

# **Carroll Township Zoning Hearing Board**

## **March 2025 Business Meeting Minutes**

Meeting attendees were:

Gary Reihart – Chairman

Frank Setlak – Secretary

Linda Fiscus – Alternate Board Member

Brandon Slatt – Carroll Township Zoning Officer

John Wilson – Zoning Hearing Board Solicitor

The following are the meeting minutes of the Zoning Hearing Board (ZHB) business meeting held on Mar 24<sup>th</sup>, 2025 at 6:00pm at the Carroll Township offices:

1. Everyone stood to recite the Pledge of Allegiance.
2. Chairman Reihart appointed Alternate Board Member Linda Fiscus as a voting member for this hearing due to the absence of board member Gensler.
3. A motion was made to accept the Jan 27<sup>th</sup>, 2025 ZHB business meeting minutes into record. The motion was seconded and passed unanimously.
4. The business meeting was recessed to commence with the hearing for Special Exception request 2025-002.
5. The hearing portion of the meeting was adjourned to continue with the business meeting.
6. Board member Setlak provided the Board with an updated expense report for 2025. Setlak stated that any additional invoices for docket 2024-004 are being recorded in the 2025 expense report since they are expenses in the 2025 year. The Board agreed.
7. Board member Setlak distributed the attached preliminary Comprehensive Plan Recommendations that would involve the Zoning Hearing Board. The board reviewed and discussed each recommendation. Setlak stated that there is a public meeting scheduled for April 9<sup>th</sup> from 7-9pm that Simone Collins will be presenting at.
8. Solicitor Wilson discussed his research and interpretation of conflicting language in the zoning ordinances that came up in January's hearing (attached). The board agreed to accept Solicitor Wilson's recommendation as noted.
9. A motion was made to adjourn the meeting, which was seconded, and unanimously passed.

Prepared by: Frank Setlak

Attachments

250324 Zoning Board Business Meeting Minutes.docx

# Carroll Township Zoning Hearing Board

## 2025 Expense Report

Date Received	Date Approved	Invoice #	Expense	Fee Paid	Docket #	Applicant	Payee	Comments
2/10/2025	2/11/2025	293842	\$82.50		2024-004	David Weaver Appeal	CGA Law Firm	Continued work with Township solicitor
3/6/2025	3/11/2025	297031	\$66.00		2024-004	David Weaver Appeal	CGA Law Firm	Continued work with Township solicitor
12/18/2024	N/A	N/A	N/A	\$1,400	2025-001	Celebrations Church	Carroll Township	Applicant fee paid
2/11/2025	N/A	N/A	\$150.00		2025-001	Celebrations Church	Board Members Pay	
2/28/2025	N/A	N/A	N/A	\$1,400	2025-002	DRB Homes	Carroll Township	Applicant fee paid
1/27/2025	1/28/2025	290312	\$33.00		General	General Representation	CGA Law Firm	Meeting agenda communication with Setlak

**Total Expenses & Fees Paid:**     \$331.50     \$2,800

Number	Land Use / Zoning	Recommendation	Priority High Medium Low	Responsible Entity	Possible Funding Source	Costs: Low:<\$50k Medium: <\$250k High: > \$500k
LU-7		Mixed-Use along Baltimore St., Golf Course Rd. and Route 15 -w/ higher-density Residential in the middle (see Figure 3-7)	Low	Township	Mun. Funds	Low
ED-10		Consider expanding industrial zoning and uses in the Township and Borough to include small-scale industrial, maker spaces, artist studios, breweries, etc.	Low	Township / Borough	Municipal	Low
LU-3		Promote Light Industrial uses off York Rd. (see Figure 3-3)	Medium	Township / Borough	Mun. Funds	Low
LU-6		Residential and Mixed-Use off of Route 15 and W. Siddonsburg Rd. (see Figure 3-6)	Medium	Township	Mun. Funds	Low
LU-9		Revise zoning ordinances to include new use definitions	Medium	Township / Borough	Mun. Funds	Low
NR-9		Adjust Township zoning to limit development on the least productive soils so local farms can better qualify for programs such as the York County Agricultural Land Preservation Program	Medium	Township / County	Township	Low
H-1		Establish regulations to encourage Accessory Dwelling Units or In-Law Suites that serve both aging seniors and younger residents	High	Township / Borough	Municipal	Low
H-7		Revise the TND standards so that the minimum parcel area is less than 70 acres and the maximum allowance of accessory apartments is greater than 10% of total residential units, if additional open space is provided	High	Township	Municipal	Low



## Frank Setlak

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**From:** John R. Wilson <jwilson@cgalaw.com>  
**Sent:** Friday, March 7, 2025 4:16 PM  
**To:** Gary Reihart (reihartg@aol.com); Frank Setlak; Rich Gensler; Linda Fiscus; Mark Heishman  
**Cc:** Brandon Slatt  
**Subject:** Carroll Township ZHB; Interpretation Question

Board (and Brandon),

The purpose of this correspondence is to follow-up on the zoning ordinance interpretation question that you tasked me with at the January meeting. Because this interpretation question requires some cognitive energy, I wanted to get you some thoughts in advance to chew on and be prepared to discuss at the next business meeting.

Here are the two provisions at issue:

**450-105. Conflict with other provisions.** "... Furthermore, except as provided for in Article 4 of this chapter, if a discrepancy exists between any regulations contained within this chapter and any other Township regulations, the regulation which imposes the greater restriction shall apply."

**450-301. Specific standards.** "B. All uses identified in Article 3 must comply with the general regulations for the zone in which the use is to be located unless different standards are established by this article; if different standards are established by this article, these different standards for the use shall apply in addition to any other general regulations which are not inconsistent with Article 3."

Both of these sections would be fine on their own. However, when interpreted in conjunction with one another, they are contradictory.

Section 450-105 essentially reverses the impact of the strict construction rule (53 P.S. 10603.1), which states that zoning restrictions must be construed in favor of the property owner and against any implied extension of the restriction. Section 450-105 clarifies that if there is a conflict between zoning ordinance regulations, the regulation imposing a greater restriction applies. Arguably, that means that Section 450-105 would trump Section 450-301, as there appears to be a conflict (albeit unintended).

On the other hand, Section 450-301 establishes a different paradigm. Zoning ordinances have both zoning district regulations (general) and specific use regulations (specific). Section 450-301 says that if the general standard is different from the specific standard, the specific standard applies. This is regardless as to which regulation is more restrictive. This is at odds with Section 450-105.

In summary, the current zoning ordinance presents an interpretation nightmare with these competing provisions. While the Board does not have authority to amend the ordinance, it can certainly make a recommendation to the Supervisors. I would not recommend ignoring this either, because the interpretation issue has confronted the Board already. Recall that for Celebration Community Church, the specific use standard says the church can be up to 45' tall, whereas the general regulation says that principal buildings can only be 35' tall. While the Board was able to get through the hearing without issues, this will likely pop up again.

**RECOMMENDATION:** Request that the Supervisors remove Section 450-301.B from the Zoning Ordinance. Going forward, this will mean that if specific use standards are different from the general regulations, then



whichever one is more restrictive will be applicable. The Board can always grant a variance if that produces an undesirable outcome. On the other hand, the Board will face difficulty trying to adjudicate a situation where a general regulation is preferred over, differs from, and is more restrictive than a specific use standard.

Happy light reading, and I look forward to seeing you all later this month. Have a good weekend.

Very Respectfully,

**John R. Wilson**  
Attorney

**CGA Law Firm**

135 N. George Street | York, PA 17401

Direct: (717) 718-3952 | Office: (717) 848-4900 ext. 152

Fax: (717) 843-9039 | [jwilson@cgalaw.com](mailto:jwilson@cgalaw.com)

[Facebook](#) | [LinkedIn](#) | [Twitter](#) | [www.cgalaw.com](http://www.cgalaw.com)

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