

WHITEMAN  
OSTERMAN  
& HANNA LLP

Attorneys at Law  
*www.woh.com*

One Commerce Plaza  
Albany, New York 12260  
518.487-7757 phone  
518.487-7777 fax

Paul VanCott  
Of Counsel  
518.487-7733 phone  
*pvcott@woh.com*

February 10, 2026

**Via Email**

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

Re: In the Matter of the Application (the “Application”) of Unconventional  
Concepts, Inc. and Michael Hopmeier  
APA Project No. 2021-0276

Dear Judge Greenwood:

On behalf of the Adirondack Council, Inc., we strenuously object to the adjournment proposed by counsel for Unconventional Concepts, Inc. and Michael Hopmeier (the “Applicant”) and encourage Adirondack Park Agency (“APA”) staff and Adirondack Wild to reconsider their consent to the proposal. We are diligently preparing for the hearing based upon the schedule agreed upon by the parties, including the Applicant, and ordered by you, and see no legitimate reason to delay the proceedings at this time.

The Adirondack Council seeks to have the Application fully adjudicated in a timely manner so that a complete record can be developed for the APA Board to make an informed decision as to whether the proposed project: (1) is consistent with the Adirondack Park Land Use and Development Plan; (2) is compatible in the Rural Use land use area where it is proposed to be located; and/or (3) will result in an undue adverse impact to Adirondack Park resources, including nearby uses. Unless and until the Court considering the Applicant’s motion for a stay of the hearing rules otherwise, there is no reason to adjourn the APA-ordered hearing.

In a flurry of emails yesterday, it quickly became apparent that the “adjournment” sought by the Applicant was actually the same relief sought by the Applicant’s request for a temporary restraining order (“TRO”) and preliminary injunction in the pending Article 78 proceeding. As you know, the Court refused to grant the TRO, provided APA and Your Honor until February 19, 2026 to respond to the petition, and set a return date of February 20, 2026 before the Court.

We respectfully submit that there is no proper basis for you to essentially usurp the role and function of the Court which, at the Applicant's request, is considering whether to grant a preliminary injunction preventing the commencement of the APA hearing until the Article 78 proceeding is decided. In that regard, we note that that we do not believe that there is a proper basis for granting preliminary injunctive relief. The prong of the Applicant's Article 78 seeking your disqualification based on your employment with the Adirondack Council two decades ago has no support in law or fact. And, the prong seeking APA Commissioner Holt's recusal has no basis in law or fact because he had no role whatsoever in the staff-led Adirondack Council decision to submit public comments to APA in opposition to the Application while he was a Council board member.

As noted above, the Adirondack Council is prepared to move forward with the APA hearing and has been diligently preparing for it based upon the schedule you previously ordered.<sup>1</sup> If the Court does not preliminarily enjoin the APA hearing as requested by the Applicant, we believe that the hearing should proceed on this planned schedule apart from any reasonable adjustments as may be agreed to by the parties and/or ordered by you. The Applicant's decision to commence an Article 78 proceeding two weeks after agreeing to the APA hearing schedule should not dictate changes in the schedule absent a judicial ruling. Any additional complications or costs to the Applicant from having commenced the Article 78 proceeding are of its own creation and do not provide a basis for the requested adjournment.

Thank you for your consideration of our objection to the Applicant's requested adjournment of the APA hearing.

Very truly yours,



Paul Van Cott

Attachment

Cc: Attached Service List

---

<sup>1</sup> Even if there was an appropriate basis for the Applicant's proposed adjournment, the dates proposed may not be acceptable to our client and would require further discussion among the parties and with you before any decision is made to revise the agreed-upon schedule. Our preparations, schedules and discussions with potential witnesses have all been based upon the agreed-upon hearing schedule and that would all need to be revisited.