THIS IS A TWO-SIDED DOCUMENT

NEW YORK STATE OF OPPORTUNITY. Adirondack Park Agency

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

APA Permit
2023-0111

Date Issued: November 9, 2023

In the Matter of the Application of

MICHAEL HOPMEIER, on behalf of UNCONVENTIONAL CONCEPTS, INC.
Permittee

for a permit pursuant to § 809 of the Adirondack Park Agency Act

To the County Clerk: Please index this permit in the grantor index under the following names:
1. Diversified Upstate Enterprises, LLC

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

Adirondack Park Agency
RECEIVED
Date: August 15, 2023

Adirondack Park Agency
FINAL
P2023-0111

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.

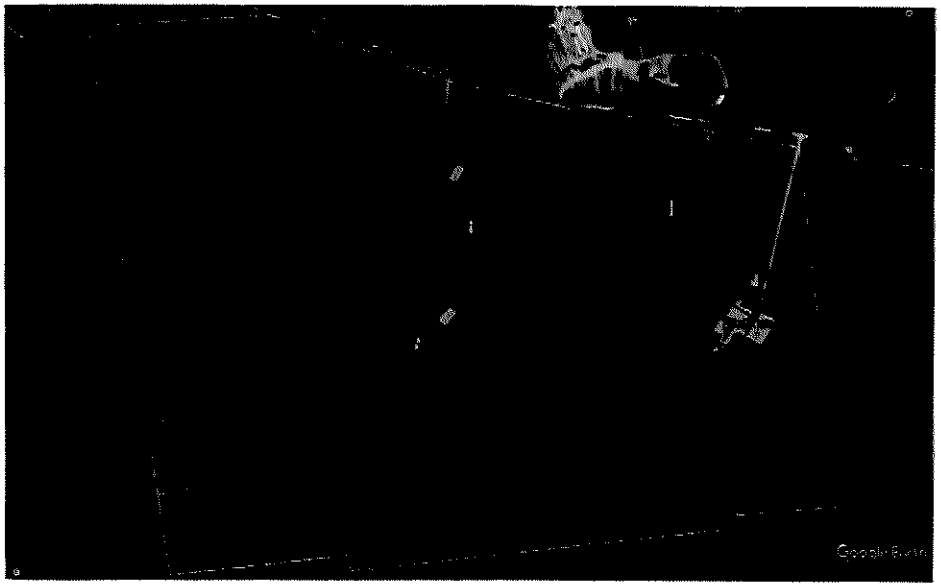
(c) Unconventional Concepts, Inc.

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

(c) Unconventional Concepts, Inc.

Overview of Tent Locations and Wells

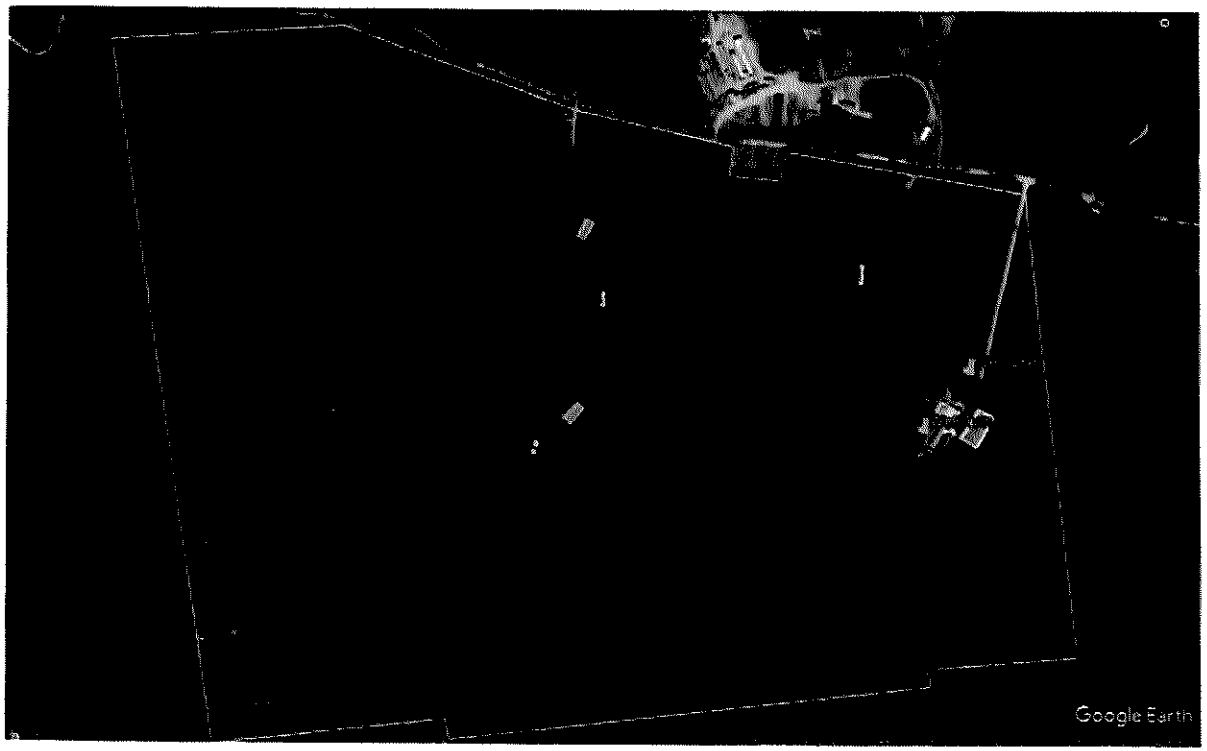


- Tents will be located at three sites on the silo property:
  - Main silo (2)
  - Dowel clearing (5)
  - Airstrip (7)
- Details are provided on the following slides

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

(c) Unconventional Concepts, Inc.

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

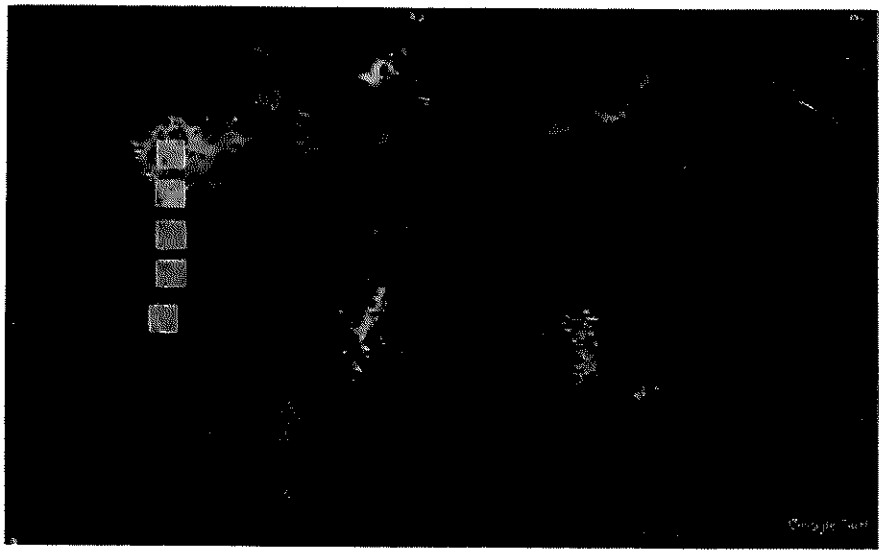


- The main silo will have two tents
- One located east of the main silo site
  - Size 200x100ft
- One located over the silo doors, oriented NW-SE
  - Size 115x63ft

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

(c) Unconventional Concepts, Inc.

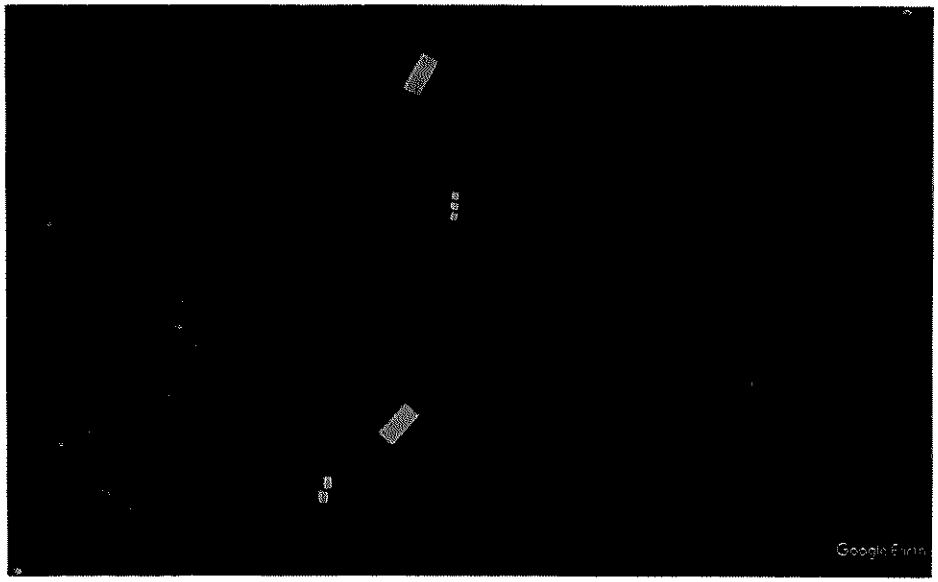
Dowel Clearing



- 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.

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.

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