



PENN TOWNSHIP

LANCASTER COUNTY, PA

BOARD OF SUPERVISORS MEETING MINUTES

October 14, 2025

7:00 PM

BOARD ATTENDANCE:

Benjamin Bruckhart

Joe Eisenhower

Tom Walsh

Gary Stevens

Richard Landis

OTHERS IN ATTENDANCE:

Mark Hiester, Township Manager

Jennifer Tulonen, Township Planner

Shannon Martin, Public Works Director

Clayton Fidler, Public Works

Stephanie Whitehouse, Recording Secretary

Josele Cleary, Esquire

Jason Best, ELA Group, Inc.

Devin Learn, Developer

Mike Callahan, Developer

Riley Noetzel, Barley Snyder

Bridget Dwyer, Resident

JoAnn Evans, Resident

Shirli Tater, Resident

Steve Leaman, Resident

Call to Order and Pledge of Allegiance:

Chairman Benjamin Bruckhart opened the meeting at 7:00 p.m. with the Pledge of Allegiance.

Public Comment & Guest Recognition:

A question was raised by a resident regarding a noise ordinance for dogs barking. The board pointed her towards Chapter 2, Section 2-104, as well as how to go about filing a police report, if necessary.

Subdivision, Land Development & Stormwater Management Plans:

24-008: 149 Doe Run Road – Baron Run Project

Jason Best, representing the developer, presented the plan for the Baron Run project located between the Manheim Shopping Center and Manheim BIC. The proposal includes a mixed-use development featuring townhomes for purchase and apartments for rent. Highest density will be near the shopping center, with lower density closer to the church and roadway. Private streets and an HOA are proposed.

The stormwater management plan includes the creation of a higher-quality wetland area to replace two existing low-quality wetlands. Amended soils will be added to the wetland, and an archaeological sign will be installed displaying historical artifacts found on-site.

Board member Eisenhower inquired about the 100-year storm scenario; Mr. Best confirmed that the plan accounts for such events and no flooding is expected.

Roadway Improvements:

The developer was unable to arrange a connection to the shopping center.

Supervisor Stevens asked if the traffic study warranted a traffic signal at the entrance. It did not; existing gaps between lights were deemed sufficient.



Right-of-Way and Fee in Lieu Discussion:

Right-of-way agreements for storefronts along Doe Run remain pending due to PennDOT easement concerns. The project is still in the TIS stage.

Riley presented fee-in-lieu amounts, with Josele noting prior concerns from Scott regarding cost estimates. PennDOT adjustments are pending. After discussion, a fee of **\$528,325.12** was agreed upon.

The Board discussed options for handling intersection improvements at Doe Run and Penryn Roads. PennDOT has not yet completed its official review. Improvements such as a right-turn lane (southbound) and a permissive left-turn were discussed as voluntary safety measures.

Josele recommended establishing a firm “not-to-exceed” cost figure and conditioning plan approval accordingly.

Motions:

MOTIONS ADOPTED OCTOBER 14 BY BOARD OF SUPERVISORS
Preliminary/Final Land Development Plan for Baron Run

Motions on requested waivers:

I move that the Board of Supervisors grant the request for a waiver of Section 22-302 of the Township Subdivision and Land Development Ordinance requiring the submission of a preliminary plan relating to the Preliminary/Final Land Development Plan for Baron Run as set forth in the letter dated September 29, 2025, subject to the condition that the Applicant address all requirements for both a preliminary plan and a final plan.

I move that the Board of Supervisors grant the request for a waiver of Section 22-602.5.A(3) of the Township Subdivision and Land Development Ordinance concerning curbing along Stiegel Valley Road relating to the Preliminary/Final Land Development Plan for Baron Run as set forth in the letter dated September 29, 2025, conditioned upon providing a roadside swale to facilitate adequate drainage for the portions of Stiegel Valley Road which would remain uncurbed.

I move that the Board of Supervisors approve a modification of Section 22-602.5.B and Appendix 22-16 of the Township Subdivision and Land Development Ordinance concerning curb specifications relating to the Preliminary/Final Land Development Plan for Baron Run as set forth in the letter dated September 29, 2025, conditioned upon using a concrete vertical curb with a six inch reveal along the private access drives and parking areas into the site.

I move that the Board of Supervisors grant modifications of Sections 22-607.2 and 22-607.3 of the Subdivision and Land Development Ordinance concerning storm water infiltration at and within off-street parking area edges relating to the Preliminary/Final Land Development Plan for Baron Run as set forth in the letter dated September 29, 2025.

I move to grant modifications of the requirements of Sections 22-609.4, 22-610.6, 22-1007.5, 22-1008.2, 22-1008.3, and 22-1014.2 of the Subdivision and Land Development Ordinance concerning identification of individual tree replacement, landscape plan scale, staggering of trees on opposite sides of streets, planting of street trees outside of the tree lawn, and concerning offset placement of parking islands relating to the Preliminary/Final Land Development Plan for Baron Run as set forth in the letter dated September 29, 2025.

I move that the Board of Supervisors grant modifications of the requirements of Sections 22-614, 22-615, and 22-616 of the Subdivision and Land Development Ordinance requiring the provision of an environmental impact assessment, green design assessment, and public service impact study relating to the Preliminary/Final Land Development Plan for Baron Run as set forth in the letter dated September 29, 2025.

I move that the Board of Supervisors grant a modification of Section 22-702.14.A of the Subdivision and Land Development Ordinance concerning required levels of service at the intersection of Penryn Road and Doe Run Road relating to the Preliminary/Final Land Development Plan for Baron Run as set forth in the letter dated September 29, 2025, subject to the conditions that (1) developer make application to PennDOT for a highway occupancy permit to make improvements to the intersection as described in the traffic impact study submitted by developer; (2) developer include the Township on all submissions and correspondence with PennDOT during the entire highway occupancy permit process; and (3) developer shall comply with all conditions in the letter from the Township Traffic Engineer dated September 2, 2025. .

I move that the Board of Supervisors grant waivers and modifications from the requirements of Section 23-301.11, 23-301.13, 23-302.2.A(1)(d) and 23-303.2.A(2)(b) of the Storm Water Management Ordinance relating to the Preliminary/Final Land Development Plan for Baron Run as set forth in the letter dated September 29, 2025, conditioned upon (1) developer satisfying all technical comments of the Township Engineer set forth in the letter dated August 6, 2025, and (2) developer obtaining an easement from the record owner of 83 Doe Run Road for the permanent drainage easement and temporary construction easements shown on the plan prior to the release of the plan for recording.

I move that the Board of Supervisors grant a deferral of the requirement of Section 22-602.6.A(3) of the Subdivision and Land Development Ordinance concerning to the installation of sidewalk along Stiegel Valley Road relating to the Preliminary/Final Land Development Plan for Baron Run as set forth in the letter dated August 29, 2025, conditioned upon the record owner entering into a deferral agreement acceptable to the Township Solicitor which must be recorded prior to the release of the Plan for recording.

I move to grant a waiver from the requirements of Section 22-607.6.N(4) of the Subdivision and Land Development Ordinance concerning to grading within five feet of property lines of the adjoining property identified as 83 Doe Run Road relating to the Preliminary/Final Land Development Plan for Baron Run as set forth in the letter dated August 29, 2025, subject to the conditions that (1) prior to earlier of the commencement of site work or the release of the Plan for recording Developer present a written permanent easement and temporary construction easement from the record owner of 83 Doe Run Road authorizing all improvements to 83 Doe Run Road shown on the Plan naming the Township as a third party beneficiary with power to enforce the agreement at developer's cost, (2) the developer present proof that the agreement with the record owner of 83 Doe Run Road is recorded; (3) the Developer and the Township enter into a Storm Water Management Agreement and Declaration of Easement in a form acceptable to the Township Solicitor which is recorded prior to the earlier of the commencement of site work or the release of the plan for recording, and (4) adequate provisions being made for the long-term operation and maintenance of the grading and associated storm water management improvements on 83 Doe Run Road.

I move that the Board of Supervisors deny the request for a waiver or modification of the requirements of Section 22-612.4.A of the Township Subdivision and Land Development Ordinance concerning the fee in lieu of dedication of park and recreation land relating to the Preliminary/Final Land Development Plan for Baron Run as set forth in a letter dated September 29, 2025, proposing that the total fee in lieu of dedication be \$279,626 and that the fee in lieu of dedication be paid at the rate of \$3178 at the time of issuance of a building permit for a townhouse dwelling.

I move that the Board of Supervisors grant a credit of 1.4 acres in light of the drainage easement in favor of the Township recorded at Document No. 6111575 towards the required 8.0 acres required to be dedicated by Section 22-612.4.A of the Township Subdivision and Land Development Ordinance, resulting in a required dedication of 6.6 acres and a required fee in lieu of dedication of \$80,049.26 per acre times 6.6 acres or \$528,325.12.

I move that the Board of Supervisors grant a waiver from the requirements of Section 22-612.4.C of the Subdivision and Land Development Ordinance to allow the payment of the fee in lieu of dedication calculated as \$528,325.12, less 10% if the Developer waives the right to request a refund if the Township of such funds and subject to a credit not to exceed \$125,000 for improvements to the intersection of Doe Run Road and Penry Road if PennDOT allows such improvements and Developer's costs to make the improvements equals or exceeds \$125,000, to be paid on a per dwelling unit basis at the time of application for a permit for the dwelling unit; provided, however, that the entire fee in lieu of dedication shall be paid within three years of the date of recording of the Plan regardless of how many dwelling units permit applications have been filed.

Motion to conditionally approve plan:

I move that the Board of Supervisors approve the Preliminary/Final Land Development Plan for Baron Run with a date of last revision of August 29, 2025, conditioned upon:

1. Compliance with all conditions on the waivers and modifications of provisions of the Subdivision and Land Development Ordinance and Storm Water Management Ordinance imposed at this meeting.
2. Compliance with all requirements of the letter from the Township Planner dated June 17, 2025.
3. Compliance with all requirements of the letter from the Township Engineer dated September 9, 2025.
4. Compliance with all requirements of the letter from the Township Traffic Engineer dated September 2, 2025.
5. Compliance with all requirements of the letters from the Township Solicitor dated June 7, 2025, and September 16, 2025.
6. Compliance with all conditions imposed by the Zoning Hearing Board in its Decision at Case No. 240977.
7. Changing the Plan to correctly reflect the waivers granted by the Board of Supervisors including, but not limited to, waivers concerning the fee in lieu of dedication.
8. Payment of a fee in lieu of dedication of recreation land as required by Section 22-612.3 of the Subdivision and Land Development Ordinance based upon the fair market value of \$1,625,000 or \$80,049.26 per acre established in the appraisal provided by the developer for the required 8.0 acres of park and open space land in accordance with the motions adopted at this meeting granting credits and allowing payment per dwelling unit to be paid at the time of application for a permit for the dwelling unit with all fees to be paid in three years.

9. Execution and recording of a co-applicant agreement relating to the storm water management facilities to be installed within the Pennsylvania Department of Transportation right-of-way requiring that the long-term maintenance of such storm water management facilities be assigned to the owner of 149 Doe Run Road in a form acceptable to the Township Solicitor prior to the execution of Form M950AA on behalf of the Township and prior to the release of the Plan for recording.

10. Execution and recording of an agreement between the record owner of 83 Doe Run Road and the Developer, together with joinders by mortgage holders and the Baron Run Master Association in a form acceptable to the Township, to grant the drainage easement and temporary construction easements shown on the Plan and to provide for the long-term operation and maintenance of storm water management facilities as required by Section 23-603 and 23-604 of the Storm Water Management Ordinance prior to the release of the Plan for recording.

11. Execution and recording of a Storm Water Management Agreement and Declaration of Easement among the Developer and the Township together with joinders by mortgage holders and the Baron Run Master Association in a form acceptable to the Township to provide for the long-term operation and maintenance of storm water management facilities as required by Section 23-603 and 23-604 of the Storm Water Management Ordinance prior to the release of the Plan for recording.

12. Execution and recording of the Land Development Agreement, Deferred Improvements Agreement, Agreement Providing for Grant of Nonmotorized Trail Easement, Agreement Providing for Grant of Conservation Easement, Agreement Providing for Grant of Public Street Right-of-Way for Stiegel Valley Road and Agreement Providing for Grant of Public Street Right-of-Way for Doe Run Road between developer and the Township in forms acceptable to the Township Solicitor together with necessary joinders by mortgage holders and the Baron Run Master Association prior to the release of the Plan for recording.

13. Posting financial security as required by the Municipalities Planning Code in an amount acceptable to the Township Engineer and a form acceptable to the Township Solicitor prior to the release of the Plan for recording.

14. Obtaining at Developer's sole cost and expense, without any Township involvement, all necessary rights-of-way and easements for all development shown on the Plan and on the Highway Occupancy Permit Plans for the access to and improvement of Doe Run Road (SR 4040).

15. Development in accordance with the Plan as revised August 29, 2025, as revised to accept these conditions, including, but not limited to, all improvements to Doe Run Road shown on such Plan and shown on the highway occupancy permit plan drafts provided to the Township. If Developer changes the design of the frontage improvements along Doe Run Road, Developer shall be required to file a new preliminary or preliminary/final plan.

16. If Developer files an appeal to have any of the conditions on waivers of the requirements of the Subdivision and Land Development Ordinance or Storm Water Management Ordinance stricken, the requested waiver(s) will be considered denied and the Plan will be denied for the failure to comply with such provision(s) of the Subdivision and Land Development Ordinance and/or Storm Water Management Ordinance.

Motion to authorize commencement of site work:

I move to authorize the commencement of limited site work identified as Stage 1 and Stage 2 on Sheets 22 and 23 of the Preliminary/Final Land Development Plan for Baron Run with a date of last revision of August 29, 2025, conditioned upon:

1. Execution and recording of an Indemnification Agreement between Developer and the Township requiring Developer to indemnify and hold the Township and its elected and appointed official harmless for all claims which may be asserted relating to the commencement of site work and the assumption of all risk of loss if the Plan cannot be recorded or development proposed by the Plan cannot be completed prior to commencement of limited site work and limiting the number of occupancy certificates which the Township will issue before a second access is provided.

2. Execution and recording of an agreement between the record owner of 83 Doe Run Road and the Developer, together with joinders by mortgage holders and the Baron Run Master Association in a form acceptable to the Township, to grant the drainage easement and temporary construction easements shown on the Plan and to provide for the long-term operation and maintenance of storm water management facilities as required by Section 23-603 and 23-604 of the Storm Water Management Ordinance prior to commencement of limited site work.

3. Execution and recording of a Storm Water Management Agreement and Declaration of Easement among the Developer and the Township together with joinders by mortgage holders and the Baron Run Master Association in a form acceptable to the Township to provide for the long-term operation and maintenance of storm water management facilities as required by Section 23-603 and 23-604 of the Storm Water Management Ordinance prior to commencement of limited site work.

4. Execution and recording of a Land Development Agreement for the Plan and compliance with all requirements for work set forth in the Land Development Agreement.

5. Posting of financial security to secure completion of all work shown on the Plan prior to commencement of limited site work.

6. Proof of compliance with all requirements of NWLCA and MAWSA.

7. Making application for, paying all fees required by, and obtaining a Zoning Permit.

8. Payment of all applicable fees and reimbursement of all Township engineering and attorneys' fees prior to commencement of limited site work and payment of all inspection fees incurred for such work.

- Motion to approve Waivers 1–8: Landis motion, Walsh second, approved 5–0.
- Deferred Improvement Agreement: Eisenhower motion, Walsh second, approved 5–0.
- Shopping Center Property Motion: Eisenhower motion, Stevens second, approved 5–0.
- Fee in Lieu Agreement: Eisenhower motion, Stevens second, approved 3–2.
- Conditional Plan Approval: Eisenhower motion, Walsh second, approved 5–0.
- Commencement of Site Work, Stages 1 & 2: Eisenhower motion, Walsh second, approved 5–0.

667 & 637 Ditz Drive, Speedwell Construction, Stormwater Easement Encroachment, Recommendation of Approval

- Motion to approve by Stevens, seconded by Landis, approved 5-0.

Small Project Stormwater Management Plan for 1762 Gish Road, Recommendation of Conditional Approval

- Motion to approve by Eisenhauer, seconded by Landis, approved 5-0.
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New Business:

- Approve \$31,000 Unbudgeted Expense to Repair Failing 30-inch Drain Pipe Under Dead End Road – Landis Motioned, Walsh Second, approved 5-0.
 - Resolution 2025-28 Approving Conduit Tax-exempt Financing for Nonprofit Student Lodging, Inc. – Eisenhauer Motioned, Walsh Second, approved 5-0.
 - Resolution 2025-29 Approval of a Sewage Planning Module for 285 Limerock Road, Cobblestone Landscaping – Landis Motioned, Stevens Second, approved 5-0.
 - Manheim BIC Partial North Penryn Road Closure Event – motioned with the exception of the request for a red flashing light being changed to either amber or no light – Eisenhauer Motioned, Walsh Second, approved 5-0.
 - Authorize Advertising of Ordinance on Quarry Setback Requirements – Landis Motioned, Eisenhauer Second, approved 5-0.
 - CM High Traffic Signal Maintenance Proposal – Walsh Motioned, Stevens Second, approved 5-0.
 - Munibilling Credit Card Pay Agreement for Public Sewer and Water – Eisenhauer Motioned, Walsh Second, approved 5-0.
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Consent Agenda:

September 22, 2025 Meeting Minutes – Stevens Motioned, Eisenhauer Second, approved 5-0.

September 22, 2025 Budget Meeting Minutes – Eisenhauer Motioned, Stevens Second, approved 5-0.

Treasurer's Reports and Approval to Pay Invoices – Walsh Motioned, Eisenhauer Second, approved 5-0.

Communications

Telephone Service Vendor Central Tel Co Purchased by Electsys
A and M Compost PADEP Air Quality Permit Notice
Lancaster City Water Rate Increase Proposal
County and Penn Township to Preserve a 60-acre Farm

Reports

Building, Zoning, and Property Maintenance
Planner
Sewage Enforcement Officer
Public Works
Manager

Adjournment:

A motion by Landis seconded by Eisenhower to adjourn the meeting at 9:00 PM was approved 5–0.