

MINUTES  
JEFFERSON COUNTY PLANNING COMMISSION  
April 14, 2009

The Jefferson County Planning Commission met on Tuesday, April 14, 2009, with the following Commission members present: Robert Reynolds, President; Arnold Dailey, Vice President; John Sidor; John Maxey; Ellen May and Tom Kane. Staff members present included Kirk Davis, Acting Director of Planning; Jennifer Snyder, Acting Zoning Administrator; Roger Goodwin, Chief County Engineer; Jonathon Saunders, Engineer; Jennilee Hartman, Planning Clerk and Shannon Phillips, Planning Clerk.

Lynne Deming, Jim Surkamp and Edward Dunleavy were absent with notification.

Mr. Reynolds called the meeting to order at 7:00 PM.

1. Approval of minutes.
  - a. March 24, 2009

Mr. Kane abstained from voting because he was not present at the meeting.

John Maxey moved to approve the March 24, 2009 Planning Commission Meeting Minutes with the following corrections as recommended by Commission members:

- i. First page, second paragraph, change sentence to reflect Ed Dunleavy and Lynne Deming were absent with notification;
- ii. Second page, second line, insert "*for*" between "*Department*" and "*informational*"; and
- iii. Second page, second line, replace "*they*" with "*that members of the Planning Commission*".

Mr. Dailey seconded the motion, which carried 5 for, 0 opposed and 1 abstention (Mr. Kane).

- b. April 7, 2009

Mr. Maxey moved to approve the April 7, 2009 Planning Commission Special Meeting Minutes with the following corrections as recommended by Commission members:

- i. First page, second line from the bottom, change "*Condition*" to "*Conditional*";
- ii. Second page, second line, change "*Mr. Kane*" to "*Ms. Deming*."

Ms. May seconded the motion, which carried 6 for and 0 opposed.

2. Citizen Communications. None.

Annette Van Hilst with Dewberry requested that Item #4 and Item #5 be heard in reverse order, stating that Item #5 would take a minimal amount of time to be heard. Mr. Reynolds

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asked if there was any objection from any member of the audience or the applicant for Far Away Farm Subdivision. There were no objections.

Mr. Kane moved to reorder the agenda, taking Item #5 before Item #4. Mr. Sidor seconded the motion, which carried 6 for and 0 opposed.

3. Requests for postponement. None.
  
5. Request by James G. & Barbara S. Gibson, owner/developer for a variance to extend the time within which a final plat hearing must be held for the Allstadt's Corner Subdivision. The property is located on the south side of Route 340 (William L. Wilson Freeway); the east side of Route 27 (Millville Road) and on the north side of Route 27/2 (Allstadt's Hill Road). District: Harpers Ferry; Map: 9; Parcel: 39.1. (Subdivision Ordinance, Section 6.3) (PC File #07-10)

Annette Van Hilst with Dewberry was present on behalf of the applicant. Ms. Van Hilst gave a statement regarding the necessity of the requested extension.

Ms. Hartman gave the following recommendation as stated in her staff report:

*"The applicant has shown due diligence in processing Allstadt's Corner in a timely manner. Taking into account the fact that the 60-day approval provision expires on May 5, 2009, Staff would be inclined to recommend granting an extension of time provided the applicant would consider extending or waiving said provision. Granting the variance until June 9, 2009, and extending the approval period would afford the public sufficient time to comment".*

Mr. Saunders deferred to the County Planner for recommendation.

Mr. Reynolds opened the public hearing. There was no comment from the public. The public hearing was closed.

There was further discussion with regard to the length of extension requested.

Mr. Kane moved to approve the request by James G. & Barbara S. Gibson, owner/developer for a variance to extend the time within which a final plat hearing must be held for the Allstadt's Corner Subdivision (PC File #07-10) until June 9, 2009. Mr. Sidor seconded the motion. There was further discussion regarding the length of extension that should be granted.

Mr. Maxey moved to amend Mr. Kane's motion to grant the applicant a six month extension. Mr. Sidor seconded the motion, which failed 3 for and 3 opposed. (Mr. Kane and Mr. Reynolds and Ms. May)

Mr. Reynolds recalled Mr. Kane's original motion, which carried 4 for and 2 opposed.  
(Mr. Dailey and Mr. Maxey)

4. Community Impact Statement (CIS) Public Hearing for the Far Away Farm Subdivision (PC File #08-28). The property is to consist of 152 Single-Family lots and 1 Residue lot on 121.80 acres. The property is located to the northwest of Route 31/1 (Trough Road) approximately 0.4 miles north of the intersection of Route 31 (Engle Molar Road) and 31/1 (Trough Road). District: Shepherdstown; Map: 9; Parcels: 7.2 & 8.

Mark Dyck with William H. Gordon Associates, Inc. was present on behalf of the applicant. Mr. Dyck gave an overview of the Far Away Farm CIS and stated there was an error in the CIS on page 16, Point 5, 3<sup>rd</sup> paragraph, "150' open space buffer" should read "50' open space buffer."

Mr. Davis introduced Tony Redman, AICP, Principal Planner, URS Corporation who was hired by the Planning Department as an outside consultant to review and prepare a report regarding Far Away Farm CIS. Mr. Redman presented his CIS Review and Evaluation. Mr. Maxey requested the Planning Department post Mr. Redman's CIS Review and Evaluation on the Planning Department website. Mr. Redman gave a power point presentation and a summary of his findings and recommendations. (SEE attached Findings)

Mr. Goodwin presented his staff report and noted the following:

*A central/public water and sanitary sewer system is proposed. The developer will be required to provide letters of water/sewer service availability and all necessary West Virginia Bureau of Health and West Virginia Department of Environmental Protection permits/approvals prior to Preliminary Plat approval.*

*The project proposes to realign a section of Trough Road in order to straighten two 90 degree curves near the proposed subdivision. In addition to the required highway entrance permits, the West Virginia Division of Highways will need to approve the roadway realignment prior to Preliminary Plat approval.*

*The peak hour vehicle trips (phv) generated by the subdivision are 122 phv's. This is less than the 600 phv threshold in the ordinance requiring a traffic impact study. However, the developer provided a traffic impact study (see Appendix B, Exhibit 8) covering six intersections chosen by the West Virginia Division of Highways. The impact on the levels of service (LOS) are discussed under "Physical, Social and Economic Impacts," item no. 8, "Traffic," page 19 of the CIS.*

*The study shows no decrease in the overall level of service at five of the six intersections after build-out of the subdivision. These intersections maintain a level of service of A or B. The one intersection at Gardner Lane & Route 230 has a decrease in the LOS from a level of service B to a level of service C. The West*

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*Virginia Division of Highways has not indicated a need at this point in time for any traffic impact mitigation measures to be provided for this intersection. However, if the WVDOH does require such measures at the Preliminary Plat stage, the developer will be required to note them on the plat and post bond for the improvements.*

*The CIS indicates that there are no sinkholes on the site. However, a geotechnical report is provided by Specialized Engineering with a recommendation for further geotechnical study prior to development of the site.*

There was further discussion with regard to water service.

Mr. Reynolds called a break at 8:24 PM to change the CD. Mr. Reynolds called the meeting back to order at 8:30 PM.

There was further discussion on further geotechnical studies that could be performed.

Mr. Reynolds opened the public hearing. Public comment was given by Tom Clemens, Jerry Bayer, Gail Patterson, Edward Moore, Barbara Nickell, Richard Nickell, Bill Carrigan, David Haarberg, Gary Capriotti, Sarah Smith and Fred Wells. Mr. Nickell provided the Commission with road width calculations of Trough Road, Mr. Capriotti provided the Commission with photographs of Trough Road and Mr. Clemens provided the Commission with his printed statement.

Mr. Reynolds called a break at 9:45 PM to change the CD. Mr. Reynolds called the meeting back to order at 9:52 PM.

Further public comment was given by Stephen Alemar and Blair Hughes. Mr. Alemar provided the Commission with his printed statement. The public hearing was closed.

Mr. Dyck addressed the issues raised by the public. There was further discussion between the applicant and the Commission with regard to water services. Mr. Maxey asked Mr. Casimiro if the Planning Commission would be able to table this item to give Commission members additional time for review. Mr. Casimiro informed the Commission that the Conditional Use Permit for Far Away Farms has time constraints that may be affected.

Mr. Kane moved to accept the CIS as presented by the Far Away Farm Subdivision (PC File #08-28) with the conditions included in the Staff and Engineer's reports. Mr. Dailey seconded the motion, which failed 3 in favor and 3 opposed. (Mr. Maxey, Mr. Sidor and Ms. May)

Mr. Maxey moved to table the decision on the CIS until the Planning Commission's next scheduled meeting. The motion died due to lack of a second.

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Mr. Maxey moved to not accept the CIS on grounds that there is insufficient information regarding the provision of sewer; insufficient information regarding the provision of water; the recommendations made by geotechnical consultant in the CIS has not been followed and the recommendations made by the historical consultant in CIS has not been followed. Ms. May seconded the motion.

Mr. Kane requested that Mr. Maxey withdraw his motion and consider supporting the acceptance of the CIS with the conditions and recommendations provided by staff, as well as from the public. Mr. Maxey did not withdraw his motion.

Mr. Reynolds recalled Mr. Maxey's motion, which failed 3 in favor and 3 opposed.  
(Mr. Dailey, Mr. Kane and Mr. Reynolds)

Mr. Maxey moved to table the decision on the CIS until the Planning Commission's next scheduled meeting. Mr. Sidor seconded the motion, which failed 3 in favor and 3 opposed.

Further discussion ensued.

Mr. Kane moved to accept the CIS for the Far Away Farm Subdivision (PC File #08-28) as presented with the conditions and recommendations as included in the Staff and Engineer's reports. Mr. Dailey seconded the motion, which failed 3 in favor and 3 opposed.  
(Mr. Maxey, Mr. Sidor and Ms. May)

Mr. Kane and Mr. Dailey left the room at 10:53 PM leaving the Commission without a quorum and the meeting ended.

A detailed transcript of the meeting may be found on CD#20, #21 and #22. These minutes were prepared by Shannon Phillips.