



**NOTICE OF PUBLIC HEARING  
Project No. 2021-0276**

Notice is hereby given that, on December 22, 2025 at 6:00 P.M., the Adirondack Park Agency (“APA” or “Agency”) will commence the public hearing on the application of Unconventional Concepts, Inc. and Michael Hopmeier (“Project Sponsors”), and Pulsifer Logging LLC and Diversified Upstate Enterprises, LLC (“Landowners”) for an Agency permit for a weapons range for testing the internal ballistics of 155 mm howitzer cannon barrels over a 5-year period in the Town of Lewis, Essex County.

The public hearing will be held before Administrative Law Judge (“ALJ”) David Greenwood. The location of the first hearing session on December 22, 2025 will be held in the APA Boardroom at its headquarters, located at 1133 NY-86 in Ray Brook, NY. The public may attend in person or attend virtually. A virtual livestream option will be available to the public at the following link: <https://tinyurl.com/P2021-0276-Public-Hearing>.

Please visit the Agency’s website (<https://apa.ny.gov/>), or contact the Agency at (518) 891-4050, for the most up to date information on the hearing schedule as dates or times may change.

The ALJ will have all the authority provided for under applicable law, including the ability to schedule a pre-hearing conference to simplify, define, limit, or resolve the scope of issues, or add an issue if not expressly excluded and for which a party makes an offer of proof to ensure that the record covers substantive and significant issues relating to the findings or determinations required of the Agency under APA Act § 805(4) and § 809(10); to address petitions from persons seeking to become a party; to address discovery; and to schedule informational presentations, if any, for members of the public who are not parties. Determinations of the hearing officer on party status, issues and the conduct of the hearing shall be reported for the record.

**Project Description**

The proposed project will utilize two parcels both located on land classified as Rural Use in the official Adirondack Park Land Use and Development Plan Map: (1) Tax Map Number 38.1-1-29.00 (8± acres), located at 87 Hale Hill Lane, is owned by Diversified Upstate Enterprises, LLC (Lot 29), and will be used to store equipment associated with testing; and (2) Tax Map Number 38.1-1-31.000 (197± acres), located at 195 Hale Hill Lane, is owned by Pulsifer Logging LLC (Lot 31). Project Sponsors will be granted access to Lot 31 to perform the testing.

A portable 155mm howitzer barrel assembly is proposed to be placed on a 100-foot by 100-foot crushed gravel pad and test-fired on Lot 31. Each test would fire a steel projectile into a target area. No explosive warheads are proposed to be used. The howitzer assembly is proposed to be fired up to 30 times per year on weekdays, between the hours



of 10am and 4pm. Project Sponsors propose to place a kinetic energy-absorbing system (soft catch system) at the eastern side of the range to catch projectiles fired. The soft catch system would consist of an 8-foot by 8-foot by 40-foot long metal shipping container or similar filled container with sand and other material to stop the projectiles.

Additional proposed equipment includes a mobile power supply such as a generator on a trailer, portable instrumentation carriers, a trailer, a port-a-potty, and other mobile support equipment. In between test series, all trailers and equipment would be removed from Lot 31 and stored on Lot 29.

### **Agency Jurisdiction**

The Agency has jurisdiction of the Project as a Class A or Class B regional project pursuant to § 809 of the Adirondack Park Agency Act because it involves either a proposed new “commercial use,” or is a land use or development not included on either the primary or secondary use for the Rural Use land area classification.

### **Issues for Adjudication**

The Agency in the November 14, 2025 Project Order identified the following issues for the adjudicatory public hearing:

**Issue #1:** Whether the proposed howitzer testing range is compatible with the Adirondack Park Land Use and Development Plan, including, but not limited to, whether the howitzer testing range is compatible with the purpose of insuring overall conservation, protection, preservation, development and use of the unique scenic, wildlife, recreational, open space, ecological, and natural resources of the Adirondack Park. [APA Act § 809(10)(a)]

**Issue #2:** Whether the proposed howitzer testing range is a compatible use within the Rural Use land area classification, and whether it is compatible with the character description and purposes, policies and objectives of the Rural Use land area classification, including but not limited to whether the proposed use should be considered a “commercial use;” and if not, whether the proposed howitzer testing range is a compatible use. [APA Act § 809(10)(b)]

**Issue #3:** Whether the proposed howitzer testing range would have an undue adverse impact upon the natural, scenic, ecological, wildlife, recreational or open space resources of the park [APA Act § 809(10)(e)], considering the development considerations contained in APA Act § 805(4) and 9 NYCRR 574.5, including, but not limited to the following:

- i. Whether the howitzer testing range involves any potential discharges, residues, or other pollutants that may affect water resources, land resources, or air resources. [APA Act § 805(4)(a)(1) – (3)]



- ii. Whether the howitzer testing range would have an undue adverse impact to land resources within the park, such as soils, forest and open space resources, including the quality and availability of nearby lands for outdoor recreational purposes. [APA Act § 805(4)(a)(1) and (2)]
- iii. Whether there is a reliable, comprehensive and accurate projection of the noise that will be produced by the howitzer testing range and whether such noise will have an undue adverse impact upon the Park's resources. [APA Act § 805(4)(a)(1)]
- iv. Whether noise mitigation exists or whether they are practical to implement that would avoid undue impact to the Park's resources. [APA Act § 805(4)(a)(1)]
- v. Whether the howitzer testing range will create undue ecological impacts or disruption to native or migrating wildlife and their habitats at or near the howitzer testing range, considering species' sensitivities. [APA Act § 805(4)(a)(5) and (6)]
- vi. Whether the howitzer testing range could have health and safety impacts relating to the operation, storage, and transport of military equipment. [APA Act § 805(4)(c)(2)(a)]
- vii. Whether the howitzer testing range could impact nearby Wilderness and Wild Forest areas. [APA Act § 805(4)(c)(2)(a)]
- viii. Whether the howitzer testing range would have economic impact on adjoining and nearby land uses, such as property values. [APA Act § 805(4)(c)(2)(a)]

**Issues to be Excluded**

1. Conformance with the overall intensity guidelines.

The Project does not propose development that would exceed the overall intensity guidelines for a Rural Use land use area that allows a maximum of 75 principal buildings per square mile, pursuant to APA Act § 809(10)(c) and APA Act § 805(3)(f)(3).

2. Shoreline Restrictions.

No shorelines have been identified on the proposed project site, pursuant to APA Act §§ 810(10)(d) and 806 and 9 NYCRR 575.



**Party Status**

Parties of right to the hearing include: (1) landowners within 500 feet of any border of the property; (2) the Adirondack Park Local Government Review Board; (3) the County Planning Board Chair; (4) the County Clerk; (5) the chair of the appropriate regional planning board; (6) the Town Supervisor; (6) the clerk of any local government within 500 feet of the project site; and (7) any State agency. Although these parties need not formally petition to become a party, they should appear at any scheduled pre-hearing conference, and/or submit a statement in writing prior to the commencement of the hearing, that they formally wish to be named as a party. This statement should include a summary of the issues that concern them, what evidence such party proposes to submit, and information that demonstrates the authority of any individual to act and bind such party.

Any other person or organization seeking to become a party to the hearing in order to present evidence, cross-examine witnesses or otherwise participate in the issues conference and adjudicatory hearing must file a petition pursuant to § 580.7 of the Agency's regulations, and is requested to ensure it is received by Friday, December 19, 2025 at 12:00 P.M. Petitions seeking party status should include the information identified in § 580.7 of the Agency's regulations and must be sent to the following:

Hon. David N. Greenwood  
Administrative Law Judge  
New York State Department of Environmental Conservation  
Office of Hearings and Mediation Services  
625 Broadway, First Floor, Albany, NY 12233-1550  
david.greenwood@dec.ny.gov

Grace Sullivan  
Senior Attorney  
Adirondack Park Agency  
P.O. Box 99  
1133 NYS Route 86  
Ray Brook, NY 12977  
grace.sullivan@apa.ny.gov

Matthew M. Norfolk  
Norfolk Beier PLLC  
The Outpost  
55 Barn Road, Suite 201  
Lake Placid, New York 12946  
mnorfolk@norfolkbeier.com



**Translation Services and Reasonable Accommodations**

Requests for translation services, interpreter services and other requests for reasonable accommodations will be made available, at no charge, upon written request. All requests must be made to Keith McKeever at 518-891-4050 or by email to Keith.McKeever@apa.ny.gov, no later than 4:00 P.M. at least ten days prior to the hearing date.

**Project File Availability**

The project file is available on the Agency's website at the following link: <https://apa.ny.gov/permitting/topic/permit-hearing.html>. A copy of the project file may be requested by submitting a Freedom of Information Request by contacting the Agency at P.O. Box 99, Ray Brook, New York 12977, or by e-mail at [FOIL@apa.ny.gov](mailto:FOIL@apa.ny.gov).

The file is also available for in-person public inspection and copying, by appointment, pursuant to Agency regulations implementing the Freedom of Information Law (9 NYCRR Part 587) during normal business hours, weekdays, except on State holidays or during weather or other emergencies (8:30 A.M. to 4:30 P.M.) at the Agency's offices. Also available are copies of Agency Regulation Part 580 (9 NYCRR Part 580) on "Hearing Procedures" and the plain language pamphlet: Adjudicatory Hearings Pursuant to Section 809 of the Adirondack Park Agency Act."

This notice is given pursuant to section 809(3)(e) of the Adirondack Park Agency Act, and 9 NYCRR 580.4 of Agency regulations.



**ALJ Contact Information:**

Hon. David N. Greenwood  
Administrative Law Judge  
New York State Department of Environmental Conservation  
Office of Hearings and Mediation Services  
625 Broadway, First Floor, Albany, NY 12233-1550  
w: (518) 402-9003  
david.greenwood@dec.ny.gov

**Agency Contact Information:**

Grace Sullivan  
Senior Attorney  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, NY 12977  
518-891-4050  
grace.sullivan@apa.ny.gov

Dated: December 3, 2025