



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ANDREW M. CUOMO
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
ENVIRONMENTAL PROTECTION BUREAU

September 12, 2008

Michael J. Novack, Clerk
Supreme Court Appellate Division,
Third Department
Capitol Station
Albany, New York 12224

Re: Lewis Family Farm, Inc. v. APA
AD Docket No. 504696

Dear Mr. Novack,

I am writing in response to Appellant Lewis Family Farm Inc.'s ("Lewis Farm") third motion for permission to extend its time to appeal the above-captioned matter. This action involves construction of three single family dwellings in the Adirondack Park without a permit from the Adirondack Park Agency ("APA"). The notice of appeal was dated September 26, 2007. In May 2008, Lewis Farm moved to extend its time to perfect the appeal and the APA moved for a conditional order of dismissal. This Court granted dismissal unless appellant served its record and brief on or before July 28, 2008. Lewis Farm then moved for a second extension and this Court granted an extension to September 22, 2008. The third motion herein requests an additional extension through November 24, 2008.

The APA now has no objection to a further extension of time for Lewis Farm to perfect its appeal. Previously the APA opposed an extension because it sought timely resolution of the jurisdictional issues. However, given the passage of time and the pendency of another Supreme Court ruling involving the APA's jurisdiction over the same dwellings at Lewis Farm, and in the interest of judicial economy, the APA does not oppose this latest motion. The APA notes for the record that it disagrees with Lewis Farm on the merits of this matter and its counsel's characterization of the facts in the affidavit in support of the motion dated September 3, 2008.

Sincerely,

A handwritten signature in black ink, appearing to read "Loretta Simon", written over a horizontal line.

Loretta Simon
Assistant Attorney General
(518) 402-2724

cc John J. Privitera
Jacob F. Lamme