

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS PUBLIC HEARING MINUTES
APRIL 26, 2022 6:00 PM

CALL TO ORDER

Chairman Abruzzo called the April 26, 2022, Public Hearing of the Township of Derry Board of Supervisors to order at 6:05 p.m. in the meeting room of the Township of Derry Municipal Complex, 600 Clearwater Road, Hershey, PA. He advised that all public meetings are recorded for providing accurate notes. A roll call was performed.

IN ATTENDANCE:

SUPERVISORS

E. Christopher Abruzzo, Chairman
Natalie L. Nutt, Vice Chairwoman
Carter E. Wyckoff, Secretary
Richard D. Zmuda
Michael P. Corado-by phone

ALSO PRESENT:

Patrick Armstrong, Township Solicitor
Chuck Emerick Director of Community Development
David Habig, Assistant Director of Community Development
Maria O'Donnell, Stenographer
Julie Echterling, Recording Secretary

PUBLIC IN ATTENDANCE:

Linda Eyer, Raleigh Road, Amanda Krall, Nora Campanella, Kevin Wiest, D&D REI LLC

INTRODUCTION:

Chairman Abruzzo stated this is a public hearing regarding Ordinance No. 2022-02, amending Chapter 225, Zoning, of the Code of Ordinances of Derry Township by amending Section 225-420 regarding wireless communications facilities. Solicitor Armstrong noted this is a public hearing and has been advertised as required.

Mr. Emerick stated the "Small Wireless Facilities Deployment Act" (PA Act 50), was signed into law on June 30, 2021. In addition, on June 28, 2021, the U.S. Supreme Court let stand the Federal Communications Commission's Third Report and Order of 2018, which created and defined a new classification of "Small Wireless Facilities"; imposed certain "shot clocks" for approval or denial of small wireless communications facilities applications; established "presumptively reasonable" fees that may be assessed on wireless providers; and prescribed general rules for enacting local design standards for small wireless communications facilities. Township Staff has worked with Solicitor Oetinger to develop the proposed Ordinance and design standards to bring the Township into compliance with the current regulations.

He stated Ordinance 2022-02 amends and adds definitions relating to the regulation of wireless communications facilities and removes the definitions, as they were either replaced with other terms or are no longer used. Article IV (Performance Standards and Supplementary Regulations), Section 225-420 is completely replaced to bring the regulations into compliance with the new laws. In addition, he stated this section prohibits small wireless communications facilities from being placed on any acorn-style public streetlight or on or within 50 feet of any streetlights having shades that resemble a Hershey's Kiss. Section 225-502.5, which requires special exception approval for tower-based wireless communications facilities, in the Conservation, General Commercial, Planned Campus North, Planned Campus South, Medical Campus Central, Commercial Recreation, Commercial Golf, Palmdale Mixed Use, Limited Compatibility, and Industrial zoning districts. Ordinance No. 2022-02 also revises 16 land use tables. He provided a copy of the Small Wireless Communications Facility Design Manual to the Board in the packet. The Derry Township Planning Commission, at their meeting on April 5, 2022, recommended that Ordinance 2022-02

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be adopted as written. The Dauphin County Planning Commission, at their meeting on April 4, 2022, took action to support Ordinance No. 2022-02 as written.

Solicitor Armstrong spoke about the federal and state laws that changed with these types of wireless “facilities” being allowed in the rights of way. The changes also limit what fees can be charged.

PUBLIC COMMENT:

There were no public comments offered.

ADJOURNMENT:

Chairman Abruzzo closed the public hearing at 6:12 p.m.

SUBMITTED BY:

Carter E. Wyckoff
Township Secretary