

STATE OF NEW YORK
SUPREME COURT

COUNTY OF ESSEX

LEWIS FAMILY FARM, INC.,

Petitioner,

-against-

**AFFIDAVIT IN
SUPPORT OF STAY**

ADIRONDACK PARK AGENCY,

Respondent.

Index No.
RJI No.

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

BARBARA A. LEWIS, being sworn, deposes and says:

1. I am an officer of Lewis Family Farm, Inc., the Petitioner in this matter. I make this affidavit in support of the Lewis Family Farm's motion to stay the enforcement of Respondent Adirondack Park Agency's ("Agency") March 25, 2008 Determination.

2. In 1978, my husband, Salim B. Lewis, and I purchased a farmstead in the County of Essex. Over the years we acquired adjacent lands thus forming what is now a farm of approximately 1,200 acres. Our farmstead, now known as The Lewis Family Farm, is one of New York State's largest USDA Certified organic farms. Our farm is located within Essex County Agricultural District No. 4, a County adopted, state certified agricultural district.

3. By operating its lands as a farm, the Lewis Family Farm is currently entitled to receive various federal, state, and local tax incentives, which are crucial to the farm's operation. The Lewis Family Farm would cease to operate without these tax

incentives. If I am compelled to file an application for a 3-home subdivision as opposed to treating the farm worker housing as agricultural structures, the financial viability of the Lewis Family Farm is destroyed.

4. As a successful large-scale organic farm, the Lewis Family Farm employs a full-time manager, three full-time employees, as well as several interns and other farm workers. Farm worker housing on the farm is necessary for the farm to sustain itself.

5. The Lewis Family Farm did not subdivide its land or create any new lots in building the farm worker housing cluster that is the subject of this proceeding. Indeed, the three homes were built as agricultural use structures on Lewis Family Farm land, adjacent to the barns, as is a customary farm practice. The housing cluster of three buildings uses a common driveway, a common septic system and a common well. The buildings are situated in a horseshoe shape, fronting each other rather than any road. As built, the three homes are not subdividable into lots, because they are integrally related to each other so separate lots cannot be created. The homes are situated as set forth in **Exhibit "A"**.

6. The Agency's Determination, which directs me to file a three-home subdivision, will destroy the financial structure of the farm. In addition, the homes are physically incapable of being subdivided as a matter of fact. A stay of the Agency's Determination allows the Court to review this matter without putting the Lewis Family Farm in an impossible situation that would destroy the financial viability of the farm.

7. The farm employee housing at issue in this proceeding must be utilized by these workers for the 2008 growing season, which has nearly arrived. Not having farm employees on the premises will cause unquantifiable damage to farm operations.

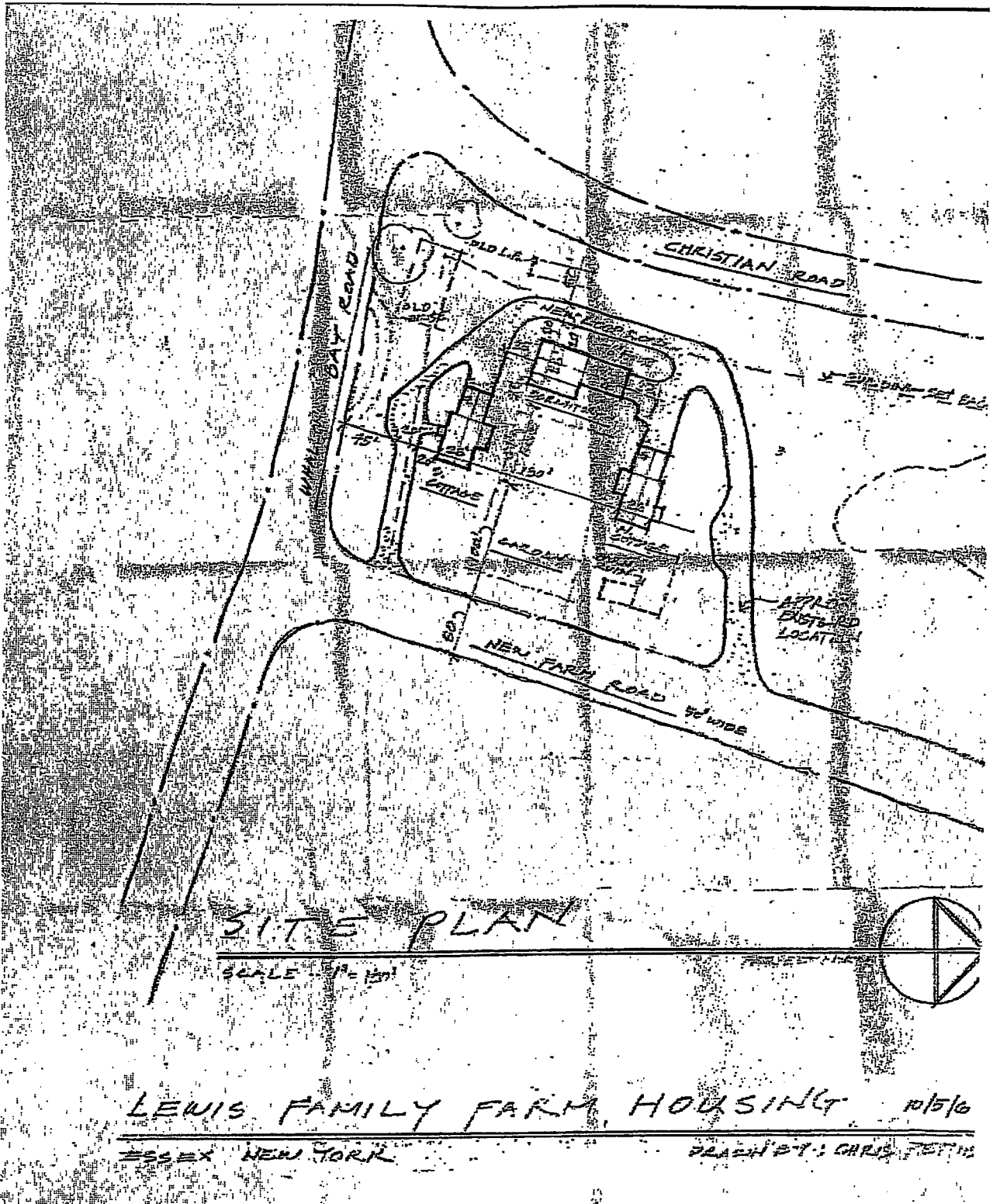
8. Based on the foregoing, and for the reasons set forth in the accompanying memorandum of law submitted herewith, the Lewis Family Farm respectfully asks this Court to enter an order staying the enforcement of the Agency's Determination pending the outcome of this Article 78 proceeding.

Barbara A. Lewis

Sworn to before me this
7th day of April, 2008.

Notary Public

EXHIBIT "A"



The Lewis Family Farm employee housing cluster, as engineered and approved by the Town of Essex. (Lewis Aff., Ex. B).

Residence I is labeled "Dormitory" in October 2006.