CITY OF DERBYPLANNING AND ZONING COMMISSION
Regular Meeting Minutes
April 15, 2025

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

2. The Pledge of Allegiance: The Commission recited the Pledge of Allegiance.

3. Roll Call

Members present included Mr. Bartholomew, Mr. DiGiovanni, Mr. Harris, Mr. Misiewicz, Mr. Kopjanski, Mr. Sadlik, Mr. Malerba, and Mr. Sojka. The record reflected six regular members and two alternate members present. A quorum was present.
New members, Rick Bartholomew and Aniello Malerba were introduced and sworn in by the Clerk.

4. Additions, Deletions, or Corrections to the Agenda

The Chair requested that agenda items 9A and 9B be reversed in order so that item 9B would be heard as 9A.
Motion: Mr. Harris moved to amend the agenda as stated.
Second: Mr. Bartholomew seconded the motion.
Vote: The motion carried unanimously.

5. Communications

The Chair reported no communications. Staff noted that a memorandum prepared by Vince would be addressed later in the meeting. Mr. Harris advised the Commission that he submitted a resignation letter effective June 1, 2025, due to his anticipated move from Derby, and stated his willingness to continue assisting the application procedures subcommittee in a consulting capacity if permitted.

6. Public Portion

The Chair opened the public portion for comments on matters other than the scheduled public hearings. No members of the public wished to speak. The public portion was closed.

7. Approval of Minutes

The minutes of March 18, 2025 were not available.
Motion: Mr. Harris moved to table approval of the March 18, 2025 minutes.
Second: Mr. Sadlik seconded the motion.
Vote: The motion carried unanimously.

8. Receipt of Applications

There were no new applications received.

9. Public Hearing: Griffin Hospital, 130 Division Street

9A. The Commission opened the **public hearing for Griffin Hospital**, 130 Division Street, site plan modification application for a modular building to be a permanent addition to Griffin Hospital and to replace the existing MRI trailer on Spring Street.

Attorney Dominic Thomas appeared on behalf of the applicant and summarized the application. He stated that the proposal would replace the existing MRI trailer with a permanent modular building, improve patient experience, and eliminate the need to move the trailer on and off the site. He noted that the **Zoning Board of Appeals had granted a variance** reducing the setback requirement and that a neighboring property owner had submitted a letter in support.

Pat Charmel, President and CEO of Griffin Hospital, addressed the Commission and stated that the fixed MRI facility would improve patient care, provide better space for changing areas and patient holding, and reduce disruption associated with the mobile trailer. Hospital representatives stated that the project generally replaces an existing service and is not expected to materially increase patient volume or parking demand.

Charles Croce, professional civil engineer with Tighe & Bond, reviewed the site plan and described the existing MRI trailer location; the proposed approximately 1,500-square-foot modular MRI building; associated utility pads; drainage improvements, including a drywell; sanitary sewer connection; grading; and erosion controls.

Commission members discussed parking, including whether existing staff or utility vehicle spaces would be displaced; the lack of architectural color and finish details; the internal connection between the hospital and the proposed modular building; fire marshal review; public safety; and required referrals under the zoning regulations. Hospital representatives stated that the area was used for hospital-owned or engineering vehicles, not public parking, and that those vehicles could be relocated to other hospital-owned areas.

Marc Garofalo, Derby Town Clerk, spoke during the public hearing and stated that parking capacity and neighborhood impacts remained concerns in the area surrounding the hospital. He acknowledged that the proposed project would improve patient experience but urged the hospital and City leadership to work together on a long-term structured parking solution. Staff reviewed the application and noted that the proposed storm drainage appeared to meet City requirements. Staff also stated that, under ITE guidance, hospitals are generally analyzed by bed count and employee count rather than gross floor area, and that no additional parking appeared warranted if the project did not increase staff or bed count.

Motion: Mr. Sadlik moved to keep the public hearing open and refer to the plans through staff, including the Fire Marshal, for further review.

Second: Mr. Kopjanski seconded the motion.

Vote: The motion carried, with Mr. Harris opposed. The public hearing was continued to the next regular meeting on May 20, 2025.

9B. Public Hearing: Zone Text Change Regarding Smoke Shops, Vape Shops, and Tobacco Stores

The Commission opened the public hearing for the City of Derby Planning and Zoning Commission zone text change application to add definitions to Section 195-7; add Section 195-28A prohibiting smoke shops, vape shops, and tobacco stores; and reassign Aquifer Protection Areas from Section 195-28 to Section 195-29.

Staff explained that the revised amendment removed smoke shops, tobacco stores, and vape shops as potential special exception uses and instead prohibited those uses in all zoning districts, subject to the definitions provided. Staff stated that existing legally operating businesses would be treated as grandfathered nonconforming uses, but new or expanded smoke shops, vape shops, or tobacco stores would not be permitted.

Staff reported that referrals were sent to the Naugatuck Valley Council of Governments and the South-Central Regional Council of Governments, both of which found no intermunicipal or regional impacts.

Eugene Driscoll of the Valley Independent Sentinel asked how the amendment would affect existing smoke shops and whether a business could continue if sold. Staff responded that existing legal vaping shops would be grandfathered and could continue under new ownership, but that expansion would not be allowed, and the use could not be reestablished after discontinuance.

Marc Garofalo, Derby Town Clerk, stated his support for the revised amendment and noted that it would not allow new smoke shops, vape shops, or tobacco stores or expansion of existing ones.

Motion: Mr. Harris moved to close the public hearing.

Motion: For a zone text change, the applicant, City of Derby Planning and Zoning Commission, proposed adding, modifying, and deleting the following definitions in Section 195-7: smoke shop, tobacco, tobacco stores, vape shop, and vaporizer. The proposal would add Section 195-28A to prohibit smoke shops, vape shops, and tobacco stores and reassign Aquifer Protection Areas from Section 195-28 to Section 195-29. Following review of the documentation submitted in support of the application, the Derby Planning and Zoning Commission found that the zone text change to the referenced sections was consistent with the goals of Section 185-2 and the Plan of Conservation and Development. Therefore, the Derby Planning and Zoning Commission approved the zone text application as proposed, effective April 25, 2025. This approval was based upon the following documents submitted in support of the application.

1. Application prepared by SLR International Corporation revised to 3-19-2025.

2- Referrals to NVCOG and South-Central Regional Council of Governments from SLR dated 3-4-2025 and again on 3-26-2025.

3- Letter from Naugatuck Valley Council of Governments, Regional Planning Commission, dated 3-31-25. Letter from SCROG dated 4-14-25 and five instances of verbal testimony from Planning and Zoning Commission members, members of the

public, and City staff at the March 18, 2025, and April 15, 2025, public hearings.

Second: Mr. Sadlik.
Vote: The motion carried unanimously. The public hearing was closed.

10. Old Business

10A. Zone Text Change Regarding Smoke Shops, Vape Shops, and Tobacco Stores
Staff presented a draft motion approving the zone text change application, finding it consistent with the goals of Section 185-2 and the Plan of Conservation and Development. The motion identified the application materials, regional referrals, and testimony received at the March 18, 2025, and April 15, 2025, public hearings.
Motion: Mr. Sadlik moved to approve the zone text change application as proposed, with an effective date of April 25, 2025.
Second: Mr. Kopjanski.
Vote: The motion carried unanimously.

10B. Griffin Hospital Site Plan Modification
No action was taken because the public hearing remained open.

11. Planning and Zoning Subcommittee Report on Application Procedures

Mr. Harris reported that the subcommittee met prior to the regular meeting and continued work on improving application procedures and making the process more user-friendly. He noted that additional review by Kevin White was expected prior to the May meeting. Commission members discussed the importance of clear procedures and complete application submissions and thanked the subcommittee members for their work.

12. Informal Discussion:

Zoning Enforcement Officer Kevin White requested direction regarding potential reuse of properties with existing nonconforming uses, including 95 Roosevelt Drive, 1 Krakow Street, and 155 New Haven Avenue.
Wayne Hobson stated that he was under contract to purchase 95 Roosevelt Drive and proposed using the property as a home base, office, wood shop, and interior storage area for a carpentry/custom cabinet business, with no retail sales or regular customer traffic. Commission members and counsel discussed whether the proposed use could be considered a continuation of the existing nonconforming manufacturing/machine shop use. The applicant was advised to provide a detailed statement of use, floor plan, and information about the historic use of the property to the Zoning Enforcement Officer.

13. Payment of Bills

Motion: Mr. Sadlik moved to pay the bills if deemed correct.
Second: Mr. Misiewicz.
Vote: The motion carried unanimously.

14. Adjournment

Motion: Mr. Sojka moved to adjourn.

Second: Mr. Harris.

Vote: The motion carried unanimously. The meeting adjourned at 8:32 p.m.

Table of Motions

Agenda Item	Motion	Made By	Seconded By	Result
4 Corrections to Adgenda	Amend the agenda as stated.	Mr. Harris	Mr. Bartholomew	Carried unanimously
7 Minutes	Table the approval of the March 18, 2025 minutes.	Mr. Harris	Mr. Sadlik	Carried unanimously
9A Public Hearing	Keep the Griffin Hospital public hearing open and refer the plans through staff, including to the Fire Marshal, for further review.	Mr. Sadlik	Mr. Kopjanski	Carried, with Mr. Harris opposed
9B	Close the public hearing regarding smoke shops, vape shops, and tobacco stores.	Mr. Harris	Mr. Sadlik	Carried unanimously
10A Old Business	Approve the zone text change application as proposed, with an effective date of April 25, 2025.	Mr. Sadlik	Mr. Kopjanski	Carried unanimously
13 Payment of Bills	Pay the bills if deemed correct.	Mr. Sadlik	Mr. Misiewicz	Carried unanimously
14 Adjournment	Adjourn the meeting.	Mr. Sojka	Mr. Harris	Carried unanimously

Respectfully Submitted
Jennifer Desroches.

RECEIVED
By Marc J Garofalo MPA, MMC, MCTC at 3:08 pm, Sep 02, 2026