Approved

10/26/2026

Town of Taghkanic Zoning Board of Appeals

MINUTES OF THE SEPTEMBER 28, 2026 REGULAR MEETING

A regular meeting of the Town of Taghkanic Zoning Board of Appeals was held on Monday, September 28, 2026, at the Taghkanic Town Hall.

Present : Chairman Jim Romaine; Members: Ray Colgrove, Tom Mirabelli, Elizabeth O'Donnell, and Ron Bel Bruno, Linda Holik (PB secretary)

Also Present : Attorney Rob FitzSimmons

Absent: Kent Sammons

Live Audience: Emily Alfeche, Betsy Albert, Perry Ascher, Mary Anne Cohen, Deborah Colgrove, Celine Kagan, Linda Mirabelli, Dylan Murcott, Fran Murcott, T.J. Ruane, Michael Scanlon, Christine Tallackson, Jeff Tallackson

Zoom Audience: Caroline Ackerman, Basquali, Michelle B., Linda Dolphin, David Golub, J. Hernandez, Gopi Patel, Andre Pretorius, Michael Reese, Michelle Reid

7:15pm: Alternate Chair – Elizabeth O'Donnell opened the meeting with the Pledge of Allegiance.

7:18pm: Elizabeth O'Donnell requested a motion to vote for the alternate Ron Bel Bruno to serve at this ZBA meeting.

Motion: Tom Mirabelli, Second: Elizabeth O'Donnell

Aye: Unanimous, Abstentions/Nay: None

7:20pm: Elizabeth O'Donnell requested a motion to approve the minutes from the August 2026 meeting.

Motion: Tom Mirabelli, Second: Ray Colgrove

Aye: Unanimous, Abstentions/Nay: None

7:22pm: Elizabeth O'Donnell noted that Verizon representation was not in the room. To bring everyone up to speed on the Verizon application, she noted confirmation that the proposed Balloon Test did not take place due to the weather and that the next date would be September 29, 2026, to be confirmed. She noted that what is complicating the current Verizon application process is that the proposed monopole location does not meet the side yard setback requirement of 400 feet on the east side of the property. Although the property is wide enough to accommodate the 400' side yard setbacks on both sides of the monopole, the proposed location is approximately 250' from the east property line. In a letter addressed to the ZBA dated 17 September 2026, the landowner indicated if the tower were relocated to meet the 400' setback requirements on the east side, the tower would be too close to the landowner's seasonal residence. Since Verizon representation was not in attendance, the application is on hold until after the balloon test is conducted and representation is available at the next meeting. Verizon must also provide, in advance of the October meeting, a revised dimensioned plan showing the proposed tower location, the adjacent properties, all existing structures, and the wetland on the north edges of the properties.

7:25pm: T.J. Ruane, attorney from Whiteman Osterman & Hanna LLP, is representing the Dirty Shepard Rally School. Clients Fran Murcott and Dylan Murcott attended the meeting. On behalf of the property owner, Mr. Ruane is responding to an "Order to Remedy Violation" issued by the Town of Taghkanic Code Enforcement Officer and requests that the ZBA review and approve a Special Use Permit for the property and use as a Commercial Rally School. Mr. Ruane brought documents to the meeting.

Chair Jim Romaine joins the meeting.

Mr. Ruane argues that the Dirty Shephard Driving School should be permitted a Special Use Permit. Mr. Ruane confirmed that this was step 1 of their appeal process. The Board will review the submissions that Mr. Ruane brought to the meeting.

Attorney Fitzsimmons explained why the appeal is being requested by the Dirty Shepard Rally School. The Town Code Enforcement Officer, Dennis Callahan, had sent an Order to Remedy Violation to the property owners stating the rally course/driving experience is not permitted use in an R-7 Residential District. After the Board receives sufficient evidence to deem the application complete, any request for a Special Use Permit would require a Public Hearing to take comments from the public on the issue. The Board will decide on the Order to Remedy Violation as to whether the use proposed is permitted on the property or not and, if permitted whether to issue a Special Use Permit for the school or not. Mr. Ruane acknowledged the authority of the ZBA to place "reasonable conditions" on any Special

Use Permit. If the application process moves forward, the proposal will require the generation of a detailed site plan to be reviewed by the Planning Board.

Discussion ensued around the interpretation of the existing Town of Taghkanic Zoning Ordinance regarding a Rally School/driving experience as a permitted use in an R-7 district. Mr. Ruane stated in their submission that the existing code permits “commercial recreational use” contingent on “securing a Special Use Permit”. Ms. O’Donnell raised the concerns of the many surrounding neighbors and many letters that have been sent to the Town regarding how significant the noise has been since the operation of the Rally School.

The Murcotts requested access to letters from the public submitted to the ZBA regarding the Rally School. Mr. Fitzsimmons indicated he would make the letters available to the Murcotts. He drew their attention to the letter in opposition to the Rally School from the law firm of Monaco Cooper Lamme & Carr PLLC on behalf of a property owner in the vicinity of the Rally School. Their analysis of the code concluded that the application should be denied.

Ms. O’Donnell raised the issue that before the conditions of a Special Use Permit are considered, the Board must determine if a commercial Rally School is permitted under any circumstances in the R-7 district. Attorney Fitzsimmons agreed that once all of the submissions are received to deem the application complete and the public hearing is set, the first determination of the board will be this issue.

Attorney Fitzsimmons continued by noting that the classification in the zoning table will be based on the current zoning laws, not the draft of the new zoning law. The current code states: “Commercial Recreational Uses; specifically oriented towards the use of mountain land, such as ski area, ski-tow, warming and ski maintenance huts, swimming, and camping area” are permitted in an R-7 zoning district “contingent on securing a Special Use Permit. A discussion followed with Mr. Fitzsimmons, Ms. O’Donnell, and Mr. Ruane regarding proposed intensity of business activity, and impacts on traffic, noise levels, and the environment.

Tom Mirabelli requested that the audio/ noise study needs to be done by a certified sound engineer from different points.

Attorney Fitzsimmons referred to a car track in Town of Taghkanic that was approved for limited personal, private use. He noted the very long review process, including multiple lawsuits and legal appeals. A formal sound study required from the property owner was conducted by a licensed, certified engineer. He added that the decibel reading Mr. Ruane is submitting may provide a baseline; if the ZBA requires an expert opinion, the owner must

consult a certified engineer for a full audio/noise study. The applicant agreed to provide the tests required by the ZBA.

Noting that the current code stipulates that "Uses not permitted by right or as a conditional use whether listed below or not are prohibited", Ms. O'Donnell noted that the applicant demonstrate how the Rally School is a use "specifically oriented towards the use of mountain land, such as ski area, ski-tow, warming and ski maintenance huts, swimming and camping area" as per code.

Mr. Colgrove noted that the Claverack Creek is not shown on the map that was submitted by the applicant. He inquired if the creek elevation goes downhill from the course. He asked if the pond near the course is fed by the creek. Ms. Murcott agreed to provide copies of the survey map of the property to the ZBA members and for the record. The site plan should include off-track driving trails in wooded areas.

Mr. Bel Bruno asked if there are other residences on New Forge Road II. Ms. Murcott notes that they are the last property on the section of New Forge Road II that connects to New Forge Road I. Customers going to the Rally School will access the site from New Forge Road I and will drive past multiple properties along New Forge Road II to the site.

Mr. Ruane suggested that the ZBA members make a site visit to see what is being proposed.

Mr. Murcott indicated that they have 6 vehicles (Ford Fiestas with safety equipment) and run up to 3 cars at a time. The vehicles are not registered because they are not used on public roads. It was noted that a property owner may have a maximum of 2 unregistered cars on their property at any time.

The discussion turned to frequency versus intensity of the noise made by the vehicles when used for training and the rally driving experience. Several comments were made that it is not only the intensity of the noise but also how often the noise is present that makes an impact.

Next Steps:

- Mr. Ruane will submit to the ZBA a complete package including the land survey map of the property with the location of the creek, insurance documents, operating procedures and proposed schedules, and their decibel meter readings.
- The ZBA is requesting a sound study from various points on New Forge Road and other surrounding properties that could be impacted. The Town Engineer will review the submitted information and provide guidance on a professional noise study. The applicants will hire an engineer to provide the information requested by the Town Engineers' guidance.

- Once the noise study is arranged, the Board may schedule a site visit before the Public Meeting based on the Town Engineers recommendation. The purpose of the site visit is to observe the driving school experience.
- Letters from the public addressed to the ZBA will be sent to the applicants as they have requested.
- If all of the information is received, the Public Hearing will be scheduled at the next ZBA meeting (Monday, 26 October 2026).

8:25pm: Jim Romaine made a motion to adjourn the meeting. Ray Colgrove seconded the motion. Aye: unanimous.

Respectfully submitted,
Linda Holik, Secretary
Next regular meeting scheduled for October 26, 2026