Derby Planning and Zoning Commission
Meeting Minutes
January 21,2025

1. Call to Order: The meeting was called to order at 7:00 p.m.

2. Pledge of Allegiance: The Pledge of Allegiance was recited.

3. Roll Call

Members present included: Mr. DiGiovanni, Mr. Dinice, Mr. Harris, Mr. Misiewicz, Mr. Kopjanski, Mr. Sadlik, Mr. Sanchez, Mr. Blizman, and Mr. Sojka. A full board was present.

4. Additions, Deletions, or Corrections to the Agenda

There were no additions, deletions, or corrections to the agenda.
Motion: was made by Raymond Sadlik to accept the agenda as presented.
Second: Albert Misiewicz.
Vote: The motion passed unanimously.

5. Communications

There were no communications other than the materials included in the packet for the public hearing.

6. Public Portion

The Chair opened the public portion for items not otherwise listed on the agenda. No members of the public wished to speak.
Motion: was made to close the public portion by David Kopjanski.
Second: Raul Sanchez.
Vote: The motion passed unanimously.

7. Approval of Minutes

The Commission discussed approval of October 15, 2024, and November 19, 2024, meeting minutes. It was noted that not all members had received or reviewed the minutes.
Motion: to table approval of the minutes until the next meeting by Raymond Sadlik.
Second: Bill Harris.
Vote: The Motion: passed.

8. Election of Officers for 2025

Motion: Nominations were opened for **Chair**, Raymond nominated Gino DiGiovanni.
Second: David Kopjanski.
There being no further nominations, nominations were closed.
Vote: to elect Gino DiGiovanni passed unanimously.

Nominations were opened for **Vice Chair**. Gino DiGiovanni nominated Raul Sanchez.
Second: David Kopjanski.
There being no further nominations, nominations were closed.
Vote: The motion to elect Raul Sanchez as Vice Chair passed unanimously.

9. Receipt of Applications

There were no new applications received.

10. Public Hearing:

10A Summit Hill LLC Zone Text Change Application

The Commission continued the public hearing on the application of Summit Hill LLC for a zone text change to create a new Planned Residential District regulation. Attorney Dominic Thomas appeared on behalf of the applicant and reviewed the proposed regulation, including the applicant's position that the text amendment would create an optional regulatory process and would not approve development of any specific property.

SLR Consulting, represented by Ryan McEvoy and Vince McDermott, reviewed its written comments and addressed several matters for the Commission's consideration, including whether a Planned Residential District would be an appropriate land use tool in Derby; the proposed definition of middle housing; environmentally sensitive lands; steep slopes; density calculations; building height; open space preservation; and roadway adequacy.

Commission members discussed the application in detail, including concerns regarding density; compatibility with existing residential neighborhoods; preservation of single-family and two-family housing areas; steep slope calculations; architectural standards; consistency with comprehensive planning; potential impacts on public services; and whether the proposed regulation would be consistent with Derby's zoning framework and housing goals.

Mr. Mayor: I would like to read my letter into the record, and I have a copy for each individual member of the Board that I can present after I am done, Mr. Chairman. I have become aware of the recent application before your Commission to allow for a zone change from single- and two-family to multifamily for parcels of land consisting of 10 acres or more. I am against this proposal for the following reasons. Over the past four years, Planning and Zoning has approved the development of over 430 new multifamily residential units, representing 8% of Derby's total housing stock. Planning and Zoning amended the zoning regulations to allow higher residential density in the Center Design and Mill District zones to encourage economic activity in the downtown area. The Derby zoning regulations also allow multifamily housing in the RM zone, which is dispersed throughout various areas of the city. In 2023, Derby's Housing Plan identified Derby as having one of the highest percentages of multifamily units, 43%, in the area, even before the additional 430 units were approved. During the same four-year period, Derby has approved zero subdivisions for one- or two-family detached housing developments. There is no record of Planning and Zoning approving the subdivision of single-family detached houses since 2012. The lack of development of modern detached single-family and two-family houses has created an imbalance in diverse housing opportunities, especially for families with children hoping to settle in Derby. The 2023 Derby Housing Plan identifies that 75% of the housing stock was built before 1980. The proposed PRD amendment excludes one- or two-family detached homes as permitted uses in the new zone, while allowing buildings with no fewer than four and not more than 12 attached residential units at a density of 125% of the maximum density of the underlying residential zone. The height restrictions for these structures will result in four-story buildings with the potential for an occupied attic. The size, scope, and use of this nature in our single-family and two-family zones is inconsistent with the type of development currently present in these neighborhoods and would be disruptive to the residents. The adoption of this amendment would likely discourage the development of detached single-family homes on properties that are zoned for this purpose. Finally, I am sure, as are you, that the citizens of Derby are not in favor of this proposal, as witnessed by their actions and words at the public hearing held in November and continued since. Therefore, tonight, I ask that you vote to deny this application and keep Derby's remaining lands developed as intended. Thank you.

George Kurtyka. I am presently the Second: Ward Alderman for the City of Derby, which represents this area, along with my co-Alderman, Jessica Barrios. Alderman Sill could not make it today. Members of the Planning and Zoning Commission, residents of the City of Derby, especially those impacted in the city's Second: Ward: my name is George Kurtyka, and not only was I elected to represent the City of Derby's Second: Ward. I was most recently elected President of the Board of Aldermen. Tonight, with my fellow Alderwoman Jessica Barrios Perez in attendance, we oppose this zone change to create a Planned Residential District regulation for the City of Derby. I am probably like many of you who are not familiar with what a Planned Residential District, or PRD, is. I did not know until I did some research. A planned residential development means a zoning mechanism that allows for flexibility in the grouping, placement, size, and use of structures on a large tract of land. A PRD is developed as a single entity using a public process that incorporates design review. A planned residential development also means a residential development that is comprehensively planned as an entity, which permits greater flexibility in building size, lot size, setbacks, mixture of housing types, usable open space, and preservation of significant natural features than otherwise allowed or required in the underlying zone, and which is established through a public hearing process through the use of a PRD overlay zone. What is an overlay zone?

An overlay district or zone is a zoning district that is applied over one or more previously established zoning districts. It establishes additional, stricter standards and criteria for covered properties in addition to those of the underlying districts. Communities often use overlay zones to protect special features, such as historic buildings, urban environments, wetlands, or waterfronts. They can create inefficiencies and inequities by applying regulations and restrictions to some properties and not others. Moreover, additional regulation increases time and expense, both for developers and for the public bodies involved in the development approval process. So here are my concerns. I believe that approving the planned residential development, also known as an overlay district, raises the following concerns.

1: Preserving community character. The area in question might have a distinct and cherished character. Introducing a PRD could alter the atmosphere and overall feel of the area, leading to a loss of identity. 2: Increased traffic. PRDs typically bring a mix of residential, commercial, and possibly even industrial units into a concentrated area. This can lead to increased traffic, causing safety concerns, noise, and congestion. 3: Infrastructure strain. A sudden influx of residents and businesses can strain local infrastructure. Schools, roads, sewage systems, and other municipal services may become overloaded, leading to long-term issues and costs. 4: Environmental impact. Development can disrupt local ecosystems, remove green spaces, and increase pollution. The local environment of a PRD might be particularly vulnerable or valued by its residents. 5: Property values. While some argue that PRDs can increase property values due to improved amenities, there is also a risk that they could decrease if the development is detrimental to the community's quality of life.
6: Density and overcrowding. PRDs are designed to maximize space usage, which can lead to feelings of overcrowding. This can decrease privacy for existing residents and change the spacious feel of a neighborhood. 7: Loss of individual control. Residents may lose autonomy over their properties. 8: Potential for mismanaged development. If the developer or subsequent developers mismanage the PRD, it can lead to a range of issues, from poor maintenance to financial troubles, all of which could negatively impact the wider community. 9: Risk of incomplete projects. If the developer faces financial issues or other challenges, there is a risk that the PRD might remain incomplete. This could leave unsightly half-built structures or abandoned spaces in the heart of the community. 10: Community division. Controversial developments often divide communities between those who support them and those who oppose them. The process itself, especially if contentious, can lead to long-lasting rifts among neighbors and community members. I was on the school board for 14 years, and I will tell you, it is almost $2200.00 to educate a student in the City of Derby, a lot more than Shelton. Thank you for allowing me the opportunity to address the Planning and Zoning Commission. Respectfully submitted, George F. Kurtyka.

Janet Mann: Summit Commons Ms. Mann, speaking on behalf of approximately 70 Summit Commons unit owners, opposed the proposed zone text change. She expressed concern that the amendment would lead to increased development, blasting, and environmental disruption on the property behind the complex. She questioned the need for the zoning change, suggesting it was intended to allow greater density and increase financial returns for the

property owner. Ms. Mann noted that the Mayor and local Aldermen opposed the proposal and urged the Commission to reject it, preserve the land's natural character, protect wildlife, and avoid additional residential development on the site.

Arnold Holmes, 42 Cornerstone Drive, Summit Commons, spoke in opposition to the proposed zone text change. He emphasized that residents most directly affected by the proposal, opposed moving it forward and questioned what benefit the change would provide to Derby residents. He expressed concern that additional density, blasting, and development on Telescope Mountain would permanently alter the area's character, natural beauty, and quality of life for nearby residents. He urged the Commission to exercise its own judgment and reject outside pressure in considering the application.
Mr. Holmes, I just want. I just want to let. You know that. We're public hearing for his own text change, so I'm going to do the same thing I did last meeting as well. If you have other comments for other things, I'll be more than glad to hear them just at the beginning.

John Capparelli: 59 Summit Street. Mr. Capparelli opposed the proposed zone text change, stating that Derby's priority should be downtown economic development rather than additional residential density. He noted the lack of retail and commercial amenities downtown and argued that the proposed PRD regulations would not address those needs. He expressed concern that the revised proposal could increase density further and observed that most public officials and residents who spoke at the hearing opposed the amendment. He urged the Commission to deny the application, stating that it was not in the best interest of the city.

Attorney Vincent Amendola, on behalf of Charlene McEvoy: Attorney Amendola expressed concerns regarding the proposed PRD overlay and its potential impact on the surrounding neighborhood, particularly the preservation of natural features and steep slopes. He suggested that slope protection standards be strengthened to conserve more land and requested clarification regarding the proposed building configurations. He also noted that recent state legislation concerning middle housing requires developments to be served by public water and sewer systems. Overall, he emphasized the importance of protecting neighborhood character and environmental resources if the amendment were to be considered.

Janet Mann, 15 Cornerstone Drive, stated that she had attended Board of Aldermen meetings and expressed frustration with the decision-making process surrounding the proposed zone text change. She acknowledged that the property owners have development rights but questioned why a zoning change was necessary after the property had remained undeveloped for many years. She raised concerns that the change could allow additional townhouse units and related financial benefit from blasting and rock removal, and expressed concern about impacts to nearby condominium residents, including loss of privacy, potential blasting damage, traffic impacts, and the need for protections such as fencing or other safeguards for the condominium community.

Sarah Widomski, 95 Academy Hill Road, Member of the Board od Alderman/Alderwomen. I urge the Commission to vote down the proposed zone text change. She stated that she agreed with the concerns previously raised by other speakers and emphasized that the Commission should consider the broader impact the change would have on the entire City of Derby, not only on Telescope Mountain. She requested that the Commission reconsider any support for the proposal and deny the zone text change.

Rafael, 49 Laurel Avenue, stated that he moved to Derby with his family in 2018 and works as a realtor encouraging others to move to the city. He said prospective residents are often drawn to Derby's hilltop neighborhoods, single-family homes, and quality of life, but expressed concern that increased density could create higher turnover and negatively affect the community. He emphasized the importance of preserving single-family neighborhoods and attracting young families who will remain in Derby and support the school system.

Kevin White, noted that the Commission had discussed slope percentages throughout the evening and stated that Derby's regulations refer to slopes of less than 20%, rather than 25%, which he said should be considered when area calculations are reviewed. He also read the zoning regulations' definition of spot zoning, describing it as the rezoning

of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not intended to further the comprehensive zoning plan, and invited anyone who disagreed with that characterization to address it.

Sichuan Nicodemus, principal of Caria Ecological Services of Cheshire, Connecticut, stated that she had been retained by nearby residents to provide comments and had submitted a report and résumé to the zoning office for the record. She expressed concern that the proposed zone text change could result in large-scale clearing of mature forest, affecting air filtration, cooling, groundwater infiltration, runoff, flooding, and nearby residential areas and schools. She stated that the forest contains high-quality vegetation and uncommon wildflowers, and questioned whether the proposal's goal of minimizing site work and working with topography and natural features could realistically be achieved under the type of development allowed by the text change. The Commission noted that her written report would be entered into the record.

Marc Garofalo, Derby Town Clerk, reiterated his prior comments from the November meeting and urged the Commission to close the public hearing and deny the proposed zone text change. He stated that the proposal represented poor public policy because it would apply broadly without a specific development plan, rather than encouraging a focused discussion among the City, residents, and the developer regarding Telescope Mountain. He expressed concern that the proposed change could affect other residential areas, including the former Saint Jude property and the McConney's Farm area, which he described as inappropriate locations for four-story multifamily development given their surrounding single-family neighborhoods and remaining scenic views. He stated that the application should be denied so the City could move forward with a more appropriate process that gives all parties a fair opportunity to discuss future options.

Following public comments and final remarks from the applicant's representative, a
Motion: was made to close the public hearing by Paul Dinice.
Second: Bill Harris.
Vote: The motion passed, and the public hearing was closed.

11. New Business

11A. CGS § 8-24 Referral: Sale of City-Owned Properties

The Commission considered a referral under Connecticut General Statutes § 8-24 regarding the proposed sale of the following city-owned properties: 1. 3 Francis Street; 2. 105 Hawkins Street; 3. 196 Hawkins Street; and 4. the Homestead Avenue lot identified on the Assessor's map as MLB 5-483. Ryan McEvoy explained that the properties were city-owned and that the Board of Aldermen was seeking a referral regarding the disposition of these four properties.
Motion: was made to issue a positive referral to the Board of Aldermen for disposition of all four properties by David Kopjanski.
Second: Albert Misiewicz.
During discussion, it was noted that the property depiction for 3 Francis Street appeared to be incorrect and should be corrected before further action.
Vote: The motion passed unanimously.

12. Old Business: Summit Hill LLC Zone Text Change Application

Motion: was made to deny with prejudice the zone text change application from Summit Hill LLC to create a Planned Residential District regulation by David Kopjanski.
Second: Paul Dinice.
The stated reasons for denial included concerns that the proposal was not in conformance with the comprehensive plan of zoning or the Plan of Conservation and Development, that the

regulation would create a more intense residential use in existing residential districts, that it would not provide a sufficient public benefit to the city, that Derby is already a densely developed community, and that existing residents and public services should be protected from additional impacts.

Revised Motion: was made to deny the zone text change application from Summit Hill LLC to create a new Planned Residential District regulation. The stated reasons for denial included concerns that the proposal was not in conformance with the comprehensive plan of zoning or the Plan of Conservation and Development, that the regulation would create a more intense residential use in existing residential districts, that it would not provide a sufficient public benefit to the city, that Derby is already a densely developed community, and that existing residents and public services should be protected from additional impacts. By David Kopjanski.

Second: Paul Dinice.

Roll call: Yes - Paul Dinice, Bill Harris, David Kopjanski, and Raymond Sadlik.

No- Albert Misiewicz, Raul Sanchez.

Abstain – Gino DiGiovanni.

Vote: The motion passed by a vote of 4 in favor, 2 opposed, and 1 present/abstention.

13. Informal Discussion

13A. Vape Shops: The Commission discussed the existing moratorium on vape shops and related uses. Staff requested direction regarding whether permanent regulations should be prepared before the moratorium expires. Commission members discussed whether additional vape shops should be prohibited or addressed through specific regulatory standards. Staff indicated that draft regulatory options would be prepared for the Commission's future review.

13B. Subcommittee/Application Process: The Commission reviewed draft materials for improved planning and zoning application procedures, including a cover sheet, checklist, referral tracking, and supporting documents. Members discussed the importance of clear application requirements, tracking submissions and agency responses, and improving transparency in fee collection and consultant billing.

OpenGov Software: Members discussed the potential use of OpenGov or similar software to modernize application tracking, fee payments, referrals, approvals, and interdepartmental coordination. It was noted that other municipalities use similar systems and that further discussion with city officials may be appropriate, given the potential citywide application and associated cost.

Legislative Updates: The Commission discussed monitoring proposed state legislation that could affect local zoning authority. Members suggested contacting Derby's state legislators and requesting to be kept informed of bills pending before the Planning and Development Committee or other relevant legislative committees.

Downtown Design Standards: Members discussed the need to strengthen architectural and aesthetic design standards for downtown development, including the potential use of planning grants and a review of existing Core Development District regulations.

13. Payment of Bills

Motion: was made to pay the bills by David Kopjanski.
Second: Albert Misiewicz.
Vote: The motion passed unanimously.

14. Adjournment

Motion: to adjourn the meeting was made by Raymond Sadlik.
Second: Paul Dinice.
Vote: The motion passed unanimously. The meeting adjourned at 10:11 p.m.

Table of Motions

Agenda Item	Motion	Made By	Seconded By	Vote/Result
4. Agenda	Accept the agenda as presented.	Raymond Sadlik	Albert Misiewicz	Passed unanimously.
6. Public Portion	Close the public portion.	David Kopjanski	Raul Sanchez	Passed unanimously.
7. Approval of Minutes	Table approval of the October 15, 2024, and November 19, 2024, minutes until the next meeting.	Raymond Sadlik	Bill Harris	Passed.
8. Election of Officers	Elect Gino DiGiovanni as Chair.	Raymond Sadlik	David Kopjanski	Passed unanimously.
8. Election of Officers	Elect Raul Sanchez as Vice Chair.	Gino DiGiovanni	David Kopjanski	Passed unanimously.
10A. Public Hearing	Close the public hearing on the Summit Hill LLC zone text change application.	Paul Dinice	Bill Harris	Passed; public hearing closed.
11A. CGS § 8-24 Referral	Issue a positive referral to the Board of Aldermen for disposition of the four city-owned properties.	David Kopjanski	Albert Misiewicz	Passed unanimously.
12. Old Business	Deny the zone text change application from Summit Hill LLC to create a new Planned Residential District regulation. The stated reasons for denial included concerns that the proposal was not in conformance with the comprehensive plan of zoning or the Plan of Conservation and Development, that the regulation would create a more intense residential use in existing residential districts, that it would not	David Kopjanski	Paul Dinice	Passed by a vote of 4 in favor, 2 opposed, and 1present/abstention.

Agenda Item	Motion	Made By	Seconded By	Vote/Result
	provide a sufficient public benefit to the city, that Derby is already a densely developed community, and that existing residents and public services should be protected from additional impacts.			
13. Payment of Bills	Pay the bills.	David Kopjanski	Albert Misiewicz	Passed unanimously.
14. Adjournment	Adjourn the meeting.	Raymond Sadlik	Paul Dinice	Passed unanimously; meeting adjourned at 10:11 p.m.

Submitted by:

Jennifer Desroches

RECEIVED

By Marc J Garofalo MPA, MMC, MCTC at 3:27 pm, Oct 20, 2026