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

Derby Planning and Zoning Commission
Regular Meeting Minutes
March 18, 2025

1. **Call to Order.** The meeting was called to order at 7:04 p.m.
2. **Pledge of Allegiance.** The Commission recited the Pledge of Allegiance.
3. **Roll Call.** Present were Mr. DiGiovanni, Mr. Dinice, Mr. Harris, Mr. Misiewicz, Mr. Kopjanski, Mr. Sadlik, Mr. Sanchez, Mr. Blizman, and Mr. Sojka.
4. **Additions, Deletions, or Corrections to the Agenda.** Mr. Sadlik requested that a discussion regarding downtown design be added under Informal Discussion as Item 11B.

Motion: Mr. Sadlik moved to **add the downtown design discussion to the agenda** as Item 11B and to accept the agenda as amended.
Second: Mr. Harris.
Vote: The motion carried unanimously.

5. **Communications.** The Chair read correspondence from Vala Pendyala of Desegregate CT requesting an opportunity to speak with the Commission regarding the Work Live Ride legislative proposal and transit-oriented community districts. The Commission discussed Derby's existing transit-oriented residential zoning, including the Center Design Development District and Center Residence Zone, and noted potential opportunities for infrastructure assistance and coordination with state programs, including DECD and the Municipal Redevelopment Corporation.

The Commission agreed that the administration should be contacted to determine whether prior contact had been made regarding the program and that additional information should be obtained before scheduling a future presentation. Mr. Sadlik requested a copy of the correspondence, and the Chair stated that it would be emailed to the Commission.

6. **Public Portion.** The Chair opened the public portion. No members of the public present in person or via Zoom wished to speak. The public portion was closed.
7. **Approval of Minutes — February 18, 2025.** The Commission considered approval of the February 18, 2025 regular meeting minutes.

Motion: Mr. Harris moved to approve the February 18, 2025 meeting minutes.
Second: by Mr. Dinice.
Vote: The motion carried unanimously.

Receipt of Applications

8A. City of Derby Planning and Zoning, 1 Elizabeth Street, Derby, Connecticut — Zone Text Change Application. The Commission **received the application** to add definitions to Section 195-7; add special exception uses to Sections 195-15.D and 195-16.D; add Section 195-28A regarding smoke shops, vape shops, and tobacco stores; and reassign the Aquifer Protection Areas regulations previously approved in 2010 from Section 195-28 to Section 195-29.
Motion: Mr. Kopjanski moved to receive the application.

Second: Mr. Harris.
Vote: The motion carried unanimously

8B. Griffin Hospital, 130 Division Street — Site Plan Modification Application. The Commission received the site plan modification application for a **modular building** to serve as a permanent addition to Griffin Hospital, replacing the MRI trailer on the Spring Street side of the hospital. The Commission discussed whether a public hearing should be held. Counsel and staff noted that a public hearing was not required for the site plan application, but the Zoning Board of Appeals had recommended that the Commission consider holding one.
Motion: Mr. Harris moved to **receive the Griffin Hospital application**.
Second: Mr. Misiewicz.
Vote: The motion carried unanimously.

Motion: Mr. Harris moved to **schedule a public hearing** on the Griffin Hospital application for the April 15, 2025 meeting.
Second: Mr. Sadlik.
Vote: The motion carried unanimously.

8C. Ornell Dishmi, 38 Commerce Street, Derby — Site Plan Application. The Commission received the site plan application to operate a **bottle redemption center**. The Commission discussed the need for updated and sufficient plans, including an accurate current site plan and information showing how the proposed use would operate within the existing space. Staff was directed to work with the applicant to obtain additional information for the next meeting.
Motion: Mr. Misiewicz moved to receive the application.
Second: Mr. Harris.
Vote: The motion carried unanimously.

Public Hearing

9A. City of Derby Planning and Zoning — Zone Text Change Application. The Commission opened the public hearing on the proposed zone text changes regarding smoke shops, vape shops, tobacco stores, and reassignment of the Aquifer Protection Areas regulations.

Motion: Mr. Harris moved to **open the public hearing**.
Second: Mr. Sanchez.
Vote: The motion carried unanimously.

Staff summarized the proposed language, including definitions, the proposed regulation of smoke shops, vape shops, and tobacco stores in the B-1 and B-2 zones as special exception uses, enhanced signage requirements, and proximity limitations. Staff also explained that the Aquifer Protection Areas regulation approved in 2010 would be reassigned to Section 195-29 because Section 195-28 is now occupied by cannabis establishment regulations.
The Commission discussed enforceability of the proposed 20% retail-area threshold, whether the regulation should prohibit new smoke shops, vape shops, and tobacco stores entirely, and whether the revised proposal should be recirculated to the regional councils of government. The

Commission indicated support for revising the proposed regulation to prohibit new establishments while preserving existing lawful nonconforming uses.
No members of the public spoke during the public hearing. The Commission agreed to continue the public hearing to the next meeting so revised language could be prepared and circulated for review.
Motion: Mr. Dinice moved to **continue the public hearing at the next meeting**.
Second: Mr. Sanchez.
Vote: The motion carried unanimously.

10. New Business

10A. City of Derby Planning and Zoning — Zone Text Change Application. No action was taken because the public hearing was continued.
10B. Summit Hill LLC — Subdivision Application. The application for Summit Street Assessor's Map 9-6, Lots 47 and 47B, and Mountain Street Assessor's Map 8-9, Lots 94 and 94B, to construct forty-five one and two-family residential dwellings was withdrawn.

Informal Discussion

11A. Planning and Zoning Subcommittee Report on Application Procedures. The subcommittee reported that a draft site plan application form had been prepared and was approximately 85% complete. The draft will be reviewed by the Zoning Enforcement Officer before being distributed to the full Commission. The subcommittee also reported that work would continue special exception applications and zoning amendment/map change application procedures, with an emphasis on improving documentation, administrative efficiency, and potential future electronic processing.
11B. Downtown Design Discussion. Mr. Sadlik initiated discussion regarding downtown design standards and prior planning work. The Commission discussed gathering existing materials, including prior Yale School of Architecture charrette documents, the 2017 Downtown Now/DPZ planning materials, and any records held by the city or local professionals involved in earlier efforts. The Chair stated that he would coordinate with City staff to locate and compile available records for future review.

12. Payment of Bills

No bills were presented for payment.

13. Adjournment

Motion: Mr. Sadlik moved to adjourn the meeting.
Second: Mr. Harris.

Vote: The motion carried unanimously.
The meeting adjourned at 8:22 p.m.

Table of Motions

No.	Motion	Made By	Second By	Result
4 Correction to Agenda	Add the downtown design discussion to the agenda as Item 11B and accept the agenda as amended.	Mr. Sadlik	Mr. Harris	Carried unanimously
7 Minutes	Approve the February 18, 2025 regular meeting minutes.	Mr. Harris	Mr. Dinice	Carried unanimously
8A Application	Receive the City of Derby Planning and Zoning zone text change application.	Mr. Kopjanski	Mr. Harris	Carried unanimously
8B Application	Receive the Griffin Hospital site plan modification application.	Mr. Harris	Mr. Misiewicz	Carried unanimously
8B	Schedule a public hearing on the Griffin Hospital application for the April 15, 2025 meeting.	Mr. Harris	Mr. Sadlik	Carried unanimously
8C Application	Receive the Onell Dishmey, 38 Commerce Street, site plan application for a bottle redemption center.	Mr. Misiewicz	Mr. Harris	Carried unanimously
9A Public Hearing	Open the public hearing on the City of Derby Planning and Zoning zone text change application.	Mr. Harris	Mr. Sanchez	Carried unanimously
9A Public Hearing	Continue the public hearing to the next meeting.	Mr. Dinice	Mr. Sanchez	Carried unanimously
13 Adjournment	Adjourn the meeting.	Mr. Sadlik	Mr. Harris	Carried unanimously

Submitted by:
Jennifer Desroches

RECEIVED
By Marc J Garofalo MPA, MMC, MCTC at 9:53 am, Aug 18, 2026

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

Derby Planning and Zoning Commission
Regular Meeting Minutes
May 20, 2025

1. **Call to Order** The meeting was called to order at 7:03 p.m.

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

3. **Roll Call**

Present were Mr. DiGiovanni, Mr. Dinice, Mr. Harris, Mr. Kopjanski, Mr. Sadlik, Mr. Malerba, and Mr. Sojka. Mr. Misiewicz and Mr. Bartholomew were absent. The record reflected five regular members and two alternate members present. A quorum was established.

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

There were no additions, deletions, or corrections to the agenda.

5. **Communications:** There were no communications reported.

6. **Public Portion**

Marc Garofalo, Town Clerk, addressed the Commission regarding the use of the "Informal Discussion" portion of the agenda. He cautioned that listing items generally as informal discussions may not provide sufficient public notice of the subject matter to be discussed. He referenced matters including Bellevue Drive and Olivia Street and encouraged the Commission to provide clearer information on future agendas so the public understands what will be discussed. No other members of the public wished to speak. The public portion was closed.

7. **Approval of Minutes:** The April minutes had not been received by all the members.

Motion: Mr. Harris moved to table approval of the April minutes until the next meeting.
Second: Mr. Sojka seconded the motion.
Vote: Motion carried unanimously.

8. **Receipt of Applications:** There were no new applications.

9. **Public Hearing:**

9A Public Hearing – Griffin Hospital, 130 Division Street: The Commission opened the public hearing for Griffin Hospital's site plan modification application for a modular building to become a permanent addition to Griffin Hospital, replacing the existing magnetic resonance imaging trailer on the Spring Street side of the hospital.

Attorney Dominic Thomas appeared on behalf of the applicant. Prior to the presentation, the Commission addressed the seating of alternate members for the public hearing.

Motion: Mr. Kopjanski moved to seat alternate members Mr. Malerba and Mr. Sojka for the public hearing.
Second: Mr. Sadlik seconded the motion.
Vote: Motion carried unanimously.

Attorney Thomas summarized the supplemental materials submitted in response to questions raised at the prior meeting, including revised renderings, elevations showing materials, the existing connection to the trailer, survey information, and correspondence from the Fire Marshal and Police Chief. He also noted that the required variance had been approved, that public notices

had been mailed, and that only limited public response had been received, including one letter in support from the non-hospital property owner on the relevant block of Spring Street.
Andrew White, professional engineer with Tighe & Bond, reviewed the intersection sight distance plan along Spring Street. He stated that the proposed MRI building would not impede sight distance from the loading dock area and that the grading surrounding the building would match or feather into existing grades without creating new obstructions. Commission members asked about possible low-level landscaping along the fence, and the applicant indicated that this would be discussed with Griffin Hospital.
No members of the public, either in person or online, wished to speak regarding the public hearing.
Motion: Mr. Sojka moved to close the public hearing.
Second: Mr. Harris seconded the motion.
Vote: Motion carried unanimously.

10. Old Business – Griffin Hospital, 130 Division Street: The Commission considered possible action on the Griffin Hospital site plan modification application.

Motion: Mr. Sadlik moved to approve the Griffin Hospital site plan modification application for the MRI addition at 130 Division Street, based on the plans and supporting documentation submitted, subject to the condition that any modifications to the referenced drawings, including placement of generators and/or chiller units, be submitted to the Planning and Zoning Commission for review and action, if necessary.
Second: Mr. Harris seconded the motion.
During discussion, Mr. Kopjanski raised concerns regarding parking, including the elimination of Marked spaces and whether existing parking information should have been included with the application. Staff explained that hospital parking demand is typically evaluated by bed count or employee count, that no additional beds were proposed, and that the affected spaces were described as service-related rather than public or employee parking.
Vote: The motion carried.

11. Informal Discussion:
11A – Planning and Zoning Subcommittee Report on Application Procedures: Mr. Harris reported that the subcommittee met with Kevin White to discuss revisions to the site plan application process. The group reviewed a proposed pre-application checklist intended to help applicants, particularly those unfamiliar with the process, identify key submission requirements before incurring the full cost of a formal application. The subcommittee expected to finalize the checklist and present it to the Commission in June for further discussion and possible implementation. The Commission also acknowledged that this was Mr. Kopjanskis final meeting as a Commission member due to his relocation and thanked him for his service. Mr. Kopjanski stated that he would continue assisting the subcommittee through completion of the application procedure work.

11B – 35 Bellevue Drive: The Commission discussed whether an informal discussion was appropriate for a potential re-subdivision involving three lots served by a single driveway. Counsel advised that, because the matter could require a public hearing, the Commission should avoid

offering informal opinions that could be viewed as prejudgment or as part of the formal application process without proper public notice. Staff and counsel reviewed the subdivision regulation language encouraging informal consideration and concluded that the potential applicant should first meet with staff, including the planner, zoning enforcement officer, and counsel, to review the regulations and obtain staff interpretation before deciding whether to file a formal application.

11C – 115 Olivia Street: Staff reported that the property owner was interested in reestablishing a convenience store use in a building with apartments above and no on-site parking. The building had historically contained commercial uses, including an upholstery shop and barber shop, and the commercial space was currently vacant. Counsel and staff discussed whether the property may have preexisting nonconforming commercial use and whether the proposed convenience store would increase the existing parking nonconformity. The Commission directed staff and counsel to review the property history and applicable regulations and to advise the applicant on the appropriate process, including possible zoning enforcement review, an appeal, or a variance, if necessary.

Potential Additional Special Exception Use in the I-1 Zone: Counsel reviewed a proposed text amendment that would allow, by special exception, limited redemption center and metal reclamation uses in the I-1 zone. The discussion related to the City's anticipated acquisition of the Rubino Brothers property at 2 Factory Street and the City's related relocation obligations. Counsel explained that the proposed use was intended to be narrowly defined and would not permit a motor vehicle junkyard or motor vehicle junk business. The use would involve collection, sorting, temporary storage, and shipping of reclaimable ferrous and non-ferrous metals for processing elsewhere. Commission members discussed allowable outdoor storage, screening, height limitations, the relationship between indoor and outdoor storage, possible automobile battery storage, fire safety concerns related to lithium batteries, and properties in the I-1 zone that may qualify under the proposed criteria. Staff noted that the use would require special exception and site plan approval, allowing the Commission to impose appropriate conditions related to screening, layout, storage, hours, and similar concerns. The consensus was to move the text amendment process forward, with staff and counsel to refine the language, including clarification regarding batteries, before formal submission and referral to the required regional councils of government.

12. Payment of Bills:
Motion: Mr. Sadlik moved to pay the bills, if deemed correct.
Second: Mr. Sojka seconded the motion.
Vote: Motion carried unanimously.

13. Adjournment:
Motion: Mr. Sadlik moved to adjourn the meeting at 8:25 p.m.
Second: Mr. Sojka seconded the motion.
Vote: Motion carried unanimously.

Table of Motions

Agenda Item	Motion	Moved By	Seconded By	Vote
7 Approval of Minutes	Table approval of the April minutes until the next meeting.	Mr. Harris	Mr. Sojka	Carried unanimously.
9 Public Hearing – Griffin Hospital	Seat alternate members Mr. Malerba and Mr. Sojka for the public hearing.	Mr. Kopjanski	Mr. Sadlik	Carried unanimously.
9 Public Hearing – Griffin Hospital	Close the public hearing.	Mr. Sojka	Mr. Harris	Carried unanimously.
10A Old Business – Griffin Hospital	Approve the Griffin Hospital site plan modification application for the MRI addition at 130 Division Street, subject to the stated condition regarding modifications to the referenced drawings, including placement of generators and/or chiller units.	Mr. Sadlik	Mr. Harris	Carried unanimously.
12 Payment of Bills	Pay the bills, if deemed correct.	Mr. Sadlik	Mr. Sojka	Carried unanimously.
13 Adjournment	Adjourn the meeting at 8:25 p.m.	Mr. Sadlik	Mr. Sojka	Carried unanimously.

Respectfully submitted,
Jennifer Desroches

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

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

CITY OF DERBY
PLANNING AND ZONING COMMISSION
Regular Meeting Minutes
July 15, 2025

1.Call to Order: Chairman Gino DiGiovanni called the meeting to order at 7:00 p.m.

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

3. Roll Call

Members Present: Mr. DiGiovanni, Mr. Dinice, Mr. Misiewicz, Mr. Kopjanski, Mr. Sadlik, Mr. Bartholomew, Mr. Malerba, and Mr. Sojka (Alt). The clerk reported that all members were present and that a quorum was established.

Staff/Consultants Present: Marc Garofalo, Town Clerk; Ryan McEvoy, P.E., SLR Consulting Engineer; and Corporation Counsel.
Also Participating: Kevin White, Zoning Enforcement Officer, remotely.

4. Additions, Deletions, or Corrections to the Agenda

The Chair added Item 10E, formation of a subcommittee concerning downtown development and architectural aesthetics.

Motion: to approve the agenda as amended by Albert Misiewicz.
Second: Raymond Sadlik seconded.
Vote: Motion carried unanimously.

5. Communications: No communications were reported.

6. Public Portion

Attorney Cliff Theer, representing Johnny Hudson of 80 Stelmack Road, advised that Ms. Hudson was considering a zoning text amendment to permit limited short-term lodging in the R-3 zone. He stated that the proposed use would involve one or two guests, no signage, and no on-street parking. The Commission advised that it could not discuss the merits of a potential application outside the formal application and public-hearing process. Staff agreed to provide application guidance.
Motion: Mr. Malerba moved to close the public portion.
Second: Mr. Misiewicz.
Vote: Motion carried unanimously.

7. Approval of Minutes

Motion: to table approval of the April 15, May 20, and June 17, 2025 meeting minutes made by Mr. Sadlik.
Seconded: Mr. Malerba.
Vote: Motion carried unanimously.

8. Receipt of New Applications: No new applications were received.

9. Public Hearings

9A. Blizzard Mechanical, LLC — 155 New Haven Avenue

Application: Special exception for an office, interior storage, assembly/work area, and HVAC contractor business in the B-2 zone.
Motion: to open the public hearing made by Raymond Sadlik.
Second: Albert Misiewicz.
Vote: Motion carried unanimously.

Attorney Dominic Thomas of Cohen and Thomas, 350 Main Street, Derby, appeared for the applicant. He stated that Blizzard Mechanical would occupy approximately 10,010 square feet on the middle and lower levels of the existing building. The use would include offices, indoor storage, HVAC assembly and sheet-metal fabrication, and a work area. No exterior site improvements, structural changes, new lighting, signage, or outdoor storage were proposed. The applicant identified 23 parking spaces to be shared with Buck Electric. Normal hours would be 7:00 a.m. to 5:00 p.m., with limited after-hours access for emergency service. Most technicians would travel directly to job sites or take company vehicles home.

Public Testimony:

Liz Regan, 12 Burtville Avenue, requested clarification concerning special-exception review, future tenants, operating hours, lighting, parking, deliveries, litter, exterior alterations, and ownership.
Gina Crosby, 96 Commodore Commons Court, raised concerns about drainage, erosion, site changes, noise, vibration, deliveries, and neighboring residential properties.
Steve Carter, 69 Commodore Commons Court, requested a more legible plan and asked about access, truck deliveries, the zoning classification, and the scope of the HVAC operation.
Louis Rivera, 16 Burtville Avenue, opposed the proposed use based on prior experiences involving litter, on-street parking, truck activity, and after-hours noise.
Michael Klein, property owner, 155 New Haven Ave., described the property's prior uses and maintenance and expressed willingness to work with neighbors.
Michael Chaz, 25 Clark Street Extension, spoke in support of the business owners and their operations.

Applicant and Consultant Responses:

Ryan McEvoy, City Engineer, explained that a special-exception use is allowed in the zone but is subject to Commission review and reasonable safeguards. **Attorney Thomas** stated that future tenants or any expansion into additional space would require further Commission review; deliveries would use Burtville Avenue; no off-site parking was anticipated; and all fabrication would occur indoors. **Dan Blizman**, 30 Clark Street Ext., stated that the company had nine current employees and anticipated hiring one additional employee; two employees would work in the office; approximately four technicians took vehicles home; no more than two company

vehicles were expected to remain overnight; large deliveries would be infrequent; and indoor fabrication would occur during normal business hours.

Commission Discussion: Members discussed future tenant space, required future approvals, loading and delivery areas, the number of employees and vehicles, parking adequacy, overnight vehicle storage, the age of the site plans, and the need for the applicant to maintain good relationships with neighboring residents.

Motion: to continue the public hearing was made by Aniello Malerba.
Second: but received no second.

Motion: Made by Albert Misiewicz to close the public hearing.
Second: Gino DiGiovanni.
Vote: Motion carried unanimously.

9B. Buck Electric, LLC — 155 New Haven Avenue

Application: Special exception for office, interior storage, and work area for an electrical contractor business.
Motion: to open the public hearing made by Albert Misiewicz.
Second: Raymond Sadlik.
Vote: Motion carried unanimously.

Attorney Thomas asked that the site plan and relevant testimony from the preceding hearing be incorporated into the record. He stated that Buck Electric would occupy approximately 2,196 square feet on the middle and lower levels; would have seven employees, including one office employee; would operate primarily at customer job sites; and would have five utility vans/pickup trucks and one bucket truck. No site changes or outdoor storage were proposed.

Public Testimony:

Luz Falcon, 16 Burtville Avenue, asked whether the business anticipated future growth and how additional employees and parking would be accommodated.

Liz Regan, 12 Burtville Avenue, raised concerns about hours, lighting, on-site parking, deliveries, and neighborhood impacts, but stated that the proposed operation appeared to be an improvement over prior uses.

Tom Buckles, Buck Electric, described the business as a low-impact electrical contracting operation. He stated that most employees would travel directly to job sites, approximately two company vehicles might remain overnight, deliveries would generally be made by small box trucks, and the operation would maintain cleanliness and respect for the surrounding neighborhood. The applicant confirmed there would be no outdoor storage other than vehicles.

Motion: to close the public hearing made by Albert Misiewicz.
Second: David Kopjanski.
Vote: Motion carried unanimously.

10. New Business

10A. Blizzard Mechanical, LLC — Special Exception Decision

Ryan McEvoy read a proposed approval.

Motion: The city Derby Planning Zoning Commission July 15, 2025. Application for special exception use contractors' business at 155 New Haven Ave. Applicant Blizzard Mechanical LLC pursuant to section 195-48 of the Derby zoning Regulations, the Planning Zoning Commission finds the following.

1. The application and supporting documentation as presented is in accordance with sections 195-48 subsections A through F
2. The application proposes converting existing space within the building for a heating, ventilation and air conditioning business

no site improvements are proposed as part of this. Application. Following review of the plans and supporting documentation submitted in support of this application, the Derby Planning Zoning Commission hereby approves the application for special exception use for Blizzard Mechanical LLC on property shown on Derby. Derby assessors map 6-4, lot 42, subject to the following conditions

1. the special exception. Approval modification special exception approval shall not be effective until it was filed on the Derby Land Records, along with any conditions in accordance with the general statutes of the State of Connecticut
2. any modifications to the above reference drawings shall be submitted to the planning and Zoning Commission staff for review. This approval shall be based on the following documents submitted in support of this application, and that includes items 1 through 9 on the list on my draft document –

SLR's report, July 8th of 2025, addressed to Kevin White, Zoning Enforcement Officer, City of Derby, with the SLR project number 141.11563.00023, in reference to Blizzard Mechanical LLC contractors' business, 155 New Haven Ave., Derby, CT, made by Paul Dinice.

Second: Albert Misiewicz.

Vote: Motion carried unanimously.

10B. Buck Electric, LLC — Special Exception Decision

Ryan McEvoy read a proposed approval.

Motion: The City Derby Planning Zoning Commission dated July 15th, 2025 application for special exception use contractors' business, 155 New Haven Ave. Applicant, Buck Electric LLC pursuant to section 195-48 of the regulations, the Planning Zoning Commission finds the following

1. The application and supporting documentation as presented is in accordance with section 195-48. Subsections A through F
2. The application proposes converting existing space within the building for an electrical contracting business.
3. No site improvements are proposed as part of this application. Full review of the plans and supporting documentation submitted in support of this application, the Derby

planning and Zoning Commission hereby approves the application for special exception use for Buck Electric LLC on property shown on Derby assessors map 6-4, lot 42, subject to the following conditions

1. The special exception approval. Should not be effective until it's filed on the Derby Land records, along with any conditions, in accordance with the general statutes of the State of Connecticut. To any modifications to the referenced drawings shall be submitted to the planning and Zoning Commission staff for review. This approval shall be based upon the following documents submitted support this application and again items 1 through 9 similar to the last application finding that the application complied with §195-48(A)–(F), proposed conversion of existing space for an HVAC contractor business, and included no site improvements. The approval was conditioned upon filing the special-exception approval and conditions on the Derby Land Records and submitting any modifications to Commission staff for review.

SLR communication, dated July 8th, addressed to Kevin White, the Zoning Enforcement Officer, City of Derby, with the address and SLR project number 141.11563.00023, in reference to Buck Electric LLC contractors' business, 155 New Haven Ave., Derby, CT.

Motion: Raymond Sadlik.

Second: Paul Dinice.

Vote: Motion carried unanimously.

10C. Board of Aldermen/Alderwomen Referral Under Connecticut General Statutes §8-24

Roger Solaway, Economic Development, described a proposal concerning the existing solar installation at the Derby Transfer Station. Discussion revealed that the agenda referred to additional solar panels, while the matter presented involved installation of a battery-storage area of approximately 200 square feet adjacent to the existing solar array. Members requested a site plan, details concerning the batteries, fencing, safety, location, the land-consent document, the effect on revenue, and clarification of whether a separate §8-24 referral would be required for a future expansion of the solar array. Because the item presented did not match the agenda description, supporting documentation was incomplete.

Motion: made by Dave Kopjanski to table the matter and schedule a special meeting after receiving the necessary materials.

Second: Albert Misiewicz.

Vote: Motion carried unanimously.

10D. Planning and Zoning Pre-Application Checklist

The subcommittee presented a draft pre-application checklist intended to clarify the application process and reduce incomplete submissions. Members discussed use of the checklist by the Zoning Enforcement Officer and the need for legal review.

Motion: Made by Raymond Sadlik to forward the draft check list to Corporation Counsel.

Second: David Kopjanski.

Vote: Motion carried unanimously.

10E. Downtown Development and Architectural Aesthetics Subcommittee

The Commission discussed developing architectural and exterior-design guidance for downtown properties to promote consistent, appropriate development.

Motion: to authorize the Chair to form a subcommittee to research standards used by other municipalities and develop recommendations made by Raymond Sadlik.
Second: Gino DiGiovanni.
Vote: Motion carried unanimously.
Raymond Sadlik and Aniello Malerba volunteered to serve.

11. Payment of Bills

Motion: made to authorize payment of the bills by Albert Misiewicz.
Second: Aniello Malerba.
Vote: Motion carried unanimously.

12. Adjournment

Motion: was made by Raymond Sadlik.
Second: Dave Kopjanski to adjourn.
Vote: Motion carried unanimously. The meeting adjourned at 9:23 p.m.

Table of Motions

Item Number and Description	Motion	Second	Result
4. Additions, Deletions, or Corrections to the Agenda	Albert Misiewicz moved to approve the agenda as amended.	Raymond Sadlik	Carried unanimously
6. Public Portion	Aniello Malerba moved to close the public portion.	Albert Misiewicz	Carried unanimously by voice vote
7. Approval of Minutes	Raymond Sadlik moved to table approval of the April 15, May 20, and June 17, 2025 meeting minutes.	Aniello Malerba	Carried unanimously
9A. Blizzard Mechanical, LLC-Open Public Hearing	Raymond Sadlik moved to open the public hearing.	Albert Misiewicz	Carried unanimously
9A. Blizzard Mechanical, LLC-Continue Public Hearing	Aniello Malerba moved to continue the public hearing.	None	Failed for lack of a second; no vote taken

9A. Blizzard Mechanical, LLC-Close Public Hearing	Albert Misiewicz moved to close the public hearing.	Gino DiGiovanni	Carried unanimously
9B. Buck Electric, LLC-Open Public Hearing	Albert Misiewicz moved to open the public hearing.	Raymond Sadlik	Carried unanimously by voice vote
9B. Buck Electric, LLC-Close Public Hearing	Albert Misiewicz moved to close the public hearing.	David Kopjanski	Carried unanimously by voice vote
10A. Blizzard Mechanical, LLC-Special Exception Decision	Paul Dinice moved to approve the special-exception application for 155 New Haven Avenue, subject to the stated findings and conditions.	Albert Misiewicz	Carried unanimously by voice vote
10B. Buck Electric, LLC-Special Exception Decision	Raymond Sadlik moved to approve the special-exception application for 155 New Haven Avenue, subject to the stated findings and conditions.	Paul Dinice	Carried unanimously
10C. Board of Aldermen/Alderwomen Referral Under C.G.S. §8-24	David Kopjanski moved to table the matter and schedule a special meeting after receipt of the necessary materials.	Albert Misiewicz	Carried unanimously
10D. Planning and Zoning Pre-Application Checklist	Raymond Sadlik moved to forward the draft checklist to Corporation Counsel.	David Kopjanski	Carried unanimously
10E. Downtown Development and Architectural Aesthetics Subcommittee	Raymond Sadlik moved to authorize the Chair to form a subcommittee to research standards used by other municipalities and develop recommendations.	Gino DiGiovanni	Carried unanimously
11. Payment of Bills	Albert Misiewicz moved to authorize payment of the bills.	Aniello Malerba	Carried unanimously
12. Adjournment	Raymond Sadlik moved to adjourn.	David Kopjanski	Carried unanimously; meeting adjourned at 9:23 p.m.

Submitted by:
Jennifer Desroches

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

CITY OF DERBY
PLANNING AND ZONING COMMISSION
Special Meeting Minutes
Tuesday, August 5, 2025

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1. Call to Order: The meeting was called to order at 6:04 p.m.

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

3. Roll Call

Members present: Mr. DiGiovanni, Mr. Misiewicz, Mr. Bartholomew, Mr. Dinice, Mr. Malerba, Mr. Sadlik, and Mr. Sojka (A). The record reflected six regular members and one alternate member present.

Also present: Matt Spineheimer, Corporation Counsel's Office, and Ryan McEvoy, City Engineer.

The Chair declared that a quorum was present.

4. Public Portion

The Chair called three times for public comment. No members of the public spoke, and the public comment portion was closed.

6. Receipt of Applications

6A. Superior Water and Radon Systems, LLC — 433 Roosevelt Drive

The Commission received a special-exception application for a water and radon system trade contractor's office, storage, and assembly use.

Motion: Mr. Misiewicz moved to accept the application.

Second: Mr. Bartholomew seconded the motion.

Ryan McEvoy, City Engineer: The Commission noted that the application required a public hearing and discussed scheduling it for the regularly scheduled September meeting.

Motion: Mr. Dinice moved to schedule the public hearing for the regularly scheduled September meeting.

Second: Mr. Sojka seconded the motion.

Vote: The motion was adopted without stated opposition.

7. Old Business

7A. Connecticut General Statutes § 8-24 Referral — Battery Storage at Derby Transfer Station

The Commission considered a Board of Aldermen/Alderwomen referral concerning the addition of battery storage to the existing solar installation at the Derby Transfer Station. The proposal did not include expansion of the existing solar array. Representatives discussed system size, Connecticut Siting Council jurisdiction, and the applicant's intent to seek local land-use review and approval.

Motion: Mr. Dinice moved to issue a positive referral pursuant to Connecticut General Statutes § 8-24.

Second: Mr. Misiewicz seconded the motion, with the condition that the proposal return to the Commission for local review; the maker accepted the condition.
Vote: The motion was carried with the condition as part of the motion.

Meeting Schedule

The Chair announced that no additional August meeting would be held and that the next regular meeting would occur as scheduled in September.

8. Adjournment

Motion: Mr. Bartholomew moved to adjourn.
Second: Mr. Misiewicz seconded the motion. The meeting adjourned at 6:12 p.m.
Vote: The motion carried without stated opposition.

Table of Motions

Summary of Motions				
Agenda Item	**Motion**	**Moved By**	**Seconded By**	**Outcome**
6A. Superior Water and Radon Systems, LLC	Accept the application.	Mr. Misiewicz	Mr. Bartholomew	Not stated in the minutes.
6A. Superior Water and Radon Systems, LLC	Schedule the public hearing for the regularly scheduled September meeting.	Mr. Dinice	Mr. Sojka	Adopted without stated opposition.
7A. Battery Storage at Derby Transfer Station	Issue a positive referral pursuant to Connecticut General Statutes § 8-24, conditioned on the proposal returning to the Commission for local review.	Mr. Dinice	Mr. Misiewicz	Carried with the condition as part of the motion.
8. Adjournment	Adjourn the meeting at 6:12 p.m.	Mr. Bartholomew	Mr. Misiewicz	Carried without stated opposition.

Respectfully submitted,
Jennifer Desroches

RECEIVED
By Marc J Garofalo MPA, MMC, MCTC at 12:00 pm, Sep 10, 2026

CITY OF DERBY
PLANNING AND ZONING COMMISSION
Regular Meeting Minutes
September 16, 2025

1. Call to Order: The meeting was called to order at 7:01 p.m.

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

3. Roll Call

Present: Mr. DiGiovanni, Mr. Dinice, Mr. Misiewicz, Mr. Sojka (Alternate), and Mr. Malerba (arrived at 7:04 p.m.).
Excused: Mr. Sadlik. **Absent:** Mr. Kopjanski and Mr. Bartholomew.
The record reflected that four regular members and one alternate were present at the opening of the meeting. Without objection, Mr. Sojka was seated as a voting member for the meeting.

4. Additions, Deletions, or Corrections to the Agenda

There were no additions, deletions, or corrections.

Motion: Mr. Dinice moved to adopt the agenda as presented.
Second: Mr. Sojka.
Vote: Carried without opposition.

5. Communications

No communications were received other than materials relating to items already on the agenda.

6. Public Portion

The Chair invited public comment on matters other than Item 9A. No members of the public spoke. The public portion was closed.

7. Approval of Minutes

No minutes were available for approval.
Motion: Mr. Misiewicz moved to table approval of the minutes until the next meeting.

Second: Mr. Sojka.
Vote: Carried without opposition.

8. Receipt of Applications

8A. AEPM International, LLC — 237 Roosevelt Drive

The Commission received a site plan application to expand the St. Vincent de Paul food bank and thrift shop by approximately 2,642 square feet, consisting of 1,321 square feet on each of two floors. The applicant corrected the entity name in the application record to AEPM International.

Michael Marcinic of AEPM International, 241 Main Street, Ansonia, representing the applicant, described the proposed expansion of food bank receiving, loading, sorting, and storage areas. The Commission discussed parking calculations, the appointment-based operation of the food bank, a possible joint-parking arrangement with the neighboring Dew Drop Inn property, and whether a special exception might be required to reduce parking. The applicant agreed to provide revised plans and supporting information showing parking calculations by use, the

loading area, the building expansion on an A-2 survey, landscaping and screening improvements, and a landscaping maintenance schedule.

Motion: Mr. Misiewicz moved to receive the site plan application.
Second: Mr. Kopjanski.
Vote: The motion carried without opposition.

The Commission directed that a public hearing be scheduled for the next meeting and that the matter be noticed as a site plan and, if necessary, a special exception relating to parking.

8B. Glitzy Twins, LLC d/b/a Lucius and Company — 155 New Haven Avenue

The Commission received a site plan application for a hair salon. Staff advised that the use is permitted in the B-2 zone and does not require a public hearing, although notice to abutting property owners is required.
The Commission discussed parking spaces located wholly or partly within the public right-of-way, exterior lighting, landscaping, and the need for a current signed and sealed site plan showing square footage and parking calculations. The property owner stated that adjustments had been made to address a neighboring resident's lighting concern and that updated landscaping and paving information would be submitted.

Motion: Mr. Kopjanski moved to receive the application.
Second: Mr. Sojka.
Vote: Carried without opposition.

9. Public Hearing

9A. Superior Water and Radon Systems, LLC — 433 Roosevelt Drive

Attorney Dominic Thomas appeared on behalf of the applicant, accompanied by owner Thomas Zikas, regarding a special exception application for a water and radon systems trade-contractor office and storage use. The applicant clarified that no product assembly would occur on the premises; system components would be assembled at customer locations.

The applicant stated that the business would relocate from Seymour; employ three employees and two owners; generally operate from 7:00 a.m. to 5:00 p.m., Monday through Friday, with other hours as needed; and receive deliveries during normal business hours. Minor construction would connect the two existing buildings.

The Commission reviewed aquifer-protection requirements, the South Central Connecticut Regional Water Authority's September 16, 2025 letter, chemical spill containment, parking, accessible parking, curb cuts, landscaping, gravel areas, fencing, garage doors, lighting, vehicle storage, deliveries, and measures to discourage vehicles from cutting through the property.

Public Comment:
Andrew Baklik, 501 Roosevelt Drive, supported the business and requested that the operator remain responsive to neighbors, particularly concerning after-hours deliveries, refuse collection, and other potential disturbances.
Mark Garofalo, 95 Academy Hill Road and Town Clerk, welcomed the business, emphasized compliance with accessible-parking requirements, and encouraged earlier submission of application materials to support transparent review.

Motion: Mr. Misiewicz moved to close the public hearing.
Second: Mr. Sojka.
Vote: Carried without opposition.

10. New Business

10A. Superior Water and Radon Systems, LLC — Special Exception Decision

The Commission found that the application and supporting documentation complied with § 185-48(A)–(F) of the zoning regulations. The Derby Planning and Zoning Commission made the following findings:

1. The application and supporting documentation, as presented, are in accordance with § 185-48(A)–(F).
2. The application proposes converting existing space within the building for a contracting business. Minor building modifications are proposed to connect the two existing buildings.
3. Minor site-plan modifications and landscaping improvements are proposed as part of the application. Following review of the plans and supporting documentation submitted in support of this application, the Derby Planning and Zoning Commission hereby approves the special exception application for Superior Water and Radon Systems, LLC, for property shown on Derby Assessor's Map 11-4, Lot 52A, subject to the following conditions:

   1. The special exception approval shall not become effective until it and all conditions are filed on the Derby land records in accordance with Connecticut law.

   2. The applicant shall adhere to the recommendations in the letter from the South Central Connecticut Regional Water Authority dated September 16, 2025.

   3. The existing curb cut along Cedric Avenue, just south of the existing catch basin, shall be removed, and bituminous concrete curbing shall be restored. This driveway removal shall be coordinated with the Derby Public Works Department.

   4. Additional landscaping shall be provided along the existing building on Cedric Avenue.

   5. The existing fence along Cedric Avenue shall be maintained.

   6. Accessible parking shall be reviewed with the Derby Building Official and provided if required.

   7. The statement of use shall be modified to state that deliveries to the site shall occur during normal business hours.

   8. The site plan shall be modified to clarify the locations of the existing garage doors that will remain.

   9. Any modifications to the referenced drawing shall be submitted to Planning and Zoning Commission staff for review.

   The approval shall be based upon the documents submitted in support of the application, identified as Items 1 through 10.

Motion: Mr. Kopjanski moved to approve the special exception application subject to the stated conditions.
Second: Mr. Misiewicz.
Vote: The motion carried without opposition.

11. Old Business

Planning and Zoning Subcommittee — Pre-Application Checklist

The subcommittee reported on proposed procedures for revised application materials. Members discussed establishing a seven-day submission target for substantive revisions so that the Commission, staff, and the public have adequate time for review.

Corporation Counsel advised that statutory receipt and decision deadlines must be observed and that the Commission may keep a public hearing open, continue consideration, or delay action when late-filed information cannot be adequately reviewed. Staff suggested adding notice to the application form stating that substantive revisions submitted less than one week before a meeting may not be considered at that meeting and may delay Commission action.

The Commission reached consensus that Corporation Counsel should draft legally compliant language, with examples distinguishing substantive revisions from minor changes, for future review.

12. Payment of Bills

Motion: Mr. Misiewicz moved to approve payment of the bills, if found correct.
Seconded by: Mr. Dinice.
Vote: The motion carried without opposition.

13. Adjournment

Motion: Mr. Malerba moved to adjourn at 8:30 p.m.
Second: Mr. Sojka.
Vote: Carried without opposition.

Summary Table of Motions

Item No. and Description	Motion	Moved By	Seconded By	Vote
4. Additions, Deletions, or Corrections to the Agenda	Adopt the agenda as presented.	Mr. Dinice	Mr. Sojka	Carried without opposition.
7. Approval of Minutes	Table approval of the minutes until the next meeting.	Mr. Misiewicz	Mr. Sojka	Carried without opposition.
8A. AEPM International, LLC — 237 Roosevelt Drive	Receive the site plan application.	Mr. Misiewicz	Mr. Kopjanski	Carried without opposition.
8B. Glitzy Twins, LLC d/b/a Lucius and Company — 155 New Haven Avenue	Receive the application.	Mr. Kopjanski	Mr. Sojka	Carried without opposition.
9A. Superior Water and Radon Systems, LLC — Public Hearing	Close the public hearing.	Mr. Misiewicz	Mr. Sojka	Carried without opposition.
10A. Superior Water and Radon Systems, LLC — Special Exception Decision	Approve the special exception application subject to the stated conditions.	Mr. Kopjanski	Mr. Misiewicz	Carried without opposition.
12. Payment of Bills	Approve payment of the bills, if found correct.	Mr. Misiewicz	Mr. Dinice	Carried without opposition.
13. Adjournment	Adjourn at 8:30 p.m.	Mr. Malerba	Mr. Sojka	Carried without opposition.

Respectfully submitted,
Jennifer Desroches

RECEIVED
By Marc J Garofalo MPA, MMC, MCTC at 9:16 am, Sep 11, 2026

CITY OF DERBY
PLANNING AND ZONING COMMISSION
Special Meeting Minutes
September 30, 2025

1. Call to Order: The special meeting of the Derby Planning and Zoning Commission was called to order at 6:05 p.m.

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

3. Roll Call and Quorum

Members Present: Gino DiGiovanni, Paul Dinice, Albert Misiewicz, Richard Bartholomew, and Joseph Sojka (Alternate).
Members Absent at Call to Order: David Kopjanski, Aniello D. Malerba III, and Raymond Sadlik. The record reflected four regular members and one alternate member present. A quorum was established. Raymond Sadlik joined the meeting at 6:07 p.m.

Seating of Alternate Member Joseph Sojka was seated as an acting member for the meeting by unanimous consent.

4. Communications

No communications were reported by the Chair, staff, or Commission members.

5. Public Portion

Marc Garofalo, 95 Academy Hill Road, Derby, addressed the Commission. He asked why a special meeting had been called shortly after the Commission's prior meeting and expressed concern regarding communications and the timing and distribution of application materials. He stated that the proposed project appeared positive for the City, but asked the Commission to consider the process and to ensure that any signage remained consistent with the character of New Haven Avenue. There being no further public comment, the public portion was closed.

6. New Business

6.A. Glitzy Twins LLC d/b/a Luscious and Company — 155 New Haven Avenue — Site Plan Application for Hair Salon

The Commission reviewed the site plan application submitted by Glitzy Twins LLC, doing business as Luscious and Company, for a proposed hair salon at 155 New Haven Avenue, Derby, Assessor's Map 6-4, Lot 42.
Liz Arundell, joined by Jess Arundell, stated that they are sisters and business partners and identified their current business address as 469 Howe Avenue, Shelton. Ms. Arundell explained that Luscious and Company has operated for approximately 12 years, has locations in New Canaan and Shelton, and proposes to relocate its Shelton business to Derby. She described the business as a full-service salon with approximately 15 chairs and 30 employees serving clients from the Valley and throughout Connecticut.
Dan Blizman, owner of Two Mile LLC, identified himself as the owner of 155 New Haven Avenue and provided his address as 30 Clark Street Extension, Derby. Mr. Blizman stated that abutters within 150 feet, including individual condominium owners, had been notified of the meeting. He advised that the parking table could be revised; that the freestanding sign shown on the plan was carried over from a prior application and was not part of the present application; and that wall signage could be addressed separately in accordance with the zoning regulations. He reviewed the proposed landscaping islands and requested flexibility to preserve potential parking opportunities when the lot is repaved.

Ryan McEvoy, City Engineer summarized staff comments. He stated that the freestanding sign was not part of the application; that the applicant proposed landscaping in several areas; and that parking demand appeared adequate under the regulations. He recommended that any approval require revisions to reflect the previously approved parking allocation for Buck Electric and Blizzard Mechanical, removal of the freestanding sign, and compliance with wall-sign requirements. Mr. McEvoy reported that the Fire Marshal had no concerns regarding the site plan and that the proposed salon is a permitted use in the zone.
Commission members discussed landscaping, parking, the filing of revised plans, and the deadline for submitting revisions. Commissioner Paul Dinice supported landscaping in several areas and proposed a 60-day deadline for revised plans. Commissioner Albert Misiewicz asked about staffing and customer volume. Ms. Arundell stated that approximately 13 employees could work during a shift and that most client-facing employees generally serve one client at a time, with support and leadership staff also present. Commissioner Misiewicz commented that adequate parking should be preserved and stated that the proposed business appeared to be a positive addition to Derby. Staff clarified that application materials had been submitted the prior week and that material circulated on the day of the meeting included a corrected staff comment letter and the Fire Marshal's response.

Motion: Commissioner Albert Misiewicz moved to approve the site plan application for Glitzy Twins LLC, doing business as Luscious and Company, for a proposed hair salon at 155 New Haven Avenue, Derby, on property shown on Derby Assessor's Map 6-4, Lot 42, based upon the documents submitted in support of the application and subject to the following conditions:

1. Any modifications to the referenced drawings shall be submitted to the Planning and Zoning Commission for review and action, if necessary.
2. The proposed freestanding sign shall not be included as part of this approval. Before installation of any new freestanding sign, a subsequent site plan application containing the information required by § 195-34T of the zoning regulations shall be submitted to the Commission.
3. Within 60 days of this approval, the site plan shall be revised to show parking for Buck Electric and Blizzard Mechanical, including 18 required spaces for Blizzard Mechanical and a minimum of four spaces for Buck Electric, consistent with their approval.
4. The area of wall signs shall not exceed the maximum allowable wall-sign area for buildings within 100 feet of the street line, pursuant to § 195-69.B.1(a)(1) of the zoning regulations.

Second: Commissioner Joseph Sojka.
Vote: A roll-call vote was taken. Voting in favor were Gino DiGiovanni, Joseph Sojka, Richard Bartholomew, Albert Misiewicz, Paul Dinice, and Raymond Sadlik. There were no votes in opposition and no abstentions.
Result: The motion carried unanimously, 6-0.

7. Adjournment

Motion: Commissioner Richard Bartholomew moved to adjourn.
Second: Commissioner Joseph Sojka.
Vote: The motion carried unanimously. The meeting was adjourned at 6:25 p.m.

Table of Motions

Agenda Item	Motion	Moved By	Seconded By	Outcome
6A 155 New Haven Ave Site Application	Approve the Glitzy Twins LLC d/b/a Luscious and Company site plan application for 155 New Haven Avenue, subject to the stated conditions.	Albert Misiewicz	Joseph Sojka	Carried unanimously, 6-0.
7 Adjourn	Adjourn the meeting.	Richard Bartholomew	Joseph Sojka	Carried unanimously.

Respectfully submitted,
Jennifer Desroches

RECEIVED
By Marc J Garofalo MPA, MMC, MCTC at 3:00 pm, Oct 20, 2026

CITY OF DERBY
PLANNING AND ZONING COMMISSION
Regular Meeting Minutes
October 21, 2025

1. Call to Order: at 7:07 p.m.

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

3. Roll Call

Members Present: Mr. DiGiovanni, Mr. Bartholomew, Mr. Dinice, Mr. Malerba, Mr. Misiewicz, Mr. Sadlik, and Mr. Sojka (Alt.). Seven regular members and one alternate member were present.
Members Absent: Mr. Kopjanski.
A quorum was declared.

4. Additions, Deletions, or Corrections to the Agenda

No additions, deletions, or corrections were offered.
Motion: Mr. Sadlik moved to accept the agenda as presented.
Second: Mr. Misiewicz.
Vote: Approved without opposition.

5. Communications: No communications were reported.

6. Public Portion

The Chair opened the public portion.
Tim Marin, 195 Sentinel Hill Road, requested an update regarding the parking lot at the former St. Jude's property, including the shared property line, lighting, and barriers. The Chair stated that correspondence had been sent by Kevin White and that a follow-up email would be sent after the meeting, with Mr. Marin and his wife copied on any response.

Marc Garofalo, Town Clerk, requested a response concerning the purpose of a prior special meeting; urged the Commission to finalize and formally adopt the policies and procedures developed by its subcommittee; and emphasized the Commission's responsibility to administer and enforce the City's planning and zoning regulations.
There being no further speakers, the Chair closed the public portion.

7. Approval of Prior Minutes

The Commission considered approval of the minutes of March 18, April 15, May 20, June 17, July 15, August 5, September 16, and the September 30 special meeting. The minutes were not available.

Motion: Mr. Misiewicz moved to table approval of the listed minutes.
Second: Mr. Dinice.
Vote: Approved without opposition.
Mr. Misiewicz expressed concern regarding the backlog. It was noted that minutes had not been received since the former clerk retired in March and that a status update would be requested.

8. Receipt of Applications

8A. Bachelor Kaufman of Derby, LLC — 552 New Haven Avenue

The Commission received a site plan application for demolition of the existing Starbucks building and construction of a Chase Bank.

Rod Salicki, Site Civil Engineer for the applicant, provided a preliminary overview. The proposal includes connecting the two plazas, closing curb cuts on Sodom Lane and New Haven Avenue, improving internal circulation, and adding trees, landscaping, and hedgerows. He stated that a full presentation would be made at the next meeting.

Commission members discussed the joint parking arrangement between separately owned properties and the supporting affidavits and lease documentation.
Motion: Mr. Misiewicz moved to receive the application.
Second: Mr. Sojka.
Vote: Approved without opposition.

9. Public Hearing

9A. St. Vincent de Paul of the Valley — 237 Roosevelt Drive

Application: Site plan application to expand the food bank and thrift shop.
Before testimony began, the Commission discussed whether a special exception was also required for reduced parking. The applicant stated that it would proceed using a joint parking arrangement rather than seeking a parking reduction at this time. The legal notice was reported as posted.
Motion: Mr. Misiewicz moved to open the public hearing.
Second: Mr. Sadlik.
Vote: Approved without opposition.

Michael Marcinek of AEPM International LLC, 241 Main Street, Ansonia, CT, representing the applicant, presented the proposal. The project would add approximately 1,321 square feet on each of two floors, for a total addition of approximately 2,642 square feet. The first floor would principally expand the food bank, with remaining space used for receiving and sorting; the upper floor would be used for storage. The proposal also includes an elevator, office space, revised entrances, loading doors, and emergency egress.

The applicant stated that food-bank visits are by appointment; existing hours would remain unchanged; deliveries generally occur once per week; and no increase in employees or volunteers is planned.

Commission discussion addressed landscaping, truck access and unloading, architectural plans, accessibility, drainage, parking calculations, accessible parking, and the joint parking agreement with Dew Drop Inn. The applicant agreed to revise the parking table, show accessible parking, and provide or confirm supporting parking documentation.

During public comment, **Marc Garofalo**, Town Clerk, requested that any approval be expressly limited to the proposed use and that any future change in use return to the Commission.

Motion: Mr. Kopjanski moved to continue the public hearing to the next meeting.
Second: Mr. Sadlik.
Vote: Approved without opposition.

10. Old Business

10A. St. Vincent de Paul of the Valley — 237 Roosevelt Drive

Motion: Mr. Sadlik moved to table discussion and possible action on the site plan application to expand the food bank and the thrift shop until the next meeting.
Second: Mr. Kopjanski.
Vote: Approved without opposition.

10B. Planning and Zoning Subcommittee — Pre-Application Checklist

The subcommittee presented its final pre-application checklist. Members discussed its intended use as an informational roadmap for prospective applicants, its application to site plan and special-exception matters, staff handling, review by the Zoning Enforcement Officer, conversion to a fillable form, and posting to the City website.
Motion: Mr. Sadlik moved to adopt and implement the pre-application checklist immediately.
Second: Mr. Dinice.
Vote: Approved without opposition.
The approved form will be provided to staff for conversion to a fillable format and administrative processing through the Zoning Enforcement Officer.

11. Payment of Bills

Motion: Mr. Misiewicz moved to approve payment of the bills, subject to verification that they were correct.
Second: Mr. Dinice.
Vote: Approved without opposition.

12. Adjournment

Motion: Mr. Kopjanski moved to adjourn.
Second: Mr. Sadlik.
Vote: Approved without opposition.
The meeting adjourned at 7:58 p.m.

Table of Motions

Agenda Item	Motion	Moved By	Seconded By	Outcome
4. Agenda	Accept the agenda as presented.	Mr. Sadlik	Mr. Misiewicz	Approved without opposition.
7. Prior Minutes	Table approval of the listed minutes.	Mr. Misiewicz	Mr. Dinice	Approved without opposition.
8A. Bachelor Kaufman Chase Bank	Receive the application.	Mr. Misiewicz	Mr. Sojka	Approved without opposition.
9A. Public Hearing 237 Roosevelt Dr	Open the public hearing.	Mr. Misiewicz	Mr. Sadlik	Approved without opposition.
9A. Public Hearing	Continue the public hearing to the next meeting.	Mr. Kopjanski	Mr. Sadlik	Approved without opposition.
10A. St. Vincent de Paul	Table discussion and possible action on the site plan application until the next meeting.	Mr. Sadlik	Mr. Kopjanski	Approved without opposition.
10B. Pre-Application Checklist	Adopt and implement the pre-application checklist immediately.	Mr. Sadlik	Mr. Dinice	Approved without opposition.
11. Payment of Bills	Approve payment of the bills, subject to verification that they were correct.	Mr. Misiewicz	Mr. Dinice	Approved without opposition.
12. Adjournment	Adjourn the meeting.	Mr. Kopjanski	Mr. Sadlik	Approved without opposition.

Respectfully submitted,
Jennifer Desroches

RECEIVED
By Marc J Garofalo MPA, MMC, MCTC at 9:16 am, Sep 11, 2026

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

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

Planning and Zoning Commission
Special Meeting Minutes
June 2, 2026

1. Call to Order : The special meeting was called to order at 7:03 p.m.

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

3. Roll Call and Quorum

Mr. Malerba: Mr. Bartholomew: Mr. Dinice: Mr. Ezzo: Mr. Sadlik: Mr. Misiewicz: Mr. Kopjanski: Mr. Sojka(Alt)

- Seven regular members and one alternate member were present.
- A quorum was established.

4. Communications: It was reported that there were no new communications.

5. Public Portion

- The Chair opened the public portion.
- The Chair advised that comments regarding the Summit Hill public hearing matter should be held until that agenda item so they could be entered into the public hearing record.
- No members of the public spoke during the general public portion.

6. New Business

6A. St. Mary's Church, 212 Elizabeth Street — Site Plan Application

- The Commission reviewed the application of Fred D'Amico for St. Mary's Church, 212 Elizabeth Street.
- The application sought site plan approval to construct a 1380 square foot pavilion for recreation and prayer services.
- Commission members discussed the proposed use of the pavilion, including whether it would be limited to church-sponsored events.
- The applicant's representatives stated that the pavilion would be used for existing church activities, recreation, prayer services if needed, the annual festival, and other church-sponsored functions.
- The applicant's representatives stated that the church did not intend to rent the pavilion or use it for unrelated private events.
- Commission members requested a written statement of use addressing hours of operation, anticipated schedule, and approximate frequency of use.
- The applicant agreed to provide a statement of use.

Motion: To approve the site plan application of Fred D'Amico for St. Mary's Church, 212 Elizabeth Street, to construct a 1,380-square-foot pavilion for recreation and prayer services, subject to the condition that the pavilion be used for church-sponsored events, activities, services, programs, and functions. Any use of the pavilion for non-church-sponsored events, activities, or private events not sponsored by St. Mary's Church shall

require further review and approval. Approval is contingent upon submission of a statement of use specifying the hours of operation.

- **Moved:** Mr. Sadlik.
- **Second:** Mr. Kopjanski.
- **Vote:** Motion carried unanimously.

7. Public Hearing

7A. Summit Hill LLC — Subdivision Application

Public hearing on the Summit Hill LLC subdivision application for a 45-lot R-5 and P Zone subdivision on property known as Assessor's Map 9-6, Lots 47 and 47B, Summit Street, and Assessor's Map 8-9, Lots 94 and 94B, Mountain Street.

- **Motion:** To open the public hearing by Mr. Dinice.
- **Second:** Mr. Misiewicz.
- **Vote:** Motion carried unanimously.

Applicant Presentation

- Attorney Dominick Thomas, 315 Main Street, Derby, Connecticut, appeared on behalf of Summit Hill LLC.
- Attorney Thomas stated that certificates of mailing and notice letters had been submitted electronically and that original documents were available if requested.
- Attorney Thomas reviewed the history of the property and prior development proposals.
- Attorney Thomas discussed the applicant's position regarding zoning history, R-5 and P zoning classifications, traffic considerations, and applicable subdivision standards.
- Attorney Thomas stated that the applicant had received reports from staff, the Fire Marshal, Department of Public Works, SLR, and the Zoning Enforcement Officer shortly before the meeting.
- The applicant intended to respond to the reports.
- Engineer Manny Silva of Rizzo Engineering Company, 35 Brentwood Avenue, Fairfield, Connecticut, presented the civil engineering plans.
- Mr. Silva reviewed the proposed subdivision layout, road connections, grading, stormwater management, drainage facilities, erosion and sedimentation controls, utility considerations, road profiles, and responses to comments.
- Mr. Silva described the proposed stormwater management approach.
- Items discussed included catch basins with hoods, retention and infiltration facilities, a level spreader, an underground gallery system, water quality treatment components, erosion-control fencing, silt sacks, anti-tracking pads, and construction sequencing.
- Mr. Silva stated that additional details could be provided or revised in response to professional review comments.

- Attorney Thomas requested that the public hearing remain open.
- The applicant requested additional time for the applicant's engineer to work with the Commission's engineer and staff regarding report comments.
- Attorney Thomas agreed to provide a written extension of the public hearing period once the continuation date was established.

Public Comment

- The Chair opened the matter to public for comment.
- Speakers were asked to state their names and addresses for the record.

Public comments were received from the following speakers.

Janet Mann, President of Summit Commons, stated that she was speaking on behalf of approximately 70 unit owners. She requested clarification regarding the location and ownership of the retention pond referenced during the presentation, noting that Summit Commons owns and maintains the pond.
Ms. Mann also requested clarification regarding the property boundary behind Summit Commons and raised concerns about potential construction-related trespassing and traffic access, road width and visibility, garbage-truck access, blasting, possible road widening near trees planted along Summit Commons property, limited parking, wetlands, wildlife, and potential damage to condominium units. She stated that Summit Commons residents intended to remain involved because of their concerns about development behind their homes.

Ryan Beardsley, of 85 Summit Street, stated that he and his family had owned their home for approximately 21 years and described the area as peaceful. He expressed concern that Summit Street was too narrow for large vehicles, including garbage trucks, and that using the road as a throughway would create safety hazards, increased noise, blasting-related impacts, and a greater risk of accidents near the crest of the hill.

Dave Manley, of Cherry Street near the bottom of Summit Street, stated that he had observed large trucks attempting to travel between Cherry Street and Summit Street. He said the trucks had difficulty making the turn, often requiring repeated maneuvering and occasionally driving onto the sidewalk. He described a prior incident in which a truck damaged his sidewalk while attempting to access equipment on the mountain and asked how many yards of rock the applicant anticipated blasting from the site.
Mr. Manley stated that he had heard an estimate that more than 200,000 yards of crushed rock would be removed from the site. He questioned how many dump-truck trips this would require and expressed concern about heavy trucks descending Summit Street, including braking noise, the use of Jake brakes, the road's width, and safety near the crest of the hill. He stated that he had lived in the area for nearly 50 years, described prior incidents in which vehicles lost control and entered his yard, and urged the Commission to consider residents of the surrounding neighborhood.

Lorraine Miller, of Smith Street near the intersection of Smith and Fall Streets, stated that she had lived in the area since 1989. She asked whether the proposed work would affect

the hillside extending from Telescope Mountain to Smith and Fall Streets and expressed concern about potential impacts on wildlife, including coyotes, bears, and deer.

Anthony Napolitano, of 91 Summit Street, described Summit Street as hazardous, particularly near the crest of the hill. He stated that garbage trucks have difficulty navigating the road and sometimes must back up. He also expressed concern that restricting on-street parking would be impractical because many homes in the lower section do not have driveways. He stated that traffic generated by the proposed development could create additional safety hazards.

Mary Metalsky, of 51 Clearview Court in Summit Commons, stated that prior meetings and an SLR report appeared to identify several wetland-related issues on Coon Hollow Road and questioned whether the revised plan addressed them. She noted that a section of Coon Hollow Road floods during heavy rain and develops significant ice during winter conditions. She urged the Commission to visit Summit Street to observe the conditions described by residents, noting that the road had been a significant concern in prior development proposals. She also raised concerns about three years of deforestation, blasting, rock crushing, gravel grinding, noise, potential damage to homes, air quality, water runoff, well contamination, property values, traffic congestion, and whether Derby has sufficient infrastructure to support the proposed development. She urged the Commission to reject the application and pursue an alternative that would preserve the property as green space or otherwise resolve the matter.

Robert Martin, of 202 Smith Street, stated that he opposed the proposal and did not believe the anticipated tax revenue justified the project. He raised concerns about wildlife, blasting, infrastructure impacts, increased traffic, and the effect on Summit Street residents. He stated that he intended to visit Summit Street to better understand the residents' concerns and urged decision-makers to reconsider the proposal.

Meg Millea, of 70 Coppola Terrace, stated that she had listened to the meeting from the beginning and was concerned about ambiguities in the applicant's plans. She expressed concern that responsibility for future stormwater, road-repair, and maintenance issues could fall on homeowners, taxpayers, or future property owners. Referring to recent severe storms, she stated that the stormwater plans were particularly concerning because they appeared to rely on future adjustments by homeowners amid changing weather conditions.

Susan Sovinski, of 23 Cornerstone Drive in Summit Commons, stated that the proposed development would be located behind her condominium near the upper end of Cornerstone Drive. She stated that she was an original owner and had lived there since 1991. She asked who would be responsible if blasting caused cracks in the concrete or walls or otherwise damaged her 35-year-old condominium, and stated that homeowners should not bear the cost of construction-related damage caused by another development.

Joyce Stobierski, of 6 Indian Avenue, at the corner of Mountain and Indian Avenues, expressed concern about potential impacts to her property and noted that markings had already been placed behind her home. She also raised concerns about water runoff, stating

that Indian Avenue already experiences drainage problems and that the immediate area lacks sanitary sewer service.

Charlie Dicenso, of 55 Summit Street, stated that he had built his home in 1980 and recalled prior opposition to using Summit Street for construction access because the road was considered unsafe. He stated that the safety concerns remained and that Summit Street could not accommodate heavy construction vehicles or the additional daily traffic anticipated during and after construction.
Mr. Dicenso also raised concerns about blasting, rock removal, potential damage to homes, and whether the project could effectively become a rock-removal operation. He described prior damage to his home during nearby construction, including cracks in the foundation and damage to a water line, and urged the Commission to visit Summit Street before making a decision.

Mary Metalsky, of 51 Clearview Court, submitted the typewritten statement below on behalf of **Sharon Tylinski, of 44 Cornerstone Drive**, who was unable to attend.

April 21, 2026 Meeting Telescope Mtn. For Record

What do you see People or Money$? Answer my question! People matter, we are unseen according to Derby officials. What we the people, people who drive Coon Hollow Drive, Summit Commons Condo, people who live at end of the road and Coppola Terrence need a newly paved Road.
Coon Hollow Road Needs, I repeat needs an upgrade. We have dealt with Aero Serve system, and new Gray towers going in. The trucks have messed our roads with pot holes, water across the road.
Enough is enough of this destruction of our road. Coon Hollow Road has not been paved since the Summit Commons Condo were built 35 years ago. Coon Hollow Road looks like a Dump, I repeat a dump. It is a holey turnpike, with pot holes sloppily filled, ice skating pond in the winter from water coming down the Mtn . Have you taken a ride down Coon Hollow Road? There is Mtn side of the road that has logs sliding down, some day they may hit a car in the window. Who is going to pay for that damage? What's important now is a newly paved Coon Hollow Road not new homes! Thank you!

George Kurtyka, of Mohawk Avenue and Second Ward Alderman, stated that Aldermen Ron Sill and Roberto Santos were unable to attend but shared his opposition to the proposed project. He stated that the project would adversely affect the environment and nearby residents and that the anticipated tax revenue would not justify those impacts. Based on his familiarity with the area, he described Summit Street as narrow and difficult to navigate. He also raised concerns about groundwater from Telescope Mountain, stating that an underground stream appeared to flow beneath Route 8, through the neighborhood,

and toward his property, where he had previously installed drainage improvements. Speaking for himself and his fellow aldermen, he stated that he opposed the project.

Tom Zoltowski, of 11 Cornerstone Drive, asked what protections would be in place if substantial blasting and site alteration occurred but the project later became economically infeasible. Although he stated that he was not suggesting the applicant intended to abandon the project, he expressed concern that changing economic conditions over the next three years could leave the community with a partially excavated mountain.

The Chair asked whether anyone else participating by Zoom or attending in person wished to speak. No additional public comments were offered.

Attorney Thomas, the applicant's representative, stated that the applicant would provide detailed responses to the specific concerns at a later date because the public hearing remained open. He explained that municipal improvements would be bonded in accordance with applicable statutes and that blasting is regulated by the Fire Marshal, including required pre-blast surveys and insurance coverage for blasting-related damage. He distinguished the current subdivision application from prior condominium approvals, stated that drainage would be addressed separately, and explained that underground streams constitute groundwater rather than wetlands, which are identified based on soil types, watercourses, and regulated upland review areas. He also addressed construction and future traffic on Summit Street, citing excavation estimates of approximately 175,000, 400,000, and 550,000 cubic yards under different development scenarios. He stated that the lower estimate related to a prior PRD proposal that would have provided access to Coon Hollow Road and allowed the Commission to require improvements to both Coon Hollow Road and Summit Street. He further stated that prior denials and the Board of Aldermen's refusal to permit access from Coon Hollow Road resulted in all traffic being directed to Summit Street rather than distributed between two access points.

Applicant Response and Commission Discussion

- Attorney Thomas addressed public comments concerning blasting procedures, bonding for municipal improvements, prior development proposals, construction traffic, access, and applicable zoning standards.
- He stated that blasting would be subject to applicable oversight and pre-blast survey requirements.
- He further stated that municipal improvements would be bonded as required.
- Commission members asked about existing parcels, the number of residential units that could be developed without subdivision approval, P Zone requirements, and proposed lots divided by zoning district boundaries.
- The Commission discussed the need for continued professional review and coordination among the applicant's engineer, Commission staff, and consultants.
- City planning staff stated that approved subdivision plans constitute final plans.
- Staff advised that all necessary infrastructure and implementation details should be shown, except for house and driveway details specific to individual lots.

- Staff noted that the extent of site disturbance would likely require a stormwater general permit.
- Staff advised the Commission to consider subdivision regulations concerning the preservation of natural terrain, grading, and road layout.

Continuation of Public Hearing

- The applicant agreed to an extension of the public hearing period through the end of July.
- The extension was intended to allow additional review and coordination.
- **Motion:** To keep the public hearing open, with the hearing date to be determined. by Mr. Sadlik.
- **Second:** The motion was seconded by Mr. Misiewicz.
- **Vote:** Motion carried unanimously.
- **Continuation date:** To be determined.

7. Summit Hill LLC Application

- **Motion:** by Mr. Sadlik To table the Summit Hill LLC application.
- **Second:** The motion was seconded by Mr. Misiewicz.
- **Vote:** Motion carried unanimously.

9. Adjournment

- **Motion:** To adjourn at 9:27 p.m. Mr. Sadlik.
- **Second:** The motion was seconded Matt Ezzo.
- **Vote:** Motion carried unanimously.

Table of Motions

Agenda Item	Motion	Moved By	Seconded By	Vote/Result
6A. St. Mary's Church, 212 Elizabeth Street — Site Plan Application	To approve the site plan application for construction of a 1,380-square-foot pavilion, subject to the condition that the pavilion be used for church-sponsored events, activities, services, programs, and functions, with any non-church-sponsored use requiring further review and approval, and contingent on a statement of use providing hours of operation.	Mr. Sadlik	Mr. Kopjanski	Motion carried unanimously.
7A. Summit Hill LLC — Subdivision Application	To open the public hearing.	Mr. Dinice	Mr. Misiewicz	Motion carried unanimously.
7A Continuation of Public Hearing	To keep the public hearing open, with the hearing date to be determined.	Mr. Sadlik	Mr. Misiewicz	Motion carried unanimously.
7A Summit Hill LLC Application	To table the Summit Hill LLC application.	Mr. Sadlik	Mr. Misiewicz	Motion carried unanimously.
9. Adjournment	To adjourn.	Mr. Sadlik	Mr. Ezzo	Motion carried unanimously; meeting adjourned at 9:27 p.m.

Submitted by:
Jennifer Desroches

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

DERBY PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
June 16, 2026

1. **Call to Order** The meeting was called to order at 7:02 p.m.
2. **Pledge of Allegiance**. The Commission stood for the pledge.
3. **Roll Call**

Members present included Mr. Malerba, Mr. Bartholomew, Mr. Denise, Mr. Misiewicz, Mr. Sadlik, Mr. Sojka, (alt). Mr. Ezzo entered the meeting at 7:06 p.m. The record reflect that six regular members and one alternate member were present, establishing a quorum.
Mr. White was present via Zoom.

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

The agenda was corrected to remove an erroneous "9" under Receipt of Application. The item was clarified as Item 8A, with subsequent items renumbered accordingly.

5. **Communications**

There were no new communications.

6. **Public Portion**

Mark Garofalo, Town Clerk, addressed the Commission regarding 8A - Griffin Hospital and 9A - Custom Athletic Lab, LLC. He noted ongoing parking concerns in the neighborhoods surrounding Griffin Hospital and urged the Commission to remain mindful of those concerns when reviewing Griffin Hospital matters. He also requested that the Commission consider parking adequacy and appropriate restrictions for Custom Athletic Lab, LLC, given its location in a mixed residential neighborhood. No other members of the public wished to speak, and the public portion was closed.

7. **Approval of Minutes**

The minutes from the May 19,2026 meeting were not available for review.
Motion was made to table approval of May 19,2026 minutes until the next meeting.
Dave Kopjanski
Second by Albert Misiewicz
Vote: passed unanimously.

8. **Receipt of Application**

8A - Griffin Hospital, 130 Division Street — Site plan modification application for installation of a CHP generator located off Spring Street.
Motion was made by Albert Misiewicz to receive the application.
Second by Dave Kopjanski
Vote: passed unanimously.

9.New Business

9A - Custom Athletic Lab, LLC, 155 New Haven Avenue — Site plan application for baseball batting cages with a related training area and instruction, including a small business office.

Applicant representation: Attorney Dominick Thomas appeared for the applicant.

- **Proposed use:** Indoor commercial recreation facility at 155 New Haven Avenue.
- **Layout:** Two batting cages, open turf training area, office, and storage.
- **Operations:** Appointment-only use with no more than three employees on site.
- **Users:** Primarily youth participants, generally dropped off and picked up.
- **Parking requirement:** Seven spaces required; twelve proposed for the use.
- **Site parking:** Approximately fifty-three total spaces on site.
- **Staff comments:** Parking, noise, events, lighting, and signage were addressed.
- **Noise:** Batting cage noise is not expected to leave the building.
- **Events:** Special events would be rare and generally held on weekends.
- **Lighting/signage:** No new lighting proposed; signage subject to ZEO review.
- **Turf area:** The Commission asked about its proposed use.
- **Activities:** Baseball training only, including fielding, throwing, pitching, and pop-up drills.
- **No scrimmages:** The turf area would not be used for scrimmages.
- **Hours:** Primarily 3:00 p.m. to 7:30 or 8:00 p.m.
- **Access:** Membership- and appointment-based; no walk-ins.
- **Viewing:** Parents may view training sessions remotely.
- **Parking concerns:** The Commission discussed parking adequacy and neighborhood impacts.
- **Overflow parking:** Could be coordinated with the property owner if needed.
- **Street parking:** Parking on the adjacent street was not intended.
- **Owner comments:** Dan Blisman had no objection to spaces five through seven as shown.
- **Accessible parking:** One accessible space would be reviewed by the appropriate official.

Ryan McEvoy - I prepared a draft motion for this application dated June 16th, 2026. Application Custom Athletics Lab, LLC. Commercial Recreation Center Indoor, 155 New Haven Avenue. Application for site plan approval. Assess map 6-4 lot 42. Motion following review of the plans and supporting documentation. Submit in support of this application, the Derby Planning and Zoning Commission hereby approves the site plan application for Custom Athletics Lab, LLC. On property shown on Derby Assessors Map 6-4 lot 42 subject to the following conditions. This approval shall be based upon the following documents submitted in support of this application. Items one through 5. I won't read them with the following stipulated conditions, **1.** any modifications to the above reference drawn shall be submitted to plan zoning commission for review and action necessary. **2.** signage shall be reviewed by the zoning enforcement officer, and **3.** handicap accessible spaces. Any one handicap accessible space shall be reviewed by the building official.

Motion was made by Raymond Sadlik to approve the application.

Second by Dave Kopjanski

Motion to amend to add that any use of the open turf space shown on the plan must also comply with the parking requirements for indoor recreational use.
Motion amendment was accepted Ray Sadlik
Second by Dave Kopjanski
Vote: Following discussion, the motion, as amended, passed unanimously.

9B - Griffin Hospital, 130 Division Street — Site plan modification application for installation of a CHP generator located off Spring Street.

- **Applicant representation:** Attorney Thomas appeared on behalf of Griffin Hospital.
- **Prior record:** He stated that the application was the same as previously presented and requested that prior presentations and electronic materials be incorporated into the record.
- **ZBA approval:** The principal change was the Zoning Board of Appeals' June 9, 2026 approval, by a four-to-one vote, of a variance reducing the setback for the CHP sound-dampening unit to zero.
- **Commission counsel:** Counsel agreed that the prior record could be incorporated unless Commission members had specific questions.
- **ZBA approval and plans:** The Commission discussed whether the ZBA approval and supporting plans corresponded with the application before the Commission.
- **Variance recording:** It was stated that the ZBA approval applied to the CHP area shown on the plan and that the variance would be recorded on the Derby Land Records.
- **Sound concerns:** The Commission also discussed prior testimony from a nearby neighbor and related sound concerns.

Motion: The application dated June sixteenth, 2026. Griffin Hospital Generator. 130 Division Street application for site plan approval assessors map 8, 9, lot 95. The motion following review of the plans and supporting documentation submitted in support of this application. The Derby Planning Zoning Commission hereby approved site plan application for Griffin Hospital on property shown on Derby assessors map 8, 9, line 95 subject to the following conditions. I'm going to read the following documents. The approval should be based on the following documents submitted in support of this application. 1. application for site plan approval dated June 10th of this year. 2. statement of use site plan modification application dated June 1st of this year. 3. plans entitled Griffin Hospital, 130 Division Street, Derby, Connecticut, dated March 2025, revised to July 2025, which includes sheets CS 1-0, the cover sheet, sheet GA 1.0, the general arrangement, CHP yard, see sheet GA 1.1 general arrangement partial L plan. 4. photo simulation entitled proposed Griffin Hospital CHP. 5. photo simulation entitled Seymour Street View. 6. A figure entitled Noise Consideration Dated March 16th prepared by Kinsley Energy Systems And 7. will be testimony from the applicant commission and city staff at the June 16th regular scheduled meeting, including testimony from the applicant at the- April 21st. and May 19th public hearings. With the following stipulated conditions, **1**., any modifications to the above reference drawn shall be submitted to the planning and zoning commission for review and action

if necessary. **2.** after the generator is installed, sound measurements at distances of 0 feet from the property line, 10 feet, 45 feet, and 130 feet from the CHP generator shall be provided to the zoning enforcement officer to confirm that the generator does not exceed the noise levels shown in reference document number 6 and applicable city ordinances which may be stricter than what is shown on the reference materials. And then **3**. I'm adding that this approval should not be valid until the recording of the variance granted on June 9th 2026, by the ZBA is recorded on the Derby Land records. That's all **I** have, Mr. Chair.

Moved by Matt Ezzo to approve the Griffin Hospital site plan modification application subject to the stated conditions.
Second by Albert Misiewicz
Vote: motion passed unanimously.

10A. Discussion on Possible Zone Text Amendements
The Commission discussed potential zoning regulation amendments, including recent state legislation affecting residential uses in commercial zones and related parking standards. It was noted that recent state statutes may require municipalities to consider allowing certain residential uses in commercial districts with reduced or eliminated parking requirements. Counsel and staff advised that the regulations should be reviewed promptly and that consultants may be needed to prepare conforming amendments.
The Commission also discussed the need to develop a broader list of zoning regulation updates, including possible revisions to subdivision regulations, stormwater and erosion control references, downtown design standards, window and door gate provisions, and other related items. Members agreed to prepare individual lists of suggested changes for discussion at a future meeting.

11. Payment of Bills
The Commission reviewed invoices in the amounts of $3,307.50 and $1,811.25.
Motion was made to pay the invoices by Raymond Sadlik
Second by Albert Misiewicz
Vote: motion passed unanimously.

12. Adjournment
Motion was made to Adjourn by Paul Dinise
Second by Albert Misiewicz
Vote: motion passed unanimously,

Table of Motions

Agenda Item	Motion / Action	Moved By	Seconded By	Vote / Result
7. Approval of Minutes	Table approval of the May 19, 2026 meeting minutes until the next meeting.	Dave Kopjanski	Albert Misiewicz	Passed unanimously.
9A Receipt of Application — Griffin Hospital, 130 Division Street	Receive the site plan modification application for installation of a CHP generator located off Spring Street.	Albert Misiewicz	Dave Kopjanski	Passed unanimously.
10A New Business — Custom Athletic Lab, LLC, 155 New Haven Avenue	Application Custom Athletics Lab, LLC. Commercial Recreation Center Indoor, 155 New Haven Avenue. Application for site plan approval. Assess map 6-4 lot 42. Motion following review of the plans and supporting documentation. Submit in support of this application, the Derby Planning and Zoning Commission hereby approves the site plan application for Custom Athletics Lab, LLC. On property shown on Derby Assessors Map 6-4 lot 42 subject to the following conditions. This approval shall be based upon the following documents submitted in support of this application. Items one through 5. I won't read them with the following stipulated conditions, **1**. any modifications to the above reference drawn shall be submitted to plan zoning commission for review and action necessary. **2**. signage shall be reviewed by the zoning enforcement officer, and **3.** handicap accessible spaces. Any one handicap accessible space shall be reviewed by the building official.	Raymond Sadlik	Dave Kopjanski	Passed unanimously.
10B Business — Griffin Hospital, 130 Division Street	**The application dated June sixteenth, 2026. Griffin Hospital Generator.** 130 Division Street application for site plan approval assessors map 8, 9, lot 95. The motion following review of the plans and supporting documentation submitted in support of this application. The Derby Planning Zoning Commission hereby approved site plan application for Griffin Hospital on property shown on Derby	Matt Ezzo	Albert Misiewicz	Passed unanimously.

Agenda Item	Motion / Action	Moved By	Seconded By	Vote / Result
	assessors map 8, 9, line 95 subject to the following conditions. I'm going to read the following documents. The approval should be based on the following documents submitted in support of this application. 1. application for site plan approval dated June 10th of this year. 2. statement of use site plan modification application dated June 1st of this year. 3. plans entitled Griffin Hospital, 130 Division Street, Derby, Connecticut, dated March 2025, revised to July 2025, which includes sheets CS 1-0, the cover sheet, sheet GA 1.0, the general arrangement, CHP yard, see sheet GA 1.1 general arrangement partial L plan. 4. photo simulation entitled proposed Griffin Hospital CHP. 5. photo simulation entitled Seymour Street View. 6. A figure entitled Noise Consideration Dated March 16th prepared by Kinsley Energy Systems And 7. will be testimony from the applicant commission and city staff at the June 16th regular scheduled meeting, including testimony from the applicant at the- April 21st. and May 19th public hearings. With the following stipulated conditions, **1.**, any modifications to the above reference drawn shall be submitted to the planning and zoning commission for review and action if necessary. **2.** after the generator is installed, sound measurements at distances of 0 feet from the property line, 10 feet, 45 feet, and 130 feet from the CHP generator shall be provided to the zoning enforcement officer to confirm that the generator does not exceed the noise levels shown in reference document number 6 and applicable city ordinances which may be stricter than what is shown on the reference materials. And then **3.** I'm adding that this approval should not be valid until the recording of the variance granted on June 9th 2026, by the ZBA is			

Agenda Item	Motion / Action	Moved By	Seconded By	Vote / Result
	recorded on the Derby Land records. That's all I have, Mr. Chair.			
12 Payment of Bills	Pay the reviewed invoices in the amounts of $3,307.50 and $1,811.25.	Raymond Sadlik	Albert Misiewicz	Passed unanimously.
13 Adjournment	Adjourn the meeting.	Paul Dinise	Albert Misiewicz	Passed unanimously.

Submitted by:

Jennifer Desroches

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

Planning and Zoning Commission
Regular Meeting Minutes
August 18, 2026

1. **Call to Order:** The meeting was called to order at 7:01 p.m.

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

3. Roll Call
Present were Mr. Malerba, Mr. Dinice, Mr. Misiewicz, Mr. Kopjanski, Mr. Bartholomew, and Mr. Ezzo. Mr. Sadlik and Mr. Sojka were excused. A quorum was present.

4. Additions, Deletions, or Corrections to the Agenda
Requested to add an item under New Business 11B for an initial discussion regarding Public Act 25-1 and proposed zoning regulation amendments to incorporate statutory requirements.

Motion: Mr. Dinice moved to add the Public Act 25-1 discussion under New Business as Item 9B.
Second: by Mr. Misiewicz.
Vote: The motion carried unanimously.

5. **Communications:** No communications were reported.

Public Portion
The Chair opened the public portion and requested that comments concerning the Summit Hill public hearing item be reserved for the public hearing. Kevin White provided an update regarding the abatement order involving the church lighting and buffering issue. He stated that a second letter had been sent, that the church had disputed the initial notice, and that additional time had been provided for a response before fines could be initiated. The matter was requested to be placed on the next agenda.

Approval of Minutes: No action was taken.

5. Public Hearing: Summit Hill LLC Subdivision Application
The Commission continued the public hearing on the Summit Hill LLC subdivision application for a 45-lot R-5 and P Zone subdivision on property known as Assessor's Map 9-6, Lots 47 and 47B, Summit Street, and Assessor's Map 8-9, Lots 94 and 94, Mountain Street.

Applicant Presentation
Public Comment
Members of the public opposed the application and raised concerns about stormwater capacity, retention ponds, blasting impacts, and potential damage to nearby condominium units and homes, insurance coverage, property boundaries, truck traffic, road safety, diesel emissions, rock crushing, noise, property values, removal of mature trees, impacts on wetlands and steep slopes, utility capacity, and whether the proposed excavation and material removal constituted an earth-material operation rather than

customary subdivision activity.

Public speakers included **Janet Mann, Charlene McEvoy, John Capparelli, George Kurtyka, Mary Metalski, Sue Savinsky, Sharon Talansky, and Charlie Dicenzo**. They asked the Commission to carefully evaluate unresolved engineering, environmental, access, utility, earth-removal, and zoning issues before acting on the application.

Consultant Review and Commission Questions

Vince McDermott and Ryan McEvoy of SLR presented comments on behalf of the City. They reported that revised materials had been received shortly before the meeting and that, although some issues had been addressed, significant deficiencies remained. SLR identified concerns involving preservation of natural terrain, extensive regrading, street layout and right-of-way width, roadway safety, sight lines, stormwater design, individual lot hydrology, erosion and sediment control, steep slopes, geotechnical information, utility-service documentation, and the suitability of the proposed lots for development. Based on the materials reviewed, SLR stated that the application was not ready for approval.

Commission members asked about the status of the final subdivision plans, easement impacts on lot areas, retaining-wall access, fence maintenance, sidewalks, streetlights, public-safety referrals, utility documentation, roadway alignment, the estimated construction duration, and whether additional legal advice should be obtained. The applicant agreed to extend the public hearing to allow further engineering and legal review. Commission members discussed whether to keep the hearing open or close it and deliberate on the existing record.

Motion: Mr. Ezzo moved to close the public hearing.
Second: by Mr. Dinice.
Vote: The motion carried unanimously.

The Chair noted that the public hearing was closed. Materials received by the City were stated to be available on the City website, and materials submitted during the meeting would be posted. The Commission recessed at 9:54 p.m. and reconvened at 10:04 p.m.

New Business

9A. BOA Referral – CGS Section 8-24: Division Street and Seymour Avenue Safety Improvements

Jeff Hopper, Project Engineer, and **Michael Bauer**, Project Designer, of Luchs Consulting Engineers, presented the Division Street and Seymour Avenue Safety Improvements Project. The project is being coordinated with the City of Derby, Griffin Hospital, NVCOG, the local Traffic Authority, and CTDOT District 4. The project is intended to improve pedestrian safety near Griffin Hospital and on surrounding roadways through ADA-compliant sidewalks and curb ramps, rectangular rapid-flashing beacons, high-visibility crosswalks, site lighting, full-depth roadway reconstruction, milling and overlay, drainage improvements, and related pavement markings.
The presenters explained that the project includes work on Division Street, Seymour Avenue,

the area surrounding Griffin Hospital, and related intersections. Most work will occur within the right-of-way, with temporary construction rights needed for driveway restoration. The estimated construction cost is approximately $4 million. Construction will be funded through the LOTCIP program, while design costs are supported by the City of Derby and Griffin Hospital.

Motion: Mr. Misiewicz moved to provide a positive referral to the Board of Aldermen/Alderwomen for the Division Street and Seymour Avenue safety improvements, finding the proposed improvements consistent with the Plan of Conservation and Development.
Second: by Mr. Dinice.
Vote: The motion carried unanimously.

9B. Public Act 25-1 – Zoning Regulation Updates

Mr. McDermott discussed Public Act 25-1 and zoning regulation amendments that may be required concerning housing and middle housing. He recommended that the Commission establish a subcommittee to work with SLR on amendments tailored to Derby. The Chair asked interested members to contact him by the end of the week so the process could begin. It was noted that subcommittee meetings would need to be properly noticed and conducted in accordance with applicable meeting requirements.

Old Business

Summit Hill LLC Subdivision Application – Discussion and Possible Action

Following the close of the public hearing, the Commission discussed the Summit Hill LLC subdivision application. The Chair recommended further review of the materials before the Commission took action.
Motion: Mr. Misiewicz moved to table discussion and possible action on the Summit Hill LLC subdivision application until the next regular meeting.
Second: by Mr. Ezzo.
Vote: The motion carried unanimously.

Payment of Bills

The Chair reviewed the invoices listed in the meeting packet in the amounts of $2,772.50, $2,518.75, $1,645.00, and $1,610.00.
Motion: Mr. Dinice moved to pay the bills as presented.
Second: By Mr. Misiewicz.
Vote: The motion carried unanimously.

Adjournment

Motion: Mr. Kopjanski moved to adjourn.
Second: by Mr. Misiewicz.
Vote: The motion carried unanimously. Meeting adjourned at 10:26 p.m.

Table of Motions

Item No.	Motion	Made By	Second By	Vote/Action
4 Corrections to Agenda	Add the Public Act 25-1 discussion under New Business as Item B.	Mr. Dinice	Mr. Misiewicz	Carried unanimously.
8. Public Hearing	Close the public hearing for the Summit Hill LLC subdivision application.	Mr. Ezzo	Mr. Dinice	Carried unanimously.
9A BOA Referral	Provide a positive referral to the Board of Aldermen/Alderwomen for the Division Street and Seymour Avenue safety improvements, finding the proposed improvements consistent with the Plan of Conservation and Development.	Mr. Misiewicz	Mr. Dinice	Carried unanimously.
10 Old Business	Table discussion and possible action on the Summit Hill LLC subdivision application until the next regular meeting.	Mr. Misiewicz	Mr. Ezzo	Carried unanimously.
11 Payment of Bills	Pay the bills as presented.	Mr. Dinice	Mr. Misiewicz	Carried unanimously.
12 Adjournment	Adjourn the meeting.	Mr. Kopjanski	Mr. Misiewicz	Carried unanimously; meeting adjourned at 10:26 p.m.

Submitted by:
Jennifer Desroches

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

CITY OF DERBY
PLANNING AND ZONING COMMISSION
Regular Meeting Minutes
September 15, 2026

1. Call to Order
The meeting was called to order at 7:01 p.m.

2. Pledge of Allegiance

3. Roll Call
Present: Mr. Malerba, Mr. Dinice, Mr. Kopjanski, Mr. Misiewicz, Mr. Sadlik, and Mr. Sojka (Alt). Mr. Ezzo arrived at 7:07 p.m. **Absent:** Mr. Bartholomew. The record reflected five regular members and one alternate present at roll call; a quorum was declared.
Mr. Sojka was seated for the Summit Hill matter.

4. Additions, Deletions, and Corrections to the Agenda
A motion was made and seconded to add Item 9, "Zone Enforcement Officer Update," to the agenda.
Motion: Mr. Sadlik.
Second: Mr. Misiewicz.
Vote: motion carried without opposition.

5. Communications
No communications were reported.

6. Public Portion
The chair opened the public portion and invited comments from those present and participating by Zoom. Vince McDermott reported that the meeting camera view was obstructed. Staff advised that the audio remained available and the meeting continued to be recorded. No further public comments were offered, and the public portion was closed.

7. Approval of Minutes — August 18, 2026
Motion: Mr. Misiewicz moved to table approval of the August 18, 2026 minutes because the minutes were not available for his review.
Second: Mr. Dinice.
Vote: motion carried without opposition.

8. Old Business

8A. Summit Hill LLC — Subdivision Application
The Commission continued deliberations on the application for a 45-lot R-5 and P Zone subdivision on property identified as Assessor's Map 9-6, Lots 47 and 47B, Summit Street, and Assessor's Map 8-9, Lots 94 and 94B, Mountain Street.
Commission members discussed asserted deficiencies in the engineering submissions, preservation of natural features, excavation scheduling, truck traffic and neighborhood impacts, easements affecting lot area, and the absence of approvals or will-serve letters for public water and sewer service. The Commission also discussed whether the applicant had established a sufficient second means of ingress and egress over Mountain Street; the proposed right-of-way and roadway dimensions; applicable City Charter, ordinance, and subdivision standards; and the possible need for a waiver if more than 20 lots would be served by a dead-end street. It was noted that no such waiver had been requested.

Staff advised that the public hearing closed on August 18, 2026; the mandatory action date was October 22, 2026; and failure to act within the statutory period could result in automatic approval. Staff provided a chronological index of application documents and offered copies of materials not yet available online. Members were encouraged to review the latest revised plans and staff comments. The City Engineer stated that an additional technical review letter would be submitted.
Motion: Mr. Sadlik moved to table the application until the next meeting.
Second: Mr. Kopjanski.
Vote: motion carried without opposition.

A subsequent motion was made.
Motion: Mr. Sadlik moved to hold a special meeting on October 13, 2026, at 7:00 p.m., subject to City Hall availability.
Second: Mr. Misiewicz.
Vote: motion carried without opposition.

8B. Cornerstone Christian Center — 71 Pleasant View Road

The Commission reviewed concerns regarding exterior lighting and the buffer between the church property and the adjoining residential property. The Zoning Enforcement Officer **Kevin White**, summarized prior communications and cited applicable zoning provisions.
Alfred Watts, pastor at Cornerstone Christian Church, stated that utility-installed shields had been added and certain lights near the property line had been retired. The adjoining property owners stated that light continued to affect their residence and that the lighting fixtures and poles did not comply with applicable standards.
Commissioner Kopjanski directed the Zoning Enforcement Officer to inspect the site at night with a light meter, with the parties present if practicable, and to review the submitted buffer plan and applicable fencing and landscaping requirements with staff. The parties expressed a willingness to work toward a compliant solution.
Tim Marren, 195 Sentinel Hill Road, stated that the exterior lighting clearly illuminated his residence and that photographs documented the impact. He urged Commission members to visit the church parking lot and his property to observe the lighting conditions firsthand, noting that the lights appeared excessively bright and taller than permitted by City standards.
Motion: Mr. Ezzo moved to table the matter pending site and plan review until the next regularly scheduled meeting.
Second: Mr. Sadlik.
Vote: motion carried without opposition.

9. Zone Enforcement Officer Update

Kevin White, Zoning Enforcement Officer, requested guidance regarding home occupations and cottage food operations in residential zones. Members discussed special-exception review, notification of neighboring property owners, potential impacts such as odors, traffic, deliveries, employees, and parking, and compliance with state and health requirements. Staff reviewed the applicable state statute and advised that municipal zoning regulations may not prohibit cottage food operations in residential zones, although reasonable procedural and operational requirements may be imposed.
The Commission reached a consensus that applicants should submit an application for Commission review containing sufficient information about the proposed operation. Staff agreed to review the state statute and develop an appropriate application and review process.
No formal action was taken.

10. Payment of Bills

Motion: Mr. Sadlik moved to approve payment of one bill totaling $4,793.75, allocated between two subaccounts.
Second: Mr. Kopjanski.
Vote: motion carried without opposition.

11. Adjournment

Motion: was made to adjourn by Mr. Sadlik.
Second: Mr. Misiewicz.
Vote: motion carried without opposition. The meeting adjourned at 8:19 p.m.

Table of Motions

Agenda Item	Motion	Moved By	Seconded By	Result
4. Additions, Deletions, and Corrections to the Agenda	Add Item 9, "Zone Enforcement Officer Update," to the agenda.	Mr. Sadlik	Mr. Misiewicz	Carried without opposition.
7. Approval of Minutes — August 18, 2026	Table approval of the August 18, 2026 minutes because the minutes were not available for review by Mr. Misiewicz.	Mr. Misiewicz	Mr. Dinice	Carried without opposition.
8A. Summit Hill LLC — Subdivision Application	Table the application until the next meeting.	Mr. Sadlik	Mr. Kopjanski	Carried without opposition.
8A. Summit Hill LLC — Subdivision Application	Hold a special meeting on October 13, 2026, at 7:00 p.m., subject to City Hall availability.	Mr. Sadlik	Mr. Misiewicz	Carried without opposition.
8B. Cornerstone Christian Center — 71 Pleasant View Road	Table the matter pending site and plan review until the next regularly scheduled meeting.	Mr. Ezzo	Mr. Sadlik	Carried without opposition.
10. Payment of Bills	Approve payment of one bill totaling $4,793.75, allocated between two subaccounts.	Mr. Sadlik	Mr. Kopjanski	Carried without opposition.
11. Adjournment	Adjourn the meeting.	Mr. Sadlik	Mr. Misiewicz	Carried without opposition; meeting adjourned at 8:19 p.m.

Respectfully submitted,
Jennifer Desroches

RECEIVED
By Marc J Garofalo MPA, MMC, MCTC at 12:10 pm, Sep 18, 2026