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and Counsel**

Via Email

March 20, 2026

Barbara Rice
Executive Director
New York State Adirondack Park Agency
P.O. Box 99
Ray Brook, NY 12

**RE: Apparent Violations of the APA Act
87 Hale Hill Lane, Town of Lewis, Essex County
Diversified Upstate Enterprises, LLC,
Unconventional Concepts, Inc. and Michael Hopmeier**

Dear Executive Director Rice:

Protect the Adirondacks (“PROTECT”) respectfully submits this letter to inform the Adirondack Park Agency (“APA”) of activities occurring at property located at 87 Hale Hill Lane in the Town of Lewis, Essex County (the “Site”), owned by Diversified Upstate Enterprises, LLC, Unconventional Concepts, Inc., and/or Michael Hopmeier (the “Owners”), that appear to violate the APA Act and the terms of the existing APA permit.

As set forth in the affirmations and supporting materials accompanying this submission, the Owners have conducted activities at the Site including drone testing and military-style training exercises involving automatic weapons fire and low-flying helicopters. These activities have occurred on multiple occasions over and in close proximity to numerous private residences, as well as near the Jay Mountain Wilderness Area, Hurricane Mountain Wilderness Area, and Taylor Pond Wild Forest.

The current APA permit for the Site authorizes a greater than 25% expansion of an existing commercial use, limited to the installation of fourteen tents. It does not authorize outdoor drone testing, military training exercises, or the use of helicopters in the manner that has taken place. Moreover, public statements by one of the Owners confirm that helicopters have landed at and taken off from the Site to transport personnel. The Site is not permitted for use as an airport.

Protect the Adirondacks

PO Box 48, North Creek, NY 12853 518.251.2700

www.protectadks.org info@protectadks.org

Like Us on Facebook and on Instagram/Threads @ProtectAdkPark

In light of these facts, PROTECT respectfully requests that APA initiate an enforcement proceeding against the Owners for apparent violations of the APA Act.

The Site

The Site consists of approximately 363 acres classified as Rural Use on the Adirondack Park Land Use and Development Plan Map and includes substantial wetland acreage. It is comprised of two parcels identified as Tax Map Section 38.1, Block 1, Parcel 4.100 and Tax Map Section 38.1, Block 1, Parcel 29.000.

The Site contains a former missile silo (480,900 square feet) and three Quonset huts (measuring 4,000, 192, and 5,600 square feet in size), and an airstrip. Numerous private residences are located nearby. In addition, the Jay Mountain Wilderness Area, Hurricane Mountain Wilderness Area and Taylor Pond Wild Forest are in close proximity to the Site.

The Existing APA Permit

By letter dated June 9, 2023, the Owners' attorney, Matthew Norfolk, Esq., submitted an application for "Commercial and/or Industrial Uses" seeking approval for a greater than 25% expansion of the existing commercial use at the Site involving installation of fourteen temporary storage tents (the "Application"). A copy of pertinent portions of the Application is annexed as **Exhibit A**.

The Application stated that the tents would be used for storage and indoor operation of small drones and related equipment, and that there would be no customers or visitors and no expansion of operating hours. Application at 3-4. According to the Application, the fourteen tents would be installed at three locations at the Site: two tents at the missile silo; five tents in a clearing identified as "Dowel Clearing;" and seven tents at the airstrip. *Id.* Appendix D. The Site does not contain a water supply system or a wastewater treatment system. *Id.* at 9-10.

APA issued Permit No. 2023-0111 on November 9, 2023 (the "Permit"), authorizing "the installation of up to 14 tents for storage and operations related to an existing consulting firm." A copy of the Permit is annexed as **Exhibit B**.

The Permit specifies that "[i]n 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 [the APA] Act, Freshwater Wetlands Act and the [APA] implementing regulations." Permit at 3.

Violations of the Permit and APA Act

Evidence indicates that, beginning prior to issuance of the Permit and continuing through at least September 2025, the Owners have engaged in activities that apparently violate the Permit, require additional APA permits, or both. These activities include:

- In September 2023, a Town of Lewis resident informed APA that she had witnessed drones flying outdoors "very close" to her house; helicopters flying so close to her house at 2:00

a.m. in the morning that “they lit up our whole property;” and she observed a truck filled with men in tactical military gear on a local road. *See* email from Emma Jean OKusky to APA (Sept. 6, 2023), annexed as **Exhibit C**.

- Another Town of Lewis resident informed APA in September 2023 that she had witnessed helicopters “flying very low over our house with extreme noise and bright floodlights” lasting from 10:30 p.m. until 4:00 a.m. on March 24-25, 2023. *See* email from Lanita S. Canavan to APA (Sept. 5, 2023), annexed as **Exhibit D**.
- During the period September 10-18, 2025, the Owners used the Site as the base of operations for a week-long military training exercise involving significant numbers of personnel as well as automatic weapons fire and the operation of helicopters. The automatic weapons fire was clearly heard by nearby residents, and the helicopters flew so close to nearby residences that the houses vibrated and shook. *See* Affirmation of April Guilder, sworn to on March 19, 2026 (annexed as **Exhibit E**); Affirmation of Brian Crowningshield, sworn to on March 19, 2026 (annexed as **Exhibit F**).
- One of the Owners, Michael Hopmeier, publicly acknowledged in a guest commentary published in the Adirondack Daily Enterprise that during the September 2025 military exercises, “[a]ircraft landed briefly [at the Site] to discharge personnel, departed and then briefly returned to land and pick up personnel.” *See* M. Hopmeier, Open letter about the forum on the missile silo, Adirondack Daily Enterprise (Oct. 29, 2025) annexed as **Exhibit G**.
- Mr. Hopmeier has publicly stated that he has no plans to discontinue using the Site as a base of operations for future military training exercises. *See* T. Rowland, Lewis residents push back against military exercises, Adirondack Explorer, (Oct. 17 2025) annexed as **Exhibit H**.

The environmental and community impacts of these activities are significant, including widespread noise and light pollution and the creation of a “war zone” atmosphere that interferes with and intrudes on the local residents’ quiet enjoyment of their homes. Moreover, such activities have no place in the Adirondack Park and are plainly incompatible with lands classified as Rural Use. *See* Executive Law § 805(3)(f)(1) (specifying that Rural Use areas “are characterized by a low level of development and variety of rural uses that are generally compatible with the protection of the relatively intolerant natural resources and the preservation of open space . . . [and] provide the essential open space atmosphere that characterizes the park.”).

In addition, the unpermitted activities are likely to have substantial adverse impacts on the significant wetland acreage present on the Site. The use of military vehicles and aircraft in proximity to wetlands can cause sedimentation and contamination with fuel and other substances. Moreover, there are significant sanitation concerns given the large number of personnel involved in the exercises and the lack of any wastewater treatment system at the Site.

It is logical to assume that the Owners are receiving compensation for both their drone research and use of the Site as a base for military exercises. As such, these activities qualify as a

“commercial use” for which an APA permit is required. *See* Executive Law § 802(17) (defining “commercial use” as “any use involving the sale or rental or distribution of goods, services or commodities, either retail or wholesale, or the provision of recreation facilities or activities for a fee other than any such uses specifically listed on any of the classification of compatible uses lists.”).

Moreover, the use of the Site for the landing and taking off of aircraft requires an APA permit as a class A regional project. *See* Executive Law § 810(1)(d)(8) (listing commercial and private airports as a class A regional project).

These activities also apparently violate the provisions of the current Permit that:

- Limit drone activity to indoor use within tents;
- Do not authorize aircraft operations;
- Do not authorize large-scale personnel gatherings or training exercises;
- Do not permit weapons use or helicopter operations on or off the Site in proximity to private residences.

Conclusion

In light of the above, PROTECT respectfully requests that APA initiate an enforcement proceeding against the Owners for the apparent violations of the APA Act and the Permit set forth above.

Sincerely,



Christopher Amato
Conservation Director and Counsel

cc: Art Lussi, Chair, APA Enforcement Committee
Matt Robinson-Loffler, APA Associate Counsel
John Burth, APA Deputy Director for Regulatory Programs
Matthew Norfolk, Esq.

EXHIBIT A



June 9, 2023

RECEIVED,
ADIRONDACK PARK AGENCY
JUN 09 2023

Hand Delivered

Adirondack Park Agency
Division of Regulatory Programs
1133 NYS Route 86
PO Box 99
Ray Brook, New York 12977

Re: Application for Commercial and/or Industrial Uses

To whom it may concern:

We represent Michael Hopmeier, Unconventional Concepts, Inc., and Diversified Upstate Enterprises, LLC. Submitted herewith kindly find three copies of our client's Application for Commercial and/or Industrial Uses.

If you have any questions concerning this application, please do not hesitate to contact us.

Sincerely,

Norfolk Beier PLLC


By:


Matthew D. Norfolk, Esq.

MDN:mbm

Encs.

cc: Mr. Michael Hopmeier

<p>ADIRONDACK PARK AGENCY Division of Regulatory Programs PO Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Telephone (518) 891-4050 www.apa.ny.gov</p>	<p>JUN 09 2023</p>  <p>Adirondack Park Agency</p>	<p>APPLICATION FOR COMMERCIAL AND/OR INDUSTRIAL USES</p>
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Applicability: This application is for an Adirondack Park Agency permit for new or expanded commercial uses and/or industrial uses. Commercial uses include stores, offices, lodging facilities, warehousing and distribution facilities, commercial maintenance facilities, tourist attractions, recreational facilities available for a fee, and other types of retail or commercial service establishments. Industrial uses include the manufacturing, production or assembly of goods or materials and associated waste disposal areas. It is the appropriate application for saw mills, pallet mills, chipping mills and similar wood using facilities. Please note that for a new commercial use in an existing commercial use structure, General Permit 2010G-3 is available and may be applicable.

Instructions: Please answer all of the questions in each numbered section and provide all applicable attachments. Questions 31-35 need only be answered for industrial uses as instructed. Type or print clearly in ink. **Submit three completed copies of this application and all required attachments to the Agency at the above address.** A site visit by Agency staff will also be required. The Agency may also request additional information based on the information contained in the application.

The Adirondack Park Agency Act provides that the time period for the review of this project will not begin to run until the Agency determines that the application is complete. If the application is not complete, a request for additional information will be issued within 15 days of receipt of the application, indicating which information is still required for a complete application. The proposed project may not be undertaken until an Agency permit has been issued.

Assistance: For assistance in completing this application or to request a pre-application meeting, please contact the Agency's Regulatory Programs division at the above address/telephone number and/or refer to the Agency's website.

1. Project Sponsor(s)*:

Name(s): Michael Hopmeier
On behalf of Unconventional Concepts, Inc.
Mailing Address: 17 Racetrack Rd. NW, Ste E
Fort Walton Beach, FL 32547
Telephone (Daytime): 703-870-7211
Fax/E-mail: hopmeier@unconventional-
inc.com

2. Current Property Owner(s): (if different than Project Sponsor)**

Name(s): Diversified Upstate Enterprises, LLC
Mailing Address: 17 Racetrack Rd. NW, Ste E
Fort Walton Beach, FL 32547
Telephone (Daytime): 703-870-7211
Fax/E-mail: hopmeier@unconventional-
inc.com

* A project sponsor is a person having legal interest in property who makes application to the Agency for the review of a project proposed on such property. Documentation demonstrating such legal interest must be provided such as a current deed or purchase contract.

** List all names on the current deed of record.

3. Project Sponsor's Authorized Representative:

By filling in the name and address below and signing this application, the project sponsor is authorizing the person named below to act as his/her agent in all matters relating to this permit application before the Adirondack Park Agency. The project sponsor acknowledges that all contact regarding the application will be through his/her Authorized Representative. The project sponsor is, however, ultimately responsible for the accuracy of the information contained in this application and for compliance with all terms and conditions of any permit issued to him/her by the Agency.

Name: Matthew D. Norfolk, Esq.
Mailing Address: 1936 Saranac Avenue, Suite 106, Lake Placid, New York 12946
Telephone (daytime): 518-302-8080 Fax/E-mail: mnorfolk@norfolkbeier.com

4. Project Site Location/Identification (a project site is generally considered to be all adjoining properties owned by the current landowner(s) including properties separated by a public road):

Road/Highway: Hale Hill Lane
Nearby Waterbody: Church Brook and Bouquet River
Town(s): Lewis County: Essex
Size: Approximately 380 acres

Tax Map Designation (from the tax bill for the property):

Section: 38.1 Block: 1-4 Parcel: 100
Section: 38.1 Block: 1-29 Parcel: 000
Section: 38.1 Block: 1-1 Parcel: 5.220

5. Project Sponsor's Legal Interest in Project Site (check the one that applies):

owner signed purchase agreement holder
 lessee option holder other (Identify: Member of Property Owner)

6. Subdivision of Land:

Will the project require the subdivision of land to create the building lot or building site?

No
 Yes. If yes, answer the following:

What is the size of all lots to be created?

Lot #1 N/A acres Lot #2 N/A acres *Lot #3 N/A acres
(*May require separate application for 3 to 15 Lot Subdivisions)

7. Prior Agency Contact:

a) Has there been any previous contact or discussions with Agency staff regarding this project or project site, or has Agency staff visited the project site?

No
 Yes. Staff person's name: Matthew B. Brown
Date of contact: May of 2023

- b) Has the project or project site been the subject of a past Agency action (e.g., permit, variance, jurisdictional inquiry, enforcement case or wetland flagging)?
___ No, Not that I'm aware of
 Yes. If yes, provide the number and date:

Permit/Variance/Order Number: P2019-0235 date: 02/13/20

Jurisdictional Inquiry Number: J2023-0396 date: 05/25/23

Enforcement Case Number: _____ date: _____

Wetland Boundary Flagging*: _____ date: _____

*** If possible, seek consultation with Agency staff regarding the potential location of wetlands on the project site prior to submitting application form.**

PROJECT PROPOSAL

8. Detailed Project Description:

- a) Provide a detailed written description of the intended commercial/industrial activities or services to be provided: **Use for storage of specialized simulation vehicles and operating equipment, coupled with standoff detection of signatures of various items and subjects of interest supporting national security needs. For example, small remote-control drones of the size typically sold retail to the public (small) will be used in the tents.**
- b) Provide a detailed written description of the major site development elements of the project (e.g., new building, parking for 32 cars): **Applicant wishes to install temporary tents structures consisting of a free-standing open pole framework covered by flexible fabric such as canvas or PVC. The purpose of the tents is to store lumber, operating supplies, and vehicles used for forestry support, lawn/field care (mowing), to protect projects and equipment from weather and overhead imagery and other projects as stated above. (e.g., various projects ranging from indoor operation of drones requiring access to GPS and other RF signals) Installation sites will be chosen to minimize removal of existing trees and site preparation and will make extensive use of natural clearings. This is to ensure minimal impact on the existing property. The sites selected will also be naturally flat, which minimizes the need for site preparation and impact on nearby areas. The structure dimensions are provided in Attachment D. Structures will be purchased as field installable kits designed to be rapidly erected and disassembled when no longer needed. Field tents and structures are a commodity item and are readily available in a wide array of dimensions and structural designs. Those temporary, commercially available, systems will be used. (Note: the application herein involves three adjacent and contiguous parcels as seen in Attachments C and D.)**
- c) Provide a detailed written description of the need for the selected project design and describe what, if any alternatives were considered and the reasons for rejection of each alternative: **Current structures are insufficient for storage to meet operational needs. No other options exist short of construction of permanent structures, which is economically impractical.**

9. Operational Maintenance of the Site:

Identify who will be responsible for the operational maintenance of the commercial/industrial use:

Name: Unconventional Concepts, Inc.
 Address: 17 Racetrack Road, NW, Suite E, Fort Walton Beach, Florida 32547
 Telephone Number: 703-870-7211

10. Periods of Operation:

- a) Describe the hours, days of the week and seasons that you plan to operate your facility at the initial period of full operation: **Storage of equipment would be daily. Analysis and testing projects would have no set schedule.**
- b) If you anticipate expanding your periods of operation within the next five years, please describe the probable future hours, days of the week and seasons that you may operate the facility: **None planned.**

11. Planned Level of Activity at Full Operation:

Complete the following table for anticipated numbers of customers/visitors at full operation.

Customers/Visitors	Spring	Summer	Fall	Winter
Maximum Number/Day	None	None	None	None
Average Daily Total	None	None	None	None
Season Total	None	None	None	None

12. Traffic:

Complete the table for anticipated traffic at full operation during the busiest season.

Traffic	Monday to Friday	Saturday and Sunday
Peak Hours of Traffic	9 a.m. – 10 a.m. (arrival of staff)	None
Number of Cars/Trucks at Peak Period	10 or less for staff	None
Number of Buses at Peak Period	None	None

13. Deliveries and Shipments:

Will your facility be shipping or receiving any raw materials, supplies or other goods or products?

- No
 Yes. If yes, please answer the following questions:

- a) Type of materials, supplies or goods to be shipped/received: **Operating supplies and equipment, mostly from commercial vendors such as Amazon. No bulk supplies or materials anticipated.**
- b) Type of shipping/delivery vehicles: **Commercial carrier**
- c) Average number of deliveries per day: **1**
- d) Hour of earliest delivery: **8:00 a.m.**
- e) Hour of latest delivery: **4:00 p.m.**
- f) Type and number of delivery vehicles that will stay on site overnight: **0**
- g) Location on site where deliveries will be received: **Via driveways existing on silo property or farmhouse property using existing driveway.**
- h) Location on site where deliveries will be stored: **Existing structures and tents proposed.**

14. Project Employment and Other Benefits:

- a) Construction: Describe the number of persons that will be employed in constructing the project and the average number of weeks workers will be employed:

Year-round:

Part-time <u>4</u>	Avg. # Weeks <u>20</u>
Full-time <u>3</u>	Avg. # Weeks <u>4</u>

Please provide the anticipated payroll during construction: **no more than \$100,000.00**

- b) Operation/Occupancy: Describe the number of proposed part-time and full-time year-round and seasonal employees at full operation:

Year-round:

Part-time <u>2</u>	Avg. # Weeks <u>50</u>
Full-time <u>4</u>	Avg. # Weeks <u>50</u>

Seasonal:

Part-time <u>None</u>	Avg. # Weeks <u>None</u>
Full-time <u>None</u>	Avg. # Weeks <u>None</u>

Please provide the anticipated payroll at full operation/occupancy: **\$1,000,000.00**

- c) Commercial, industrial, residential, recreational as well as other benefits may be derived by a project. For example, a new commercial/industrial use might provide benefits to the community by filling a need for specific goods or services not currently available, providing goods or services that support existing commercial/industrial uses, or generating economic growth by promoting the need for additional new commercial/industrial uses. Please describe any potential benefits to be derived from the project including general services improvements to the community.

15. Real Property Tax:

- a) What is the current assessment of the project property? **\$1,028,900 total**
- b) Are any tax abatements proposed?
 No
 Yes

16. Project Costs:

Provide approximate cost estimates for the proposed project, including:

- a) site acquisition costs (if any): 0
- b) annual lease costs (if applicable): 0
- c) construction costs for site access and preparation, construction of principal buildings and associated accessory structures, parking areas, utilities, and other site development: **No more than \$100,000**
- d) annual maintenance and operation costs: **Unknown (Costs, if any, would be repairs or maintenance of proposed tents.)**

17. Site Plan Map:

A detailed, to-scale Site Plan Map is required for each commercial/industrial use application. The Site Plan Map may be combined with the survey or deed plot required by Section 38, as **ATTACHMENT D**. Site Plan Maps should be prepared by an appropriately qualified person to so act in the State (i.e., licensed surveyor, engineer, architect or landscape architect). The Site Plan Map is the best way to show what you propose to do on the project site.

Provide a Site Plan Map drawn to scale of one inch equals 20 or 40 feet, which is clearly labeled with the map scale, north arrow, date of preparation and name of preparer. Show and label all of the following within the proposed project limits for each area of proposed construction:

a) Existing Conditions:

Natural resources, including all:

- 1) waterbodies, including ponds, rivers and permanent and intermittent streams;
- 2) wetlands (to be delineated by Agency staff or by trained professionals with review by Agency staff);
- 3) floodplain boundaries and elevation of the 100-year floodplain;
- 4) areas of bedrock at or near the surface;
- 5) boundaries of existing vegetation cover types (e.g., forested, field, agricultural);
- 6) topographic contours at 2-foot intervals;
- 7) natural swales and drainage features; and
- 8) any special plant or animal habitats contained on the NYSDEC Natural Heritage database.

Existing human-made resources, including all:

- 1) principal and accessory buildings (label size, use and materials);
- 2) retaining walls, fencing and other structures;
- 3) public roadways, bridges, railroads, and parking lots (label size and materials);
- 4) intersecting private roadways and driveways (label size and materials);
- 5) sidewalks, stairways and other pedestrian facilities (label size and materials);
- 6) boat docks, fishing piers and other waterfront facilities (label size and materials);
- 7) culverts, headwalls, ditches, settling basins and other stormwater management facilities (label size and materials);
- 8) overhead and underground public utilities located within the right-of-way (ROW);
- 9) guide rails and signs; and
- 10) property lines, lot lines and easement lines, and ROW lines of all municipal, county and State highways.

- b) Proposed Conditions, including all:
- 1) new principal and accessory buildings (label use, size, and materials);
 - 2) retaining walls, fencing and other structures (label size and materials);
 - 3) all new roadway and parking areas (label size and materials);
 - 4) new sidewalks, stairways and other pedestrian facilities (label size and materials);
 - 5) proposed property lines, lot lines, and easement lines;
 - 6) construction limit lines;
 - 7) grading limit lines and final grading shown at 2-foot intervals;
 - 8) permanent stormwater management facilities (label size and materials);
 - 9) new or relocated private and public utilities;
 - 10) new guide rails and signs;
 - 11) fuel and bulk chemical storage and dispensing facilities;
 - 12) docks, bulkheads, piers and other waterfront facilities;
 - 13) temporary access roads and work pads;
 - 14) temporary stream diversions;
 - 15) limits of vegetative cutting; and
 - 16) new landscape development, limits of wetland fill and wetland mitigation areas.

PROJECT DETAILS

18. Proposed Construction and Operation Dates:

- a) Estimated Start of Construction Date: **July 2023**
- b) Estimated Construction Completion Date: **September 2023**
- c) Estimated Start of New or Expanded Commercial/Industrial Use Date: **September 2023**

19. Proposed Site Access:

- a) Describe the location, type of material, and size of any proposed temporary construction access drives to the project site:

 No temporary access drives
- b) Describe the location, type of material, and size of any proposed permanent roads and driveways within the project site: **As denoted on the map, using local compressed gravel for enhanced support**
- c) Will the project require a highway work permit from county transportation departments or New York State Department of Transportation (NYSDOT)?
 No
 Yes. If yes, provide plans, details and specifications for all temporary and permanent roads and driveways. Attach a copy of the county or NYSDOT Highway Work Permit if one is required.

20. Proposed Buildings and Structures:

- a) Are there buildings on the total contiguous landholding now owned by the present landowner?
 No
 Yes. If yes, provide the following information (attach additional sheets if necessary): **(See Attachment C - Property Description Reports for Tax Map ID #38.1-1-4.100; #38.1-1-29.000 and #38.1-1-5.220)**

Date of Construction	Size (square feet)	Height (feet)	Type/Use (e.g., rental cabin, store, warehouse)
See above	TBD	Under 30 ft	Temporary tent used for storage and protection. Multiple tents of various sizes.

Describe any other structures which existed on the property as of August 1, 1973 which have since been removed or destroyed and their use (e.g., residential, commercial). Include the date that the structure was removed or destroyed: **Multiple structures and facilities, but details unknown. Existed prior to current owner and few or no written records exists, only prima facie evidence of their existence -- Silo.**

 Check if no buildings or structures have been removed or destroyed since August 1, 1973. (None known.)

b) Will any buildings or other structures be demolished, replaced or constructed new as part of this project?

No

Yes. If yes, describe:

c) Provide construction plans and details for all proposed commercial, industrial, warehouse, storage and other accessory buildings; bulkheads, piers, docks or other waterfront facilities; or fencing, sidewalks, stairways or retaining walls that will be constructed as part of the project. Show plans and elevations and label dimensions, construction materials and exterior colors. **See Attachment D.**

21. Exterior Parking:

a) Describe the number and location of *existing* vehicle, boat, trailer, or airplane parking spaces on the existing property: **There are no defined spaces as it is open land.**

b) Describe the number and location of all *proposed* vehicle, boat, trailer or airplane parking spaces: **No specific places will be delineated. No increase in parking is anticipated expect possible employee parking.**

c) Show and label all existing and proposed parking areas on a separate parking plan or on the Site Plan Map. Provide construction plans and details for all parking areas.

22. Proposed Outside Storage:

Will the project involve outside storage of inoperable vehicles, construction materials, equipment, raw materials or finished goods after the project is constructed?

No

Yes. If yes, describe the type and location of materials or objects to be stored:

23. Fuel Storage and Handling:

Will the project involve the storage and dispensing of motor, heating, or jet fuels, process chemicals and/or raw materials?

No

Yes. If yes, provide the following information:

- a) Describe the type, volume, method of storage and manner in which fuels, process chemicals and/or raw materials will be dispensed (e.g., material will be stored in closed aboveground silos and will be pumped into the industrial plant via pipes) and location of all fuel and bulk chemical storage and dispensing facilities:

- b) Provide plans and details for all fuel storage and dispensing facilities. Show and label the facilities on the Site Plan Map. If applicable, provide a copy of the NYSDEC Tank Registration for each tank.

24. Wastewater Treatment Systems:

a) Type of existing system:

None

Community

Municipal (Operating Entity) _____

Existing wastewater flows _____ gallons/day

Individual on-site system

Describe type and size of existing absorption area:

b) Type of new, replacement or expanded wastewater treatment system:

None

Community

Municipal (Operating Entity) _____

Individual on-site system

Describe type and size of system:

- c) Provide detailed plans for any new, replacement or expanded wastewater treatment system(s) prepared by an engineer licensed in the State of New York. If an on-site system is proposed and unless otherwise instructed by Agency staff, show at a minimum:
- 1) soils test pit location and data;
 - 2) percolation test hole location and results taken within the proposed absorption area(s);
 - 3) details on design of the system (application rate and number of bedrooms, etc.);
 - 4) size and type of septic tank;
 - 5) pumping station (if necessary);
 - 6) distribution box; and
 - 7) soil absorption system.

25. Proposed Water Supply Systems:

- a) Type of existing system:
 None
 Community
 Municipal (Operating Entity) _____
 Individual on-site system
- b) Type of new, replacement or expanded system:
 None
 Community
 Municipal (Operating Entity) _____
 Individual on-site system
- c) Show and label on the Site Plan Map the location of any on-site well or, if a community or municipal system, the distribution piping.

26. Other Public Utilities:

- a) Type of other existing utilities:
 Natural Gas (Operating Entity) _____
 Electric (Operating Entity) NYSEG
 Telephone (Operating Entity) _____
 Other (Operating Entity) _____
- b) Type of new, replacement or expanded system:
 None
 Type _____ (Operating Entity) _____
 Type _____ (Operating Entity) _____
- c) Show and label on the Site Plan Map all existing and proposed public utilities.
None

27. Exterior Lighting:

Will the project involve new exterior site lighting that will be freestanding or attached to existing or proposed buildings?

No

Yes. If yes, provide a Lighting Plan as follows:

- a) Show the location of and label all exterior light fixtures on the Site Plan Map or on a separate to-scale lighting or utility plan.
- b) Provide plan and elevation views and construction details of all freestanding light standards. Show the foundation, the light standard, the light fixtures, and any shielding that will restrict projected light from being seen off-site.
- c) Provide manufacturers specifications and details describing:
 - 1) the size, color, and type of light standards and light fixtures;
 - 2) bulb types and wattages;
 - 3) surface area lit by each light; and
 - 4) shields and reflectors.

28. Exterior Signing:

Will the project involve any new exterior signing?

No, other than state mandated property ownership and no trespassing signage.

Yes. If yes, provide a Sign Plan as follows (the sign plan must comply with 9NYCRR Appendix Q-3 – Standards for Signs Associated with Projects):

- a) Show and label on the Site Plan Map, or on a separate Sign Plan, the number, location, and orientation of all exterior signs.
- b) Provide to-scale details and specifications for each proposed outdoor sign that includes at a minimum:
 - 1) width and height from ground surface to top of each sign;
 - 2) construction details and materials;
 - 3) proposed text, color scheme, logos or other graphics; and
 - 4) details of any raised foundations, planters or retaining walls.

29. Proposed Landscape Development:

Will the project involve landscape development (e.g., planting of trees and shrubs for screening, aesthetics or erosion control or establishment of turf areas)?

No

Yes. If yes, provide a Planting Plan as follows:

- a) Provide and label on the Site Plan Map or a separate plan the location of all proposed planting. Provide a keyed list that provides the species and common names, sizes, and whether the plants are nursery grown or field collected. (Note: The planting plan should only include native species or ornamental plants commonly found in the vicinity of the project site).
- b) Provide specification, typical planting details, and seed mixes for temporary and permanent grassed areas.

- c) Provide a plan for maintenance and care of all plantings during the initial period of establishment and during the post-construction warranty period.

30. Use of Herbicides, Pesticides, Fertilizers, Sand and Salt:

Will the operation of the project involve the use of herbicides, pesticides, fertilizers, sand or salt?

No

Yes. If Yes, please provide the following information:

- a) Describe the type, proposed areas of use, storage and handling of all products:
- b) If using herbicides or pesticides, provide copies of all product labels.

INDUSTRIAL USES ⁽¹⁾: (answer questions 31-35) N/A

31. Operating Profile - Products and By-products:

- a) Describe the primary product(s) to be created through this industrial activity:
- b) What are the anticipated volumes of production in numbers of units, tons, cases or other measures?
- c) Will there be salable by-products? If yes, please describe and provide anticipated volumes:
- d) Provide an overview of the production process:

32. Operating Profile - Raw Materials and Process Materials:

- a) What raw materials will be used in production and in what volumes?
- b) What process chemicals or other process materials will be used in production and in what volumes?
- c) Will the production process involve the use of water and/or process heat? If so, provide details:

⁽¹⁾ Industrial uses include the manufacturing, production or assembly of goods or materials and associated waste disposal areas. These questions should also be answered for saw mills, pallet mills, chipping mills and similar wood using facilities.

33. Operating Profile - Waste Materials:

- a) What liquid and/or solid wastes will be produced as a result of production? In what volumes?
- b) Detail how wastes will be stored and disposed of. Any outside storage or disposal facilities should be shown on the Site Plan Map.
- c) Indicate whether you have applied for a NYS Department of Environmental Conservation (NYSDEC) Article 19 air pollution control permit, an Article 17 SPDES (water discharge) permit, or any other permits (if required).

34. Operating Profile – Machinery:

- a) Provide a list of all major installed and mobile equipment and the noise decibel levels of each.
- b) Identify on the Site Plan Map the expected operating location(s) of any outside mobile equipment and any installed equipment with through-the-wall openings to the outside (e.g., debarkers or chippers).

35. Operating Profile - Periods of Operation:

- a) Indicate the expected hours of operation and number of days per week that the facility is expected to operate.
- b) How many work shifts are anticipated? Indicate the expected starting hour for each.
- c) Are changes in numbers of shifts, overall operating hours, or number of operating days expected as the operation matures?

PROJECT SITE DOCUMENTATION

36. Deed(s):

Provide, as **Attachment A**, a complete copy of the current recorded deed(s) for the project site containing the recording information. Copies are available from the County Clerk's Office. Also, if the project sponsor has an executed contract or agreement to purchase or lease the project site, please provide a copy of it in order to establish the sponsor's legal interest in the project site. (The purchase price and other confidential information may be blackened out.)

37. Adjacent Properties:

Provide, as **Attachment B**, a complete and current list of the names and addresses of all landowners whose property adjoins the project site with the tax map references (tax map section, block, and parcel numbers) based on the latest completed tax assessment roll. This list must include landowners whose property would otherwise adjoin the project site but is located across a public road or right-of-way from the site. Attached is a sheet which should be used to provide the required list of adjoining landowners. (This information is typically available from the Real Property Tax Services at County Offices or from the Town/Village assessors.)

38. Project Site History:

As part of its review of the project, Agency staff must understand the history of the project site. If the project site was part of a larger parcel on May 22, 1973 (the enactment date of the Adirondack Park Agency Land Use and Development Plan), the exact property boundaries of the larger parcel and the size of all buildings on that date must be established.

- a) State the current acreage of all connected lands owned by the current landowner, even if the parcels have different deeds and/or tax map numbers and even if larger than the project site: 370.74 acres

- b) As of May 22, 1973, did the owner at that time own any adjoining property, including properties on the opposite sides of public roads?
 No
 Yes. If yes, provide the Tax Map References of these adjoining properties:
Section: _____ Block: _____ Parcel: _____
Section: _____ Block: _____ Parcel: _____
Section: _____ Block: _____ Parcel: _____

- c) Has any portion of the total as it existed on May 22, 1973 been conveyed, sold, given away or otherwise subdivided since that date?
 No
 Yes. If yes, provide the following information for those lots or parcels (Use a separate 8-1/2"x11" paper if necessary):

Lot Number (from current tax map)	Date of Conveyance	Lot Size (sq. ft. or acres)	Was Conveyance by Gift or Sale?
38.1-1-4.100	06/10/2020	355.08	Sale
38.1-1-29.000	06/08/2015	8.26	Sale
38.1-1-5.200	04/21/2021	7.40	Sale

Provide, as **Attachment C**, a complete copy of all recorded deeds (not just abstracts) for the above conveyances back through May 22, 1973. See also Attachment A for deeds to current owner.

Provide, as **Attachment D**, a full scale copy of a survey map or the current real property tax map clearly showing the property boundaries of the project site and any tax parcel or lot that the project site was part of on May 22, 1973.

39. Deed Restrictions and Easements:

Describe and provide, as **ATTACHMENT E**, any current deed restrictions or easements associated with the project site. See Attachment A.

Attach, as **ATTACHMENT F**, any proposed deed language that will restrict further subdivision or development on the project site and any other proposed deed restrictions or easements.

PROJECT SITE RESOURCES

40. Historic Resources:

Does the project site have any buildings that are more than 50 years old, or does the project site or surrounding area contain any structures or districts which are listed or deemed eligible to be listed on the State or National Register of Historic Places or does the project site involve any known archeological resources?

No
 Yes to any of the above criteria

If yes, provide a location map, project description, site plan map, and recent photographs keyed to the location map, which the Agency will then submit to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) as part of consultation required by the State Historic Preservation Act. Please be advised that the Agency cannot deem an application as complete until the OPRHP's determination and/or recommendations for historic resource impact mitigation have been provided to the Agency.

41. Character of the Area/Adjoining Land Uses:

Describe the natural and human made character of the nearby and adjoining land uses including the type and density of existing commercial, industrial and residential development, roads, State lands, and public recreation /open space recreational facilities (e.g., hiking trails, boat launches): Rural low density use primarily undeveloped forest. NYCO Minerals mining operation/facility.

42. Shoreline:

Shoreline means that line at which land adjoins waters of lakes or ponds or navigable (by boat or canoe) rivers and streams. There are minimum shoreline vegetation cutting restrictions, lot width, structure setbacks, sewage disposal system setback and shoreline access requirements under the Adirondack Park Agency Act and regulations implementing the NYS Wild, Scenic and Recreational Rivers System Act. These shoreline protection standards are measured from the mean high water mark (MHWM - the average of the annual high water levels). Please contact Agency staff for requirements. If the project site has shoreline and you propose construction of any kind within 100 feet of the shoreline (150 feet for Recreational Rivers, 250 feet for Scenic Rivers), the MHWM will have to be established and shown on a site plan map in order to have a complete application. At the project sponsor's request, Agency staff will determine the MHWM at the project site or you can have the determination made by a NYS licensed land surveyor. If you are unsure of navigability, please contact Agency staff.

a) Does the project site contain any navigable water?

No (If no, go to Section 43 – Wetlands)

Yes. Name of water body: _____

Length of shoreline on the project site (as it winds and turns): _____ feet

b) Is any portion of the shoreline currently being used or proposed for use by others for deeded or contractual access to the water body?

No

Yes. If yes, identify and describe all shoreline access parcels, the number of lots having access to each parcel and the dates access was granted. Also provide a complete copy of all deeds for all properties which have been granted access to the water body via a shoreline access parcel:

c) Will any vegetation be cut or removed within 35 feet of a lake or pond or navigable river or stream or within 100 feet of a designated NYS Wild, Scenic or Recreational River? (If you are uncertain whether the shoreline is along a designated river, check on the Adirondack Park Land Use and Development Plan Map, or the APA Regulations Appendix Q-6, or contact Agency staff.)

No

Yes. If yes, describe type, amount and location of vegetation to be removed:

43. Wetlands:

Are there any wetlands on the project site?

No (If no, go to Section 44 – Visual Impacts)

Yes. If yes, answer the following questions. The wetland boundaries as delineated and/or confirmed by Agency staff must be shown and labeled on the Site Plan Map. See attached APA wetlands map.

a) Are any of the activities listed below proposed to occur within the boundaries of a freshwater wetland?

No

Yes. If yes, check all that apply:

Draining; dredging; excavation; removing soil, peat, muck, sand, shells or gravel

Dumping or filling with soil, stone, sand, gravel, mud, or fill of any kind

Erecting structures, building roads or driveways, driving pilings, or placing any other obstructions

Clearcutting of more than three acres: state number of acres _____

Applying pesticides or fertilizers

Constructing a wastewater treatment system or discharging a sewer outfall

If yes, please also provide a detailed written description of the measures taken to avoid or minimize wetland impacts:

b) Will the project result in the temporary or permanent loss of any wetland acreage by filling or draining?

No

Yes. If yes, amount of acreage to be lost: _____ square feet.

c) Will any of the activities listed below occur within the 100 feet of a wetland?

No

Yes. If yes, check all that apply:

Constructing a wastewater treatment leaching or absorption facility

Applying pesticides

Conducting other activities that could impair the functions or benefits derived from wetlands, including any diversion of water or change in hydrology, or substantially increases erosion or sedimentation.

If "Yes" was checked for any of the questions in this section, a compensatory wetland mitigation plan prepared in accordance with the "New York State Adirondack Park Agency Compensatory Mitigation Guidelines" may be required. A copy of these guidelines is available on the Agency's website (www.apa.ny.gov) or upon request.

44. Visual Impacts:

Will the project involve a building, tower or other structure greater than 40 feet in height?

No (If no, go to Section 45 – Erosion and Sediment Control Plan)

Yes. If yes, will the building, tower or other structure be visible from public roads, or publicly accessible open space or recreational facilities (e.g., hiking trails, parks, canoe routes)?

No

Yes. If yes, Agency staff may direct that you prepare a "Visual Resource Assessment" report that identifies:

- a) key viewpoints from publicly accessible areas;
- b) key viewer groups; and
- c) the type, distance and duration of the view.

You will also be asked to describe efforts to mitigate adverse visual impacts and may be required to prepare visual simulations showing how the proposed building or structure will appear after construction from selected viewpoints.

45. Erosion and Sediment Control Plan:

Will the project involve clearing, grading, grubbing or excavation?

No

Yes. If yes, provide an Erosion and Sediment Control Plan. The plan shall apply to all on-site and off-site construction work areas, staging areas, on-site or off-site detours, borrow areas, and wetland mitigation sites.

- a) Provide and label all temporary and permanent erosion and sediment control practices, including but not limited to silt fence, turbidity curtains, diversion structures, seeding, soil stabilization fabrics, and stone fill. Label the plan to show the type, size, and length of these measures.
- b) Provide and label typical details, special notes and specifications for all stormwater management and erosion and sediment control facilities and practices. Describe installation and maintenance requirements. Typical details shall show the type, size, materials, and installation methods.
- c) Identify temporary practices that will be converted to permanent facilities.
- d) Provide an implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and the duration each practice is to remain in place.

46. Stormwater Management Plans:

Will the project involve a cumulative disturbance of one or more acres of land area by clearing, grading, grubbing or excavation or does the project involve a stormwater discharge to Waters of the United States?

No

Yes. If yes, you may be required to obtain coverage under the NYSDEC Stormwater General Permit. Provide a copy of your Stormwater Management Plan required pursuant to the general permit.

47. Construction Staging Areas:

- a) Describe (and show on the Site Plan Map) the location and proposed use of all on-site and off-site construction staging areas (e.g., for field office, equipment and materials storage, batch plants) for the project: **The erection of tents will take place at the location site. There will be no on-site or off-site staging areas. The tent materials will be at the location of the construction site for a short time while construction is ongoing.**
- b) Describe how the staging areas will be restored after construction completion: N/A

If the staging areas will be out of the right-of-way, provide the following information for each involved parcel:

Landowner Name: _____
 Mailing Address: _____
 Staging Area Site Location:
 Street Address: _____ Town: _____ County: _____
 Tax Map No: _____
 Telephone Number (daytime): _____

48. Solid Waste Disposal:

Describe the type, estimated quantities, methods of disposal and on-site and off-site disposal locations of all waste materials generated from the project.

Type of Waste Material	Estimated Quantity	Disposal Method	Disposal Location
Trees, stumps and other grubbed materials	None	None	None
Unsuitable and excavated existing soils	None	None	None
Construction and demolition debris	None	None	None
Asbestos, paint chips and other hazardous substances	None	None	None

If waste disposal will occur off-site, provide the following information for each involved parcel. Please note that a separate permit may be required for each off-site waste area.

Landowner Name: _____
 Mailing Address: _____
 Waste Disposal Site Location:
 Street Address: _____ Town: _____ County: _____
 Tax Map No: _____
 Telephone Number (daytime): _____

49. Other Regulatory Permits and Approvals:

The Agency cannot approve a project which has been denied a permit or which is a prohibited use under local zoning requirements and other local laws or ordinances. The Agency will also recognize community goals expressed in a formally adopted land use plan. The project should be designed to the regulatory requirements of other involved agencies.

a) Local Government Notice Form:

Provide, as **Attachment G**, a completed copy of the Local Government Notice Form from the municipality in which your project is located. Have it filled out and signed by an appropriate official (e.g., Zoning Administrator, Planning Board Chairman or Supervisor, if no Zoning Administrator or Planning Board Chairman) and return it with the project application. Please read the form for instructions.

b) Municipal Approval Documents:

If local approval has been obtained for the proposed project, then provide as **Attachment H**, documentation (e.g., permit, site plan approval or final subdivision plat) to the Agency which confirms that the project has been approved pursuant to all applicable town and county laws including any necessary approvals from the planning and zoning boards. Also, please provide a copy of the relevant minutes of all local meetings at which the project has been discussed. (This last request is continuous; the information should be provided to the Agency as it becomes available.)

c) State and Federal Agency Contacts:

Complete the following and indicate whether any of the following agencies or departments have been contacted. Your APA application may remain incomplete until all state agency applications are complete, to allow a coordinated review.

Agency	No	Yes	Date	Contact Person & Phone Number
NYS Department of Health	X			
NYS Department of Transportation	X			
NYS Department of Environmental Conservation	X			
NYS Office of Parks, Recreation & Historic Preservation	X			To be submitted
NYS Department of Law	X			
U.S. Army Corps of Engineers	X			
Lake George Park Commission	X			
Other	X			

d) State and Federal Permits, Approvals and Determinations:

Provide, as **Attachment I**, copies of all permits, approvals and determinations received from the above agencies.

50. Required Signatures:


I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED IN THIS APPLICATION, INCLUDING ALL ATTACHMENTS. I BELIEVE THIS INFORMATION TO BE TRUE, ACCURATE AND COMPLETE. IN ADDITION, IN THE CASE OF ANY PROJECT SPONSOR CORPORATION, LIMITED LIABILITY CORPORATION, PARTNERSHIP OR OTHER LEGAL ENTITY, I ALSO AFFIRM THAT I AM AUTHORIZED TO SUBMIT THIS APPLICATION ON BEHALF OF THAT ENTITY.

I HEREBY AUTHORIZE THE ADIRONDACK PARK AGENCY AND MEMBERS OF ITS STAFF TO ENTER ON THE PROPERTY DESCRIBED HEREIN FOR THE PURPOSES OF CONDUCTING SUCH INVESTIGATIONS, EXAMINATIONS, TESTS AND SITE EVALUATIONS AS IT DEEMS NECESSARY, AT REASONABLE TIMES AND WITH ADVANCE NOTICE WHERE POSSIBLE, TO VERIFY INFORMATION CONTAINED IN OR RELATED TO THIS APPLICATION FOR A PROJECT PERMIT.

Signature of all Project Sponsors: (if not the landowners)
(Required for all applications)

	Michael Hopmeier	2 Jun 2023
Signature	Print Name/Title	Date

Signature(s) of all Landowner(s) from current deed:
(Required for all applications)

	Diversified Upstate Enterprises LLC Michael Hopmeier, Single Member	June 8, 2023
Signature	Print Name	Date

Signature of Authorized Representative:
(Required if designated in Section 3 of this application)

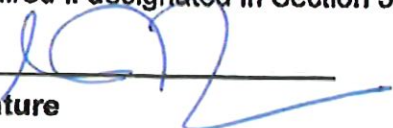

	Matthew D. Norfolk, Esq.	June 8, 2023
Signature	Print Name	Date

EXHIBIT B

THIS IS A TWO-SIDED DOCUMENT

 <p>Adirondack Park Agency</p> <p>P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov</p>	<p>APA Permit 2023-0111</p>
<p>In the Matter of the Application of</p> <p>MICHAEL HOPMEIER, on behalf of UNCONVENTIONAL CONCEPTS, INC. Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: November 9, 2023</p>
	<p>To the County Clerk: Please index this permit in the grantor index under the following names:</p> <p>1. Diversified Upstate Enterprises, LLC</p>

SUMMARY AND AUTHORIZATION

This permit authorizes the expansion of an existing commercial use in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Lewis, Essex County.

This authorization shall expire unless recorded in the Essex 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 Essex County Clerk's Office. The Agency will consider the project in existence when the permit has been recorded.

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 363± acres located on Hale Hill Lane in the Town of Lewis, Essex County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The site comprised of two parcels, identified as:

Tax Map Section 38.1, Block 1, Parcel 4.100, described in a deed from Kencol Properties, LLC to Diversified Upstate Enterprises, LLC, c/o Unconventional Concepts, Inc, dated May 26, 2020, and recorded June 10, 2020 in the Essex County Clerk's Office at Book 1990, Page 254.

Tax Map Section 38.1, Block, 1, Parcel, 29.000, described in a deed from Alexander Michael to Diversified Upstate Enterprises, LLC, dated May 20, 2015, and recorded June 8, 2015 in the Essex County Clerk's Office at Book 1802, Page 83.

Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.

PROJECT DESCRIPTION

The project as conditionally approved herein involves the installation of up to 14 tents for storage and operations related to an existing consulting firm.

The project is shown on a seven-page report titled "Site Plan", prepared by Unconventional Concepts, Inc., received by the Agency August 15, 2023.

A reduced-scale copy of the Site Plan for the project 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 expansion by more than 25% of any commercial use on Rural Use lands 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 Essex 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 tents remain on the site. Copies of this permit and Site Plan 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 2023-0111, issued November 9, 2023, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
5. This permit authorizes the installation of tents in the locations shown and as depicted on the Site Plan. Any change to the location, dimensions, or other aspect of the tents shall require prior written Agency authorization. No tent shall be over 40 feet in height, as measured from the highest point on the structure, to the lower of either existing or finished grade without prior written Agency authorization.
6. 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.
7. Any new free-standing or building-mounted outdoor lights associated with the tents 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 any neighboring property.
8. Any signs associated with the tents on the project site shall comply with the Agency's "Standards for Signs Associated with Projects" [9 NYCRR Part 570, Appendix Q-3].
9. Within 100 feet of wetlands, no trees, shrubs, or other woody stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed 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.

CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act 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 Rural Use land use area;
- c. will be consistent with the overall intensity guidelines for the Rural Use 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.

PERMIT issued this 9th day of November, 2023.

ADIRONDACK PARK AGENCY

BY: _____

David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

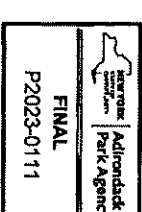
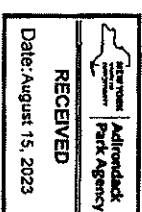
STATE OF NEW YORK
COUNTY OF ESSEX

On the 9th day of November in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared David J. Plante, 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.

Stephanie L. Petith
Notary Public, State of New York
Reg. No 01PE6279890
Qualified in Franklin County
Commission Expires April 15, 2025

Stephanie L. Petith
Notary Public

Site Plan



Placement of tents at 87 Hale Hill Lane, Lewis, NY

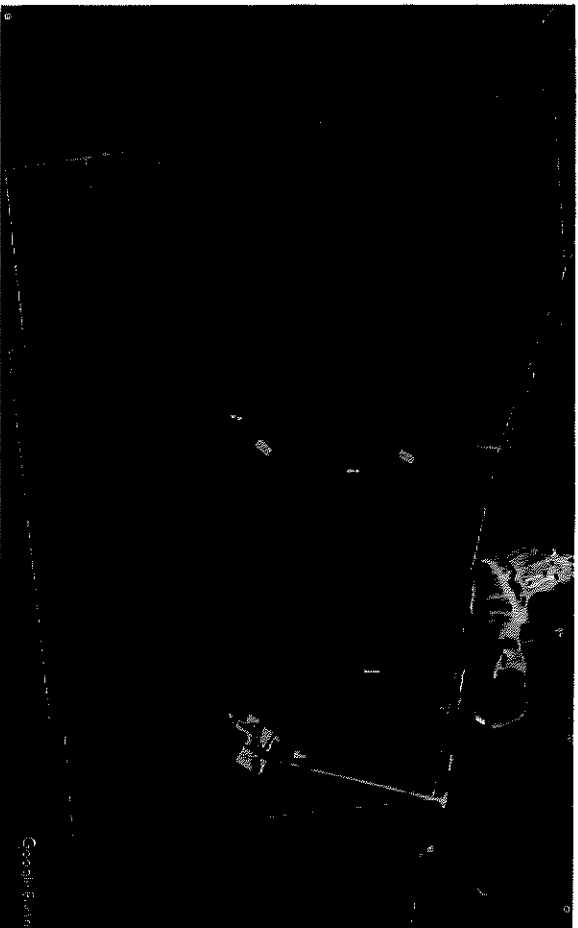
July 17, 2023

Note: a map scale of 1 inch = 20 ft or 1 inch = 40 ft is impractical for this application. As an alternative, the well locations and proposed tent locations at 87 Hale Hill Lane were mapped using Google Earth. Screen caps that include a map scale and a North indicator are provided.

Overview of Tent Sizes

	Quantity	Dimensions	
		L (ft)	W (ft)
Clear Sound Designs			
TENT 1	1	200	100
TENT 2	1	115	63
RB Auctions			
LOT 10279	1	115	50
LOT 10280	1	115	50
GovPlanet			
Item 9087298	5	15	15
Item 9847089	3	19	19
Item 8655423	1	32.91666	21.83333
Item 8586835	1	32	21

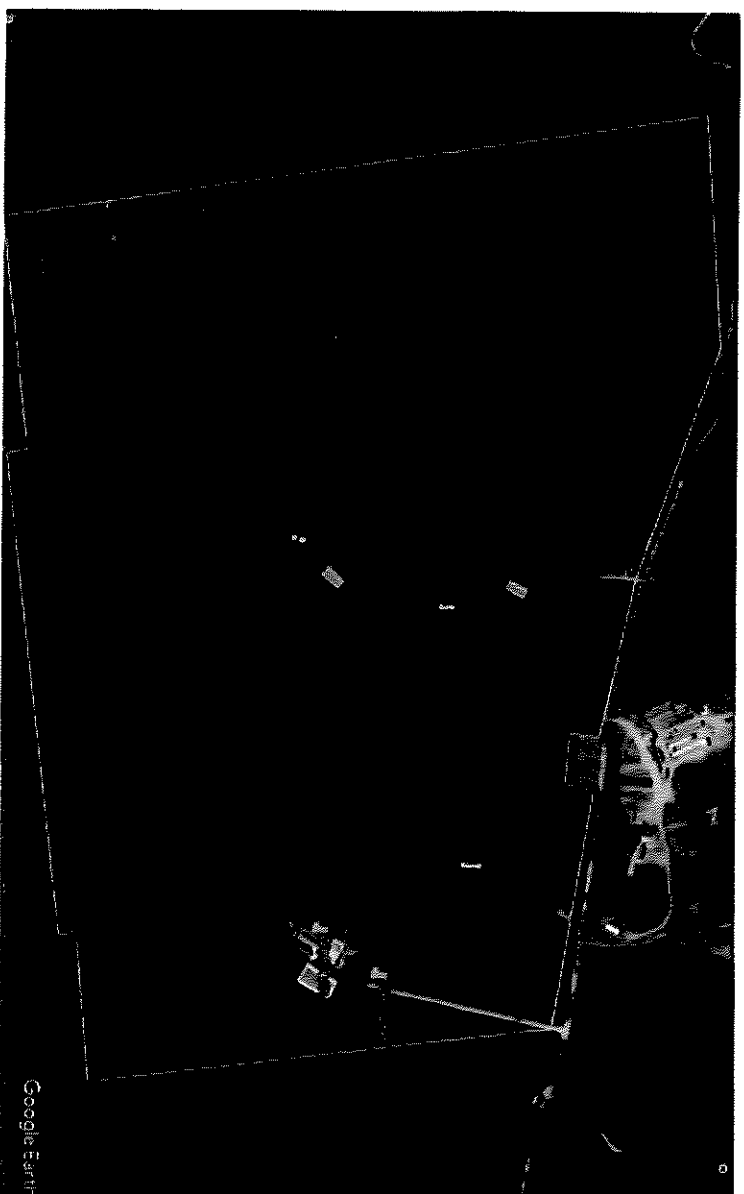
Overview of Tent Locations and Wells



- Tents will be located at three sites on the silo property:
 - Main silo (2)
 - Dowel clearing (5)
 - Airstrip (7)
- Details are provided on the following slides

Note map scale in lower left corner and North indicator in upper right corner.

Overview of Tent Locations: Large View



Note map scale in lower left corner and North indicator in upper right corner.

(c) Unconventional Concepts, Inc.

Main Silo

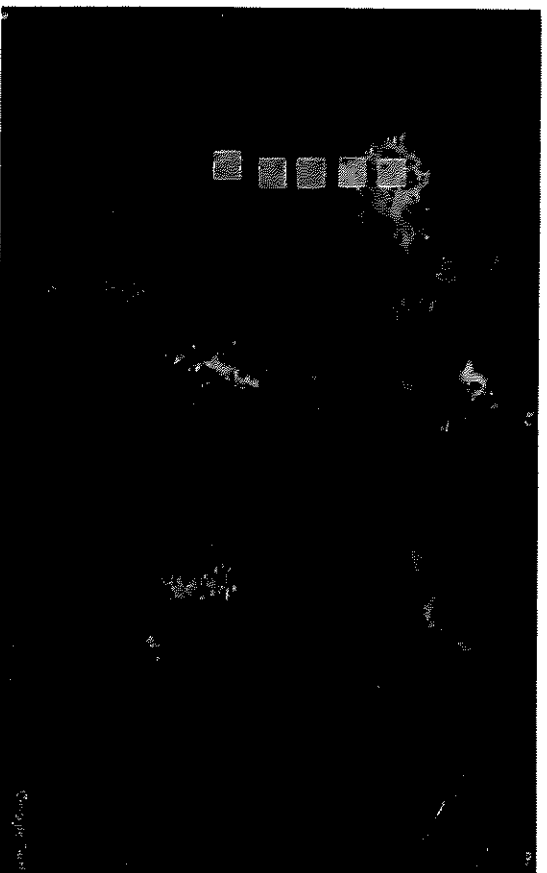


- The main silo will have two tents
- One located east of the main silo site
 - Size 200x100ft
- One located over the silo doors, oriented NW-SE
 - Size 115x63ft

Note map scale in lower left corner and North indicator in upper right corner.

(c) Unconventional Concepts, Inc.

Dowel Clearing

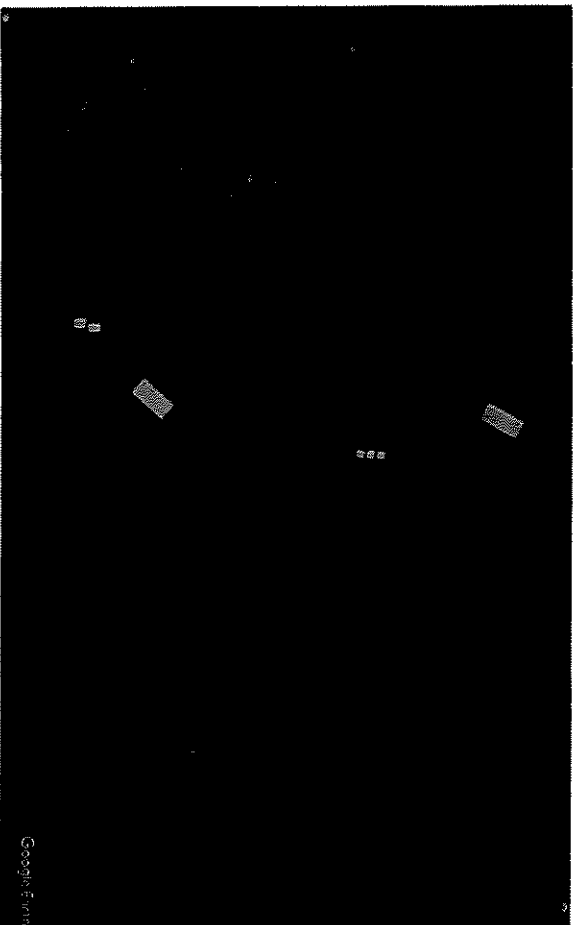


- Five tents
 - 15x15ft
- All tents will be located at least 100 ft from wetlands

Note map scale in lower left corner and North indicator in upper right corner.

(c) Unconventional Concepts, Inc.

Airstrip



- Seven tents, as follows
 - Two 115x50ft
 - Three 19x19ft
 - One 32x21 ft
 - One 32.9x21.8ft

Note map scale in lower left corner and North indicator in upper right corner.

(c) Unconventional Concepts, Inc.

EXHIBIT C

From: [EJ O'kusky](#)
To: [APA Regulatory Programs Comments](#)
Subject: APA Project 2023-0111
Date: Wednesday, September 6, 2023 10:29:57 AM

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I'm writing this email in regard to the article about the Hopmeier project for Lewis, New York. (2023-0111)

My two homes sit directly in front of his project that seems to be changing as he doesn't get his approval. I have watched this gentleman come into our town buy property, give donations, align himself with our supervisor and his friends to get his needs met and expect the people affected by the project to accept it. The article references James Pulsifer being supportive of the project. He is supportive because he sold them the property and is currently leasing more property to him. The fact is he has never called a meeting or even sent a letter to local landowners or businesses in the immediate North Lewis area to explain or promise us our land, wells, horses, foundations to our homes, dogs, and personal wellbeing would be protected. I did send letters and call when he first applied to the APA for his permit. Since that time, we have had drones fly very close to our house, our grandchildren woke up at two in the morning by helicopters so close to the house they lit up our whole property, (not once but twice) and been traveling on a local back road and saw his truck load of army men dressed in their tactical gear. When the whole town was affected by his helicopters flying so low, (with spotlights in our windows at 2a.m.) we were told they had not followed the flight plan or protocol. Mr. Hopmeier likes to reference the Imery business and how they blast 2 or 3 times a year. That is a fact, but that doesn't mean that we are willing or should have to deal with his project that changes daily. There is no clear reference to how long the blasting will happen or how frequent it will happen. The plan states one or two blasts a day for a maximum of three days but doesn't state how many times per the five-year period. He is now referencing a tent site to hide things that he doesn't want seen or tracked by a drone. This is pretty vague when Mr. Hopmeier only gives small details to large situations. I sincerely hope that your agency that was put into place to protect properties looks at this closely.

Emma Jean OKusky

EXHIBIT D

From: danita964u@charter.net
To: [Aldinger III, Frederick W \(APA\)](#)
Subject: Project # 2023-0111
Date: Tuesday, September 5, 2023 4:55:20 PM

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Mr. Aldinger,

I would like to express my on-going concerns in regards to the Lewis Missile Silo. An application to erect tents may present as harmless, however "hiding anything from drones" is mentioned in the Adirondack Explorer article and that is very concerning. Living close to the silo, on more than one occasion, we see drones at night over the area of Mr. Hopmeier's property. Is drone testing going on there as well?

A training exercise occurred on March 24, 2023 at approximately 10:30 pm where helicopters were flying very low over our house with extreme noise and bright floodlights. This obnoxious disruption continued until approximately 4am the next day. As a Town of Lewis Councilwoman, I received several complaints from townspeople. And not just in this neighborhood, others as well. Some people thought we were under attack, it was especially disturbing to our elderly residents, they were truly frightened. And of course, no explanation, no apology. No surprise.

On August 7, 2023 the Essex County Board of Supervisors passed Resolution #225 pertaining to the Lewis Missile Silo which supports "any and all preparations and training with respect to these new and emerging technologies". None of the 18 supervisors live in this neighborhood. Not in my backyard...

Of course, national security is important, however this is concerning as the silo is located in a residential area. Hopefully this area doesn't become a scaled down Fort Drum.

Lanita S. Canavan

EXHIBIT E

STATE OF NEW YORK
ADIRONDACK PARK AGENCY

In the Matter of the Application of
Unconventional Concepts, Inc.,
and Michael Hopmeier

**AFFIRMATION OF
APRIL GUILDER**

1. My name is April Guilder and I reside at 8899 U.S. Route 9, Lewis, New York.
2. I submit this affirmation to provide the Adirondack Park Agency (APA) with information concerning activities that occurred on and around the property located at 87 Hale Hill Lane that is a former missile silo site (“the Site”) and that, upon information and belief, is owned by Unconventional Concepts, Inc. and/or Michael Hopmeier (“the Owners”).
3. It is my understanding that the Site is part of the pending application to APA by the Owners to operate a ballistics testing range at the Site and at property located at 195 Hale Hill Lane.
4. I am submitting this information in support of my request that APA initiate an enforcement investigation of activities that occurred at the Site during the time period September 10-18, 2025 and that, upon information and belief, were undertaken by the Owners without a required APA permit and/or in violation of an existing APA permit.
5. I am a lifelong permanent resident of the Town of Lewis. I have lived at my current residence for approximately six years. My home is approximately two miles from the Site.
6. During the week of September 10-18, 2025, my family and I were subjected to repeated noise and vibrations from what were apparently military exercises being carried out at and in the vicinity of the Site.

7. On one occasion during the week of September 10-18, 2025, I was standing outside of my mother's house, which is located just behind mine, when four large helicopters flew over us. Two of the helicopters were flying at treetop level and were so close to the ground that I could plainly see the individuals at the controls inside the helicopters. The helicopters flew north in the direction of the Site.

8. On another occasion that occurred at around 9:30 or 10:00 p.m. during that week, my husband and I were inside our home when we heard automatic weapons firing that continued for approximately 20 minutes. While this was going on, I received a phone call from one of my neighbors, who was frightened and asked if I also heard the gunfire and whether I knew what was happening.

9. The next day, there were numerous messages on Facebook from neighbors asking if others had heard the automatic weapons firing. One of my neighbors shared a recording she had made of the gunfire on Facebook.

10. On another occasion during that week in September 2025, I was at home at about 9:30 p.m. when I again heard large helicopters. This time they were flying or hovering so close to my house that the entire house was shaking and the windows were rattling. The helicopters made two passes over my house.

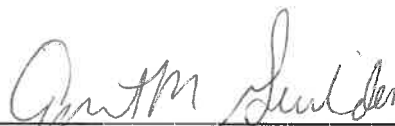
11. At a public meeting in our town, Mr. Hopmeier acknowledged that the military exercises that occurred during September 10-18, 2025 were undertaken in collaboration with the Owners of the Site and occurred at and in the vicinity of the Site.

12. It is beyond my understanding how this type of large-scale, intrusive and frightening military exercise can be conducted for a period of days above and in close proximity to private residences without an APA permit.

13. Furthermore, I understand that the Owners have an APA permit for the Site and that the permit does not authorize this type of large-scale military operation.

14. Therefore, I request that APA open an enforcement investigation into these activities.

I affirm this 19 day of March, 2026, under the penalties of perjury under the laws of the State of New York, which may include a fine or imprisonment, that the foregoing statements are true, with the exception of those stated on information and belief, which I believe to be true.

A handwritten signature in cursive script, appearing to read "April Guilder", is written above a horizontal line.

APRIL GUILDER

EXHIBIT F

STATE OF NEW YORK
ADIRONDACK PARK AGENCY

In the Matter of the Application of
Unconventional Concepts, Inc.,
and Michael Hopmeier

**AFFIRMATION OF
BRIAN CROWNINGSHIELD**

-
1. My name is Brian Crowningshield and I reside at 9039 U.S. Route 9, Lewis, New York.
 2. I submit this affirmation to provide the Adirondack Park Agency (APA) with information concerning activities that occurred on and around the property located at 87 Hale Hill Lane that is a former missile silo site ("the Site") and that, upon information and belief, is owned by Unconventional Concepts, Inc. and/or Michael Hopmeier ("the Owners").
 3. It is my understanding that the Site is part of the pending application to APA by the Owners to operate a ballistics testing range at the Site and at property located at 195 Hale Hill Lane.
 4. I am submitting this information in support of my request that APA initiate an enforcement investigation of activities that occurred at the Site during the time period September 10-18, 2025 and that, upon information and belief, were undertaken by the Owners without a required APA permit and/or in violation of an existing APA permit.
 5. I am a lifelong permanent resident of the Town of Lewis. I have lived at my current residence for approximately eighteen years. My home is approximately two miles from the Site.

6. During the week of September 10-18, 2025, my wife and I were subjected to the repeated sound of automatic gunfire as well as noise and vibrations from helicopters in connection with what were apparently military exercises being carried out at and in the vicinity of the Site.

7. On one occasion during the week of September 10-18, 2025, I was eating dinner on the back deck of my house when I heard the sound of automatic weapons fire. I am a former member of the United States armed forces and recognized the sound as being from a 50 caliber automatic weapon.

8. I called 911 to report the firing and a New York State trooper responded. While we were discussing the situation in my yard, the rapid gunfire started up again, and the trooper confirmed that it was automatic weapon fire. He went looking and found it to be coming from the Site. ~~be~~

9. On another occasion during the week of September 10-18, helicopters were flying so low over my house during the evening that the entire house was vibrating and the noise was extremely loud. The helicopters were flying back and forth over and behind my house.

10. My parents, whose house is next door to mine, were asleep and the sound of the helicopters woke them up.

11. During the week of September 10-18, I observed helicopters flying in the vicinity of the Site on at least three separate days.

12. The helicopters flew low over my house on two occasions during that week.

13. It seems to me that this type of long-term military exercise involving automatic weapons fire and intense helicopter activity in close proximity to private residences should require an APA permit.

14. I understand that the Owners have an APA permit for the Site and that the permit does not authorize this type of large-scale military operation.

14. Therefore, I request that APA open an enforcement investigation into these activities.

I affirm this 19th day of March, 2026, under the penalties of perjury under the laws of the State of New York, which may include a fine or imprisonment, that the foregoing statements are true, with the exception of those stated on information and belief, which I believe to be true.


BRIAN CROWNINGSHIELD

EXHIBIT G

Adirondack Daily Enterprise

Open letter about the forum on the missile silo

I would like to sincerely thank the citizens of the town of Lewis and the surrounding areas who attended the forum on the missile silo the evening of Thursday, Oct. 16, at the Lewis Fire Department. Approximately 80 people attended, and I deeply appreciate the time all of you took out of your busy schedules.

I went into the meeting with a great deal of trepidation, based in equal parts on the portrayal of town halls in news reports and on the high level of emotion exhibited in many of the social media comments that news articles on this topic have attracted. I expected the meeting to be chaotic and aggressive, with little respect for my and others' input. I was completely wrong, in large part based on inaccurate and misrepresented news reports

of other town hall events (a pattern that continued for this meeting); the event as portrayed in the news was nothing like the actual meeting, and for that I am deeply thankful.

Far from the aggressive confrontation portrayed by press, I met with a group of respectful, thoughtful citizens who had legitimate concerns and were seeking information and insight. With only two real exceptions, the people in attendance respected each other's right to talk and ask questions, and everyone seemed to have an opportunity to ask their questions and air their concerns.

For my part, I did my best to answer the questions posed to me as clearly and completely as I could. For the record, I wish to correct one statement I made: I stated that no aircraft landed at the Battlelab as part of the Jaded Thunder event. I wish to correct that statement: Aircraft landed briefly to discharge personnel, departed and then briefly returned to land and pick up personnel. My apologies, I was thinking of a different event when I made my initial statement.

The environment during the meeting, where people can legitimately and respectfully disagree and openly discuss their concerns, is what this nation is about. That ability is unique in the world today; it only exists in a small handful of nations. It is a right that must be earned, on an ongoing basis, and it is the reason that I, and my colleagues, do what we do. It is not something that can be taken for granted. Otherwise, we will lose it, as certainly as so many others already have.

The defense of that right, and others, is why our military exists, and why our military must remain the greatest and most powerful in the world. It's why the men and women who act to protect it must practice, train and research continuously. And that is why the Battlelab exists: to support the men and women defending us.

I would also like to highlight what was, for me, the most important part of the meeting: a family attended with their children, and one young lady felt comfortable enough in the venue to ask a question. The question was about a neighbor who may be frightened by the noise because he has PTSD from prior military service. Her question was not political or self-serving; it was a show of quite legitimate concern about a neighbor who she wanted to help.

The fact that she felt comfortable, respected and safe enough to ask a question, without fear of ridicule or retribution, is a tribute to all who attended. Thank you for creating an environment in which that could occur. This occurrence and what it represents, more than anything else, and contrary to the news portrayals, gives me hope for our future.

Meeting outcomes broadly fell into two areas: (1) improved communication and (2) concern about noise. As I promised during the meeting, Unconventional Concepts, Inc. will modify our notification protocol to include local newspapers as well as the town, per our stated intent to more widely disseminate information in a timely fashion before events occur. With respect to noise: I welcome continuing dialogue, but I again reiterate that the event noise of concern is no more intense and of no longer

duration at nearby homes than noise from other sources (such as rifles or mine blasting). However, I thank you again for raising the concern and being willing to discuss it; UCI will continue to work with the community on this issue.

Again, I thank you all for taking the time to attend the meeting and discussion, and for showing the respect that you did. I am heartened that what occurred that evening is still possible in the polarized environment in which we find ourselves. I only wish our government could do the same.

Michael Hopmeier is the owner and president of Unconventional Concepts, Inc., a national security consulting firm.

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EXHIBIT H

COMMUNITIES

Lewis residents push back against military exercises

Tensions rise as tactical tests, proposed cannon testing disrupts life in small Adirondack community



By Tim Rowland
October 17, 2025



Town of Lewis residents at a public meeting Thursday. Photo by Tim Rowland

Unconventional Concepts President Michael Hopmeier and town of Lewis residents engaged in an evening of frequently testy exchanges at a public meeting Thursday, as homeowners protested a recent series of war games that they viewed as inconsistent with the tranquility of the Adirondack Park.

Residents said the company, based at a Cold War-era nuclear missile silo site, “has brought war to our town,” while Hopmeier contended the noise associated with low-flying aircraft and weapons testing is no worse than the everyday sounds of logging operations, truck traffic on the Northway or even the F-35 fighter jets routinely flown out of Burlington.

Michael Hopmeier, owner of Unconventional Concepts, answers questions at a community meeting in Lewis. Photo by Tim Rowland

Nighttime exercises rattle community

Last month, military exercises known as Jaded Thunder rattled residents with sounds of warfare and helicopters hovering just above the tree line late into the night. They also said the company and the town had done a poor job of communicating the war games, which caught them unprepared.

Hopmeier conceded the point and vowed to improve communications in the future, but said he had no plans to end the occasional exercises, which are performed by active military soldiers and are designed to help different branches interact smoothly.

Beyond the exercises, Hopmeier has an application before the Adirondack Park Agency to test howitzers on his property to determine, for example, how various barrel coatings might affect the weapon's durability and accuracy. The public comment period on the proposal is open through the end of the month.

Most of the discussion, however, revolved around low-flying Black Hawk helicopters, which were flying out of Fort Drum and conducting exercises in Lewis.

“The whole purpose of those exercises was to help these different units learn how to work together, to coordinate, and operate across boundaries,” Hopmeier said. “All the aircraft that were involved, and all of the personnel that were involved were active duty military personnel, who had very specific and strict training requirements.”

He said Lewis was appealing as a testing grounds because it has features that are not available further west, such as mountainous terrain and dense forest that allows testing of such things as foliage-penetrating radar.

To learn more and submit comments, go to

<https://apa.ny.gov/contact/ApaCommentPopup.cfm?ProjectNumber=2021-0276>

But residents said the town also has homes, families, young children and animals that were adversely affected by the activities. “Cows get spooked and scared,” said Alaina Denton, who feared farmers, not Unconventional Concepts, would be liable for animals that might break through fences and be hit by cars. The exercises also spooked horses at an equestrian facility that was providing riding lessons for children, she said.

There were also concerns for former military members with PTSD and kids that had been put to bed on a school night when the helicopters flew over. Hopmeier said the latest flight was at 10:11 p.m., but some residents said some choppers were still active at 3 a.m.

They said there is a difference between everyday sounds of chain saws and interstate traffic and military flights. “A chain saw doesn’t come right over your home,” said one resident.

While residents said they respected property rights, they said the impact goes beyond the missile silo acreage. “The problem is, it’s not just your property,” said Timothy Mount. “And there’s a difference between an F-35 taking off from an airport and having helicopters flying right over people’s homes at 11 o’clock at night in Lewis, New York.”



RELATED READING

Artillery weapon testing proposal moves forward in Lewis

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Limited legal options for town control

Hopmeier said he wants to be a good neighbor, and that his company, which employs 10, has economic and tax benefits for the town, as well as offering educational opportunities to interns and a battery of emergency equipment that has been made available to the town should it be needed. He also said his operation has minimal environmental impact.

“We are not here to cut down the trees. We’re not here to create a bombing range. We’re not here to blow things up as fun as that may be,” he said. “Having bombs laying around, having trees cut down and destroyed in clear-cutting areas, that makes it completely and totally useless for our means. Far from doing that, our strong emphasis and effort is to keep the forest and the environment as healthy as it can be.”

Describing Unconventional Concepts as a “laboratory,” Hopmeier said his research can potentially benefit ecological causes using its highly sensitive instruments.

“One of the areas that we’re working on very aggressively is how do we monitor forest health?” he said. “How can we listen to the acoustic signature, the sound in the background in the forest, to find out our insects are getting in and damaging the trees, or are we having problems with moisture content in the soil?”

While unpersuaded, residents were told they have little control over the exercises. Lewis Supervisor Jim Monty said when the town redrew its comprehensive plan several years ago, the concept of zoning was soundly defeated. “There’s a lot of emotion, but from a legal perspective, as a landowner he’s not different from any one of us; he just happens to have a lot of guns,” Monty said.

Residents countered that the town needs more control over its future. “I certainly think we have to ask ourselves what kind of businesses we want in our community,” said Steve Ives. “And it sounds like a lot of us don’t want this kind of business in our community.”

But without land use regulations beyond the APA, there’s little in the way of a review process for businesses. Nor does the town have a noise ordinance, nor was there consensus that it would be a solution.

Cole Fernandez said a noise law could have unintended consequences for accepted pursuits in Lewis, such as hunting and logging. “You all need to remember, if you pass sound ordinances, it goes way further than just what he does,” he said. “It affects every single one of you.”

The one central agreement was for better communications, so residents can prepare their families and animals for exercises that may be held in the future.

“All I can say is we did make the effort and what we thought was reasonable,” Hopmeier said. “Apparently it was not sufficient, so we’re happy to go ahead and try and do something different.”



Amy Meighan

October 17, 2025 at 10:37 am

I don’t live in Lewis, but just north of Lewis. Don’t fool yourselves. This is a progression of testing which can lead to a much larger scale of testing of other weapons which our rural community does not need.



Bob

October 17, 2025 at 10:55 am

It sure seems as though there’s something that could be done by the town.