Zoning Board of Appeals

Minutes

(meeting recorded)

Special meeting: Wednesday, February 26, 2025

1. Call to Order - The meeting was called to order at 6:32 p.m. in the aldermanic chambers of City Hall.
2. Pledge of Allegiance
3. Roll Call

Sam Pollastro Jr.	present
John Kowarik	present
Earl Robinson	present (arrived at 6:38 pm after roll call)
Jeffrey Bell	present
Ray Bowers	present
David Reed (alternate)	present
Rita Pelaggi (alternate)	present

Also present: Zoning Enforcement Officer Kevin White (on ZOOM) and Town Clerk Marc Garofalo served as host for ZOOM.

4. Election of Chair.

Motion made by John Kowarik and second by Jeffrey Bell. Move to nominate Sam Pollastro Jr for chair. **Motion** carried unanimously. There were no further nominations and the voting was closed.

5. Public Portion

No public came forward.

Motion by John Kowarik and second by Jeffrey Bell. Move to close public portion. Motion carried unanimously.

6. Approval of minutes –November 21,2024 and December 19, 2024

Minutes for November 21, 2024 and December 19, 2024 were tabled, without objection.

7. Applicant: Nitoo and Dharaamdeo Nuckched, 6 Singer Village Dr., Derby, CT 06418 Location of affected premises: Same. Appealing the Derby Zoning Regulations 195-11 E(7)b for an 11 foot variance to install a greenhouse. (NOTE: applicant has presented an amended proposal that will request a 6 foot variance with changes to the dimensions of the greenhouse).

Dharaamdeo Nuckched explained that the plan has been amended. Originally the greenhouse was to be 40ft. by 30 ft. and would require an 11 ft. variance. After discussions with the city ZEO it has been decided to reduce the greenhouse to 30 ft. by 20 ft., to shift the placement slightly and to seek a 6 ft. side variance.

ZEO Kevin White explained that the placement of the structure will satisfy the rear setback requirements. The application is seeking side yard variance of 6 ft. The applicant needs 16 ft. on each side to satisfy the zoning requirements and the greenhouse will be 10 ft. from the property line. The height will be 20 ft. There will be no electrical or permanent lighting. There is a possibility of solar lighting in the future. It was stated that the produce being grown will all be for personal consumption. The intentions are to extend the growing season from early spring to late fall. The sides of the greenhouse can be rolled up for

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By Marc J. Garofalo, MBA, MCC, MCTC at 11:30 am, Mar 18, 2026

ventilation in the summer or kept closed to retain heat in the colder seasons. The solar use could also be used for a small fan if necessary.

Mr. Robinson arrived at this time. It was decided that as Ms. Pelaggi was in attendance for the previous meetings on this application, that she will be a voting member in place of Mr. Robinson, for this application.

8. Public portion for application

The chairman asked if there was anyone wishing to speak. There was no public in the room or on ZOOM to come forward.

It was noted that there was a neighbor present at a previous meeting on this application but they have not presented any further concerns at this meeting.

Motion by John Kowarik and second by Rita Pelaggi. Move to close public portion. Motion carried unanimously.

9. Action on application

Members discussed the request. It was encouraged to consider plantings that could offer a buffer between the neighbor's property. Members noted the unique shape of the lot that presents with a hardship for placement of the structure. The area being suggested is a flat area whereas the other portions of the lot are sloped. The suggested area does actually lessen the visibility to the other neighbors.

Motion by John Kowarik and second by Ray Bowers. Move to **grant** the variance for Applicant: Nitoo and Dharaamdeo Nuckched, 6 Singer Village Dr., Derby, CT 06418 for location of affected premises: Same. Appealing the Derby Zoning Regulations 195-11 E(7)b for an 6 foot variance on each side to install a greenhouse. . **Motion** carried unanimously.

10. Applicant: THC The Hops Company LLC, 77 Sodom Lane, Derby, CT 06418 Location of affected premises: Same. Appealing the Derby Zoning Regulations 195-80 regarding the Cease and Desist Order for the expansion of a deck allowing for additional seating. Without objection, the application was **withdrawn**.

~~11. Public portion for application~~

~~12. Action on application~~

13. Applicant: The Griffin Hospital, 130 Division St., Derby, CT 06418 Location of affected premises: Same. Appealing the Derby Zoning Regulations 195-19(E)((5)&(6)) seeking a setback from 20 foot to 0 foot for a modular building housing the Magnetic Resonance Imaging (MRI) equipment and area. Currently the MRI area is a trailer parked in the area where the building is proposed.

Atty. Dominick Thomas was present representing the applicant. The notices were sent to the abutting properties and receipts have been filed in the building department. Most of the surrounding properties are owned by Griffin Hospital. He presented a summary for the reasons for seeking this variance.

Griffin Hospital Fixed Site MRI Project

Griffin Hospital is proposing to construct a permanent structure attached to the main hospital building. The structure will be located within the same footprint occupied by a mobile trailer that houses the hospital's MRI imaging service. The mobile MRI service is provided by a third party with whom the hospital contracts to provide its MRI imaging services.

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Creating a permanent location for the MRI service would offer several significant benefits:

- The hospital will invest in a new MRI unit with superior image quality compared to the current MRI unit operated by the third-party contractor in a mobile trailer. A new Siemens Sola 1.5T MRI unit will be installed which has higher channel coils than the MRI unit currently in use, which will improve care for all inpatients, outpatients, and patients who come to the hospital's Emergency Department. Services will be provided 7 days/week.

- The new MRI technology will enable Griffin doctors and staff to perform several types of MRI imaging at the hospital that currently cannot be done on-site, which is forcing patients to travel further to receive the care they need outside of the community. For example, critically ill patients who are ventilated cannot be scanned in the mobile trailer due to the unavailability of medical gases. The permanent structure will have piped in medical gases which will make it possible for critically ill patients to have MRI scans performed without being transferred to another hospital. Another limitation of the current MRI unit is its inability to perform cardiac and prostate imaging for patients with pacemakers. The new MRI unit can minimize imaging artifact so that inpatients, outpatients, and Emergency Department patients with pacemakers can have MRI imaging performed at the hospital.

- The space within the newly built structure will create a far better patient experience. The mobile trailer that houses the current MRI unit has no changing area, which means that patients who are being scanned have to change and be prepped in a semi-private area outside of the mobile trailer and then walk down a public corridor to the MRI mobile trailer. The fixed, permanent space will be a 1,500 sq ft. suite that includes a private changing area adjacent to the MRI unit. The current mobile trailer is prone to drafts from the outside environment and noticeably colder than other areas of the hospital. The new permanent space will resolve that issue and be a healing environment consistent with other patient treatment areas throughout the hospital.

- Creating a new permanent structure will alleviate the need to move the mobile trailer. In years past, there were periods of time when the mobile trailer was being docked and undocked from the main hospital building several times per week, which was disruptive to surrounding residents and property owners who reside on and around Spring Street. Having a permanent structure for the hospital's MRI service will avoid the possibility of that reoccurring.

Atty Thomas presented a letter from one of the neighbors who supports the request.

February 13, 2025
City of Derby
Zoning Board of Appeals
1 Elizabeth St.
Derby, CT 06418

Re: NOTICE OF PUBLIC HEARING
February 20, 2025, 6:30pm
AT DERBY CITY HALL VIA ZOOM

To Whom It May Concern,

My name is Nicholas D'Antona. I am the property owner of 5-7 Spring St. Derby, CT, which is directly across the street from the proposed Griffin Hospital modular MRI addition and the only private residence on this block of Spring St. I would like to express my support for the approval of this variance and the eventual proposed addition. Any truck traffic that can be decreased from this block of Spring St. would benefit the area.

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Respectfully,
Nicholas D'Antona
5-7 Spring St.
Derby, CT 06418

The original hospital was built in 1909. It has expanded over the years. When the Planning and Zoning Commission updated the regulations they defined the zone as a Hospital Campus zone. Much if not all of the structure is non-conforming pre-existing in terms of the zoning regulations. Currently, the trailer for the MRI is moved in and out. The proposal will make the function of the MRI in a permanent structure. Due to the configuration of the main hospital building on the lot which predates zoning, it would be impossible to upgrade the necessary MRI services in the proposed modular building without the variance. There is no unused land onto which to expand to provide the best medical services to the community. It will enhance the technology. It will benefit Mr. D'Antona as the vehicle will not be moving in and out. This construction will have to also go before the Planning and Zoning Commission for site plan approval.

ZEO White indicated that he supports the proposal, as presented. The hardship has been demonstrated by the restricted available space and the building will enhance the medical needs for the community.

14. Public portion for application

The chairman asked if there was anyone wishing to speak.

Town Clerk Marc Garofalo, 95 Sentinel Hill Rd, Derby stated that the hospital is certainly an asset to the community and provides a service of healthcare and convenience. He stated it should be noted that the parking and the encroachment onto the neighboring streets is problematic. As they grow and purchase further parcels of land, the parking becomes a greater issue.

Atty. Thomas noted that Mr. D'Antona, a neighbor most effected by the use has spoken in favor. Parking may be an issue, but that will be discussed at the Planning and Zoning Commission. What is being sought here tonight is the replacement of the existing trailer with a modular structure. This is not an addition to the building but rather a change in existing use. Griffin Hospital does try to address parking by offering off-site parking with valet services.

It was asked three times whether there was any further comment. No public in the room or on ZOOM came forward.

Motion by John Kowarik and second by Jeffrey Bell. Move to close public portion. Motion carried unanimously.

15. Action on application

Motion by Sam Pollastro Jr and second by Ray Bowers. Move to grant the variance for .Applicant: The Griffin Hospital, 130 Division St., Derby, CT 06418 Location of affected premises: Same. Appealing the Derby Zoning Regulations 195-19(E)((5)&(6)) seeking a setback from 20 foot to 0 foot for a modular building housing the Magnetic Resonance Imaging (MRI) equipment and area with the recommendation to the Planning and Zoning Commission that they hold a public hearing for the site plan approval so as to discuss parking matters regarding this use. **Motion** carried unanimously.

16. ADJOURNMENT

Motion was made by John Kowarik and second by Rita Pelaggi. Move to adjourn the meeting at 7:25 p.m. **Motion** carried unanimously.

Respectfully prepared,

Karen Kemmesies

Karen Kemmesies, secretary

These minutes are subject to Board approval at their next scheduled meeting.

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