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In the matter of the apparent
violations of Section 809 of
the Executive Law by:

Agency File E2007-041

LEWIS FAMILY FARM, INC.

Respondent.
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STATE OF NEW YORK)
) ss:
COUNTY OF ESSEX)

John Quinn, having been duly sworn, deposes and says:

1. I am an Environmental Program Specialist 3 with the Adirondack Park Agency (the "Agency") and have been employed by the Agency since 1980. I have an Associates Degree in Forestry and Bachelors Degree in Environmental Studies.
2. As an Environmental Program Specialist, I am responsible for the review of proposed projects and variances that are subject to the Agency's jurisdiction. I evaluate the potential impacts that a proposed project or variance application may have on adjoining land uses and on the resources of the Adirondack Park. I conduct on-site investigations of the physical characteristics of a parcel, consult with staff experts in soils, hydrology and biology, and examine the nature and extent of land uses in the

vicinity of the project or variance. I determine whether the project information submitted by the permit applicant is "complete" for the purpose of commencing the Agency's formal review of the project.

3. I am somewhat familiar with recently emplaced single family dwellings on the Lewis Family Farm property ("Lewis Farm") based on my work at the Agency, conversations with staff and Barbara Lewis, and based on my review of information contained in the files of the Agency. I make this affidavit in support of Agency staff's request for an Enforcement Committee determination.
4. I recommend a disposition of this matter that requires the Respondent to obtain an after-the-fact permit from the Agency for its subdivision into sites and the new single family dwellings. The permitting process can ensure that the subdivision and dwellings are properly reviewed under the Adirondack Park Agency Act and the New York State Wild, Scenic and Recreational Rivers System Act, and that reasonable and appropriate conditions are required for these jurisdictional activities.
5. Since the Respondent claims that the single family dwellings are intended to house farmworkers, it is

important to obtain accurate information regarding the planned use of the dwellings so that the overall intensity guidelines of the Adirondack Park Agency Act may be applied. Pursuant to Executive Law 802(50)(g), all agricultural use structures and single family dwellings occupied by a farmer of land in agricultural use, his employees engaged in such use, or their respective families, together constitute and count as a single family dwelling. Thus, if the Respondent's dwellings fit within this definition, the number of principal buildings on the subject property will be less than if the dwellings are not connected to any agricultural use of the property.

6. After-the-fact review of the Respondent's single family dwellings is also important to assess any adverse visual and open space impacts of the dwellings, and to evaluate the septic systems serving the dwellings to ensure that they comply with New York State Department of Health (DOH) and Agency standards, restrictions and guidelines.
7. Although I have not performed any review of Respondent's illegal subdivision and new single family dwellings, I do believe that, if the Respondent is required to apply for an after-the-fact permit, the

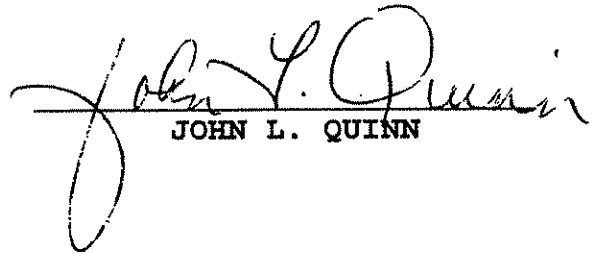
Agency could likely approve the Respondent's activities subject to reasonable and appropriate conditions.

8. To facilitate any after-the-fact review of the Respondent's subdivision and single family dwellings, I recommend that the Enforcement Committee require Respondent submit the following as part of any permit application:

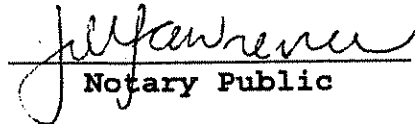
- A detailed description of the proposed use of each of the single family dwellings and their connection to the Respondent's agricultural use of the property;
- An evaluation by a NYS licensed professional engineer as to whether the septic systems serving the single family dwellings comply with DOH and Agency standards, restrictions and guidelines;
- A visual inventory and impact assessment for Respondent's single family dwellings prepared by a NYS registered landscape architect;
- A landscaping and vegetative planting plan designed to substantially reduce the overall visibility of the Respondent's single family

dwellings prepared by a NYS registered landscape architect; and

- A full-size, to-scale site plan map of the Lewis Farm prepared by a NYS licensed surveyor which depicts the lands comprising this property and all principal buildings and accessory structures on the property, noting their date of construction, size and use.


JOHN L. QUINN

Sworn to before me this
12th day of December, 2007.


Notary Public

JILL LAWRENCE
Notary Public - State of New York
Qualified in Franklin County
No. 01LA6175330
Commission Expires Oct. 9, 20 11