CITY OF DERBY
PLANNING AND ZONING COMMISSION
Regular Meeting Minutes
May 19, 2026

1. Called to Order: 7:05 p.m.

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

3. Roll Call

Anello Malerba, Matthew Ezzo, David Kopjanski, Albert Misiewicz, Raymond Sadlik, Joseph Sojka. Absent: Richard Bartholomew and Paul Dinice.
Members present included five regular members and one alternate.
Joseph Sojka was seated for the meeting.
A quorum was present, Mr. Chair.

4. Additions, Deletions, or Corrections to the Agenda

No additions, deletions, or corrections to the agenda were noted.

5. Communications

The Commission noted two communications received, one from John Caporale and one from Charlene McEvoy. Communications were included in the record.

6. Public Portion

The Chair opened the public portion and invited comments from those present and participating by Zoom. No members of the public spoke.

7. Approval of Minutes

Motion: was made by David Kopjanski to approve the April 21, 2026 minutes.
Second: by Joseph Sojka.
Vote: The motion carried unanimously.

8. Receipt of Applications

8A. St. Mary's Church, 212 Elizabeth Street: The Commission received a site plan application from Fred D'Amico for St. Mary's Church to construct a 1,380 square-foot pavilion for recreational and prayer services. After discussion, a motion was made to determine that the application was minor in nature and did not require a public hearing (195-50).

Motion: was made by David Kopjanski to determine that the application was minor in nature.
Second: by Raymond Sadlik.
Vote: The motion carried unanimously.

8B. Custom Athletics Lab, LLC, 155 New Haven Avenue: The Commission received a site plan application for a baseball batting cage (lower building) with a related training area, instruction, and a small business office (a permitted use within the B2 zone).

Motion: was made by Albert Misiewicz to receive the application.
Second: by Joseph Sojka.
Vote: The motion carried unanimously**.**

9. Public Hearing

Griffin Hospital, 130 Division Street: The Commission reopened the public hearing on the site plan modification application for the installation of one CHP generator unit located off Spring Street.
Motion: was made by Joseph Sojka to continue the public hearing.
Second: by Albert Misiewicz.
Vote: The motion carried unanimously.

Representatives for Griffin Hospital and Kinsley Energy addressed the Commission regarding the CHP unit.
Discussion included whether the enclosure should be considered a structure or building, the prior Zoning Board of Appeals variance, setback implications, sound dampening, and compliance with applicable noise requirements.
Nancy Marini, General Counsel for Griffin Hospital, explained that the CHP unit would be enclosed within a sound-dampening container to reduce noise levels as much as possible. She stated that the enclosure includes insulation, a front fence with additional sound-dampening material, and an upper fence with further sound-dampening measures, and that the purpose of the container is to mitigate sound from the unit.

Commission members discussed zoning definitions, the scope of the prior variance, staff comments, and public hearing materials. The zoning enforcement officer presented a letter outlining his interpretation of the variance. Commission members further discussed whether the variance remained applicable if the enclosure was determined to be a structure rather than a building.

A Commission member expressed support for the application but noted that the matter could have been handled more simply and efficiently, including through earlier review by the Zoning Board of Appeals during the year between applications.

Members of the public and representatives participating by Zoom were invited to speak.
Motion: was made by Joseph Sojka to close the public hearing.
Second: by Albert Misiewicz.
Vote: The motion carried unanimously.

10. Old Business

Griffin Hospital, 130 Division Street: The Commission considered the site plan modification application for one CHP generator unit located off Spring Street.
Draft approval and denial language was reviewed.

Discussion included proposed conditions related to plan modifications and post-installation sound measurements.
Motion: was made by Albert Misiewicz to approve the application as discussed, subject to conditions.

Second: was made by Joseph Sojka.

- A roll call vote was taken: Mr. Kopjanski voted no; Mr. Sadlik voted no; Mr. Misiewicz voted yes; Mr. Ezzo voted yes; Mr. Sojka voted yes; and Mr. Malerba voted no.

Motion: failed on a tie vote.

- The **application was denied**, with the Commission noting concerns including the zoning enforcement officer's position, the determination that the enclosure met the definition of a building, the setback issue, and the scope of the prior ZBA variance.
- **Discussion of Possible Zone Text Amendments:** The Commission discussed possible amendments related to informal discussions and pre-application review procedures.
- Members discussed transparency, public notice, the role of staff and authorized agents, and the need to review relevant zoning and subdivision regulation language.
- The Chair requested that members bring ideas for possible modifications to a future meeting, with the possibility of forming a subcommittee.

11. Payment of Bills

Motion: was made by Joseph Sojka to approve payment of an invoice payable to SLR in the amount of $2,475.00.
Second: by Matthew Ezzo.
Vote: The motion carried unanimously.

12. Adjournment

Motion: to adjourn was made by Raymond Sadlik.
Second: by Albert Misiewicz.
Vote: The motion carried unanimously. The meeting adjourned at 8:38 p.m.

Table of Motions

Agenda Item	Motion	Moved By	Seconded By	Vote/Outcome
7. Approval of Minutes	Approve the April 21, 2026 minutes.	David Kopjanski	Joseph Sojka	Carried unanimously.
8A. Receipt of Applications — St. Mary's Church	Determine the application to be minor in nature.	David Kopjanski	Raymond Sadlik	Carried unanimously.
8B. Receipt of Applications — Custom Athletics Lab, LLC	Receive the application.	Albert Misiewicz	Joseph Sojka	Carried unanimously.
9. Public Hearing — Griffin Hospital	Continue the public hearing.	Joseph Sojka	Albert Misiewicz	Carried unanimously.
9. Public Hearing — Griffin Hospital	Close the public hearing.	Joseph Sojka	Albert Misiewicz	Carried unanimously.
10. Old Business — Griffin Hospital	Approve the application as discussed, subject to conditions.	Albert Misiewicz	Joseph Sojka	Failed on a tie vote.
11. Payment of Bills	Approve payment of an invoice payable to SLR in the amount of $2,475.00.	Joseph Sojka	Matthew Ezzo	Carried unanimously.
12. Adjournment	Adjourn the meeting.	Raymond Sadlik	Albert Misiewicz	Carried unanimously; meeting adjourned at 8:38 p.m.

Respectfully submitted,

Jennifer Desroches

RECEIVED
By Marc J Garofalo MPA, MMC, MCTC at 3:55 pm, Sep 21, 2026