

STATE OF NEW YORK SUPREME COURT  
APPELLATE DIVISION THIRD DEPARTMENT

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LEWIS FAMILY FARM, INC.,

AFFIDAVIT

Petitioner,

Index No. 315-08

-against-

AD Docket No. 504626

ADIRONDACK PARK AGENCY,

Respondent.

-----X

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

Shaun Lalonde, having been duly sworn, deposes and says:

1. I am a Professional Engineer certified to practice in the State of New York, and have been employed by the Adirondack Park Agency (the "Agency"), an executive agency of the State of New York created pursuant to Executive Law § 803, with offices located in the Town of North Elba, Essex County, New York, in that capacity since 2002. Prior to this position, I was employed by the New York State Department of Environmental Conservation as an engineer from 1988 to 2002. As part of my duties, I am responsible for assisting in the investigation of alleged violations of the Adirondack Park Agency Act, Adirondack Park Agency Rules and Regulations, the New York State

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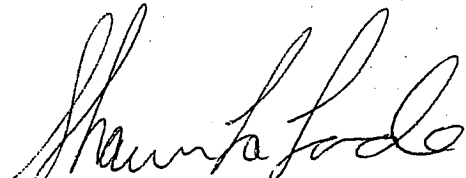
Freshwater Wetlands Act, and the NYS Wild, Scenic and Recreational Rivers Act in an area that includes the Town of Essex, Essex County. That assistance may call upon me to evaluate engineered plans that are submitted to the Agency for review.

2. I am familiar with the file in this matter.
3. On May 5<sup>th</sup>, 2008 the Agency received a submittal for an as-built plan for a septic system referred to as the "West House" on the Lewis Family Farm. The submittal includes a letter from Douglas R. Ferris P.C. of Earth Science Engineering, P.C., and a drawing of the location of septic tanks, pump stations, and leaching components. Only one house labeled as the "West House" is connected to the absorption field depicted on the drawing. Based upon the affidavit of Barbara Lewis the intent is to connect all three dwellings referred to as Residence I, North Cottage and South Cottage to a common septic system. My understanding is Residence I is also known as the West House. The drawing also includes a written statement indicating the elevation of the top of the north septic tank, depth to seasonal high groundwater, and trench elevation. The letter indicates that the system was reviewed during installation from May 1 through 3, 2008 and is in

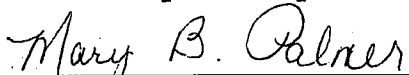
"substantial conformance with a 9/2/07 design prepared by Mark J. Buckley, P.E."

4. The submittal also contains a letter from John J. Privatera indicating that system as depicted complies with state law as directed by the third "ordered" paragraph of Judge Stein's Decision.
5. Design plans prepared by Mark J. Buckley, P.E. that are referenced in the submittal are included in an Affidavit of Barbara Lewis as Exhibit E. These design plans as submitted are inadequate to do a complete evaluation due to the following deficiencies. The plan contains no topography or hydraulic profile. The site plan map is not drawn to scale and does not contain information on the location of on-site wells, neighboring wells within 200 feet, or test pit/percolation test locations. It appears that the system described by Mr. Ferris was not installed in the location described by Mr. Buckley. It also appears the test pit information described by Mr. Buckley does not correlate with the Essex County Soil Maps. In addition, it does not appear that the design submitted by Mr. Buckley and included as Exhibit E accounts for all three residences as described in the Barbara Lewis affidavit.

6. Until additional, adequate information is provided, I can not make a professional determination on behalf of the Agency as to whether or not the system complies with Appendix 75-A, 9 NYCRR Appendix Q-4 and the Agency's *Guidelines for On-Site Sewage Disposal Systems*, dated March 1991.

  
Shaun Lalonde

Sworn to before me this  
6th day of May, 2008.

  
Notary Public

MARY B. PALMER  
Notary Public, State of New York  
# 01PA6128439  
Commission Expires June 13, 20<sup>09</sup>