



January 21, 2026

(By E-Mail: mnorfolk@norfolkbeier.com) (By E-Mail: david.greenwood@dec.ny.gov)

Matthew D. Norfolk, Esq.
Norfolk Beier PLLC
The Outpost
55 Barn Road, Suite 201
Lake Placid, New York 12946

Honorable David Greenwood
Administrative Law Judge
NYS Department of Environmental
Conservation
Office of Hearing and Mediation Services
625 Broadway, First Floor
Albany, NY 12233-1550

**Re: APA Project 2021-0276
Challenge to the Appointment of Administrative Law Judge Greenwood**

Dear Mr. Norfolk and Judge Greenwood:

I am in receipt of the attached qualification challenge raised by Mr. Norfolk, dated January 20, 2026, pursuant to 9 NYCRR 580.8 and State Administrative Procedure Act (SAPA) § 303.

Agency regulations at 9 NYCRR 580.8(b) require that any issue concerning the qualification of a hearing officer be resolved by pre-hearing conference, if possible. For any issues not resolved in such conference, all parties shall have the opportunity to challenge the designation of the hearing officer.

Further, upon receipt of any challenging affidavit, the hearing officer and the other parties to the hearing may submit responding affidavits. 9 NYCRR 580.8(c).

I am informed that a pre-hearing conference is scheduled to occur today at 1:00PM. Attendees to this pre-hearing conference include the Agency hearing staff, all named parties to the proceeding thus far, and the designated hearing officer.

Accordingly, any issues parties would like to raise concerning the disqualification of Judge Greenwood should be raised and resolved, if possible, at the scheduled pre-hearing conference today. If issues remain, then all parties shall have an opportunity to file a challenging affidavit and/or responding affidavits under a timeframe acceptable to all parties and the hearing officer.

Further, I note that, on November 24, 2025, Mr. Norfolk previously requested the recusal of ALJ Greenwood. The Agency considered this recusal request as a challenge pursuant to 9 NYCRR 580.8(b), provided Mr. Norfolk an opportunity to supplement his



Adirondack Park Agency

KATHY HOCHUL
Governor
BARBARA RICE
Executive Director

request with any specific disqualifying connection or relationship between ALJ Greenwood and the Adirondack Council's public comments on the proposed project, and rendered a decision on December 3, 2025, determining that no disqualification existed that prevented ALJ Greenwood from acting as hearing officer.

Since then, additional entities have been granted party status. Allowing all parties, including Mr. Norfolk, the opportunity to submit challenging affidavits, provides all parties a full and fair opportunity to provide all relevant information.

Based on the foregoing, the previously scheduled pre-hearing conference should be used to discuss any disqualification issues. If any issues remain unresolved, then all parties shall be given an opportunity to submit either a challenging affidavit, or any responding affidavits under a schedule agreeable to all parties.

Sincerely,

A handwritten signature in blue ink, appearing to read "BRice".

Barbara Rice
Executive Director

cc: See attached service list



Public Hearing Service List

P2021-0276

Recipient	Address
Project Sponsor – Michael Hopmeier, Unconventional Concepts LLC Authorized Representatives: Matthew D. Norfolk Shane Kelly	Matthew D. Norfolk, Esq. Norfolk Beier, PLLC 1936 Saranac Ave, Suite 106 Lake Placid, NY 12946 mnorfolk@norfolkbeier.com Shane Kelly, Esq. Norfolk Beier, PLLC 1936 Saranac Ave, Suite 106 Lake Placid, NY 12946 skelly@norfolkbeier.com
Administrative Law Judge: David Greenwood	New York State Department of Environmental Conservation Office of Hearing and Mediation Services 625 Broadway, First Floor Albany, NY 12233-1550 david.greenwood@dec.ny.gov
Agency Hearing Staff: Grace Sullivan	Adirondack Park Agency P.O. Box 99 1133 NYS Route 86 Ray Brook, NY 12977 grace.sullivan@apa.ny.gov
Protect the Adirondacks!	Christopher A. Amato, Esq. conservationdirector@protectadks.org P.O. Box 48 North Creek, NY 12853 Claudia Braymer, Esq. deputydirector@protectadks.org P.O. Box 48 North Creek, NY 12853
Adirondack Wild: Friends of the Forrest Preserve	David Gibson dgibson@adirondackwild.org P.O. Box 9247 Niskayuna, NY 12309
Sierra Club Atlantic Chapter	Todd Ommen tommen@law.pace.edu 78 North Broadway, White Plains, NY 10603



Recipient	Address
	<p>Philip H. Gitlen, Esq. pgitlen@woh.com Whiteman Osterman & Hanna LLP 1 Commerce Plaza, Albany, New York, 12260</p>
Adirondack Council	<p>Paul Van Cott PVanCott@woh.com Whiteman Osterman & Hanna LLP 1 Commerce Plaza, Albany, New York, 12260</p>
	<p>Anna V. Seitelman, Esq. ASeitelman@woh.com Whiteman Osterman & Hanna LLP 1 Commerce Plaza, Albany, New York, 12260</p>

This service list includes all parties to the abovementioned proceeding as of January 21, 2026. This list will be updated as parties join the proceeding. Please continue to check the Agency's website for the most updated list of parties.