

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF TOMPKINS

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2011 OCT 21 PM 3:41

ANSCHUTZ EXPLORATION CORPORATION,

Petitioner-Plaintiff,

For a Judgment Pursuant to Articles 78 and 3001 of the
Civil Practice Law and Rules,

-against-

TOWN OF DRYDEN and TOWN OF DRYDEN TOWN
BOARD,

Respondents-Defendants.

AFFIDAVIT OF
SIBLEY STEWART

Index No. 2011-0902

RJI No. 2011-0499-M

Hon. Phillip R. Rumsey

STATE OF NEW YORK: SS:
COUNTY OF TOMPKINS:

Sibley Stewart, being duly sworn, deposes and says as follows:

1. I am the former zoning officer for the Town of Dryden, Tompkins County, New York.
2. I have lived in the Town of Dryden for the last 79 years.
3. I was so employed by the Town of Dryden from 1970 to my retirement effective December 31, 1986.
4. I am very familiar with the provisions of the Zoning Ordinance because of my 17 years as the zoning officer.
5. As the zoning officer I was responsible for the interpretation and enforcement of the town's Zoning Ordinance.
6. During the time that I was employed by the Town of Dryden, Section 500(1) of the Zoning Ordinance provided:


“Section 500. Except as hereinafter provided, the following general provisions shall apply to land use and development in the Town of Dryden:

1. No land or building shall hereafter be used or occupied and no building or part thereof shall hereafter be enlarged or its use altered unless such action is in conformance with all the regulations specified for the zone in which said action occurs and any special regulations pertinent thereto.”

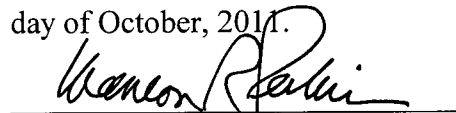
7. The drilling of a natural gas well was not an enumerated allowed use or use allowed by special permit in any zoning district at any time.

8. Upon information and belief based upon DEC records, only six (6) natural gas wells have been drilled in the Town of Dryden. One was drilled before the adoption of the Zoning Ordinance. None of the others were drilled while I was so employed.

9. At no time during my employment did I ever receive an inquiry from a landowner or from a driller of natural gas wells whether land in the Town of Dryden could be used for such purposes.


Sibley Stewart

Sworn to before me this 19th
day of October, 2011.


Notary Public

MAHLON R. PERKINS
NOTARY PUBLIC, State of New York
No. 4605632
Qualified in Tompkins County
Commission Expires 6/30/2014