CITY OF DERBY PLANNING AND ZONING COMMISSION
Regular Meeting Minutes
January 20, 2026

1.Call to Order: Chairman DiGiovanni called the meeting to order at 7:03 p.m.

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

3. Roll Call: Present were Gino DiGiovanni, Paul Dinice, David Kopjanski, Aniello D. Malerba III, Raymond Sadlik, and Joseph Sojka, Alternate. Absent Albert Misiewicz and Richard Bartholomew. The record reflected that five regular members and one alternate were present, constituting a quorum. Joseph Sojka was seated as a voting member, with no objections.

4. Additions, Deletions, or Corrections to the Agenda

Chairman DiGiovanni noted one addition to the agenda: Item **11C**, an informal discussion regarding the 2026–2027 fiscal year budget for planning purposes and downtown planning.
Motion: Paul Dinice moved to add Item 11C to the agenda.
Second: David Kopjanski.
Vote: The motion passed unanimously.

5. Communications: No communications were reported.

6. Public Portion

The public portion was opened for comments on items other than the scheduled public hearings.

Tim Marren, 195 Sentinel Hill Road, requested an update on property line, lighting, and buffering concerns involving the Christian Center. Zoning Enforcement Officer Kevin O'Connor reported that he had met with church representatives regarding buffering, lighting, and possible future plans. The Commission directed that a strong letter be sent requiring the church to address the outstanding concerns.
Nino Marcello, 5 Lanziere Court, asked who was responsible for Deep Basin maintenance, dredging, and oversight. He stated that residents pay annual dues for basin maintenance, raised concerns about sediment buildup, the inlet pipe, easement access, and proper basin function, and requested action. Chairman DiGiovanni advised that Deep Basin would be discussed later under Item 11B.
Christiana Manchester, 2 Homestead Avenue, asked whether the discussion regarding 80 Stelmack Road had begun. She was advised that the public hearing would be opened later under Item 9A and that she could comment at that time.
Motion: Joseph Sojka moved to **close the public portion**
Second: Raymond Sadlik.
Vote: The motion passed unanimously.

7. Approval of Minutes: No minutes were available for approval**.**

Motion: Joseph Sojka moved to table approval of minutes.
Second: Paul Dinice.
Vote: motion passed unanimously.

8. Receipt of Applications: No applications were received.

9. Public Hearings

9A. Johnny Hudson, 80 Stelmack Road — Proposed Zone Text Amendment

Motion: Joseph Sojka moved to **open the public hearing** for the proposed zone text change to 195.11 Residential R-3 Zone subsection D 195.54 for bed and breakfast.
Second: by Raymond Sadlik.
Vote: motion passed unanimously, and the public hearing was opened.
Attorney Dominick Thomas, of Cohen and Thomas, presented the proposed text amendment on behalf of the applicant. Applicant requesting a text change proposal from 195.11 Residential R-3 Zone sub-section D to 195.54, with one parking space required per guest room.
Members expressed concern about allowing a business use in the R-3 single-family residential zone without clear standards. Counsel and the planner advised that the Commission's action on the text amendment was legislative and could be approved, denied, or modified.
The Commission noted that the related special exception application for 80 Stelmack Road could be heard but not acted upon unless the text amendment was approved and became effective.
Public Comment included both support and opposition.
Support: Christiana Manchester, 2 Homestead Avenue, supported the amendment, citing the applicant's character, the suitability of the property, and potential business benefit to Derby.

Opponents, including Kathy Ducharme, 6 Shelton Street; Joanne Nero, 10 Homestead Avenue; Kelly DiCenzo, 29 Homestead Avenue; Karen Kemmesies, 25 John Street; and Sarah Widomski, 95 Academy Hill Road, raised concerns about the impact of the proposed zone text change on R-3 residential neighborhoods, including business encroachment, traffic, parking, housing availability, neighborhood character, and broader citywide policy implications.
The Commission entered correspondence from Stephanie and Joe Solano, 4414 New Haven Avenue, opposing the proposed bed and breakfast special exception application, and noted that the correspondence was relevant to both related matters.
Attorney Thomas responded that approval of the text amendment would not automatically permit bed and breakfasts in the R-3 Zone because each proposal would still require special exception review.
Marc Garofalo, Derby Town Clerk, urged caution and recommended that any broader policy decision be evaluated citywide rather than based on one application.
Motion: Paul Dinice moved to close the public hearing.
Second by Raymond Sadlik.
Vote: The motion passed unanimously, and the public hearing was closed.

9B.
Motion: to reorder 9B by Raymond Sadlik.
Second: by Joseph Sojka.

10. New Business

10A. Johnny Hudson, 80 Stelmack Road — Zone Text Amendment, Discussion and Possible Action

The Commission discussed the proposed text amendment and agreed that the review must consider impacts throughout the R-3 Zone, not only the applicant's property. Members cited concerns about expanding business uses in single-family residential neighborhoods, lack of demonstrated citywide benefit, potential impacts to neighborhood character, and removal of single-family homes from the housing market.

Motion: Raymond Sadlik moved to **deny the proposed zone text amendment** for the reasons stated on the record.

Second: by Paul Dinice. Following discussion, the Commission proceeded to a vote**.**

Motion: passed by roll call vote, 6 Yes and 0 No, with Gino DiGiovanni, Paul Dinice, David Kopjanski, Aniello D. Malerba III, Raymond Sadlik, and Joseph Sojka voting in favor of denial. The proposed text amendment was denied.

Special Exception Application for Bed and Breakfast

Motion: The Commission Motion to **open the hearing for the special exception** application related to 80 Stelmack Road by

Motion: by Joseph Sojka.

Second: by Paul Dinice.

No members of the public spoke on the application.

Motion: was made by Paul Dinice to close the public hearing.

Second: by David Kopjanski**.**

Vote: passed unanimously, and the public hearing was closed.

The Commission noted that, because the proposed zone text amendment had been denied, the requested bed and breakfast use was not a permitted use or special exception use in the R-3 Zone.

Motion: A motion was made to **deny the special exception application** by Paul Dinice because the use was not permitted under the regulations.

Second: by Joseph Sojka. The motion passed unanimously**.**

Vote : The special exception application was denied.

11. Old Business

11A. 4U, LLC, 3 Francis Street — Site Plan Application

Oleg Volincuks and the co-owner of 4U, LLC appeared before the Commission regarding 3 Francis Street. They explained that they had submitted an updated site plan and sought to repair and remodel the existing building for storage of construction materials and office space. They stated that the proposed use was consistent with the prior use of the property and that the work would remain within the existing building footprint. Zoning Enforcement Officer Kevin O'Connor

indicated that the proposed use was substantially the same as the prior use and that he did not need additional information from the Commission.

The Commission discussed the status of building permits, existing nonconforming conditions, parking, the fire lane, and the updated survey/site plan. Counsel suggested that any approval should make clear that the Commission was finding the proposed use and building to be a continuation of existing nonconforming conditions and prior nonconforming uses.

Motion: Joseph Sojka moved to approve the application, with the finding that the use of the building is a continuation of prior existing nonconforming use and conditions.

Second: David Kopjanski seconded the motion.

Vote: The motion passed unanimously. Chairman DiGiovanni stated that a letter would be prepared so the applicants could proceed with the Building Department.

11B. Deep Basin, Inc., Lanziere Court — Discussion

Ryan McEvoy, City Engineer, summarized prior review of the privately owned stormwater detention basin at Lanziere Court. He stated that the basin had been reviewed in 2021 at the request of the Commission and prior administration as part of a broader review of stormwater ponds in the City. He explained that the basin is privately owned and maintained by Deep Basin, Inc., and that the review focused on the outlet control structure, berm integrity, sediment accumulation, vegetation, and overall stormwater function.

Mr. McEvoy reported that, while the berm appeared to be maintained and the outlet structure was largely consistent with the approved design, accumulated sediment and vegetation in the basin should be removed so the basin could function closer to its intended design. He cautioned that sediment removal would not necessarily resolve downstream flooding issues on Sodom Lane or David Humphreys Road, because some of those problems may be related to separate drainage deficiencies.

Commission members discussed the long-standing maintenance concerns, the private responsibility for the basin, and the potential need for Corporation Counsel to address compliance. It was noted that property owners who pay into the maintenance association may have private rights, but downstream property owners affected by flooding may not be part of that association.

Motion: Raymond Sadlik moved to refer the Deep Basin maintenance matter to Corporation Counsel for action to require appropriate maintenance, including removal of accumulated sediment as discussed.

Second: by Paul Dinice.

Vote: The motion passed unanimously.

11C. Informal Discussion — 2026–2027 Fiscal Year Budget and Downtown Planning

Paul Dinice requested discussion regarding future planning and zoning budget needs, including potential funding for professional assistance with zoning regulation updates and downtown planning. He noted that he had begun considering possible amendments related to window and door gates or bars, but that broader issues, including bed and breakfast standards and architectural review standards, may require consultant assistance. Commission members

discussed the need to review available budget line items, determine what funding may already be available, and consider whether additional funds should be requested for professional planning support.

The Commission also discussed the importance of proactively reviewing outdated or incomplete regulations; the potential need for downtown architectural standards; the status of prior approvals in the downtown area; and the usefulness of the recently developed pre-application checklist, which staff reported had helped guide prospective applicants toward more complete submissions.

12. Election of Officers

The Commission opened nominations for Chair. Gino DiGiovanni was nominated, but the nomination did not receive a second. Aniello D. Malerba III attempted to nominate himself. After discussion, the Commission tabled the election of officers.

Motion: A motion was made to table the election of officers by Joseph Sojka.

Second by David Kopjanski.

Motion passed unanimously.

13. Adoption of 2026 Regular Meeting Schedule

The Commission reviewed the proposed 2026 regular meeting schedule, with meetings to continue on the third Tuesday of each month.

Motion: David Kopjanski moved to approve the 2026 regular meeting schedule.

Second: by Joseph Sojka.

Vote: The motion passed unanimously.

14. Payment of Bills

Motion: Joseph Sojka moved to approve payment of bills, provided they are deemed correct.

Second: by Paul Dinice.

Vote: The motion passed unanimously.

15. Adjournment

Motion: Joseph Sojka moved to adjourn the meeting at 9:18 p.m.

Second: by Raymond Sadlik.

Vote: The motion passed unanimously, and the meeting adjourned at 9:18 p.m.

Summary of Motions

Item	Motion Description	Moved by	Seconded by	Vote/Result
4 **Corrections to Agenda**	Add Item 11C to the agenda.	Paul Dinice	David Kopjanski	Passed unanimously.
6 **Public Portion**	Close the public portion.	Joseph Sojka	Raymond Sadlik	Passed unanimously.
7 **Approval of Minutes**	Table approval of the minutes.	Joseph Sojka	Paul Dinice	Passed unanimously.
9A **80 Stelmack Road - Open Public Hearing**	Open the public hearing for the proposed zone text amendment concerning bed-and-breakfast uses.	Joseph Sojka	Raymond Sadlik	Passed unanimously; hearing opened.
9A **Close Public hearing.**	Close the public hearing on the proposed zone text amendment.	Paul Dinice	Raymond Sadlik	Passed unanimously; hearing closed.
9B **80 Stelmack Road Special Exception**	Reorder Item 9B.	Raymond Sadlik	Joseph Sojka	Not recorded in the minutes.
10A **80 Stelmack Road Zone Text Change**	Deny the proposed zone text amendment for the reasons stated on the record.	Raymond Sadlik	Paul Dinice	Passed by roll call vote, 6 Yes–0 No; amendment denied.
9B **80 Stelmack Road Open Public Hearing**	Open the public hearing for the special exception application related to 80 Stelmack Road.	Joseph Sojka	Paul Dinice	Not recorded in the minutes.
9B **Close Public Hearing**	Close the public hearing on the special exception application.	Paul Dinice	David Kopjanski	Passed unanimously; hearing closed.
9B **Special Exception**	Deny the special exception application because the use was not permitted under the regulations.	Paul Dinice	Joseph Sojka	Passed unanimously; application denied.
11A **3 Francis Street**	Approve the 4U, LLC site plan application, finding that the	Joseph Sojka	David Kopjanski	Passed unanimously.

Item	Motion Description	Moved by	Seconded by	Vote/Result
	building use continues prior existing nonconforming use and conditions.			
11B **D Basin Inc – Lanzieri Court**	Refer the Deep Basin maintenance matter to Corporation Counsel for action requiring appropriate maintenance, including removal of accumulated sediment.	Raymond Sadlik	Paul Dinice	Passed unanimously.
12 **Election of Officers**	Table the election of officers.	Joseph Sojka	David Kopjanski	Passed unanimously.
13 **Meeting Schedule**	Approve the 2026 regular meeting schedule.	David Kopjanski	Joseph Sojka	Passed unanimously.
14 **Payment of Bills**	Approve payment of bills, provided they are deemed correct.	Joseph Sojka	Paul Dinice	Passed unanimously.
15 **Adjournment**	Adjourn the meeting at 9:18 p.m.	Joseph Sojka	Raymond Sadlik	Passed unanimously; meeting adjourned at 9:18 p.m.

Respectfully submitted,
Jennifer Desroches

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