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In the matter of the apparent
violations of Section 809 of
the Executive Law by:

AFFIDAVIT

Agency File E2007-041

LEWIS FAMILY FARM, INC.

Respondent.
-----X

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

Douglas Miller, having been duly sworn, deposes and says:

1. I am an Enforcement Officer for 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, and have served in this position since 2005. In the course of my duties, I am responsible for investigating alleged violations of the Adirondack Park Agency Act, Adirondack Park Agency Rules and Regulations, the New York State Freshwater Wetlands Act, and the NYS Wild, Scenic and Recreational Rivers Act in an area that includes the Town of Essex, Essex County.
2. I am familiar with the file in this matter and provide this affidavit in support of Agency staff's request for an Enforcement Committee determination.

3. On August 31, 2007, I observed Respondent's property from an off-site location and discovered that Respondent was undertaking further construction work since my last visit of July 5, 2007 on the new single family dwellings. Specifically, I observed that workers were shingling the roof on a single family dwelling located adjacent to the Christian Road and immediately north of a preexisting blue house on the same property. The roof on the eastern side of this house was completely shingled and workers were placing shingles on the western facing main roof area. An aluminum chimney had been installed through the roof of this house since my last inspection. The gable ends of this house had been finished with the installation of siding and windows. A porch and roof framing had been added to the eastern side of this house. All the siding and doors had been installed on the main body of the house. A second house located adjacent to Whallons Bay Road, and northeast of the preexisting blue house on the property, had the roof line changed to complete the pitch. This second house had a roof area added over an entrance on the south side of the house. Siding had been installed on the eastern end of this house. A third house located

northeast of the first two houses also had a roof and porch area added over an entrance on the northern side of the house. This house also had the roof pitch finished. Photographs of the dwellings that I took on that date are attached hereto as Exhibit A.

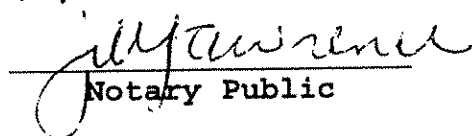
4. On September 5, 2007, I undertook a follow-up inspection to Respondent's property and observed that Respondent was continuing construction work on the dwellings. Specifically, I noted that workers were finishing the porch area that had been added to the house adjacent to Christian road. Workers were also seen placing sheetrock on the inside of the garage area of this house. Garage doors had been framed and gable end vents were installed, all the siding was finished and the roofing had been completed on the main portion of the house located adjacent to Christian Road. Photographs of the dwellings that I took on that date are attached hereto as Exhibit B.
5. On December 7, 2007, I observed Respondent's property from off-premises and found that, since September 5, 2007, Respondent has undertaken additional construction work on the three new single family dwellings. Specifically, I noted that all three houses appeared to be completely finished and ready

for occupancy except that steps had not been placed to the entrances. The dwellings appear to be fully installed and there are even curtains in the windows of one of the dwellings. I also observed that Respondent has removed the pre-existing single family dwelling from the property. Photographs of the dwellings that I took on that date are attached hereto as Exhibit C.

6. The Town of Essex has assessed the value of the Lewis Farm property and improvements at \$4,776,600. The estimated construction cost of each of the single family dwellings exceeded \$300,000, based on Respondent's June 25, 2007 application to the Town for building permits for manufactured home single family dwellings.
7. Salim B. Lewis is a shareholder in Lewis Family Farm, LLC based upon his August 7, 2007 affidavit in Lewis Family Farm, LLC v Adirondack Park Agency, a copy of which is attached hereto as Exhibit D.


DOUGLAS MILLER

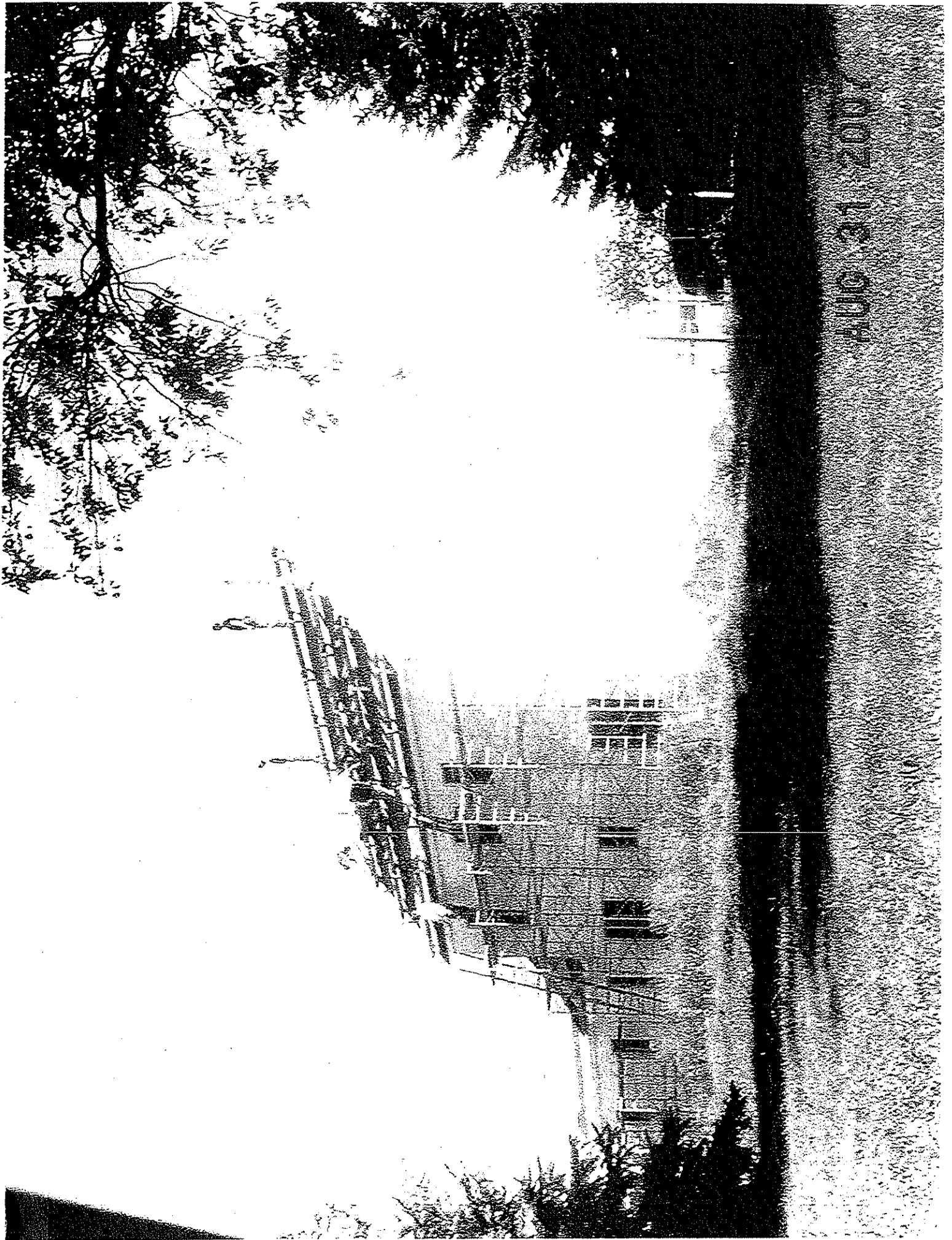
Sworn to before me this
12 th day of December, 2007.

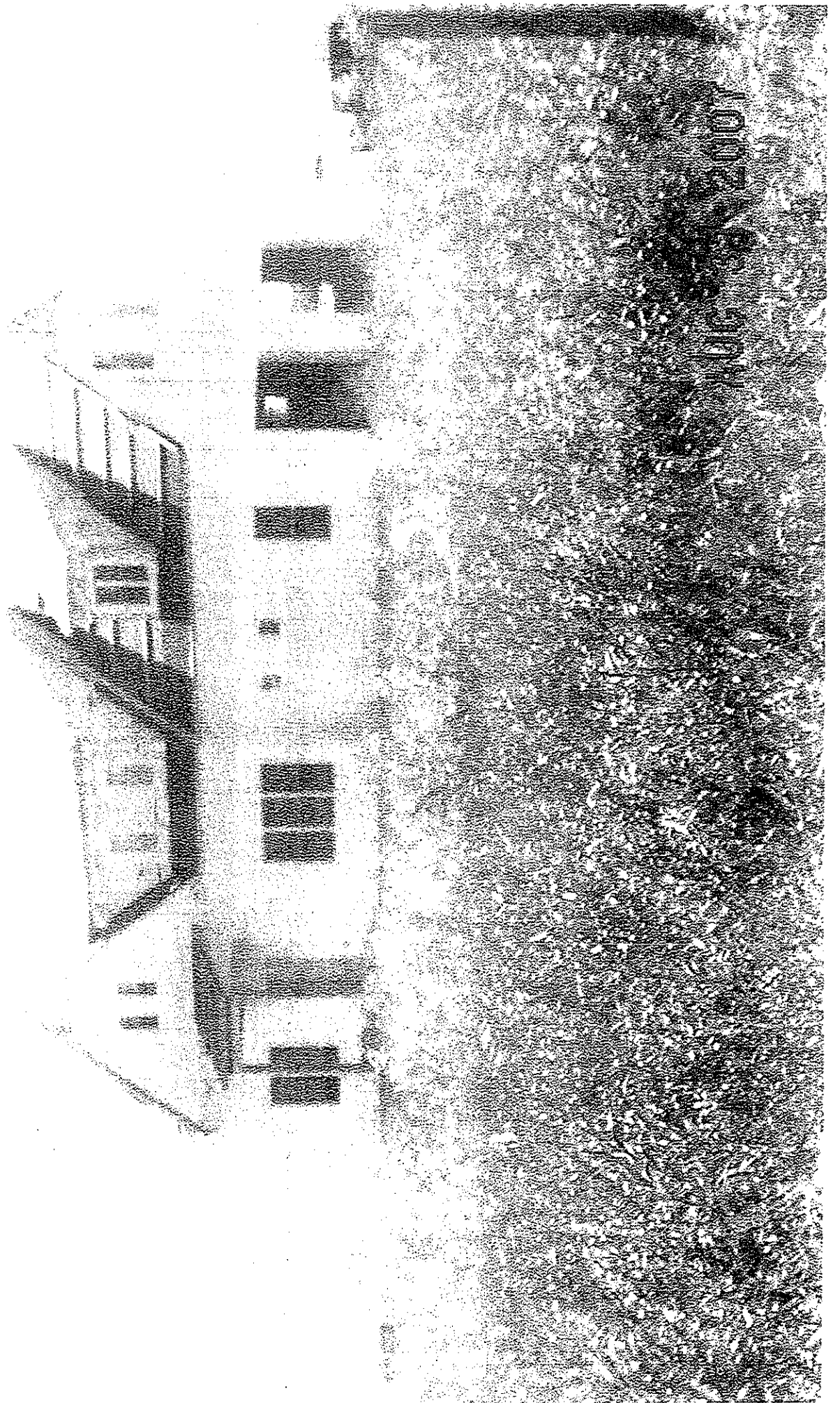

Notary Public

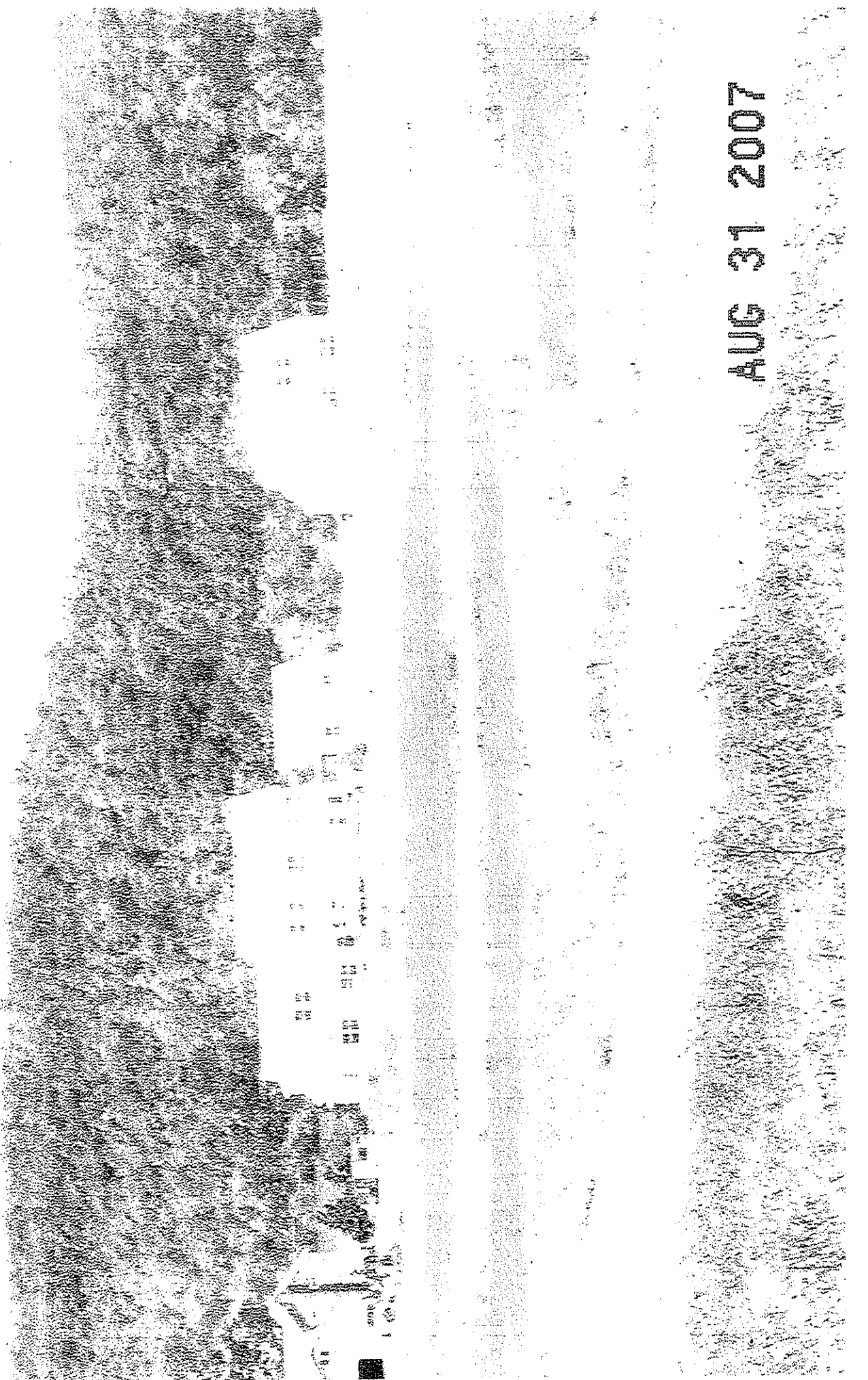
JILL LAWRENCE
Notary Public - State of New York
Qualified in Franklin County
No. 01LA6175330
Commission Expires Oct. 9, 2011

**AFFIDAVIT OF DOUGLAS MILLER
SWORN TO DECEMBER 12, 2007**

EXHIBIT A



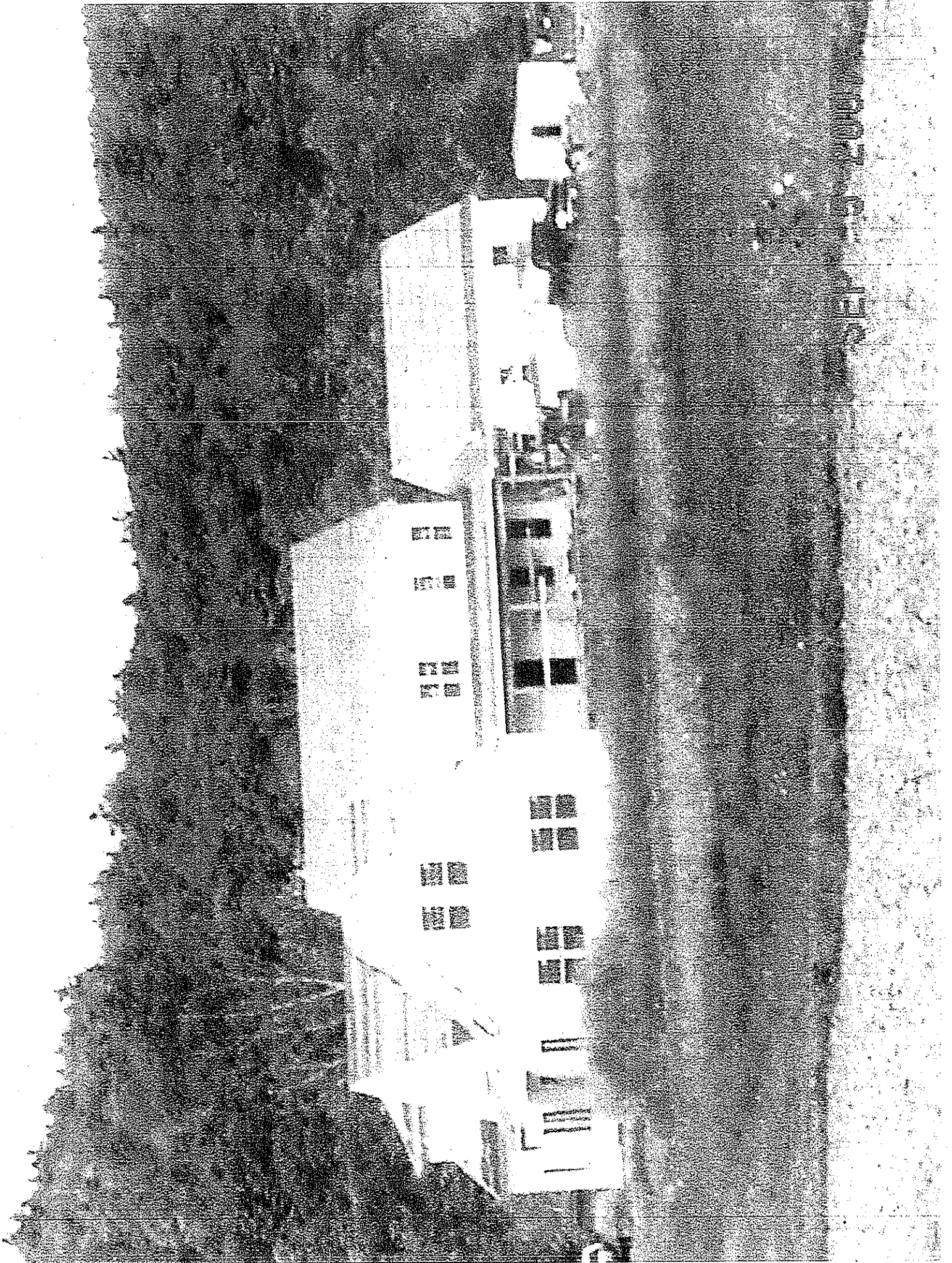


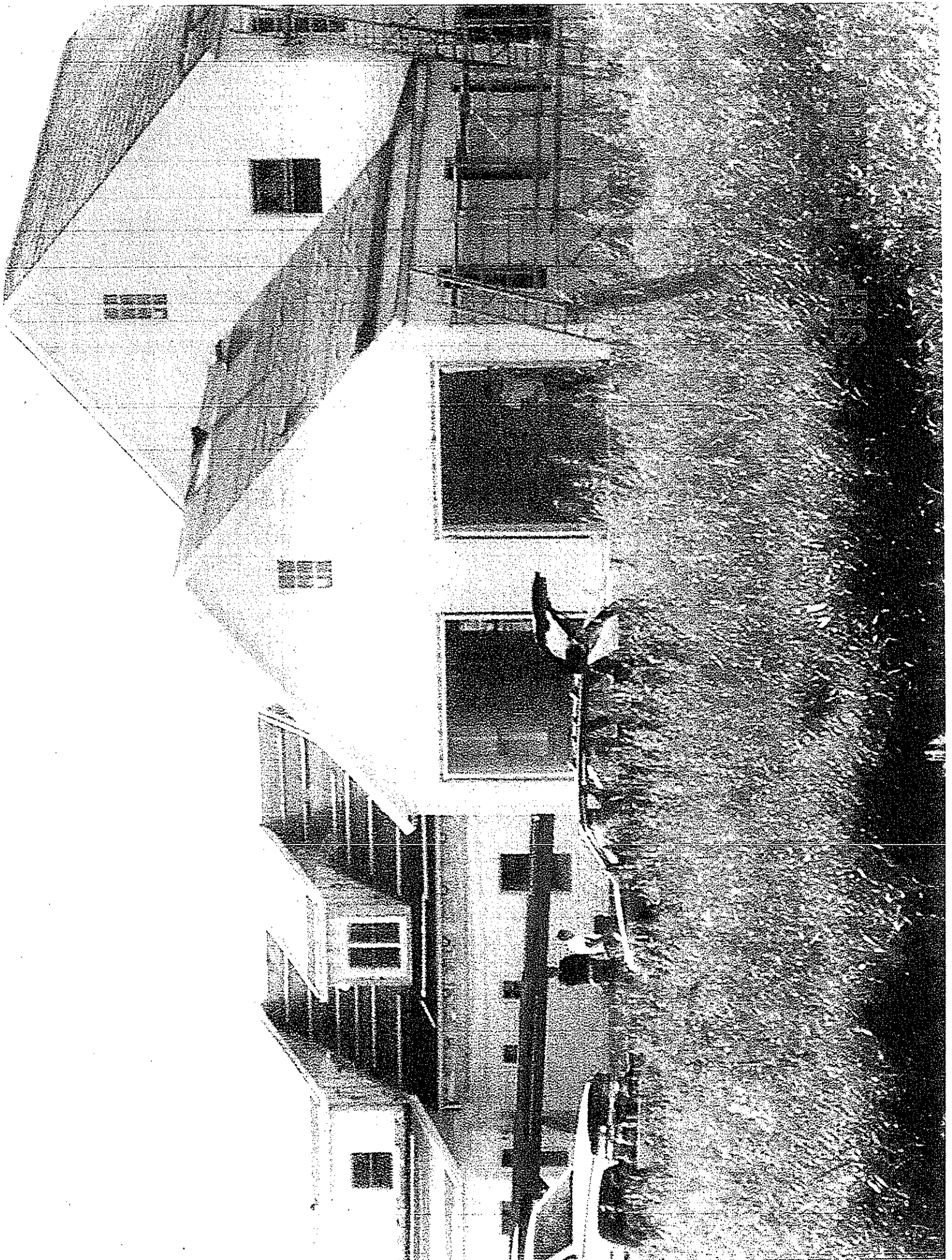


AUG 31 2007

AFFIDAVIT OF DOUGLAS MILLER
SWORN TO DECEMBER 12, 2007

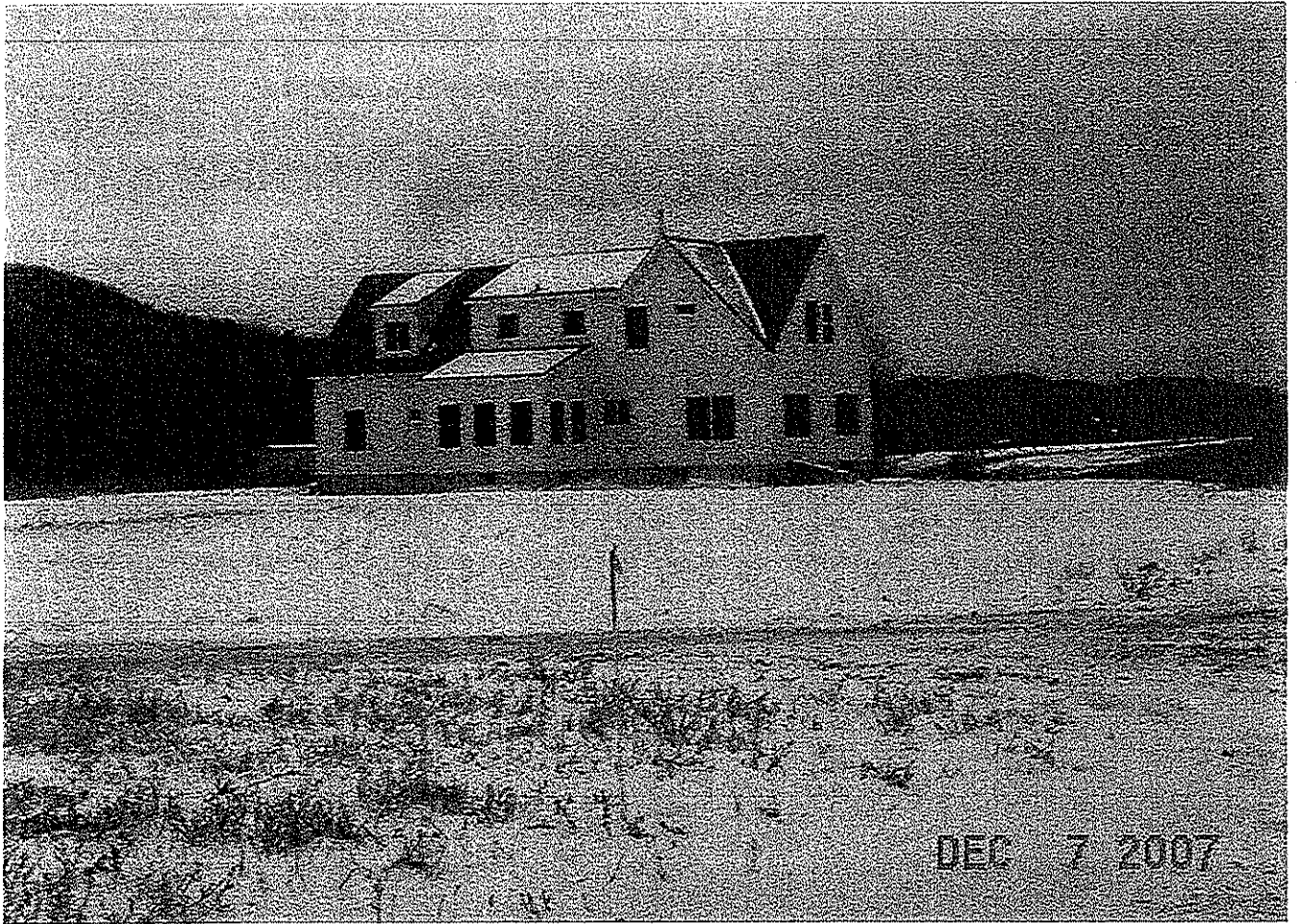
EXHIBIT B





AFFIDAVIT OF DOUGLAS MILLER
SWORN TO DECEMBER 12, 2007

EXHIBIT C





AFFIDAVIT OF DOUGLAS MILLER
SWORN TO DECEMBER 12, 2007

EXHIBIT D

STATE OF NEW YORK
SUPREME COURT

COUNTY OF ESSEX

LEWIS FAMILY FARM, INC.,

Plaintiff.

- vs -

NEW YORK STATE ADIRONDACK PARK AGENCY,

Defendant.

AFFIDAVIT OF SALIM
B. LEWIS

Index No. 000498-07

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

Salim B. Lewis, being duly sworn, deposes and says:

1. I am a shareholder of the Lewis Family Farm, Inc. ("Lewis Farm"), the plaintiff in the above captioned action. I have personal knowledge of the facts stated herein or, where indicated, to be upon information and belief. believe such facts to be true.

2. I offer this affidavit in further support of the Lewis Farm's motion for a temporary restraining order and preliminary injunction, and in opposition to Defendant New York State Adirondack Park Agency's ("APA") motion to dismiss.

3. Since 1978, the Lewis Farm has had the vision of becoming the premier organic farm in New York State. Today's Lewis Farm, I am told, offers a standard to which farms in the region and the nation may aspire.

4. The Lewis Farm started with a few acres around our residence, and now encompasses approximately 1,200 contiguous acres.

5. Among the Lewis Farm's missions, we wish to create and maintain the sustainable USDA certified, National Organic Program organic agriculture model in Essex

County by producing high quality organic food and breeding that will compete in domestic and international markets.

6. To accomplish this goal, the Lewis Farm has invested in modern agricultural equipment, practices and in the people who will perfect these strategies. The Lewis Farm seeks to employ highly educated individuals, increasingly expert in organic farming, people that can propel the Lewis Farm forward, making it the most modern and innovative organic farm in New York State.

7. We are told the Lewis Farm is important to the agricultural economy of Essex County, and to the agricultural future of the region, because it serves as a model that helps other farmers in the region and throughout the state to see that organic farming is profitable and sustainable.

8. The Lewis Farm has progressed from a small, simple, money-losing hay operation, spraying insecticide and herbicide, to a growing, entirely organic, increasingly bio-dynamic and holistic farm that produces and sells grains, hay, and forage crops, and breeds and raises grass-fed, grass-finished beef from a registered organic herd of national importance.

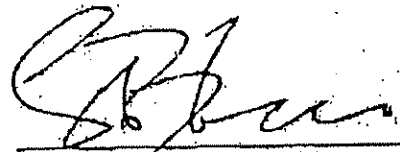
9. We regularly offer local residents, government officials, and other representatives of the organic and environmental communities tours of the Lewis Farm. The purpose of these tours is to educate. Our neighbors, government officials and others learn about organic initiatives and products at the Farm. These tours showcase the culture of cleanliness and commitment among the Lewis Farm employees, giving farm staff the opportunity to show and tell.

10. Several years ago we invited John Banta, Richard Lefebvre, and Mark Sengenberger, among others from the APA, to tour the Lewis farm. The purpose of the tour was to educate.

11. During this tour, I drove Messrs. Banta, Lefebvre, and Sengenberger around the Lewis Farm. I showed the Lewis Farm, explained its history and growth, described its organic initiatives, and showcased the high quality work performed by our employees.

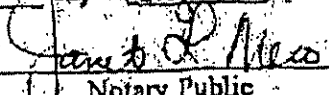
12. The sole purpose of the tour was to educate Messrs. Banta, Lefebvre, and Sengenberger. At no time did I seek their legal opinion regarding any aspect of our operation.

13. When I gave Messrs. Banta, Lefebvre, and Sengenberger a tour of the Lewis Farm, the Lewis Farm had not yet decided to build onsite employee housing, and I did not discuss with Messrs. Banta, Lefebvre, and Sengenberger whether or not such housing would be subject to the APA's permitting authority, nor am I aware that they said it would not be. I do not recall any such discussion.



Salim B. Lewis

Sworn to before me this
7th day of August, 2007



Notary Public

JANET L. MERO
NOTARY PUBLIC STATE OF NEW YORK
NO. 2895400
QUALIFIED IN ESSEX COUNTY 9/20/07
TERM EXPIRES