

**TOWNSHIP OF DERRY
ZONING HEARING BOARD MEETING MINUTES
July 21, 2021**

CALL TO ORDER

The July 21, 2021 meeting of the Township of Derry Zoning Hearing Board was called to order at 6:03 p.m. by Chairman Steve Seidl in the Meeting Room of the Derry Township Municipal Complex, 600 Clearwater Road, Hershey, PA.

ROLL CALL

Board members in attendance: Chairman Steve Seidl; Vice Chairwoman Sandy Ballard; Secretary Dean Morgan; Member Michael Angello

Board member absent: Member Lindsay Drew

Also present: David Habig, Assistant Director of Community Development; Maria O'Donnell, Court Reporter

Public attendance: None

APPROVAL OF MINUTES

On a motion made by Member Angello, seconded by Secretary Morgan, and a majority vote, the June 16, 2021 minutes were approved as written. Chairman Seidl abstained from voting because he was not present at the June meeting.

OLD BUSINESS

- A. Adoption of Decision in the Case of Cellco Partnership, d/b/a Verizon Wireless (2021-04)
Property location: 1215 Fishburn Road**

Chairman Seidl read the terms of the Decision into the record as follows:

1. *The applicant's request for a variance from §225-315, Table 29 and §225-420.c.6.b.i regarding the front yard setback for an accessory use is GRANTED. The applicant may encroach to within 24.7 feet of the front property line on Fishburn Road for the proposed ground based equipment.*

On a motion made by Secretary Morgan, seconded by Member Angello, and a vote of 2-1 (Secretary Morgan and Member Angello vote AYE; Vice Chairwoman Ballard voted NAY), Item 1 of the Order in the Decision was adopted as written. Chairman Seidl abstained from voting because he was not present at the hearing.

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2. *The applicant's request for a variance from §225-1007.9.C regarding the time to a secure a zoning permit, building permit, or certificate of use and occupancy is **DENIED.***
3. *The applicant shall submit to the Township a plan, sealed by an appropriate professional, demonstrating that the existing steeple is structurally sufficient to carry a load of the proposed equipment as well as the cupola, ice, and snow loads.*
4. *With regard to the ground mounted equipment, the applicant shall construct the equipment so that no portion of the equipment within the fenced area extends beyond the top of the privacy fence.*
5. *Prior to commencing any construction relative to this project, the applicant shall submit a copy of the fully executed lease for the subject property to the Township.*
6. *If the lease between the Church and applicant is at any point terminated, or if the site is abandoned for any reason by the applicant or its successors or assigns, then, within thirty (30) days of such date, the applicant shall remove all equipment associated with this application, including, without limitation, the antennas and equipment as well as all fencing surrounding the ground based equipment.*
7. *The applicant shall construct the improvements in strict compliance with the plans and specifications submitted to the Board during the hearing of this matter, provided, however, that if the improvements that are the subject of this hearing, as finally constructed, require less relief than granted by the Board herein, no additional relief from this Board shall be required.*
8. *Except as extended by applicable law, the relief granted herein shall be valid for one (1) year from the date hereof. In the event the applicant has not, within the time period provided herein, commenced operations, applied for a building permit relative to the improvements where permits are necessary, or constructed the improvements not requiring permits, the relief granted herein shall be deemed to have expired, and the applicant shall be required to comply with the then existing terms of the Zoning Ordinance.*
9. *Any violation of any condition imposed herein shall be a violation of the Township Zoning Ordinance and shall be enforced as provided in the Ordinance.*

On a motion made by Secretary Morgan, seconded by Member Angello, and a vote of 3-0, Items 2 through 9 of the Order in the Decision were adopted as written. Chairman Seidl abstained from voting because he was not present at the hearing.

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NEW BUSINESS

None.

OTHER BUSINESS

None.

ADJOURNMENT

On a motion made by Vice Chairwoman Ballard, seconded by Member Angello, and a unanimous vote, the meeting was adjourned at 6:09 p.m.

Submitted by:

Dean Morgan, Secretary