

**TOWNSHIP OF DERRY
BOARD OF SUPERVISORS
PUBLIC HEARING MINUTES
JANUARY 26, 2016 – 6:00 PM**

CALL TO ORDER

Chairman Marc A. Moyer, called the January 26, 2016 Public Hearing of the Township of Derry Board of Supervisors to order at 6:06 p.m. in the meeting room of the Township of Derry Municipal Complex, 600 Clearwater Road, Hershey, PA. A roll call was conducted by Mr. Negley.

IN ATTENDANCE:

SUPERVISORS

Marc A. Moyer, Chairman
John W. Foley, Jr., Vice Chairman
Justin C. Engle, Secretary
Susan M. Cort
Matthew A. Weir

ALSO PRESENT:

James N. Negley, Township Manager and Treasurer
Chuck Emerick, Director of Community Development
Brandon Williams, Community Development
Jon A. Yost, Township Solicitor
Julie Echterling, Recorder

Public in Attendance:

Jamie Strong, Phillip Wood, David Kerr, and Steve Yingst.

INTRODUCTION:

Chairman Moyer stated this is a public hearing regarding proposed Ordinance No. 672, which would amend Chapter 225 (Zoning) of the Code of the Township of Derry regarding communications antennas and communications towers, as well as the addition of a severability clause to Chapter 225.

PRESENTATION

Mr. Williams stated this zoning text amendment is proposed to cover recent changes in the communications industry that include new technologies that are unaccounted for in the Township's current Zoning Ordinance. These new technologies include Distributed Antenna Systems (DAS systems), which amplify signals from existing cell towers in order to boost capacity of the network, and Data Collection Units, which provide usage data via a wireless network for a public utility or private utility company. Since both types of new technology may be installed on existing utility structures, streetlights, or self-supporting monopoles in the public right-of-way, we had to redefine all communications antenna uses to allow some towers inside of the public right-of-ways of the Township. Under proposed regulations, those antennae that will be permitted in the right-of-way, may have a maximum height of 50 feet, which tends to be similar in height to many of the existing wooden utility poles already located within the right-of-way. Very little change has been made to the requirements for towers that are greater than 50 feet in height. These towers will remain special exception uses to be approved by the Zoning Hearing Board, and will also be permitted in the same zoning districts as permitted under current requirements. Another separate classification has been created for building-mounted communications antenna. This classification is necessary since these antennas will be subject to building code reviews; whereas freestanding antennas and utility structures are exempt from many building code requirements. Regulations have also been added to permit the co-location of antenna on structures that already contain at least one antenna device. The classification is necessary so that Township remains compliant with the PA Broadband Co-location Act that was adopted in 2012. Under this act, the Township may not require any land use approvals for the co-location of antenna devices; however, can provide an administrative review process that follows the prescribed requirements of the State Act. One of the main components of this review will require that any installer for a co-located

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antenna demonstrate that the additional antenna will not overload the structural capacity of the supporting structure. The timelines proposed for this administrative review, as well as all other permit applications for new communications antennas, have been revised in order to comply with the Federal FCC requirements for local municipal approvals.

He stated the Derry Township and the Dauphin County Planning Commissions recommended Ordinance 672 be adopted as written at their October 2015 meetings. He stated he reviewed the proposed amendment changes with the Hershey Park plan and of the 27 antennas planned for the park, only one would not be in compliance.

He stated they have since met with Verizon and AT&T and were provided a red-lined document suggested changes based on new legislation that wasn't available at the time of the drafting of the ordinance. He stated if they consider their changes to be substantial, this ordinance would need to go back to the Planning Commission. He stated staff would like to suggest that they go back and look at the suggested changes and while they are reviewing them the hearing can be continued for public comments.

BOARD QUESTIONS/COMMENTS:

Chairman Moyer stated he wants to make sure they are in compliance with the FCC and agrees with their suggestion to review the proposed changes. He stated if there are substantial changes that need to be made, then a new hearing will be needed. He agrees with keeping the record open for review and for possibility of incorporating the changes. The Board agreed. Chairman Moyer stated they would keep the record open in this hearing for the purpose of any additional information or amendments and any additional advertising if necessary.

PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT:

Vice Chairman Foley made a motion to adjourn this portion of the public hearing at 6:15 p.m. Supervisor Engle seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Justin C. Engle
Township Secretary

Julie Echterling
Recorder