

THE BERKELEY COUNTY PLANNING COMMISSION MINUTES

The Berkeley County Planning Commission met in a regular session on September 6, 2022 in the Council Chambers at 400 W. Stephen Street, Martinsburg, West Virginia.

1. CALL TO ORDER

The meeting was called to order at 6:02 p.m. by Linda Barnhart, presiding.

2. ROLL CALL

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

3. APPROVAL OF THE AGENDA

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

4. SUNSHINE LAW SPEAKER: None

5. APPROVAL OF MEETING MINUTES

- a. **ACTION TAKEN:** The motion was made by Eric Goff and seconded by Eddie Gochenour to approve the August 15, 2022 meeting minutes. Call for question. The motion carried. Tim Lewis abstained due to absence.

6. PUBLIC HEARINGS

REQUEST FOR WAIVER

- a. **Wagner's Outdoor Express RV, File# 2207-212 tied to #2205-148 & #2205-135**

The site is located at 128 Recreation Lane, approximately 600' southeast from the intersection of Grade Road and Williamsport Pike (US Rt. 11).

The developer proposes the demolition of 1 existing structure, construction of a 3,500 sq. ft. garage, and construction of an office/parts building. This site is currently served by public water and private septic.

Laura Hoffmaster read the description and project notes.

Brooke Perry was present representing the project.

There were no comments from the public.

Eddie Gochenour asked if the waivers are approved would they be okay with the conditions that engineering gave.

Brooke Perry answered that the waivers are for cost saving measures and the property is currently graveled. She stated that the area is not driving on by the public and it is a showroom for the new RVs.

Doug Smith stated that according to the ordinance new model area does need to be paved and the other sections of 804 will be enforced even if it is gravel.

Brooke Perry stated they are looking to pave it in the future.

Eddie Gochenour asked if staff is okay with the Stormwater Management.

Doug Smith stated that they would have to use the curved table for asphalt.

Brooke Perry stated they are happy to use the table.

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

ACTION TAKEN: The motion was made by Eddie Gochenour and seconded by Eric Goff to approve the waiver request to Section 504.E, Table 5-4, with the condition that all storm drain and Stormwater Management design (existing and proposed) is based on the actual impervious coverage provided on the site, approve the waiver request to Section 802.1.b.i.a, with the condition that the required screening is provided where the adjacent residential uses exist and to approve the waiver request to Section 801.10, contingent on all graveled surfaces to be calculated as asphalt in the Stormwater Management calculations and all other requirements of Section 801.1 be met. Call for question. The motion carried unanimously.

b. Lucas Mason – Lots A & B, File# 2207-214

The site is located on Williamsport Pike (US Rt. 11), 0.2 miles south of Weaver Lane (WV Sec. Rt. 11/7).

The developer is proposing the subdivision of an existing 0.50 acre parcel, creating two 0.25 acre parcels. Both parcels would be served by public water and sewer.

Laura Hoffmaster read the description and project notes.

Greg Yebernetsky and Lucas Mason were present representing the project.

Public Comment: Allen Mauck, Resident on Bertha Lane, asked if there was a proposal to maintain the driveway and asked what the parking situation will be.

Eddie Gochenour asked if there was a maintenance agreement between the residents on Bertha Lane. Mr. Mauch answered that there was no agreement to maintain the roads.

Greg Yebernetsky stated that a note is required to put on the plat that the new owners are to help maintain the road.

Laura Hoffmaster stated that there is a permit for Bertha Lane now and when the Prelim/Final plan comes in, they will either have to have an updated permit or a note on the plan.

Linda Barnhart asked if there is a permit for each lot.

Laura Hoffmaster answered that there will be an addendum to the permit.

Lucas Mason stated that there will be three parking spaces per parcel and he will keep Bertha Lane clear.

Randy Bartles, Resident on Bertha Lane, stated that there is a lot of water run off that goes into his back yard. He stated that he is concerned if another parcel is created that the problem would get worse.

Laura Hoffmaster stated that Stormwater management is not triggered and both parcels would start at 5,000 square feet of impervious coverage. She stated that Mr. Bartles' property is located in the floodplain.

Doug Smith stated that Mr. Bartles property has a lot of impervious coverage and he should have Stormwater management on his property if the parcel is modified.

Greg Yebernetsky stated that the owner is proposing two small mobile homes and not major structures.

Mr. Bartles stated that he is glad Mr. Mason cleaned up the property but is still concerned there will be a water issue.

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

ACTION TAKEN: The motion was made by Eddie Gochenour and seconded by Tim Lewis to approve the waiver to Section 305.4.1 of the Berkeley County Subdivision Ordinance (2009) requiring a 2 acre minimum lot size, in order to proceed through the Preliminary/Final process. Call for question. The motion carried unanimously.

REQUEST FOR FINAL PLAT APPROVAL

c. Overlook at Riverside, Phase 5, Lots 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.

There were no comments from the public.

ACTION TAKEN: The motion was made by Eddie Gochenour 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 Eric Goff to approve the Final Plat contingent upon receipt of surety in the amount of \$249,492.00. Plat to be released upon receipt of surety. Call for question. The motion carried unanimously.

d. Dillon Farm Estates, Phase 4, Lots 115-124 & 157-180, File# 2205-145

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 34 single-family lots on approximately 9.5 acres, to be served by public water and sewer.

Laura Hoffmaster read the description and project notes.

Mike Roberts was present representing the project.

There were no comments from the public.

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

ACTION TAKEN: The motion was made by Eddie Gochenour and seconded by Tim Lewis to approve the Final Plat contingent upon receipt of surety in the amount of \$841,320.00. Plat to be released upon receipt of surety and Developer's Agreement. Call for question. The motion carried unanimously.

REQUEST FOR SKETCH PLAN ADVANCEMENT

e. Willow Glen, File# 2206-150 tied to #2206-156

The site is located on the west side of Middleway Pike (WV Rt. 51), across from Jubal Early Avenue.

The project proposes 179 townhome lots, on approximately 25 acres, to be served by public water and sewer.

Laura Hoffmaster read the description and project notes.

Chad Wallen was present representing the project.

There were no comments from the public.

ACTION TAKEN: The motion was made by Eric Goff and seconded by Eddie Gochenour 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.

f. Sheetz – Route 45, File# 2206-163

The site is located on Apple Harvest Drive (WV Rt. 45), approximately 500' east of Exit 12 (Interstate 81).

The developer is proposing the redevelopment of the existing Sheetz. The new development will consist of a 6,139 sq. ft. convenience store/gas station, a drive-thru, and a 1,000 sq. ft. automated car wash, to be served by public water and sewer.

Laura Hoffmaster read the description and project notes.
Chad Wallen was present representing the project.

There were no comments from the public.

Linda Barnhart asked if they are going to tear down the existing building.
Chad Wallen answered yes they are doing a complete rebuild.

ACTION TAKEN: The motion was made by Eddie Gochenour 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.

g. 109 Tavern Road, File# 2206-151

The site is located on the north side of Tavern Road, approximately 830' east of Rock Cliff Drive.

The project proposes a 1,886 sq. ft. addition, onto an existing 3,342 sq. ft. medical building, on 0.89 acres which is currently served by public water and sewer.

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

There were no comments from the public.

ACTION TAKEN: The motion was made by 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 Vickana Norton 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. 2003 Industrial Circle, File# 2207-208

The project is located on the northeast quadrant of Route 9 and Celtic Drive adjacent to the ROCS Convenience Store.

The developer is proposing trailer/equipment storage on 9.47 acres, and utilities are not proposed.

Nate Emery read the description and project notes.
Steve Cvijanovich was present representing the project.

Steve Cvijanovich stated that this project started in 1990 for Howard's Delivery and the building has been in existence. He stated that the parking would go along with the existing building, which will only be a little over an acre.

ACTION TAKEN: The motion was made by Vickana Norton 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. PRELIMINARY/FINAL PLAT APPROVAL

a. Kevin D. Walker Subdivision, Lots 1-3, File# 2109-327

The site is located south of Shepherdstown Road (WV Rt. 45), approximately 0.75 miles west of Files Cross Road (WV Sec. Rt. 45/3).

The developer is proposing the creation of a 14.4 acre parcel (Lot 1), a 19.7 acre parcel (Lot 2), and a 2 acre parcel (Lot 3), to be served by private well and septic.

Nate Emery read the description and project notes.
Steve Cvijanovich was present representing the project.

ACTION TAKEN: The motion was made by Eddie Gochenour and seconded by Eric Goff to approve the Preliminary/Final Plat. Call for question. The motion carried unanimously.

b. Corwin-Roach, File# 2205-140

The site is located at the end of Elegant Drive (Brookside Subdivision), approximately 0.7 miles south of its intersection with Tuscarora Pike (WV Rt. 15).

The developer is proposing the creation of a 4.1 acre parcel (4A) and a 22.9 acre residue, to be served by private well and septic.

Nate Emery read the description and project notes.
Mike Roberts was present representing the project.

ACTION TAKEN: The motion was made by Eddie Gochenour and seconded by Eric Goff to approve the Preliminary/Final Plat. Call for question. The motion carried unanimously.

c. Norma J. Ujima Tyson, File# 2202-042

The site is located on the south side of Sam Mason Road (WV Sec. Rt. 24/1), approximately 200' from its intersection with Torytown Road (WV Sec. Rt. 26/1).

The developer is proposing the creation of a 15.13 acre parcel (Tract 1) and a 63.65 acre residue, to be served by private well and septic.

Nate Emery read the description and project notes.
David Costello was present representing the project.

ACTION TAKEN: The motion was made by Eddie Gochenour and seconded by Eric Goff to approve the Preliminary/Final Plat. Call for question. The motion carried unanimously.

9. REQUEST FOR FINAL PLAT DETERMINATION

a. Harvest Glen, Phase 2, Lots 3-10 & 26-31, File #2204-104

The site is located on Vicksburg Court and Creasey Way.

The Final Plat proposes 14 single-family lots on 9.6 acres, to be served by public water and sewer.

Nate Emery read the description and project notes.
Steve Cvijanovich was present representing the project.

ACTION TAKEN: The motion was made by Eddie Gochenour 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 October 3, 2022 Planning Commission Meeting. Call for question. The motion carried unanimously.

b. Arcadia Springs North, Section 1, Phase 7, Lots 125-136, 229-237 & 266-274, File #2207-216

The property is located on Van Clevesville Road, approximately 2000' east of its intersection with Needy Road.

The Final Plat proposes 30 single family attached lots on approximately 5 acres, to be served by public water and sewer.

Nate Emery read the description and project notes.
Chad Wallen was present representing the project.

ACTION TAKEN: The motion was made by Tim Lewis and seconded by Eddie Gochenour to accept staff recommendation for the Final Plat Determination and advertising of a public hearing for consideration of Final Plat Approval at the October 3, 2022 Planning Commission Meeting. Call for question. The motion carried unanimously.

10. STAFF/ COUNSEL DISCUSSION/ACTION/ MOTION

11. ADJOURNMENT

ACTION TAKEN: The motion was made by Eric Goff and seconded by Eddie Gochenour to adjourn the meeting at 7:00 PM. Call for question. The motion carried unanimously.

Respectfully submitted,
Sarah Sandri
Administrative Assistant

Berkeley County Planning Commission Meeting Minutes, September 6, 2022.