

PRESS RELEASE

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CITIZEN GROUP WINS DECISIVE VICTORY; SUPREME COURT ISSUES PERMANENT INJUNCTION AGAINST WILZIG'S ILLEGAL RACETRACK

TAGHKANIC, NEW YORK: Neighboring property owners working with The Granger Group, a citizens' organization in the town of Taghkanic, won a decisive legal victory with Supreme Court Justice Patrick J. McGrath's January 6 Decision and Order that permanently bars Alan Wilzig from paving or using his mile-long, forty-foot-wide professional grade racetrack.

Wilzig began building the track in mid-2006, a project that he currently calls a "sporting course" but that he had earlier referred to as "Wilzig Racing Manor." The project continued without any town permits and in spite of Wilzig having been advised by Taghkanic's Zoning Board chair at the time that a racetrack of any kind was not permitted in the town.

"The judge's decision is a huge relief," said neighbor Diane Rodriguez, an adjoining property owner whose extended family also lives next to the Wilzig racetrack. "I just wish my father, a military veteran, was still alive to finally see this three-and-a-half-year-long nightmare come to an end. He passed away last October."

Sali Wohlbach, another petitioner and close neighbor of Wilzig's racetrack, said, "I'm proud to be part of the town's citizens that stood up and were heard. Through all the years we battled this, with personal efforts, energy, and our own money, I was always disturbed to realize that the town I support with my property taxes had agreed to and would allow one person's selfish endeavors to potentially wreak havoc with so many others' property rights, values, and peace and quiet."

The landmark decision is based primarily on a legal principle known as “res judicata,” a commonsense rule that seeks, as Justice McGrath states in his decision, “to put an end to a matter once duly decided. It forbids relitigation of the matter as an unjustifiable duplication, an unwarranted burden on the courts as well as on opposing parties.” Justice McGrath honored that rule, preventing the oppression of honest taxpayers by unending litigation about the same issue brought by a party with seemingly unlimited resources.

In a December 2006 decision, the Town’s Zoning Board of Appeals ruled that the racetrack was not a permitted customary accessory use to a residence, and the argument that the racetrack was a potential “club or recreational use” could have been raised at that time but was not. Wilzig first attempted that argument later in 2007 but withdrew it, stating that he was waiting for what he referred to as a more favorable political climate. He then reapplied late in 2008, at which time he also began downplaying his “Racing Manor” description (a use he boasted about frequently in internet postings), referring to the same racetrack as a “recreational sporting course.” Judge McGrath flatly rejected the notion that the track had changed in any way, stating that “there has been no major change of use that would preclude the doctrine of res judicata.”

“In effect, the judge's ruling reminds Wilzig of a lesson that most people learn as kids: if Mom says no, you don't try to get Dad to say yes,” said Sam Pratt, one of the four original Granger Group co-founders. “That's what the principle of res judicata is all about. It's one of the oldest, strictest and most common-sense principles of law — not some 'arcane legalese thing' as Wilzig has tried to spin it.”

“This controversy should have been over in 2006 or 2007; but Wilzig and certain Taghkanic officials chose instead to ignore the rules, jack up taxpayers' costs, and prolong the ordeal for everyone,” Pratt added.

Underscoring the Supreme Court’s determination that the racetrack matter be forever put to an end is the fact that Judge McGrath’s decision also prohibits “the Town of Taghkanic, Zoning Board of Appeals of the Town of Taghkanic, Town of Taghkanic Planning Board, Dennis Callahan as Code Enforcement Officer and Building Inspector for the Town or Taghkanic or any other employee or agent of the Town of Taghkanic from issuing a Building

Permit, Certificate of Compliance and/or a Certificate of Occupancy or Site Plan approval for the sporting course or track.”

“The Granger Group’s goal all along has been to see to it that the rule of law is upheld in Taghkanic, and that its peaceful, community spirit is preserved. We succeeded.” said Granger spokesperson Tony Gravett. Justice McGrath’s ruling “annulled and vacated” the Planning Board’s 2009 Site Plan approval of the racetrack; it also voided the Zoning Board of Appeal’s denial of the petitioners’ assertion, on appeal, that the racetrack was not an allowable “club or recreational use” under the Town's zoning law.

In December 2007, Mr. Wilzig was fined \$50,000 by the New York State Department of Environmental Conservation for violations of storm water pollution prevention requirements related to ongoing work on the illegal racetrack. Wilzig continued working on the project, and by the fall of 2008 it appeared to be ready for paving. In early 2009, neighboring property owners working with The Granger Group mounted a third campaign to oppose the racetrack, which included hundreds of signatures on petitions, passionate protest by dozens of town citizens at two public hearings, testimony about potential noise pollution and loss of property values from the racetrack, and an aggressive legal strategy pursued by the group’s counsel, Warren Replansky of Pine Plains, that resulted in the January 6, 2010 Supreme Court decision.

“It is truly shameful that private citizens were forced to pay out of their own pockets the legal expenses necessary to do the job that the Town of Taghkanic’s own officers should have done on their behalf” stated the group’s spokesperson.

About The Granger Group

The Granger Group is an informal organization of civic-minded residents of various backgrounds from the Town of Taghkanic in Columbia County, New York. It was formed to seek the fair and even-handed enforcement of the Taghkanic’s zoning code in the face of the town’s failure to do so.

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