

**PRE-CALENDAR STATEMENT**

State of New York  
Supreme Court: Appellate Division  
Third Judicial Department

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ESSEX**

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**LEWIS FAMILY FARM, INC.,**

**Petitioner,**

**v.**

**NEW YORK STATE ADIRONDACK  
PARK AGENCY,**

**Respondent.**

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**Essex County  
Index No. 315-08  
RJI No. 15-1-2008-0109**

**ADIRONDACK PARK AGENCY,**

**Plaintiff,**

**v.**

**LEWIS FAMILY FARM, INC.,  
SALIM B. LEWIS and BARBARA LEWIS,**

**Defendants.**

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**Essex County  
Index No. 332-08  
RJI No. 15-1-2008-0117**

**PARTIES INVOLVED:**

<u>Party Name</u>	<u>Original Status</u>	<u>Appellate Status</u>
Lewis Family Farm Inc.	Petitioner	Respondent
New York State Adirondack Park Agency ("APA")	Respondent	Appellant

**COUNSEL for APPELLANT:**

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**COURT, JUDGE, and COUNTY:**

Hon. Richard B. Meyer  
Supreme Court, Essex County  
Supreme Court Chambers  
7559 Court Street  
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**NATURE and OBJECT of ACTION or PROCEEDING:**

In a Decision and Order dated February 3, 2010, a copy of which is attached hereto, pursuant to CPLR Article 86 (Equal Access to Justice Act), the Supreme Court found that the APA was not "substantially justified" in its position to require a permit for the construction of three single-family dwellings in the Adirondack Park.

**APPELLATE ISSUE:**

Was the APA's administrative determination substantially justified and did special circumstances made an award unjust where: the APA relied on a prior Supreme Court ruling that the Agency had jurisdiction; where the issue was one of first impression; where the State was successful on two issues in the litigation; where the APA had long standing statutory authority requiring permits for single family dwellings in Resource Management areas and Recreational River corridors in the Adirondack Park; and where Supreme Court found the determination was affected by "error of law?"

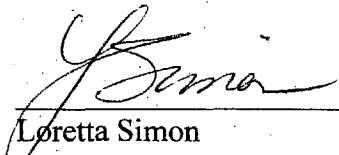
**OTHER RELATED MATTERS:**

See: Lewis Family Farm, Inc. v. Adirondack Park Agency, A.D. Case # 504696 (Essex Co., Index No. 498-07)(Lewis Farm 1)

Dated: March 29, 2010

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By:

  
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attachments:

Notice of Appeal

Decision & Order