

THE BERKELEY COUNTY PLANNING COMMISSION MINUTES

The Berkeley County Planning Commission met in a regular session on September 2, 2025 in the Commission 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, John Hardy, Tim Lewis, Eric Goff, Vickana Norton, Ron Truitt, Brandon Franklin, Dan Gantt and Mike Bush.

b. **MEMBERS ABSENT:** Troy Barrett

STAFF: Laura Hoffmaster, Deputy Director of Community Development; Sarah Sandri, Planner; Doug Smith, County Engineer; Jeff Mauzy, Deputy Legal Director.

3. APPROVAL OF THE AGENDA

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

4. **SUNSHINE LAW SPEAKER:** Eddie Gochenour, president of the County Commission, stated he wanted to thank the Planning Commission Members for their commitment and dedication to the community. He stated being on the board himself, he knows how tough the job is to listen to the public's concerns, know the regulations and listen to staff. He thanked Linda Barnhart for running a tremendous meeting and Tim Lewis for being Linda's back up. He then thanked the entire board again.

5. APPROVAL OF MEETING MINUTES

ACTION TAKEN: The motion was made by Eric Goff and seconded by Ron Truitt to approve the August 18, 2025 minutes with minor revisions. Call for question. The motion carried unanimously. Dan Gantt abstained due to absence.

6. PUBLIC HEARINGS

REQUEST FOR FINAL PLAT APPROVAL

a. **Cardinal Pointe – Section 7, Phase 1, Lots 638-653, 674-685 & 694-705, File# 2506-169**

The site is located on the east side of Otero Lane within the Cardinal Pointe Development that is located on the north side Hammonds Mill Road (WV Rt. 901).

The Final Plat proposes 40 villa lots, on 12.56 acres, to be served by public water and sewer.

Laura Hoffmaster read the description and project notes.

Steve Cvijanovich was present representing the project.

Dan Gantt and Brandon Franklin recused due to conflict of interest and exited the room. A quorum remained present.

James Weller, resident on Gunnison Drive, stated that he is concerned about the already overwhelming traffic in the area and asked about the future plans to the road when more lots are being added. He asked about the local schools and asked how pressure will be alleviated from the already full schools. He also asked about any upgrades to the water or pump stations. He stated that his water bill has gone up, but he was wondering if there were plans for upgrades. He stated other residents asked him to ask about the easements. He asked if the easements on his property are public and if people are allowed to be on his property with their dogs even if they are asked to not be. He stated he has talked with the HOA and Ryan Homes but he isn't getting any answers. He asked if the easements are strictly for utility

or if they can be used for public access for his neighbors. He stated he was not aware when he was sold the property and he could not get a recorded plat.

Linda Barnhart stated that the Planning Commission does not have a say over roads or schools. She suggested to reach out to WVDOT about future upgrades and to the Berkeley County Board of Education for the question about schools.

Doug Smith stated that DOH has been in contact and reviewed the plan and stated there was no need for upgrades for this plan. He stated that if there was an issue with water or sewer that would have been addressed at the Preliminary Plan and those agencies have given approval that there is adequate volume for the proposed lots. He also stated that the easements are not for public use and that areas are still owned by the property owner. He stated those easements are only for utility or stormwater and not used for public access. Mr. Smith stated that every lot that is being sold should have a recorded plat that would show those easements.

Jeff Mauzy stated that if Mr. Weller believes he was misled when he was buying his property, he should speak to an attorney.

Laura Hoffmaster stated that if the building permit was pulled there would be a recorded plat.

Mr. Weller stated that the property was sold to him before a building permit was filed.

Steve Cvijanovich stated that there will be a total of 1144 lots. This final plat is for 40 villa lots and not the entire total lots. He stated that the every job they do they have to get a statement of availability for both water and sewer. He stated that they also have to get a letter of design approval from both water and sewer that will go to the state in order to get a water and sewer construction permit. He stated there are CIF fees are charged by the water and sewer departments for upgrades. He stated he can count on one hand the amount of times, during a design of any project, that either provider requested the developer to make an upgrade or a contribution because of the CIF fee's. He stated after the concept plan approval they send that approval to the water and sewer departments and rarely do they hear back requesting anything. Mr. Cvijanovich stated that the section 6 final plat there is a 10 foot wide dedicated on all front line and 8 foot drainage easement on back property lines. He stated those easements in the front are for dry utility, such as electric, gas or cable. He stated it is not for a parking area and only for utility. He stated when the plat is picked up; the plat will get recorded within a week. He stated it can be viewed in the database, or can be printed at the County Clerks office. He stated his client was expected to fund his share of upgrades to Hammonds Mill/ St Andrews Drive.

Laura Hoffmaster added that the School Impact Form is completed by the applicant and once it is submitted to the Planning Department, it is sent to the Berkeley County Board of education along with the project information and plat. She stated that the School Board is well aware what is coming.

Pam White, resident on Eternal Way, asked about a possible solar farm going on Koontztown Road. She asked if it was factual and the possible impact.

Laura Hoffmaster stated there has not been a submission done to the Planning Department on the Solar Farm.

Doug Smith stated the company reached out and they were given the Subdivision Regulations.

The Public Hearing was closed.

Mike Bush stated that the public school capacity is a concern for a lot of people, including himself. He stated with this project, he saw the most back and fourth with the developer and the BOE regarding school capacity. He recalled that the BOE raised some issues about capacity and worked with the developer to indicate more capacity is coming due to the new bond and some of the numbers based on the type of housing that is being built. He stated he commended the developer and is hopeful there will be more of that between developers and the BOE.

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

ACTION TAKEN: The motion was made by Mike Bush and seconded by Eric Goff to approve the Final Plat contingent upon receipt of surety in the amount of \$574,920.00. Plat to be released upon receipt of surety. Call for question. The motion carried unanimously.

REQUEST FOR DETAILED SITE PLAN APPROVAL

b. Stonecrest PUD – Lot C-5, File# 2505-134

The site is located along the east side of Kettering Drive, located with the Stonecrest PUD community, which is on the west side of Hedgesville Road (WV Rt. 9).

The developer is proposing a 4-unit apartment building on 0.51 acres, to be served by public water and sewer.

Laura Hoffmaster read the description and project notes.

Steve Cvijanovich was present representing the project.

Dan Gantt and Brandon Franklin recused due to conflict of interest and exited the room. A quorum remained present.

There were no comments from the public.

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

ACTION TAKEN: The motion was made by Mike Bush and seconded by Eric Goff to approve the Detailed Site Plan. Call for question. The motion carried unanimously.

Dan Gantt and Brandon Franklin returned to the meeting.

REQUEST FOR PLAN CHANGE-MAJOR

c. Ridgecrest Subdivision, File# 2207-215

The project is located along the southwest side Paynes Ford Road (County Rt. 19), approximately 0.85 Miles north of the Berkeley/Jefferson County Line.

The Major Plan Change revises the stormwater management plans due to the disturbance of the wooded areas on lots 19-23 (5 lots). Phases 1 & 2 are constructed and only Phase 3 (11 lots) remain to be platted/constructed.

Laura Hoffmaster read the description and project notes.

Marc Mezzanotte and Lane Tobin were present representing the project.

Mike Bush recused himself due to a potential conflict of interest and exited the room.

Public Comment: Ken Allenworth, resident on Nugget Way, asked if the developer/builder was represented at the meeting.

Marc Mezzanotte and Lane Tobin introduced themselves as the representative.

Mr. Allenworth stated that J. Hess has yet to attend a meeting. He stated he lives on lot 34 and since the last meeting not all the work that was supposed to be done has been done. He stated there is a silt fence still there that he was told was not supposed to be there. He stated nothing has been done to do with the drainage under the bridge. He asked if staff went and took a look and asked about the findings and recommendations. He asked if the requirements have been met because he believes they have not been and stated he does support the project and encouraged the Planning Commission to not approve the project because it is not finished.

Noel Canellas, resident on Nugget way, asked if the Major Plan Change is contingent on Magenta entry and Nugget Way being fixed. She stated there has not been any work being done.

Laura Hoffmaster stated that the work cannot be done until the Major Plan Change is approved.

John Canellas, resident on Nugget Way, asked what the steps will happen when the road is fixed and what the impact will be for the people that use that road and live there. He stated he wanted to make sure that when they go in to make the fixes that they get permission to access people's properties. He stated when the EPA came to his property they did some damage and they were fined, but it still has not been corrected. He stated he wanted to make sure his neighbors were protected if equipment was to be brought on to their properties they ask for permission. He stated after the last meeting they received HOA threatening liens on their properties because they do not want to pay because they live in a neighborhood where their driveways are going down a hill. He asked about the road and asking if it all deteriorating. He asked what the impact will be on the road if they do go on for phase 3. He stated that the developer has already tried to give the HOA away so it will no longer be his problem.

The Public Hearing was closed.

Linda Barnhart stated there were pictures added to the packet presented by Doug Smith.

Dan Gantt asked if there was a bond being held.

Brandon Franklin asked if the final asphalt had been laid.

Doug Smith stated that the silt fence will need to stay in order to do construction. He stated that Nugget way and the embankment had elevations done 18 months ago when the road first went in and the one spot settled almost 10 inches. He stated he requested that area be added to the plan change. He stated that the embankment and the road surface seem to be steady state and have settled a little, but there is a section that he had requested they sign because it does not meet the vertical curve site distance and it does not meet the minimum necessary for a 25mph posting. He stated that was apart of the original design that he did not approve it and it was caught in the plan change and asbuilt survey. He stated it will now be posted for a 20mph posting. He stated that the repairs could be a one lane road closure and it should not inconvenience anymore for more than a week. He stated the pictures came back from CEC and MS4 he stated they noticed a few things that will be added to the Plan Change. He stated he recommends the plan change going though so the ponds and the rest of the stormwater issues can be fixed. He stated it sets the road up to be final coursed and it sets the developer up to go to phase 3 to be able to resolve the rest of the issues. He stated that the pond issues need to be resolved immediately. Marc Mezzanotte stated that the developer made a mistake and cleared some trees, He stated that they want to get the work completed, but without the plan the work cannot be done.

Linda Barnhart asked if they got approval for the Major Plan Change that all the questions from the public will be answered correctly and accurately.

Mr. Mezzanotte answered yes. He stated that they are all on major plan change and are all apart of the bond that is held in the County.

Linda Barnhart asked if the public could have the photos.

Laura Hoffmaster stated the are in the packet as well.

Doug Smith stated staff went out the day after the last meeting because people were trying to stop the developer from doing the work they wanted to clean up.

Mike Bush asked if staff could give a summary of the Bond release process looks like.

Laura Hoffmaster stated that the application is submitted with the asbuilt and it is reviewed to make sure everything is constructed correctly and the amount released is dependent on what is done and what work remains.

Doug Smith stated that the bond amount has been increased because the grading bond was only for 2 acres. He stated the developer was told that they would be bonding up all three phases. He stated he hopes the developer finishes the project because it is a lot to go after the bond.

Mike Bush stated that if a homeowner is not satisfied with the work being done, there is a public comment portion at the County Commission Meetings.

Doug Smith stated it depends what is apart of the bond.

ACTION TAKEN: The motion was made 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 Brandon Franklin to approve the Major Plan Change conditional on the following items being incorporated into the Major Plan Change set and calculations:

1. Repair the roadway and curb on Nugget Way to correct the excessive settlement and ensure proper cross lope and drainage for the storm drain inlet.
2. Repair the roadway settlement over the culvert on Magenta Way and repair the headwall and barrel to prevent erosion.
3. Confirm, and if necessary repair, the basin riser to ensure all orifices have been installed correctly for depth and area of opening, including the low-flow 4-in orifice.
4. Repair the basin as needed to ensure capacity of the basin meets the original storage requirement and ensure the remaining components are operating correctly.

Call for question. The motion carried unanimously.

Mike Bush returned to the meeting.

7. REQUEST FOR FINAL PLAT DETERMINATION

a. Bridle Creek, Phase 10, Lots 604-650, File #2506-170

The project is located along the east and west sides of Barrel Race Road, at the terminus of Furlong Way, within the Bridle Creek subdivision.

The phase proposes 47 single family residential lots on approximately 31 acres, to be served by public water and sewer.

Laura Hoffmaster read the description and project notes.
Steve Cvijanovich was present representing the project.

Dan Gantt and Brandon Franklin recused due to conflict of interest and exited the room. A quorum remained present.

ACTION TAKEN: The motion was made by Mike Bush and seconded by Tim Lewis to accept staff recommendation for the Final Plat Determination and advertising of a public hearing for consideration of Final Plat Approval at the October 6, 2025 Planning Commission Meeting. Call for question. The motion carried unanimously.

Dan Gantt and Brandon Franklin returned to the meeting.

b. Middle Creek Vistas, Phase 1, Section 4, Lots 14-18 & 28-32, File #2505-135

The project is located approximately 2500' south of the intersection of Sailors Way and Strobridge Road (Sec. Rt. 34), with Middle Creek running through the middle of the site.

The developer is proposing 10 single-family lots, on approximately 1.86 acres, to be served by public water and sewer.

Laura Hoffmaster read the description and project notes.
Shannon Dulaney was present representing the project.

ACTION TAKEN: The motion was made by Dan Gantt and seconded by Mike Bush to accept staff recommendation for the Final Plat Determination and advertising of a public hearing for consideration of Final Plat Approval at the October 6, 2025 Planning Commission Meeting. Call for question. The motion carried unanimously.

c. Middle Creek Vistas, Phase 1, Section 5, Lots 19-27, File #2507-210

The project is located approximately 2500' south of the intersection of Sailors Way and Strobridge Road (Sec. Rt. 34), with Middle Creek running through the middle of the site.

The developer is proposing 9 single-family lots, on approximately 1.68 acres, to be served by public water and sewer.

Laura Hoffmaster read the description and project notes.
Shannon Dulaney was present representing the project.

ACTION TAKEN: The motion was made by Dan Gantt and seconded by Brandon Franklin to accept staff recommendation for the Final Plat Determination and advertising of a public hearing for consideration of Final Plat Approval at the October 6, 2025 Planning Commission Meeting. Call for question. The motion carried unanimously.

d. Communities of Burwell, Ph. 13, Lots A1-A6, A55-A59, J1-J8, K1-K7, K15-K54 & L47-L71, File #2502-041

The site is located on the north side of Nipetown Road (WV Rt. 8), approximately 2000' east of its intersection with Ropp Drive (WV Rt. 8/1).

The project proposes 91 residential lots (65 townhouses & 26 single-family) on approximately 9.8 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 Mike Bush to accept staff recommendation for the Final Plat Determination and advertising of a public hearing for consideration of Final Plat Approval at the October 6, 2025 Planning Commission Meeting. Call for question. The motion carried unanimously.

8. STAFF/ COUNSEL DISCUSSION/ACTION/ MOTION

- a. Comprehensive Plan Update- Laura Hoffmaster stated that the next phase of the Comp Plan read though will be in the next few weeks. She stated once she got the information, she will send it to the Planning Commission Members to look over.

9. ADJOURNMENT

ACTION TAKEN: The motion was made by Eric Goff and seconded by Ron Truitt to adjourn the meeting at 7:06pm. Call for question. The motion carried unanimously.

Respectfully submitted,
Sarah Sandri
Planner I