

**TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
December 12, 2018**

CALL TO ORDER

The December 12, 2018 meeting of the Township of Derry Zoning Hearing Board was called to order at 6:00 p.m. by Chairman Michael Kushner in the Meeting Room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA.

ROLL CALL

Board members in attendance: Chairman Michael Kushner; Vice Chairman Steve Moniak; Secretary Matthew Luttrell; Member Sandra Ballard; Member Philip Wood

Board members absent: None

Also Present: Megan Huff, Solicitor to the Board; Brandon Williams, Assistant Director of Community Development; Maria O'Donnell, Court Reporter; Tracy Telesha, Stenographer

Public Registering Attendance: Jon Andrews, McNeese, Wallace & Nurick; Deb Baker, Verizon; Andy Miller, Rettew Associates

EXECUTIVE SESSION

The Board conducted an executive session from 6:01 p.m. to 6:10 p.m.

APPROVAL OF MINUTES

On a motion by Member Wood, seconded by Vice Chairman Moniak, and a unanimous vote, the November 14, 2018 minutes were approved as written.

OLD BUSINESS

**A. Adoption of Decision in the Case of Rachelle and Kevin O'Brien (2018-14)
Property location: 142 West Caracas Avenue, Hershey**

This petition was withdrawn by the applicants on December 11, 2018.

NEW BUSINESS

**A. Hearing in the Case of Cellco Partnership, d/b/a Verizon Wireless (2018-15)
Property location: 1215 Fishburn Road, Hershey**

This property, located in the Hershey Mixed Use zoning district, is improved with a church and cemetery. The applicant is proposing to install a building-mounted communications antenna facility, including ground-mounted communications ancillary equipment located adjacent to the existing building. The applicant was granted relief under Petition No. 2016-35 from front yard setback requirements for accessory structures, and the time in which a permit or certificate of

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occupancy must be secured. The applicant is now requesting an additional 1-year extension of the time in which a permit or certificate of occupancy must be secured.

Member Wood recused himself from the hearing.

Jon Andrews, Deborah Baker, and Andrew Miller were sworn in and gave testimony.

Mr. Andrews stated that the original case (2016-35) was presented in February 2017 and received approval at that time. Due to other priorities and challenges developing a hidden antenna system, this project could not be started within the two-year period that was originally requested.

Vice Chairman Moniak questioned what the proposed timeline would be for the project. Ms. Baker replied she anticipates applying for the permits by April 2019, with construction to begin soon after.

Mr. Andrews requested that the testimony from case 2016-35 be incorporated into this hearing. On a motion made by Chairman Kushner, seconded by Vice Chairman Moniak, and a majority vote (Member Wood recused), the request was approved.

Chairman Kushner informed the applicant that the Board has 45 days to render a decision and if the applicant is aggrieved in any way, they have 30 days to appeal the decision.

Hearing closed at 6:30 p.m.

DELIBERATIONS

The Board met to deliberate in the case of Cellco Partnership, d/b/a Verizon Wireless (2018-15) and directed the Solicitor to prepare the draft decision for formal action at the January 2019 meeting.

Submitted by:

Matthew Luttrell, Secretary