

LEWIS FAMILY FARM, INC.,

AFFIRMATION

Petitioner,

A.D. Docket No. 504626

-against-

ADIRONDACK PARK AGENCY,

Essex County Index No. 315-08

Respondent.

JOHN J. PRIVITERA, 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:

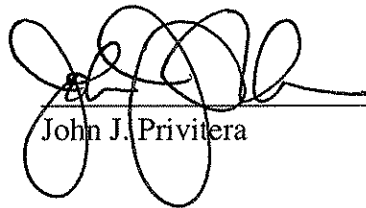
1. I am duly licensed and admitted to practice law in the State of New York, and I am a principal with the law firm of McNamee, Lochner, Titus & Williams, P.C., attorneys for Petitioner Lewis Family Farm, Inc. (hereafter "Lewis Family Farm"). As such, I am fully familiar with the pleadings and proceedings had in this action, and with the matters set forth herein.

2. I make this affirmation in response to the Agency's improper sur-reply Affidavit of Shaun Lalonde, sworn to May 6, 2008, and served upon me on May 8, 2008 in violation of the Order to Show Cause executed by Hon. Leslie E. Stein on April 28, 2008, which orders that any opposition papers be served upon me no later than May 5, 2008. Accordingly, this Court should not consider the improper Lalonde Affidavit on this motion.

3. The Order to Show Cause executed by Hon. Leslie E. Stein on April 28, 2008 ordered the Lewis Family Farm to comply with Paragraph 2(b) of Hon. Richard B. Meyer's April 11, 2008 Decision and Order. The Lewis Family Farm complied by submitting a certification by Douglas R. Ferris, P.E. that the Dormitory's septic system is operational and complies with New

York State law. (See Reply Affirmation of John Privitera dated May 8, 2008, Ex. A). Paragraph 2(b)—which the Agency itself drafted—does not give the Agency the right to comment on or question the validity of the licensed engineer's certification that the Dormitory's septic system is operational and complies with New York State law. Nevertheless, an additional certification by Mark J. Buckley, P.E. confirming the findings by Mr. Ferris and addressing Mr. Lalonde's obtuse and illegitimate concerns, dated May 9, 2008, is attached hereto as **Exhibit "A"**.

I hereby swear and affirm the above under penalty of perjury this 9th day of May, 2008.



John J. Privitera

Mark I. Buckley, P.E.

P.O. Box 401
Willsboro, NY 12996

Phone (518)963-4467

May 9, 2008

Lewis Family Farm, Inc.
Attention: Barbara A. Lewis
1212 Whallons Bay Road
Essex, New York 12936

Re: Affidavit Index No. 315-08 by Shaun Lalonde

I have read the affidavit of Shaun Lalonde dated May 6, 2008. I am the New York State Licensed Professional Engineer referenced in Paragraph 3 and 5 of that affidavit. I designed the septic system for the three house farm worker housing cluster on Whallons Bay Road on the Lewis Farm.

I have studied the certified as-built drawing of the current system in place at this location, certified by Mr. Douglas Ferris by letter and drawing of May 4, 2008. I also visited the site during the installation of the new system. It is my determination that the installation of the new system complies with Appendix 75-A, 9 NYCRR Part 75. It is also my observation that the as-built drawing shows the necessary measurements and elevations to determine the system conforms to the aforementioned NYCRR. There are no wells within 100 feet of the new septic system.

The design plans as submitted are typical for this size system and do not require topography or a hydraulic profile. Prior to the Lalonde affidavit no request was made by the Adirondack Park Agency for those items. The site plan map is drawn to scale and the new system is installed in the location shown on the site plan map.

As far as the Essex County Soil Maps are concerned they can only be used as a general guide until an actual soil investigation is performed. Soils where glaciations once occurred vary widely and change rapidly over a small area.

Should you have any questions please do not hesitate to contact me.

Sincerely,


Mark I. Buckley, P.E.
