/> Y <input type="checkbox"/> N

Stormwater Management (if authorizing development) Check if N/A

Consult with RASS for conditions. Condition required if authorizing development within 100 feet of wetlands or greater than 1 acre disturbance; condition possibly required in other circumstances too.

Justification: **Less than 1 acre of disturbance**

Erosion and Sediment Control (if authorizing development) Check if N/A

Consult with RASS for conditions. Condition required if authorizing development within 100 feet of wetlands or greater than 1 acre disturbance; condition possibly required in other circumstances too.

Justification: **Minimize erosion of soils and avoid sedimentation of nearby wetlands**

Infrastructure Construction (if authorizing development) Check if N/A

Construction necessary before lot conveyance: **n/a**

Justification: **n/a**

For permits that will not include conditions related to Building Color, Vegetation Removal, or Plantings

Explain why no condition is needed: **n/a**

Additional Site / Project-Specific Concerns / Conditions Needed

Invasive Species Control, Wetland Restoration and Reporting, Documentation of Construction, Confirmation of Completion, and Decommissioning

Justification: **Minimize spread of invasive species within the Adirondack Park resulting from development activities, Restore lost wetland function and confirm successful completion, verify visual impact analysis, and ensure compliance with the NYS Uniform Code and effective decommissioning**

Y N **Public comments received** If Yes, #: 135

Y N **Applicant submitted response (notes, if any)** A total of 135 individual comments were submitted to the Agency during the comment period held beginning 12/13/2025 and ending 1/8/2026. Six were in support of the project. Most comments cited concerns or were in direct opposition to the project. An online petition was also provided containing an additional 400+ signatures at the close of comment period. Concerns raised generally fell into the following categories: Public Safety, Lack of Public Benefit, Environmental Risk, and Location.