



## Tirade against APA

### Farmer Lewis vows to recoup his legal fees

By **LOHR MCKINSTRY**  
Staff Writer

LAKE PLACID — In a press conference punctuated with profanity and shouting, organic farmer Salim “Sandy” Lewis announced his intention Thursday to collect \$208,000 it cost in legal fees to defeat the Adirondack Park Agency in court.

The APA lost a legal action against Lewis over three farmworker houses built without agency permits at Lewis Family Farm Inc. in Essex.

Lewis contended the farm didn't need permits because State Agriculture Law exempts farm buildings.

In November 2008, State Su-

preme Court of Essex County agreed, and the decision was upheld on appeal to the Appellate Division of State Supreme Court.

Now, the farm wants its money. “It's just,” he said. “This (case) was well orchestrated and all part of the rain dance at the APA. I have never seen such a goddamn conspiratorial collection of morons in my life.”

#### 'ROGUE AGENCY'

His voice rising, and at times disagreeing with his attorney, John J. Privitera, who was on speaker-phone from his office in Albany, Lewis said the APA believes it can make its own laws.

“We have to know those son-

of-bitches have got the message. Somewhere, somebody's got to draw a line in the sand and say, ‘You're a rogue agency.’”

The APA was represented by State Attorney General Andrew Cuomo's office in the court case.

#### IMPACT DEBATED

On Thursday, APA spokesman Keith McKeever confirmed there will be no appeal to the State Court of Appeals.

“The state will not appeal the Appellate Division ruling regarding the Lewis Family Farm. The Adirondack Park

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Staff Photo/Lohr McKinstry

**Sandy Lewis** gestures during a press conference Thursday in Lake Placid.

# 'The APA has lost its way'

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Agency believes the impact of the court's decision is limited because of the nature of the case. We have no further comment at this time, due to litigation related to this matter."

Privitera said he disagrees that the impact of the decision is limited.

"It's true this case is only about farm-worker houses," he said sarcastically. "It is only a case that says the agency has no legal authority to regulate farms.

"It is a clear signal the agency has to follow the law. We see it as important beyond the parameters of the case."

## MOTION FOR FEES

The motion to collect legal fees was filed Aug. 13 under the State Equal Access to Justice Act, Privitera said, and the APA has until Aug. 28 to respond.

A court review is tentatively set for Sept. 4.

The legal battle began in fall 2006, when Lewis Family Farm obtained a building permit from the Town of Essex to erect three farm-worker houses but didn't apply to the APA.

The APA said it was a three-home subdivision and ordered Lewis Farm to pay \$50,000 and get a permit after the fact.

The APA Act says all structures on a farm count as one principal building lot and are exempt from density requirements and APA permits, but the agency tried to say the Lewis Farm is actually three principal buildings.

"There were many attempts to impugn the integrity of the farm (in court)," Privitera said. "These houses are down by the barns. They are not second homes, vacation homes."

## SEEKS RESIGNATIONS

Privitera said he believed some APA officials held personal animosity against Lewis.

Lewis said Agency Counsel John Banta wanted him to cede full jurisdiction over his farm to the APA to settle the issue.

"You couldn't have put up a fence without approval," Lewis said.

He is calling for Banta's resignation, along with APA Chairman Curtis Stiles, Senior Attorney Ellen Egan George and Enforcement Attorney Paul Van Cott.

"This is about the hijacking of the environmental field," Lewis said. "The APA has lost its way."

He implied there's more to come.

"This is a step. I haven't got one-tenth of 1 percent done."

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