

## THE BERKELEY COUNTY PLANNING COMMISSION MINUTES

The Berkeley County Planning Commission met in a regular session on November 7, 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, Vickana Norton, Eddie Gochenour, and Eric Goff
- b. MEMBERS ABSENT: Tim Lewis, Nic Diehl and Dan Gantt
- c. STAFF: Laura Hoffmaster, Senior Planner; 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 Eddie Gochenour 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 October 17, 2022 meeting minutes. Call for question. The motion carried. Vickana Norton abstained due to absence.

### 6. PUBLIC HEARINGS

#### REQUEST FOR FINAL PLAT APPROVAL

#### a. Baker's Crossing Townhome Subdivision, File# 2205-132

The project is located at the intersection of Charles Town Road (WV Rt. 115) and Ceramic Drive (WV Sec. Rt. 9/38).

The Final Plat proposes the development of 8 townhome lots, on 0.87 acres to be served by public water and sewer.

Laura Hoffmaster read the description and project notes.

Marc Mezzanotte was present representing the project.

There were no comments from the public.

Eddie Gochenour asked if the parking was okay.

Laura Hoffmaster answered that all parking is off lot and that it was okay and each lot has 3 spaces.

**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 Final Plat contingent upon receipt of surety in the amount of \$63,564.00. Plat to be released upon receipt of surety and Developer's Agreement. Call for question. The motion carried unanimously.

#### b. Cardinal Pointe, Section 4, Phase 1, Lots 8-9, 98-127 & 145-146, File# 2209-259

The property is located along the north side of Hammonds Mill Road west of Saint Andrews Drive.

The Final Plat proposes 34 single family lots, on 9 acres, to be 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 Eddie Gochenour 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 Final Plat contingent upon receipt of surety in the amount of \$271,800.00. Plat to be released upon receipt of surety. Call for question. The motion carried unanimously.

**c. Cardinal Pointe, Section 4, Phase 2, Lots 1-7, 128-139 & 147-152, File# 2209-260**

The property is located along the north side of Hammonds Mill Road west of Saint Andrews Drive.

The Final Plat proposes 25 single family lots, on 6.8 acres, to be 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 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 Final Plat contingent upon receipt of surety in the amount of \$190,560.00. Plat to be released upon receipt of surety. Call for question. The motion carried unanimously.

**d. Cardinal Pointe, Section 5, Phase 1, Lots 372-395, File# 2209-261**

The property is located along the north side of Hammonds Mill Road west of Saint Andrews Drive.

The Final Plat proposes 24 villa lots, on 4.2 acres, to be 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 Vickana Norton 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 Final Plat contingent upon receipt of surety in the amount of \$196,838.40. Plat to be released upon receipt of surety. Call for question. The motion carried unanimously.

**e. Cardinal Pointe, Section 5, Phase 2, Lots 326-341 & 420-431, File# 2209-263**

The property is located along the north side of Hammonds Mill Road west of Saint Andrews Drive.

The Final Plat proposes 28 villa lots, on 6 acres, to be 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 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 Eddie Gochenour and seconded by Eric Goff to approve the Final Plat contingent upon receipt of surety in the amount of \$196,838.40. Plat to be released upon receipt of surety. Call for question. The motion carried unanimously.

## **REQUEST FOR WAIVER**

### **a. Ruebuck Road, File# 2209-272**

The property is located approximately 0.5 miles from Ruebuck Road (VA Rt. 670), at the West Virginia and Virginia state line.

The developer is proposing the creation of a 8.3 acre parcel and a 14.7 acre residue, to be served by private well and septic.

Laura Hoffmaster read the description and project notes.  
Marc Mezzanotte was present representing the project.

Public Comment: Chris Kilmer, adjacent property owner, stated that he did not have an issue with the waiver, but the access. He stated that the existing Right-of-way goes through his property for only 2 other lots, not including the proposed parcel. He stated that they have not granted a ROW to the property owners. He stated there is another access to the property further down Ruebuck Road. He stated he has not granted access down his driveway except to the existing lots 2 & 3.

Laura Hoffmaster stated the project has not been submitted yet so they do not have that much information about the project, but there is a deed book and page for the ROW and it should state on there.

Marc Mezzanotte stated he has not seen the document that restricts the access to the proposed lot. He stated there is a ROW but he is not aware of it restricting the lot, but it will be investigated.

Laura Hoffmaster stated that the access will hashed out during the review process.

Doug Smith stated that all the access would be coming from Frederick County, VA.

Laura Hoffmaster stated that access to a parcel could not be denied, so they will have to look to see what the deed access to the parcel is.

Anthony Delligatti stated that the access issues would need to be resolved prior to the parcel being created.

**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 Eddie Gochenour and seconded by Eric Goff to approve the waiver to Section 305.4.1 of the Berkeley County Subdivision Ordinance (2009) requiring WVDOH road frontage, in order to proceed through the Preliminary/Final process contingent on the State of Virginia's approval of the new entrance. Call for question. The motion carried unanimously.

## 7. STAFF/ COUNSEL DISCUSSION/ACTION/ MOTION

### a. Planning Commission Meeting Dates for 2023

Eric Goff asked if July 3<sup>rd</sup> was a Monday or a Tuesday.

Laura Hoffmaster stated that it was a Monday and she will change it.

**ACTION TAKEN:** The motion was made by Eric Goff and seconded by Vickana Norton to approve the Amended 2023 Planning Commission Meeting Date Schedule. Call for question. The motion carried unanimously.

### b. Possible Executive Session for Legal Matters

The motion was made by Eric Goff and seconded by Eddie Gochenour to go into executive session for Legal Matters at 6:33. Call for question. The motion carried unanimously.

President Linda Barnhart declared The Commission out of executive session at 6:44 PM.

There were no motions made during executive session.

### c. Laura Hoffmaster asked the Planning Commission members if they would be okay with a Planning Commission Facebook page to share public hearings to the community. She stated there would be contact information so they can ask questions about the public hearings. The Planning Commission Members agreed it would be a good idea.

## 8. ADJOURNMENT

**ACTION TAKEN:** The motion was made by Eric Goff and seconded by Eddie Gochenour to adjourn the meeting at 6:50 PM. Call for question. The motion carried unanimously.

Respectfully submitted,  
Sarah Sandri  
Administrative Assistant

**Berkeley County Planning Commission Meeting Minutes, November 7, 2022.**