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ORIGINAL

STATE OF NEW YORK SUPREME COURT

COUNTY OF ESSEX

LEWIS FAMILY FARM, INC.,

Plaintiff,

Amended Affidavit of Mark McKenna

Index No.: 000498-07

NEW YORK STATE ADIRONDACK PARK AGENCY,

- v -

Defendant.

STATE OF NEW YORK

: SS.

COUNTY OF ESSEX

MARK MCKENNA, being duly sworn, deposes and says:

- 1. I am a project manager for Lewis Family Farm, Inc. ("Lewis Farm"), the plaintiff in the above-captioned action. By virtue of my position, I have personal knowledge of the facts stated herein or, where indicated to be upon information and belief, believe such facts to be true.
- 2. I make this affidavit in further support of the motion of Lewis Farm for a temporary restraining order and preliminary injunction.
- 3. In furtherance of the Housing Project which is the basis of this action, I obtained building permits from the Town of Essex in or about October, 2006.
- 4. In or about November, 2006, the Town's Code Enforcement Officer, David Lansing, told me that no further permits were necessary since the Housing Project was strictly a farm operation. I relied on this information and, accordingly, we did not contact APA.
- Only after Lewis Farm had expended significant resources on architectural,
  engineering, and foundation work, did Mr. Lansing, the Code Enforcement Officer, travel

to the Housing Project and, despite his earlier advisement, suggest that I "might want to contact the APA".

6. Upon notification that the APA may assert jurisdiction over the Housing Project, I immediately chose to voluntarily cease operations on the Housing Project and contacted the APA to obtain whatever permit was allegedly necessary.

Mark McKenna

Sworn to before me, this 3<sup>cd</sup> day of June, 2007.

July

Notary Public

Jun Cy 12/31/07

McKome