

## THE BERKELEY COUNTY PLANNING COMMISSION MINUTES

The Berkeley County Planning Commission met in a regular session on August 1, 2022 in the Council Chambers at 400 W. Stephen Street, Martinsburg, West Virginia.

### 1. CALL TO ORDER

The meeting was called to order at 6:00 p.m. by Linda Barnhart, presiding.

### 2. ROLL CALL

- a. PLANNING COMMISSION MEMBERS PRESENT: Linda Barnhart, Tim Lewis, Vickana Norton Eddie Gochenour, Eric Goff and Dan Gantt
- b. MEMBERS ABSENT: Nic Diehl
- c. STAFF: Laura Hoffmaster, Senior Planner; Sarah Sandri, Administrative Assistant; Doug Smith, County Engineer; Anthony Delligatti, Legal Director.

### 3. APPROVAL OF THE AGENDA

**Laura Hoffmaster stated Meadows at Riverside was supposed to be on the agenda for Final Plat approval, but it was missed and it will be on the August 16, 2022 meeting agenda.**

**ACTION TAKEN:** The motion was made by Eric Goff and seconded by Dan Gantt to approve the agenda. Call for question. The motion carried unanimously.

4. **SUNSHINE LAW SPEAKER:** Paul Schildt, resident on Broad Lane, stated that he was concerned about the entrances for the proposed Meadows at Riverside. He stated that there would only be one-way on and one-way out on Broad Lane, even though there are two entrances. He stated that the entrances are on a blind hill. He stated that the county needs to do something with the area because contractors are building homes but are not footing the costs of upgrades needed for the county. He stated that the schools are overcrowded and his daughter was not able to have a locker at her school.

### 5. APPROVAL OF MEETING MINUTES

- a. **ACTION TAKEN:** The motion was made by Dan Gantt and seconded by Vickana Norton to approve the July 5, 2022 meeting minutes. Call for question. The motion carried. Eric Goff abstained due to absence.

### 6. PUBLIC HEARINGS

#### REQUEST FOR SKETCH PLAN ADVANCEMENT

- a. **The Reserve at Tuscarora, File# 2204-118**

The site is located along the north side of Tuscarora Pike (WV Rt. 15), approximately 0.5 miles west of Interstate 81.

The developer is proposing 45 single-family lots, on approximately 74 acres, to be served by public water and sewer.

Laura Hoffmaster read the description and project notes.

Kenneth Barton, Allen Henry, Mike Shifler and Phil Steptoe were present representing the project.

Dan Gantt recused due to conflict of interest and exited the room.

Public Comment:

Scott A. Mcaboy, resident on Showers Lane, stated that he appreciates Fox redesigning the project. He asked what the 16-18 acres of residue is for between Showers Lane and the project. He also asked if it required to provide a liner in the Stormwater Management bio retention areas and not allow infiltration, was there any infiltration testing done. He asked about Stormwater storage because of the floodplain.

He asked about the landscape material that is proposed in the 50-foot buffer. He asked if any type of landscaping could be down over the sanitary sewer easement. He suggested that the landscape buffer be from the sanitary sewer easement. He asked about blasting because of adjacent properties being on well, he asked what measures are taken to ensure the adjacent properties are not damaged during blasting. He asked if a traffic study has been done and asked if it will fall under what DOH is already doing.

Linda Barnhart stated that this is the sketch and several approvals are not needed at this time, including the traffic study, and highway entrance permit.

Doug Smith stated that final SWM calculations are not submitted yet. He stated that the concept plan that was submitted does match the West Virginia SWM design manual and the Berkeley County Ordinance. He stated that they have been to DOH and they will not require a traffic study for this project because it does not make warrants, but it was looked at for Berkeley County traffic requirements and they also do not make warrants because they need to have 100 peak hour trips. He stated it might qualify for a deceleration lane for right turn in.

Laura Hoffmaster stated that a landscape buffer is not required by the ordinance and it was something that the applicant was doing out of good faith. She stated that both uses are residential and do not require a buffer or landscaping and the ordinance would not enforce what they plan to do with the landscaping.

Carol Criswell asked if they were going to have public water and sewer and asked if the area was going to be annexed into the city limits.

Laura Hoffmaster answered that you can be in the county and have city utilities.

Linda Barnhart stated that the Planning Commission is not involved in annexation.

Janet White, resident on Showers Lane, asked about the purpose of the remaining land (15.71 acres). She asked what the purpose of the area near lot 45 with an entrance on Showers Lane. She asked if it going to be a ROW for the remaining land and asked why it could not be closed off to Showers Lane so there is not additional traffic on Showers.

Ken Barton answered that they do not know what that area will be. He stated that if anything is going to be done with it would have to come through Planning Commission for approval. He stated as of now it will be remaining lands.

Jeff Campbell, resident in Mountain Brook Estates, stated that he is concerned about the integrity of the Tuscarora Creek. He stated that the area is currently well wooded and filters the runoff and provides shade for the creek environment and maintains the structural aspects of the creek banks. He asked if lots 21 and 22 could be eliminated so the lots are away from the creek.

Mike David asked Doug Smith the clarify what he meant by 100 trips for the peak hours.

Doug Smith answered during the peak hours 100 trips must leave the development onto the main road. He stated per ITE analysis the subdivision does not trigger the 100 trips per peak hours that are from 7-8 AM and 5-6PM.

Mike David stated that he is concerned about the driveway between Chateau Gui and the normal traffic on the road and it exceeds 100 trips on that road. He stated that is ridiculous that there is not a traffic study on that road.

Linda Barnhart stated that the Planning Commission can only request what the regulations require.

David Knowles, asked about school buses and that they need to be considered to make the road safer. He stated that there are too many accidents on that road.

Cory Rodriguez, resident in Mountain Brook Estates, stated that he is pleased about the project. He stated that the traffic is an issue, but he asked who he needs to go to get something done to get the roads upgrades.

Anthony Delligatti stated that that they can talk to their state representatives or anyone at DOH district office.

Ken Barton stated that if the plan complies with the ordinance that the Planning Commission is required to approve by state law.

Linda Barnhart stated that the roads in Berkeley County are controlled by the state and even though it is an issue, the County has no control over them.

**ACTION TAKEN:** The motion was made by Tim Lewis and seconded by Eric Goff to close the Public Hearing. Call for question. The motion carried unanimously.

**ACTION TAKEN:** The motion was made by Tim Lewis and seconded by Eddie Gochenour to approve the advancement of the Sketch Plan to the Preliminary Plan stage. Call For question. The motion carried unanimously.

Dan Gantt returned to the room.

**b. APM Residences, File# 2204-109**

The property is located behind APM Inn & Suites on McMillan Court and adjoining Edwin Miller Blvd. and the Interstate 81 Interchange. The site will be accessed by Mossy Lane.

The project proposes 348 dwelling units within 4 apartment buildings (three 6-story and one 5-story) and the redevelopment of an existing hotel into a new 11-story (12 rooms/floor) hotel. The total site is approximately 16 acres, and will be served by public water and sewer.

Laura Hoffmaster read the description and project notes.  
Rob Milne was present representing the project.

Public Comment: Stacy Stotler, adjacent property owner, asked about the access to the property. He stated that he did not know that they were going to rehab the existing building and build an 11-story hotel. He stated that the area is quiet now and asked if there will be a buffer required. He stated that the current motel is not kept up and stated that the spot lights sign so bright into neighboring properties. He stated that there is no centerline and the area is overgrown. He asked if the exiting building is going to be torn down and asked if it was going to have public water and sewer. He asked if the owner would be willing to add a fence or buffer to separate the neighborhood.

Doug Smith stated that the project already has the will serve letters from water and sewer with the owner possibly having to do an extension or improvements.

Richard Payne stated that the lights are for safety and they keep away crime. He stated that they have to look at how much water is in the main to feed the projects for fire protection and to drink.

Rob Milne stated that the access is on Mossy Lane and a traffic study was completed and comments were address in the sketch plan for improvements back to the entrance to the hotel. He stated that there were no issues about the location on the entrance from DOH. He stated that the existing road from the complex to Edwin Miller Blvd. would be improved into two lanes with a turn lane at the intersections with the line being painted on the road. He answered that the project does meet the setbacks, there will be a mainline extension agreement with Berkeley County water to upgrade the water, and it will have fire protection that will be submitted to the fire marshal for approval. He stated that the existing hotel would be demoed. He stated that the target for the apartments will be young professionals and the existing hotel would not fix the design. He stated that they should see a drastic decrease in 9-1-1 calls to the location.

Stacy Stotler asked about a bond.

Rob Milne answered that after the Preliminary Plan is approved the developer will be required to submit a bond. He stated that the owner bought the property in order to do this project. He stated that the next step is Preliminary Plan approval. He stated there is a buffer between the project and the other residential properties.

Stacy Stotler asked if there could be a fence to buffer across the street.

Rob Milne stated that the developer wants everyone to be happy and he will discuss with the developer.

Stacy Stotler asked about the height of the buildings.

Laura Hoffmaster stated that there is no height restrictions without zoning.

Judy Butler asked about flooding issues and the one entrance.

Rob Milne answered that the drainage will flow toward the interstate ramp and will be out letting into the DOH ROW and it will not affect the McMillan Subdivision.

Richard Payne asked why not just improve what is exiting.

Rob Milne stated he could only relay what the owner wants to do to make a nicer facility there.

Eddie Gochenour stated that a single entrance coming out is detrimental to the neighborhood.

Linda Barnhart asked why a second entrance is not required.

Doug Smith stated that there was no other way to get an entrance and the traffic study requested upgrades that have been done. He stated that they felt everything will work itself out based on everything that is being done in the area.

**ACTION TAKEN:** The motion was made by Eric Goff and seconded by Dan Gantt to close the Public Hearing. Call for question. The motion carried unanimously.

**ACTION TAKEN:** The motion was made by Dan Gantt and seconded by Tim Lewis to approve the advancement of the Sketch Plan to the Preliminary Plan stage. Call For question. The motion carried with a vote 4-1, Eddie Gochenour objecting.

**c. Orchard View Townhomes, File# 2106-202**

The site is located on Corning Way (WV Sec. Rt. 11/21), approximately 960' west of its intersection with Winchester Avenue (US Rt. 11).

The developer proposes 10 townhome lots, on 1.12 acres, to be served by public water and sewer.

Laura Hoffmaster read the description and project notes.

Kimberly Petrucci was present representing the project.

Public Comment: Michelle Williams, adjacent property owner, stated that there are Stormwater issues. She stated that there are engineering issues that are not up to code. She stated that the Stormwater plan that they had was grandfathered and no engineering company will help upgrade their current pond. She asked if there would be a buffer between the homes and townhomes.

Doug Smith stated that the project would have its own Stormwater management. He stated that they would not see any water from the townhouses unless there is a big storm. He stated that the HOA has not up kept the SWM area.

Kim Petrucci stated that there is no buffer required because both uses are residential.

Jim Reed stated that the whole subdivision is poorly planned. He stated that it is all single-family homes so it will throw off the look of the subdivision. He stated that it should be looked at by keeping it a family neighborhood and not have townhomes.

Doug Smith stated the SWM facility was from 1993. He stated there were some regulations but nothing like we have now. H stated that they did not always have quality and mostly only had small control ponds. He stated that older subdivisions do not take care of their ponds and when we do get a large event, we see the issues with them. He stated that the Stormwater district is trying to go out to get the HOA's on a maintenance plan to take care of their ponds.

**ACTION TAKEN:** The motion was made by Eric Goff and seconded by Dan Gantt to close the Public Hearing. Call for question. The motion carried unanimously.

**ACTION TAKEN:** The motion was made by Dan Gantt and seconded by Eric Goff to approve the advancement of the Sketch Plan to the Preliminary Plan stage. Call For question. The motion carried unanimously.

## **7. PRELIMINARY PLAN APPROVAL**

### **a. Spring Mills Community Park, File# 2111-403**

The property is located at the southeast corner of the intersection of Hammonds Mill Road (WV RT. 901) and Saint Andrews Drive (WV RT. 3/1).

This project proposes a community park with parking, an open air pavilion, a bathroom and gravel walking path. The site is approximately 10 acres, and will be served by public water and sewer.

Laura Hoffmaster read the description and project notes.

Mike Shifler was present representing the project.

Eddie Gochenour stated that he met with some people from the neighborhood and that have concerns about safety.

Doug Smith stated that the park would be locked after dark. He stated that there would be a natural buffer will remain and that the area of the walking path and the tot lot are the only clear areas. He stated that the trails would also be ADA accessible.

Eddie Gochenour stated that the historic monument across the street might also be moved to the park area.

Mike Shifler stated that the walking path is weaved through the big trees so the majority of the trees that need to be cleared are small.

**ACTION TAKEN:** The motion was made by Dan Gantt and seconded by Eric Goff to approve the advancement of the Preliminary Plan to the Final Plat stage. Call for question. The motion carried unanimously.

## **8. REQUEST FOR FINAL PLAT DETERMINATION**

### **a. Overlook at Riverside, Phase 5, Lots 252-288, File #2205-142**

The property is located on the east side of Williamsport Pike (US 11) and south of I-81.

The Final Plat proposes 37 townhome lots, on 4.87 acres, to be served by public water and sewer.

Laura Hoffmaster read the description and project notes.

Ed Schreiber was present representing the project.

**ACTION TAKEN:** The motion was made by Dan Gantt and seconded by Eric Goff to accept staff recommendation for the Final Plat Determination and advertising of a public hearing for consideration of Final Plat Approval at the September 6, 2022 Planning Commission Meeting. Call for question. The motion carried unanimously.

### **b. Dillon Farm Estates, Phase 4, Lots 115-124 & 157-180, File #2205-145 tied to 2008-127**

The property is located on the south side of Hedgesville Road (WV Route 9), 0.4 miles northwest of Ridge Road (WV Route 4).

The Final Plat proposes thirty-four (34) residential lots, on 9.47 acres, to be served by public water and sewer.

Laura Hoffmaster read the description and project notes.

Mike Roberts was present representing the project.

**ACTION TAKEN:** The motion was made by Dan Gantt and seconded by Eric Goff to accept staff recommendation for the Final Plat Determination and advertising of a public hearing for consideration of Final Plat Approval at the September 6, 2022 Planning Commission Meeting. Call for question. The motion carried unanimously.

**9. STAFF/ COUNSEL DISCUSSION/ACTION/ MOTION**

Linda Barnhart asked about the Subdivision Regulations.

Doug Smith stated he is caught up and he is going to be working on them 1-2 days a week. He stated they are still waiting on MS4 to make their submittal to the EPA.

**10. ADJOURNMENT**

**ACTION TAKEN:** The motion was made by Eric Goff and seconded by Dan Gantt to adjourn the meeting at 7:46 PM. Call for question. The motion carried unanimously.

Respectfully submitted,  
Sarah Sandri  
Administrative Assistant

**Berkeley County Planning Commission Meeting Minutes, August 1, 2022.**