

STATE OF NEW YORK  
SUPREME COURT

COUNTY OF ESSEX

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**LEWIS FAMILY FARM, INC.,**  
Petitioner,

**NOTICE OF  
MOTION**

-against-

Index No. 315-08  
Hon. Richard B. Meyer

**ADIRONDACK PARK AGENCY,**  
Respondent.

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**ADIRONDACK PARK AGENCY,**  
Plaintiff,

-against-

Index No. 221-08  
Hon. Richard B. Meyer

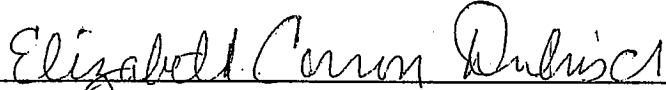
**LEWIS FAMILY FARM, INC.,**  
**SALIM B. LEWIS and BARBARA LEWIS,**  
Defendants.

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**PLEASE TAKE NOTICE** that upon the annexed affirmation of Elizabeth Corron Dribusch, Esq., dated the 28<sup>th</sup> day of May, 2008, upon the proceedings in the above-entitled CPLR Article 78 proceeding, and upon the *amicus curiae* brief annexed hereto, the undersigned will move this Court at an Individual Assignment Term to be held in and for the County of Essex at the County Court House in Elizabethtown, New York, on June 12, 2008 at 9:30 a.m. of that day or as soon thereafter as counsel can be heard, for an order granting New York Farm Bureau, Inc. ("Farm Bureau") permission to submit an *amicus curiae* brief, on the ground that the movant is an agricultural membership organization with a vital interest in this case and with vital information regarding the subject matter of this case, and for such other and further relief as the Court deems just and proper.

Date: May 29, 2008  
Albany, New York

**NEW YORK FARM BUREAU, INC.**



By: **Elizabeth Corron Dribusch, Esq.**

General Counsel

New York Farm Bureau, Inc.

*Amicus curiae*

159 Wolf Road, P.O. Box 5330

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Albany, NY 12224

**LEWIS FAMILY FARM, INC.,**  
Petitioner,

-against-

**ADIRONDACK PARK AGENCY,**  
Respondent.

**AFFIRMATION IN  
SUPPORT OF MOTION  
TO FILE AN *AMICUS  
CURIAE* BRIEF**

(And Another Related Action.)

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**ELIZABETH CORRON DRIBUSCH**, an attorney at law duly admitted to practice in the courts of the State of New York, swears and affirms under penalty of perjury as follows:

1. I am the General Counsel and Director of Legal Affairs for New York Farm Bureau, Inc., (“Farm Bureau”), a not-for-profit, voluntary, general farm organization.

2. Farm Bureau is dedicated to promoting, protecting, and representing the economic, social, and educational interests of New York farmers and encouraging the development and preservation of agriculture within the state.

3. Farm Bureau seeks to strengthen legislation recognizing the unique nature of the agricultural industry and to ensure adherence with state policies and laws regarding agriculture.

4. Farm Bureau has a statewide membership of approximately 30,000 farmers in 52 counties, and the Essex County Farm Bureau is among the affiliate organizations.

5. On behalf of Farm Bureau's members, I make this affirmation in support of this motion for permission to submit the *amicus curiae* brief annexed hereto.

6. The instant dispute concerns farm worker housing on farm premises in a county-created, state-certified Agricultural District within the Adirondack Park and in an area classified by the Adirondack Park Agency as a resource management area, where agriculture is a primary use.

7. At issue here is Executive Law § 802 (8), a provision of the Adirondack Park Act ("Park Act") governing whether farm worker housing built on farm premises is an integral part of farm operations.

8. The only reasonable interpretation of the subject provision that would harmonize with existing law and the realities of farm life is that the subject farm worker housing is outside Adirondack Park Agency jurisdiction and control. However, the Park Agency has concluded that it may regulate such housing, even in an Agricultural District.

9. This interpretation dishonors the command in the State Constitution (Article XIV, § 4) that agriculture must be promoted throughout the state –

including in the Adirondack Park; ignores salient provisions of the Agriculture and Markets Law regarding farm worker housing; and contravenes a decision of the Court of Appeals, *Town of Lysander v. Hafner*, 96 NY2d 558 (2001). (Farm Bureau appeared *amicus curiae* in the Court of Appeals in that seminal case.)

10. The challenged determination also betrays a dangerous ignorance about the integral role that farm worker housing plays on farm premises, given the need for farmers to accommodate the long work day, address the shortage of nearby rental housing and available transportation in rural areas, and provide ease of access to farm buildings and operations.

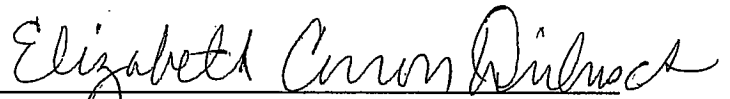
11. Since many of Farm Bureau's members within the Adirondack Park must provide housing for workers on farm premises, they stand to be directly and significantly affected by the decision of this Court in this matter.

12. Farm Bureau can provide pertinent information and analysis regarding the proper interpretation of provisions within the overlapping statutory schemes that affect agriculture and farm worker housing; the importance of agriculture in the Adirondack Park; and the broader potential impact of the erroneous interpretation by the Park Agency – factors which should be considered by this Court in its deliberations and might not otherwise be known to the Court.

13. In sum, considering the direct impact that this case could have upon New York farmers in Essex County and beyond, and the important information and insights that Farm Bureau can provide, such organization respectfully seeks permission to submit the annexed *amicus curiae* brief.

WHEREFORE, on behalf of Farm Bureau, the undersigned respectfully requests that this motion for leave to file an *amicus curiae* brief be granted.

Dated: May 28, 2008



**Elizabeth Corron Dribusch**  
General Counsel  
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