



**Board of Directors**

Charles Clusen  
**Chair**

James McMartin Long  
Michael Wilson  
**Vice-Chairs**

Barbara Rottier  
**Secretary**

David Quinn  
**Treasurer**

Nancy Bernstein  
John Caffry  
Andy Coney  
Dean Cook  
James C. Dawson  
Lorraine Duvall  
Robert Glennon  
Roger Gray  
Evelyn Greene  
Sidney Harring  
Sheila Hutt  
Dale Jeffers  
Patricia Morrison  
John Nemjo  
Peter O'Shea  
Philip Terrie  
Chris Walsh

**Staff**

Peter Bauer  
**Executive Director**

Claudia K. Braymer, Esq.  
**Deputy Director**

Christopher Amato, Esq.  
**Conservation Director  
and Counsel**

May 13, 2024

John Ernst, Chair  
Board Members  
Adirondack Park Agency  
PO Box 99  
1133 NYS Route 86  
Ray Brook NY 12977

Re: Appeal of Fifth Notice of Incomplete Application by Ballistics Testing Facility; Michael Hopmeier of Unconventional Concepts, Inc.

Dear Chairman Ernst and APA Board Members:

We submit these comments to urge you to uphold the Fifth Notice of Incomplete Permit Application (NIPA) issued by the Adirondack Park Agency (APA) to Project Sponsor Michael Hopmeier of Unconventional Concepts, Inc. regarding the proposed ballistics testing range located at 195 Hale Hill Lane in the Town of Lewis, Essex County. The proposed ballistics testing range involves firing test shots from “a M109A3GN 155mm field howitzer up to 2 times per day up to 3 days in a row, for an average of 30 times per year for 5 years”. Letter from Fritz Aldinger to Matthew Norfolk, Esq. dated August 16, 2023, page 2.

The project is proposed to take place in land classified as “Rural Use” “where natural recourse limitations and public considerations necessitate fairly stringent development considerations” and where only “a low level of development” may be permissible so long as it is “compatible with the protection of the relatively intolerant natural resources and the preservation of open space”. APA Act § 805(3)(f). The site of the proposed project is adjacent to the Taylor Pond Wild Forest, and not far from the Jay Mountain Wilderness.

The 5th NIPA dated January 2, 2024 outlines important “questions [that] must be addressed in order to review” the application, and “some of the information requested” previously still needs to be submitted. NIPA page 1. The 5th NIPA requires basic, critical information about the howitzer that will be on the

**Protect the Adirondacks**

PO Box 48, North Creek, NY 12853 518.251.2700

[www.protectadks.org](http://www.protectadks.org) [info@protectadks.org](mailto:info@protectadks.org)

*Like Us on Facebook and on Instagram/Threads @ProtectAdkPark*

site, its precise location, associated source of noise information, proposed noise mitigation (including a proposed berm), an evaluation of other noise mitigation measures (including enclosures and silencers), and noise modeling and analysis information. The 5th NIPA also requires information depicting “all state land boundaries, the southwest corner of the nearest state land parcel located approximately 300 feet from the northeast corner of the firing pad, the nearest dwellings . . . receptor locations M1-M4, and the closest point of the proposed gravel pad or the noise source, whichever is closer, to each receptor”. NIPA page 3.

The 5th NIPA (page 4) states that the “approximate noise level of 127 dB does not appear to be in character with the recorded ambient noise level of approximately 37.2 dBA, which per NYSDEC’s noise policy, is most similar to wilderness noise levels at approximately 35 dBA”. Notably, the Department of Environmental Conservation (DEC) Policy: Assessing and Mitigating Noise Impacts dated February 2, 2001 (Noise Policy) (pages 13-14) states that increases of 3-6 dB have the “potential for adverse noise impacts” when sensitive receptors are present, “increases of more than 6 dB” require closer analysis of potential adverse impacts, and an “increase of 10 dB(A) deserves consideration of avoidance and mitigation measures in most cases”. Additionally, the DEC Noise Policy (page 20) states that a decisionmaker “[in] determining the potential for an adverse noise impact, [must] consider not only ambient noise levels, but also the existing land use, and whether or not an increased noise level or the introduction of a discernable sound, that is out of character with existing sounds, will be considered annoying or obtrusive”.

Here, the potential for adverse impacts, from noise levels that far exceed a 10 dB increase and from other impacts to sensitive natural resources, must be closely scrutinized by APA. Contrary to the Project Sponsor’s objections, the information requested in the 5th NIPA is necessary for APA to review the adverse impacts of the proposed project on the “the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the park”. APA Act § 809(10)(e). The 5th NIPA should be upheld, and the Project Sponsor should be required to provide the information requested therein.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink that reads "Claudia K. Braymer". The signature is written in a cursive, flowing style.

Claudia Braymer  
Deputy Director