

STATE OF NEW YORK SUPREME COURT  
ESSEX COUNTY

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LEWIS FAMILY FARM, INC.,

Plaintiff,

v.

NEW YORK STATE ADIRONDACK  
PARK AGENCY,

Defendant.

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AFFIRMATION

Index No. 000498-07  
R.J.I. No. 15-1-2007-  
0153

JOHN BANTA, an attorney duly admitted to practice in the State of New York, affirms under penalty of perjury pursuant to CPLR §2106:

1. I am Counsel to the Adirondack Park Agency (the "Agency") and have served in this position since 2002. I received a B.A. from Hiram College, Hiram, Ohio, in 1969 and a J.D. from Harvard Law School in 1972. I am a member in good standing of both the Illinois and New York State Bars. I was admitted to practice in Illinois in 1972 and to practice in New York in 1995. Prior to my appointment as Counsel, I was Deputy Director for the Division of Planning at the Agency for 21 years.

2. In my role as Counsel, I provide legal advice and counsel to the Agency, including its Members. I work

closely with the Legal Affairs and State Land Committees of the Agency and the staff that serve them. I also provide legal advice to Agency staff, including the Executive Director, and I supervise the Agency's other attorneys.

3. I am familiar with the Lewis Family Farm, Inc. ("Lewis Farm") and the Agency file in this matter. I make this affirmation in support of the Agency's Motion to Dismiss the complaint against the Agency brought by the Lewis Farm.

4. On December 5, 2005, I visited the Lewis Farm at the invitation of S.B. (Sandy) Lewis along with former Executive Director Richard Lefebvre and Acting Executive Director Mark Sengenberger.

5. During the course of our visit, Mr. Lewis advised us of his intention to build several single family dwellings on the Resource Management portion of his property as housing for his workers or as temporary housing for visitors to the Lewis Farm.

6. We advised Mr. Lewis that he would need to obtain permits from the Agency for those single family dwellings prior to their construction.

7. On June 27, 2007, I received a telephone call from the Supervisor of the Town of Essex, who advised me that local residents had been calling to complain that Lewis Farm was in the process of erecting modular single family dwellings on their property on that date. I conveyed that information to the supervisor of the Agency's enforcement program so that appropriate enforcement action could be taken.

Dated: July 23, 2007  
Ray Brook, New York



JOHN BANTA

Sworn to before me this

day of July, 2007.



Notary Public

MARY L. REARDON  
Notary Public - State of New York  
Qualified in Essex County  
No. 01RE6114798  
Commission Expires Aug. 23, 20 28