

McNamee, Lochner, Titus & Williams, P.C.

ATTORNEYS AT LAW

JOHN J. PRIVITERA
Direct Dial
(518) 447-3337
Direct Fax
(518) 447-3368
privitera@mitw.com

May 5, 2008

VIA FACSIMILE (473-2534) AND US MAIL

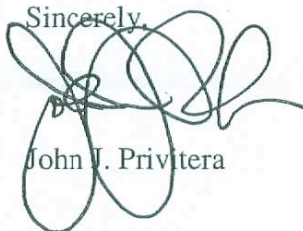
Loretta Simon, Esq.
Assistant Attorney General
State of New York
Office of the Attorney General
Environmental Protection Bureau
146 State Street, 2nd Floor
Albany, New York 12224

**Re: Lewis Family Farm, Inc. v. Adirondack Park Agency
Index No. 315-08 (Appellate Division, Third Department)
Order of April 29, 2008**

Dear Ms. Simon:

Enclosed please find proof that the as-built plan for the septic system at the dwelling known as the "dormitory" complies with State law, as directed by the third "ordered" paragraph of Judge Stein's Decision in the referenced matter.

Sincerely,



John J. Privitera

JJP/mak

Enclosure

cc: Jacob F. Lamme, Esq. (w/enc)
Lewis Family Farm, Inc. (w/enc)

{M0155136.1}



Earth Science Engineering, P.C.

• Civil • Geotechnical • Environmental • Zebra Mussel Controls •
A Design-Build Affiliate of ZEBRA-TECH, LLC

May 4, 2008

The Lewis Farm
c/o Mr. Mark McKenna, Project Manager
Middle Road
Willsboro, NY 12996

Re: Letter of Completed Works
Farmworkers' Residence IST
Whallons Bay Road
Whallonsburg, NY

Dear Mr. McKenna:

This letter verifies the referenced project was reviewed by Earth Science Engineering, P.C. from May 1 through May 3, 2008, whereby absorption trenches were installed and pump station discharge re-directed thereto in substantial conformance with a 9/2/07 design prepared by Mr. Mark J. Buckley, P.E. The construction of the IST meets the intent of Appendix 75A of Part 75 of the Administrative Rules and Regulations contained in Chapter 11 of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York.

Please contact me if you have any questions or if I can be of further assistance. Thank you.

Respectfully submitted,

A handwritten signature in cursive script that reads "Douglas R. Ferris".

Earth Science Engineering, P.C.
Douglas R. Ferris, P.E.

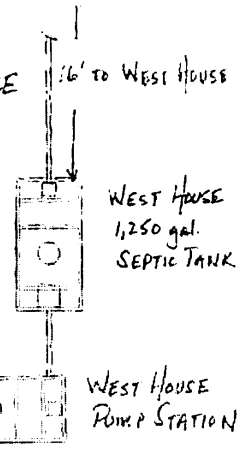
A second handwritten signature in cursive script, identical to the one above, reading "Douglas R. Ferris".

LEWIS FARM
 WEST HOUSE FARMWORKERS' RESIDENCE
 1ST AS. BUILT
 WHALLONS BAY ROAD
 WHALLONS BORG, NY

5/4/08
 N.T.S.

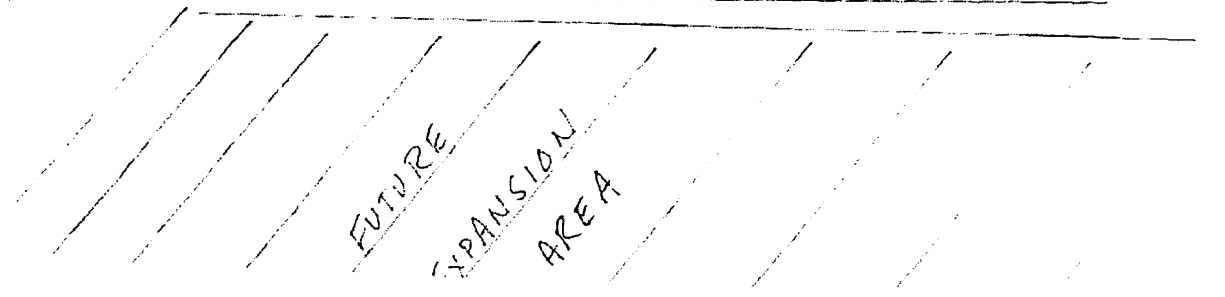
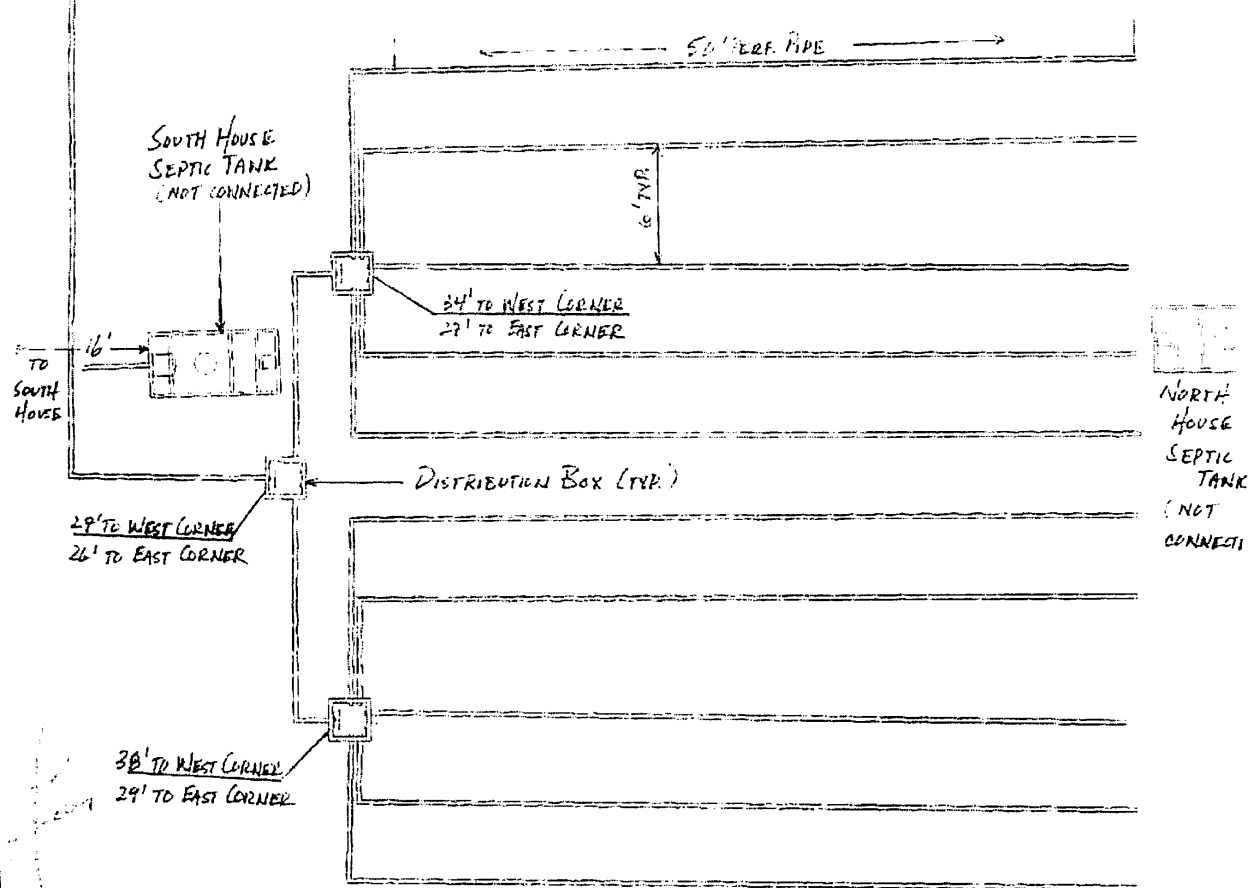
IN
 Pg. 1 of 1

James R. [unclear]



2" FORCE MAIN SLOPED BACK TO STATION

BENCHMARK ELEVATION = 100.0 TOP OF NORTH HOUSE SEPTIC TANK
 SEASONAL HIGH GROUNDWATER @ EL 97.0
 BOTTOM OF TRENCH ELEVATION @ APPROX. 100.0



Handwritten notes and scribbles

Mark J. Buckley, P.E.

P.O. Box 401
Willsboro, NY 12996

Phone (518)963-4467

May 9, 2008

Lewis Family Farm, Inc.
Attention: Barbara A. Lewis
1212 Whallons Bay Road
Essex, New York 12936

Re: Affidavit Index No. 315-08 by Shaun Lalonde

I have read the affidavit of Shaun Lalonde dated May 6, 2008. I am the New York State Licensed Professional Engineer referenced in Paragraph 3 and 5 of that affidavit. I designed the septic system for the three house farm worker housing cluster on Whallons Bay Road on the Lewis Farm.

I have studied the certified as-built drawing of the current system in place at this location, certified by Mr. Douglas Ferris by letter and drawing of May 4, 2008. I also visited the site during the installation of the new system. It is my determination that the installation of the new system complies with Appendix 75-A, 9 NYCRR Part 75. It is also my observation that the as-built drawing shows the necessary measurements and elevations to determine the system conforms to the aforementioned NYCRR. There are no wells within 100 feet of the new septic system.

The design plans as submitted are typical for this size system and do not require topography or a hydraulic profile. Prior to the Lalonde affidavit no request was made by the Adirondack Park Agency for those items. The site plan map is drawn to scale and the new system is installed in the location shown on the site plan map.

As far as the Essex County Soil Maps are concerned they can only be used as a general guide until an actual soil investigation is performed. Soils where glaciations once occurred vary widely and change rapidly over a small area.

Should you have any questions please do not hesitate to contact me.

Sincerely,


Mark J. Buckley, P.E.
