



Incorporated 1787

## Zoning Board of Appeals

Regular Meeting Minutes  
Tuesday, September 23, 2025

Ilene Richardson, Chairwoman  
James Low, Vice Chairman  
Daniel Gilbert, Member  
W. Macleod Snaith, Member  
Jason Bergman, Member  
Richard Wolf, Alternate

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The meeting was held via Zoom. In attendance: Chairperson Ilene Richardson, Vice Chairperson Jim Low, Members Dan Gilbert, Macleod Snaith, and Alternate Richard Wolf. Absent: Member Jason Bergman. Staff in attendance: Richelle Hodza, Land Use Director and Patricia Manea, ZBA Clerk

### 1. Call to Order

The meeting was called to order by Chairperson Ms. Richardson at 7:31pm. Mr. Richard Wolf was seated to fill the panel of five.

### 2. Public Hearing – Variance Application

**36 River Road - Wiehl Holdings III, LLC (William P. Wiehl) seeking relief from Town Code §240-11.F (Zoning Regulation §321.6) to construct accessways to a proposed home 15 ft from the front yard line instead of required 50 ft.**

The applicant and its representatives were invited to present its application. Architects Leigh Overland and Chris Carr explained that due to steep topography, wetlands, and FEMA flood requirements, the proposed design minimizes grading and disturbance but requires variances for (1) a driveway with an access bridge and (2) a pedestrian bridge. A retaining wall up to 12 ft and a pedestrian walkway up to 7 ft above the road are also needed. Without a variance, the lot would be unbuildable.

Members sought clarification that the request for variance applies only to the driveway and pedestrian accessway, not the house itself, which would be located outside the front yard setback.

Mr. Carr stated this design represents the least-impact option.

Seated Member Wolf stated that neighboring properties had been developed without variances.

The applicant's representatives countered that this particular site is uniquely constrained.

Chairwoman Richardson opened the hearing to public comment: A neighbor expressed concerns about construction traffic and construction equipment. (Paul Shapiro, 1 Coley Dr)

A letter had been received via email from neighbors which stated that the zoning setbacks should be upheld. (Adrienne & James Schettino, 34 River Rd)

A neighbor was concerned about the duration of construction. (Anthony Van Daalen 43 River Rd)

The applicant stated that the project is estimated to take 8–12 months.

Land Use Director Hodza added that traffic and equipment are addressed through the Lot Development Permit process, not variance review.

No further comments were offered from the public.

In advance of the closure of the public hearing, and after consultation with the Land Use Attorney by telephone, Ms. Hodza stated that the retaining wall portion of the application was not properly noticed and therefore could not be decided at this meeting. Only the variance for the accessway and driveway setback could be voted on. The variances required for the retaining walls within the front setback and their height, which exceeds the maximum of six feet, would require an additional, duly noticed public hearing.

A Motion by Board Member Gilbert was made to close the Public Hearing, seconded by Vice Chairman Low. The Motion was approved unanimously. Public hearing closed at 9:25 p.m.

### 3. Discussion, Deliberation, Decision

***36 River Road - Wiehl Holdings III, LLC (William P. Wiehl) seeking relief from Town Code §240-11.F (Zoning Regulation §321.6) to construct accessways to a proposed home 15 ft from the front yard line instead of required 50 ft.***

Chairwoman Richardson invited discussion from the Board. Seated Member Wolf stated he did not think that the application met the Statute' requirement in terms of hardship.

Board Member Gilbert stated that building a residence on this property, while respecting the 50-ft setback, would allow for safe construction. Vice Chairman Low agreed. Board Member Snaith was in favor of the project as presented.

Chairwoman Richardson stated that the presentation clearly demonstrated the need for variance of the zoning setback regulations in order to build a house on this property with the least amount of impact, given the constraints imposed by the river, wetlands, and steep slope. Hearing no further questions or comments from the Board, she moved to vote.

Chairwoman Richardson made a motion to approve the variance, asking Ms. Hodza to reiterate the findings of the motion. Ms. Hodza read from a draft resolution, citing (a) specific conditions not affecting other properties in the district, namely the Saugatuck River, its floodplain, the steep grades, the wetlands, and high water table; and (b) that literal enforcement of the regulations would cause unusual hardship not created by the applicant. Ms. Richardson reaffirmed the motion and Board

Member Gilbert seconded. MOTION FOR APPROVAL OF VARIANCE PASSED by vote of 4-1. All were in favor except Mr. Wolf, who was opposed.

4. Consideration of minutes of the previous meeting, November 26, 2024

Without changes, Mr. Low made a motion to approve the minutes from the November 26, 2024, meeting. Mr. Gilbert seconded the motion; all were in favor and the MINUTES WERE APPROVED.

5. Adjournment

Mr. Gilbert made a motion to adjourn the meeting. Mr. Low seconded the motion. All in favor. The meeting adjourned at 9:34pm

*[The next regular meeting and public hearings are scheduled for Tuesday, October 28, 2025 at 7:30 both in person and via Zoom.]*