

**Liberty Township, Adams County  
39 Topper Road, Fairfield, PA 17320  
Planning Commission Monthly Meeting**

**Aug. 17, 2021**

The Planning Commission of Liberty Township, Adams County, met on Tuesday, Aug. 17, 2021, at 7:30 p.m. in the Liberty Township Municipal Building, 39 Topper Road, Fairfield, for the regular monthly meeting.

**Present:** Judie Hogan, Chair; Barb Ruppert, Secretary; Rich Luquette, Vice Chair; Horst Stehmer; Dominic Picarelli, Township Engineer; John Lisko, Township Solicitor; Robert Thaeler, Adams County Planning

**Not Present:** Nancy Wenschhof, Alternate

Judie Hogan called the meeting to order at 7:30 p.m.

**Minutes:** Rich Luquette motioned to approve the July 20 minutes with minor changes for accuracy, and Horst Stehmer seconded the motion. The July 20 meeting minutes were unanimously approved as amended.

**Chair Comments:**

Judie Hogan noted that Adams County Transportation Planning will come to the Sept. 7 supervisors' meeting to gather local input on transportation needs.

**Public Comment:**

*Greenview Plan Update*

Lee Royer noted that after the last PC meeting on the Greenview plan, he decided to subdivide the whole parcel on the county line. That means 13.8 acres are in Adams County/Liberty Township. He would like to request a subdivision for agricultural use only, with a note that future development would need to obtain all DEP permits, etc. Township Engineer Dominic Picarelli said that would not require soil testing and they would sign off on it as a nonbuilding waiver. Dom recommended Mr. Royer talk to the zoning officer to verify that this would meet zoning requirements. The PC also recommended Mr. Royer talk to Adams County Planning to verify where the township boundary is to avoid discrepancies such as those found in the Trider plan. Township Solicitor John Lisko said Mr. Royer is following the known county line and is fine. Mr. Royer will come to the next PC meeting with his new plan.

*Crum/Talcott Subdivision Questions*

Dana and John Talcott of 380 Wenschhof Rd., their daughter Megan and husband Brandon Fitz of 380 Wenschhof Rd., and Dana's parents, Roy and Gail Crum, of 201 Stultz Rd., asked how to proceed about a proposed subdivision of their properties. Mrs. Talcott said the Crums originally wanted to subdivide a <2-acre lot off their 17-acre property for their granddaughter, which the supervisors approved dependent upon septic testing. Plans changed to accommodate septic needs, so the Crums are now selling the 17 acres to the Fitzes. Mrs. Talcott passed out maps to show what they are discussing, obtained from Mapping at the courthouse. [Hard-copy maps were shown and left for the township secretary.] All tracts have clear boundaries, clearly defined on deeds. They began the property transfer with Adams Abstract and realized that another .99-acre tract the Crums owned would be sitting alone without road access if the Crums sold the 17-acre tract. So the Crums decided to sell the Talcotts the .99-acre tract, which had been subdivided off the 17-acre tract in 1980 before the Crums acquired it. Returning it to the Talcotts' 18-acre tract makes the most sense. It is recorded on both deeds that "it will be used by the grantors herein as farmland rent free," and the Fitzes plan to build a single-family home on their 17 acres. The family wants to keep the land in the family and as a farm.

Mr. Lisko noted that there is a 10-acre Parcel A that should not be sold separately without township approval, according to the Crum subdivision plan approved 3-11-2011. [A hard-copy plan was shown and left for the township secretary.] It must go with the 17 acres. He said the Talcotts could make sure that

Parcel A is attached and contiguous to the Crum's remaining property with a lot addition, and then get a subdivision plan to transfer the 17 acres alone without the Parcel A note. Mr. Lisko said that Mr. Royer could help them.

Dustin Crum of 164 Crum Rd. said that Adams Abstract already ran a title report. Mr. Lisko will contact attorney Richard Thrasher at Adams Abstract about Parcel A.

Regarding the .99 acres, Mr. Lisko said the Talcotts' 1991 deed has an attachment with a copy of the .99 acres along with the deed for the 18.11 acres. But then in 2011, the .99 acres was transferred to the Crums' 17 acres. Mr. Lisko said the Talcotts could own the 2 lots and just put them on one deed without making a new plan.

**Old Business:**

None

**New Business:**

**Review Final Minor Subdivision Plan—Stein - 25D17-0026C---000 and 25D17-0026E---000**

KPI and Adams County comments have been received on the plan to formally subdivide Jerry and Sherry Stein's 295 Stultz Road property as they thought it already had been. The Steins were in attendance at tonight's meeting. Dominic Picarelli said KPI comments were mostly housekeeping (soil boundaries, sight distances, etc.). Rob Thaeler said the county's issue with the 2-acre piece is that it was originally approved as a lot addition to the 11 acres, not to be sold separately, and thus is part of a single 13.75-acre parcel. Therefore, subdividing has to go through the conservation subdivision process, and this wasn't done because the 2-acre piece was already informally being treated as a separate parcel.

The Steins noted that Sue Miller at the courthouse said this was a separate deeded lot, and when going for a building permit, they discovered it was not separated at the township level. John Lisko says they do need a subdivision plan, but they should just take off note 9 in the county comments. Mr. Thaeler said between 2001 and now, the zoning ordinance has changed, and now our township requires it to go through the subdivision conservation process based on the last approved configuration—but is that the 13.75-acre piece or the two deeded parcels with separate tax parcels? Mr. Lisko says it is configured as two separate lots. He suggested adding a note to the effect that this lot was previously approved as a lot addition, and the deeds were incorrectly recorded as separate lots, but they are now recognized as a lot addition. Dominic said that all exists as it did 20 years ago, additional zoning info doesn't need to kick in, and the owners could try to get conditional approval. Mr. Thaeler said the lot addition was properly approved, but representation on the tax map and deed were not done correctly. The main question is: Should we review this as a single property or as correcting the intended 2-parcel property?

Mr. Lisko suggested noting something like, "This 1.96-acre tract was previously depicted as a lot addition to the 11.74-acre tract, parcel 25D17-0026C---000. The purpose of this note is to confirm that this 2-acre tract is to be considered as a separate lot from the main tract as of Feb. 15, 2001." Making it retroactive to the date it was approved makes it a separate lot as of that date. It will get recorded that way so there will be no problem selling it in the future.

Rich Luquette motioned to recommend that the supervisors ask the township solicitor to add a note to the effect that "This 1.96-acre tract was previously depicted as a lot addition to the 11.74-acre tract, parcel 25D17-0026C---000. The purpose of this note is to confirm that this 2-acre tract is to be considered as a separate lot from the main tract as of Feb. 15, 2001." Horst Stehmer seconded the motion. The motion passed.

Rich Luquette motioned to recommend conditional approval based upon: the supervisors' acceptance of Mr. Lisko writing the stated note; addressing all of KPI's letter minus notes 1, 2 and 11; and the zoning officer confirming what setbacks apply to the plan. Horst Stehmer seconded the motion. The motion passed.

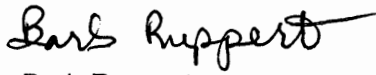
**Acceptance of Final Minor Subdivision Plan —Brown – 25B18-0019A--000, Dated 6/21/21**

Ken Scott of Beyond All Boundaries noted that the owner wants to sell enough land to satisfy township requirements for subdividing off the house that is already on his land. This is a straightforward lot addition.

Judie Hogan motioned to accept the Brown plan for review. Barb Ruppert seconded the motion. All voted yes, and the motion passed. This starts the 90-day clock.

At 8:51 p.m., Barb Ruppert moved to adjourn the meeting, and Horst Stehmer seconded it. All voted yes, and the motion passed. The next meeting is scheduled for Sept. 21, 2021, at 7:30 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Barb Ruppert". The signature is written in a cursive style with a long horizontal stroke extending from the end of the name.

Barb Ruppert  
Planning Commission Secretary