DERBY PLANNING AND ZONING COMMISSION
Regular Meeting Minutes
June 17, 2025

1. **Call to Order:** The meeting was called to order at 7:00 p.m.
2. **Pledge of Allegiance:** The Commission recited the Pledge of Allegiance.
3. **Roll Call**

Members present included Gino DiGiovanni, Paul Dinice, Aniello D. Malerba III (Alt), Albert Misiewicz, Dave Kopjanski, Raymond Sadlik, Richard Bartholomew, and Joseph Sojka (Alt). The record reflected seven regular members and one alternate present.
Counsel present was Attorney Brian LeClair of Berchem Moses.

Seating of Alternate Member

Motion: Made by Raymond Sadlik to seat Aniello D. Malerba III as a full member in the seat formerly held by Bill Harris following Mr. Harris's resignation.
Second: Paul Dinice.
Vote: Motion carried unanimously.

4. **Additions, Deletions, or Corrections to the Agenda**

Staff noted that agenda items 8B and 8C were listed as site plan applications and should be amended to special exception applications.
Motion: Made by Albert Misiewicz to amend the agenda accordingly.
Second: Raymond Sadlik.
Vote: Motion carried unanimously.

5. **Communications**

The Chairman reported no communications.
Staff referenced a one-page summary prepared by Vince concerning legislative changes under House Bill 5002, which had been adopted by the General Assembly and was awaiting action by the Governor. Commission members discussed concerns that the legislation could substantially affect municipal zoning authority and local control.
Motion: Made by Raymond Sadlik to add an item under New Business, identified as Item **10B**, regarding authorization for the Chairman to send a letter concerning House Bill #5002.
Second: Dave Kopjanski.
Vote: Motion carried unanimously.

6. **Public Portion**

The Chairman opened the public portion and invited members of the public present and participating by Zoom to speak by stating their name and address for the record. No members of the public spoke. The public portion was closed.

7. **Approval of Minutes**

Motion: Made by Richard Bartholomew to table approval of the April 15, 2025 and May 20, 2025 meeting minutes.
Second: By Albert Misiewicz.

Vote: Motion carried unanimously.

8. Receipt of Applications

8A. City of Derby Planning and Zoning Commission, 1 Elizabeth Street

Zone text change application to add definitions to Section 195-7 and add special exception uses to Section 195-17D for: 1) collection, sorting, and temporary storage of used reclaimable metal; and 2) a redemption center.

Motion: Made by Paul Dinice to receive the application.

Second: Raymond Sadlik.

Vote: Motion carried unanimously. The application was subject to public hearing under Item 9A.

8B. Blizzard Mechanical LLC, 155 New Haven Avenue

Special exception application for office, interior storage, and a work area for an HVAC business.

Motion: Made by Gino DiGiovanni to receive the application.

Second: Richard Bartholomew.

Vote: Motion carried unanimously. The Commission set the public hearing for July 15, 2025.

8C. Buck Electric LLC, 155 New Haven Avenue

Special exception application for office, interior storage, and a work area for an electrical contracting business.

Motion: Made by Richard Bartholomew.

Second: Raymond Sadlik to receive the application and set the public hearing for July 15, 2025.

Vote: Motion carried unanimously. The Commission set the public hearing for July 15, 2025.

9. Public Hearing

9A. City of Derby Planning and Zoning Commission, 1 Elizabeth Street

City of Derby Planning and Zoning Commission, 1 Elizabeth Street: zone text change application to add definitions to Section 195-7 and add the following special exception uses to Section 195-17D: collection, sorting, and temporary storage of used reclaimable metal; and a redemption center.

Motion: Made by Raymond Sadlik to open the public hearing on the zone text change application.

Second: Aniello D. Malerba III. The motion carried unanimously, and the public hearing was opened.

Karen Kemmesis, 25 John Street, spoke regarding the proposed text change. She stated that although the matter involved a text change rather than a specific application, she understood that it arose from prior downtown circumstances. She expressed concern that the change could resemble spot zoning and questioned whether a junkyard or metal recycling center would benefit the City through increased tax revenue, employment opportunities, or a unique use. She urged the Commission to consider the long-term benefit to the City, questioned the extent of outside storage that would be permitted, and encouraged the Commission to ensure that appropriate environmental protections and standards were addressed.

Staff reported that referrals had been received from the South Central Regional Council of Governments and the Naugatuck Valley Council of Governments. Commission members discussed environmental concerns, floodplain considerations, screening requirements, the definition of junkyard and motor vehicle recycler business, and the Commission's authority to evaluate impacts through the special exception process. Counsel and planning consultants advised that the special exception process provides flexibility to address environmental, screening, floodplain, and operational concerns when a specific application is submitted. There being no further public comment or Commission questions, a motion was made to close the public hearing.

Motion: Made by Richard Bartholomew to close the public hearing.
Second: Raymond Sadlik.
Vote: Motion carried unanimously.

New Business

10A. Zone Text Change Application

The Commission considered action on the City of Derby Planning and Zoning Commission zone text change application to add, modify, and delete definitions in Section 195-7, including junk, junkyard, and redemption center, and to add special exception uses to Section 195-17D for collection, sorting, temporary storage, and shipping of used reclaimable metal and for redemption center.
Attorney LeClair read a proposed motion into the record. Following review of the documentation submitted in support of the application, the Commission found the proposed zone text change consistent with the goals of Section 195-2 and the Plan of Conservation and Development.

Motion: By Raymond Sadlik for the City of Derby Planning and Zoning Commission to add, modify, or delete the following definitions in Section 195-7: junk, junkyard, and redemption center; and to add the following special exception uses to Section 195-17: what would ultimately be No. 12, collection, sorting, temporary storage, and shipping of used reclaimable metal; and what would ultimately be No. 13, redemption center. Following review of the documentation submitted in support of this application, the Derby Planning and Zoning Commission finds that the zone text change to the above-referenced sections is consistent with the goals of Section 195-2 and the Plan of Conservation and Development. Therefore, the Derby Planning and Zoning Commission approves the zone text change application as proposed. The effective date of the text amendment shall be June 27, 2025. This approval shall be based upon the following documents submitted in support of this application: 1) application prepared by SLR, dated June 4, 2025; 2) referrals to NVCOG and SCRCOG from SLR, dated June 6, 2025; 3) letter from NVCOG, dated June 16, 2025; 4) letter from SCRCOG, dated June 16, 2025; and 5) verbal testimony from the Planning and Zoning Commission, members of the public, and City staff at the June 17, 2025 public hearing.

Second: Albert Misiewicz.
Vote: Motion carried unanimously.

10B. House Bill 5002 Letter

Motion: Made by Raymond Sadlik to authorize the Chairman to send a letter to the Governor's Office regarding House Bill #5002, urging the Governor not to sign the bill until municipal zoning concerns and local control issues are addressed.

Second: By Dave Kopjanski. The Chairman stated that the letter would also be shared with other appropriate officials.

Vote: Motion carried unanimously.

11. Informal Discussion

11A. Planning and Zoning Subcommittee Report on Application Procedures

The subcommittee reported that it had finalized a draft pre-application form for site plan review, originally initiated by the Zoning Enforcement Officer as a tool to assist potential applicants and streamline the review process. The form is intended to help applicants understand requirements before submitting a formal application and to reduce unnecessary back-and-forth with staff. The form is not intended to amend the zoning regulations or prevent applicants from submitting formal applications.

The Commission discussed the need to review the draft with legal counsel and other appropriate parties before placing it on the July agenda for possible action. Members also discussed timing of application submissions, statutory review periods, receipt of applications, and the importance of having sufficient time to review materials before meetings. Counsel advised that applications are governed by statutory deadlines but that the Commission has the ability, within those deadlines, to table or continue matters and request extensions where appropriate.

12. Payment of Bills

Motion: Made by Raymond Sadlik to pay the bills, provided they were correct.

Second: Richard Bartholomew.

Vote: Motion carried unanimously.

13. Adjournment

Motion: Made by Raymond Sadlik to adjourn.

Second: Albert Misiewicz.

Vote: The motion carried unanimously, and the meeting was adjourned at 8:00 p.m.

Table of Motions

Item/Topic	Motion	Made By	Seconded By	Vote/Action
Seating of Alternate Member **3**	Seat Aniello D. Malerba III as a full member in the seat formerly held by Bill Harris following Mr. Harris's resignation.	Raymond Sadlik	Paul Dinice	Carried unanimously.
Agenda Corrections **4**	Amend agenda items 8B and 8C from site plan applications to special exception applications.	Albert Misiewicz	Raymond Sadlik	Carried unanimously.
Communications **House Bill 5002 - 5**	Add Item 10B under New Business regarding authorization for the Chairman to send a letter concerning House Bill 5002.	Raymond Sadlik	Dave Kopjanski	Carried unanimously.
Approval of Minutes **7**	Table approval of the April 15, 2025 and May 20, 2025 meeting minutes.	Richard Bartholomew	Albert Misiewicz	Carried unanimously.
Receipt of Application **8A**	Receive the City of Derby Planning and Zoning Commission zone text change to add definitions Section 195-7D Application.	Paul Dinice	Raymond Sadlik	Carried unanimously; application subject to public hearing under Item 9A.
Receipt of Application **B**	Receive the Blizzard Mechanical LLC special exception application and set the public hearing for July 15, 2025.	Gino DiGiovanni	Richard Bartholomew	Carried unanimously. Subject to public hearing 7/15/25.
Receipt of Application **8C**	Receive the Buck Electric LLC special exception application and set the public hearing for July 15, 2025.	Richard Bartholomew	Raymond Sadlik	Carried unanimously. Subject to public hearing on July 15, 2025.
Public Hearing **9A**	Open the public hearing on the zone text change application to add definitions to Section 195-	Raymond Sadlik	Aniello D. Malerba III	Carried unanimously. public hearing opened.

	7 and add special exception uses for: 1) collection, sorting, and temporary storage of used reclaimable metal; and 2) a redemption center in Section 195-17D.			
Public Hearing 9A	Close the public hearing.	Richard Bartholomew	Raymond Sadlik	Carried unanimously; public hearing closed.
New Business 10A	City of DPZ Commission, zone text change application to add, modify, delete the following definitions in section 195-7, junk, junkyard, and redemption center at the following special exception uses to section 195-17.	Raymond Sadlik	Albert Misiewicz	Carried unanimously.
New Business 10B	Authorize the Chairman to send a letter to the Governor's Office regarding House Bill 5002, urging that municipal zoning concerns and local control issues be addressed before the bill is signed.	Raymond Sadlik	Dave Kopjanski	Carried unanimously.
Payment of Bills 12	Pay the bills, provided they were correct.	Raymond Sadlik	Richard Bartholomew	Carried unanimously.
Adjournment 13	Adjourn the meeting.	Raymond Sadlik	Albert Misiewicz	Carried unanimously; meeting adjourned at 8:00 p.m.

Submitted by:
Jennifer Desroches

RECEIVED
By Marc J Garofalo MPA, MMC, MCTC at 9:56 am, Sep 04, 2026