Peter Todd

From: R & M Hassebroek <moonshine@xplornet.com>

Sent: March 27, 2019 3:56 PM

To: Peter Todd

Cc: Hassebroek Rob & Marion

Subject: Public Meeting Re: File #ZBA-17-2018 - 963 Queenston Rd.

Good Afternoon Mr. Todd:

We would like to file our official objections to Queenston Mile Vineyards application for zoning bylaw amendments to permit the development of an Estate Winery at 963 Queenston Rd., NOTL in advance of the Public Meeting scheduled for April 01, 2019. We live directly across from 963 Queenston Rd. and there are several issues we would like to point out:

- 1) The primary function and purpose of an estate winery is to produce wine and the majority of the space is to be used for that purpose. Although secondary uses are allowed, they should not become the main function which is what QMV is trying to do. Their request for 600 square metres of space for these secondary uses will take up virtually their entire building and is a huge 50% more than what is prescribed in our current bylaws. Their allowance of 30% of the Indoor Hospitality Area for production relegates wine production to the sidelines and much more of a secondary use than a primary one.
- 2) The frontage on Queenston Rd. is way too small to support a safe entryway. Relief from the minimum requirement of 45 metres should not be granted as it will pose a safety hazard to cyclists using the dedicated bike lanes and to surrounding neighbours. The roadway here is winding and dips up and down resulting in poor visibility. It would not be safe to allow the reduction to 17 metres. We are already seeing many patrons driving by missing the entrance and then turning around in neighbouring driveways. We are also seeing something much worse patrons driving by the entrance, slamming on their brakes and then backing up in the live traffic lane to get to the entrance. This is happening with frequency in the winter months and it will only get much worse in the summer when winery traffic increases. Although the application mentions Concession 6 as "a proposed secondary entrance", there will be no incentive to construct that driveway if they are granted relief from the minimum frontage requirement on Queenston Rd.
- 3) QMV states that they have reduced the size of the kitchen from their original plans. If you compare the two plans, you will see that this is not the case. The footprint is still the same, the walls are all still in the same place, but some of the labels have been removed such as "prep area", "plating area" and "wait station". They still exist and would serve no other purpose than what is shown on the original proposal.
- 4) Privacy. QMV has made some provisions to protect the privacy of its immediate neighbours, but the fact remains that the building is just too close to neighbours' homes. Neighbours now look at a fence and what looks like the backside of a warehouse covered in ventilation equipment. Other neighbours will be in full view of patrons on the outdoor balcony while they are sitting on their decks trying to enjoy a barbecue. Sound really carries out here so noise will also be a problem. If a berm and or hedge is constructed, these neighbours will have the rest of their view obliterated.

These are a few of the issues we are facing. We would not have a problem if the winery building was located more centrally on the property. As it is currently situated, we oppose the development of the estate winery and all of the zoning bylaw amendments they are applying for. We also request to be officially notified of the future decision in this matter.

Sincerely,

Marion & Rob Hassebroek 958 Queenston Rd., P.O. Box 3 St. Davids, ON LOS 1P0



March 27, 2019

Mr. Peter Todd

Town Clerk, Town of Niagara-on-the-Lake, Ontario

Sent via email: peter.todd@notl.com

RE: File ZBA-17-2018 - Queenston Mile Vineyard

Dear Mr. Todd:

On behalf of the Grape Growers of Ontario, please accept this submission as our support for Queenston Mile Vineyard's application to amend the Zoning By-law for lands known municipally as 963 Queenston Road.

Creekside Estate Winery and Queenston Mile Vineyard are owned and operated by the same organization and are both in good standing with the Grape Growers of Ontario. Owners and staff of the wineries are actively involved in Ontario's grape and wine industry, and consistently promote the importance of the quality of grapes used in producing 100% grown in Ontario VQA wines.

The Grape Growers of Ontario commend the owners of Queenston Mile Vineyard for their commitment to furthering the aims and aspirations of the industry by increasing their local grape purchases, growing their production of 100% grown in Ontario VQA wines, and expanding to include an event space at the winery.

Thank you for the opportunity to provide these comments in support of Queenston Mile Vineyard's application. Please contact me at 905-688-0990 ext 225 or by email at d.zimmerman@grapegrowersofontario.com if you require further information.

Regards,

Debbie Zimmerman

CEO, Grape Growers of Ontario

Matthias Oppenlaender, Chair, Grape Growers of Ontario
 Rob Power, Winemaker, Creekside Estate Winery and Queenston Mile Vineyard





To: Cc: Bcc: ptodd@notl.org,

Subject: Application for Zoning By-Law Amendment, File #ZBA-17-2018-963 Queenston Rd. From: "R&M Hassebroek" <moonshine@xplornet.com> - Sunday 2018-07-15 03:22 PM

Dear Mr. Todd, Town Clerk:

We are residents of 958 Queenston Rd., Niagara-on-the-Lake and are totally opposed to the application above. We live directly across from the proposed Estate Winery property entrance on Queenston Rd.. After reading the application, it appears the property qualifies as a possible Estate Winery site, but if you read the entire proposal and look at the drawings presented, you will see that this is a proposal for a <u>full blown restaurant and event facility</u> masquerading under the guise of an "Estate Winery". The entire building being renovated is dedicated to kitchen with large seating areas, small wine tasting area, meeting and event areas. THERE IS NO WINE PRODUCTION HAPPENING HERE! Our bylaws state that an Estate Winery is a lot on which building and structures are used for the making of wines from locally grown fruits, the wines are to be fermented on site, and an Estate Winery shall have the capability to bottle all wine produced on site. There is nothing in this plan that includes any type of wine production - no area for fermentation tanks, no area for bottling.

Retail sale of wine, hospitality area, agri-market, etc. are supposed to be SECONDARY permitted uses not to exceed a certain square footage. This is not a plan for a winery of any description. It is completely devoted to retail and food service far exceeding the maximum space allowed according to our by-laws.

Aside from this OBVIOUS MISREPRESENTATION, we have concerns about the tiny little driveway/entranceway between neighbouring residential properties. It is less than 58 ft. wide at the roadway and falls far short of the minimum required frontage of 147.6 ft. The applicant should NOT be given relief from this requirement. It is a gravel farm access with poor visibility from Queenston Rd. due to the close proximity to neighbouring homes. In fact this entire section of Queenston Rd. is residential in nature and the proposed facility is immediately behind our neighbours homes. This would seriously impact their ability to enjoy their own properties. Living directly across from this, we see serious issues with people consuming alcohol, entering and exiting onto our roadway which the town has recently improved to include DEDICATED BIKE LANES on both sides of the road. There are a significant number of cyclists using these bike lanes every day. This is a serious accident waiting to happen. There are also issues with controlling the activities of patrons being so close to other peoples properties. We also anticipate many people missing the entrance and having to turn around in neighbouring driveways disrupting the enjoyment of our properties.

These are just a few of the issues we are facing with this application. There are already 4 Estate Wineries within walking distance of our home. We do not need another one. The applicant is deliberately misleading us about their true intent and if this is how they operate, we cannot trust anything they say.

As we said at the beginning of this letter - we are totally opposed to this application. Sincerely,

Marion & Rob Hassebroek 958 Queenston Rd., P.O. Box 3 St. David's, ON LOS 1P0



Appendix C - Public Comments

MILLER THOMSON LLP ACCELERATOR BUILDING 295 HAGEY BLVD., SUITE 300 WATERLOO, ON N2L 6R5 CANADA T 519.579.3660 F 519.743.2540

MILLERTHOMSON.COM

April 1, 2019

Delivered Via Email: Peter.Todd@notl.com

Her Worship Lord Mayor Betty Disero and Members of Council c/o Peter Todd *Town Clerk* Niagara-on-the-Lake 1593 Four Mile Creek Road PO Box 100 Virgil ON LOS 1T0 Steven J. O'Melia LSUC Certified Specialist (Municipal Law) Direct Line: 519.593.3289 Toronto Line: 416.595.8500 somelia@millerthomson.com

File: 236148.0001

Your Worship and Members of Council:

Re: Statutory Public Meeting – 963 Queenston Road, Niagara-on-the-Lake Town File ZBA-17-2018

We represent Queenston Mile Vineyard ("Queenston Mile"), which has applied for an estate winery zoning approval for the winery that it operates at the above-noted address. The public meeting for that application will be before the Committee of the Whole this evening. We will be in attendance with our client and its planning consultants to speak to the matter and address any questions that the Committee may have.

Our Client

Queenston Mile is a member of the Equity Wine Group ("EWG"), which also owns Creekside Estate Winery and Hobbs & Company/Boldworks, a wine sales agency. The Executive Management Team of EWG has over 50 combined years of leadership experience in the Ontario wine industry. The key members of the Executive Management Team are:

- Andrew Howard, President
- Alison Zalepa, General Manager
- Jill Fair, Controller
- Rob Power, Winemaker

EWG is an active and well-regarded member of the Ontario wine industry, with an impeccable record. Members of its executive have participated in industry organizations and instructed at Brock University and Niagara College programs in winery tourism and retail, winery and viticulture, winery marketing and wine appreciation.

Queenston Mile is seeking to build upon that reputation by creating an immersive wine experience, where flexible hospitality spaces will allow visitors to enjoy a relaxed, natural setting while watching winemakers make wine, tasting wines from vineyards grown right outside the production building, and enjoying local food.

Details of Winemaking Operation

The subject property has been used for wine production for more than 20 years, with approximately 38 of the site's 52 acres being planted with vines. Queenston Mile acquired the property in 2015 and used the existing barn to make wine but not retail it. Since acquiring its farm winery license in 2018, Queenston Mile has operated a relatively small, artisanal winery that produces approximately 2,000 cases of wine each year from grapes grown exclusively on site.

Queenston Mile's production methods focus on hand crushing techniques and whole berry fermentation. There are 70 oak barrels fermenting and aging on site, and 4,000 bottles of sparkling wine fermenting in the existing pole barn building. The total wine aging on site is currently 2,100 cases. The boutique operation produces wine with an average price of \$40 per bottle, much of which is sold on site.

Region of Niagara Planning Comments

We have reviewed the planning comments received from Region of Niagara Planning and Development Services staff dated March 21, 2019. We are pleased to note that Region Planning staff concur with our client's planner's assessment that the estate winery proposal is consistent with the Provincial Policy Statement and conforms with the Greenbelt Plan and Regional Official Plan. Regional staff indicate that they have no objection to the proposed zoning by-law amendment from a Provincial and Regional perspective.

The comment letter notes in particular that the proposed estate winery supports the long-term goal of the agriculture use by preserving the existing vineyards found on-site. Additionally, the proposed retail, hospitality and market uses provide for an opportunity to protect agricultural lands while promoting economic development and sustainable tourism. These uses allow for agri-tourism events, such as wine tours, and are considered on-farm diversified uses under Provincial policies.

The proposed estate winery with hospitality, retail and market uses represents both a valueadded and agri-tourism use. No lands are being removed from active agricultural production to accommodate the proposed use.

Town and Commenting Agency Comments

We received today the Information Report to Council prepared by Town staff, and were pleased to note that no objections to the proposal have been raised by any commenting agency or staff department.

Our client's planning consultant, Niagara Planning Group ("NPG"), submitted a Planning Justification Report to the Town in May, 2018 to set out in detail the planning rationale in support of our client's application. NPG also filed an Addendum to that report on February 5, 2019, to respond to requests for additional information made by Town staff. Both the Planning Justification Report and Addendum are available for review by Council.

Site Plan Details

th

Queenston Mile intends to be a good neighbour and has put a lot of thought and expense into its proposed site plan. It renovated an existing farm/wine building and invested considerable dollars to improve the appearance of the property, with the goal of improving the line of sight for the neighbours. Queenston Mile's sister winery, Creekside Estate, has a

similar physical site plan with residential neighbours across the north side of the property, and has operated successfully without complaint for over 20 years.

The farm winery site plan addressed noise and privacy issues. As part of that process, Queenston Mile met with a local Councillor and she mediated concerns with neighbours. As a result, Queenston Mile added a 60-foot long fence along the northern property line. The building faces south away from the neighbour side of the property. Queenston Mile is not asking for zoning approval for outdoor events in its estate winery zoning application.

Additional items included in the estate winery site plan application to address any concerns include:

- a fence running north/south along the northern entrance
- a berm along the north side between the vineyard and the residences
- a planted hedge (green fencing) on the top of the berm
- a new driveway will be constructed from Concession 6 to create a new primary eastern entrance and move traffic off of Queenston Road

The above measures are all intended to mitigate what are expected to be the minimal impacts of a boutique estate winery use.

Public Comments

Council has received a small number of comments from objectors to our client's proposal that, in our view, are not relevant to the consideration of this planning application. The comments that we have seen are based on apprehensions, and for the most part do not engage actual land use impact issues that are a proper part of the planning consideration process. We urge Council not to give any weight to these comments in carrying out its duty to give fair consideration to our client's application under the *Planning Act*.

We thank you for your attention to this matter, and look forward to addressing any questions that you may have. We hereby request that we be provided with notice of any further consideration of this matter by Council, and of any future decision with respect to our client's application.

Yours truly,

MILLER THOMSON LLP

Per:

Steven J. O'Melia

SJO/dms

38446877.1

c. Andrew Howard, Equity Wine Group (via email: andrew.howard@rogers.com)
Alison Zalepa, Creekside Estate Winery (via email: azalepa@creeksidewine.com)
John Henricks, Niagara Planning Group (via email: jhenricks@niagaraplanninggroup.ca)
Heather Sewell, Niagara Planning Group (via email: hsewell@niagaraplanninggroup.ca)
Alex Haasen, Niagara Planning Group (via email: ahaasen@niagaraplanninggroup.ca)



Hello, my name is Richard Linley and I'm President of the Ontario Craft Wineries (formally the Wine Council of Ontario). We are located at 4890 Victoria Ave. North, Vineland Station, Ontario.

The OCW represents over 100 VQA wineries across the province with the vast majority being small to medium family-owned businesses. On behalf of my members, thank you for the opportunity to present this evening and speak to the issue at hand.

Similar to previous presentations to Council, I believe it is important to provide some context for how our industry supports Niagara-on-the-Lake's economy and overall quality of life. As many of you are aware, the grape and wine industry is a key economic driver for the region. Here are but a few 'by the numbers' stats that I wish to highlight in order to put this statement into perspective:

- There are 99 wineries in Niagara, 42 in Niagara-on-the-Lake alone;
- There are 373 grape growers in Niagara, with over half of them here in the Town;
- Our industry provides \$847M in tourism impact and 18,000 (direct/indirect) jobs paying out \$870M annually in wages; and
- The full economic impact of our industry is almost \$4B each year.

On this note, the grape and wine industry is the greatest value-add agricultural sector in the world. Wineries are engaged in the entire wine value chain from grape growing, farm management, grape harvesting, research, wine production, bottling, retail sales and tourism, with an average bottle of VQA wine generating over \$98.20 in economic impact. Winery visitors also support local businesses including hotels, bed and breakfasts, restaurants, farmers markets and the Shaw Festival, to name a few. The economic spinoffs and their significance cannot be overstated e.g. 63% of visitors to wine country eat in local restaurants; 44% stay in a local hotel, inn or B&B and 37% shop at local retailers (2016 study).

With this degree of economic output, our members are understandably very supportive of the Town's efforts during the ongoing official plan process where you have applied an 'agricultural system' approach to the specialty crop lands, a concept we advocated for during the recent Provincial Comprehensive Review process, which included the Greenbelt Plan and resulted in the new Greenbelt Plan 2017. We are also supportive of the Town's efforts to champion local agricultural products as part of the official plan. My members applied your local industry engagement and leadership in this regard.

Contextually, there are multiple regulatory and taxation issues facing Ontario wineries and there is not enough time to address all of them here tonight. I will simply say that Ontario wineries are subject to a number of regulatory and licensure requirements at the Provincial level, which are onerous. On this note, we have long advocated for consolidating oversight and accountabilities within one body at the provincial level to bring a more rational and efficient regulatory approach and a more strategic focus to our government interactions. Currently, we interface with up to nine different provincial ministries, agencies and commissions at the provincial level, depending on the issue e.g. Finance, LCBO, Attorney General, Alcohol and Gaming Commission of Ontario, Tourism, Government and Consumer Services, Agriculture, Food and Rural Affairs, the Ontario Farm Products Marketing Commission and Economic Development. Add the federal government and local municipal partners to the discussion and the requirements to run a winery in the province can be harrowing from a regulatory compliance standpoint.

The wine industry is also heavily taxed. The previous provincial government imposed new taxes on our industry through wine markups – 6% over three years – costing the industry millions per year. And to clarify - that's just for VQA wines – not all Ontario wine sales. These tax increases came at time when the commissioned Ontario wine and grape industry performance study, prepared by Deloitte, showed over 50% of the wineries in the province are unprofitable - largely attributed to the low margins available to Ontario wineries through the LCBO channel. These taxes have only made it more difficult for wineries to grow, compete and create jobs in their communities. Thankfully, the Ford government has listened to these concerns and paused the most recent LCBO markup, which was expected to take effect this month. In this sense, we strongly support the provincial government's current business-friendly mandate - succinctly put as "open for jobs, open for business."

With that high-level context of the industry, I would offer the following with respect to 963 Queenston Road, Niagara-on-the-Lake and the proponent's application to amend the Zoning By-law to permit the development of an Estate Winery. My experience with the team at Queenston Mile has been extremely positive. They are professional and responsible. Their "sister" winery Creekside has been operating for over 20 years and produces highly-recognized VQA wines. They are also respected, responsible and active members in the industry as well as active members in their community. In fact, Queenston Mile principals continue to be thought leaders in the Ontario wine industry. This does not go unnoticed by their wine industry peers. I've heard them say multiple times that they want to add to the surrounding community and be good neighbours and this was reinforced for me upon meeting with them in early January 2019 on this zoning file.

I also understand this is a relatively large 50-acre farm that has been growing grapes for over 20 years; it is well above the minimum size required for an Estate license – in which case not granting an Estate license would set confusing precedent. The estate winery proposal is consistent with the Provincial Policy Statement and conforms with the Greenbelt Plan and Regional Official Plan. These documents articulate the right to farm and to thrive economically. OMAFRA, which oversees our overarching industrial strategy, also encourages farmers to think business-like. In this sense, the estate winery status allows a farm winery to engage consumers in wine experiences to attract more tourism and to earn money beyond VQA wine sales, especially given our industry's profitability challenges.

Given our sector is already highly regulated and highly taxed, we need business certainty. We are simply asking for a fair, consistent approach based on current land use planning and administrative policy practices at the municipal level. With that said, I want to thank the Council again for their ongoing support of the grape and wine industry, including your March 11, 2019 council resolution on Grape and Tender Fruit Lands. These are exciting yet uncertain times for the industry at the provincial level and we appreciate the Council lending its support for our sector.

As always, the OCW welcomes your input and ongoing partnership. Thank you.

END

Subject:

Zoning By-Law Amendment

Location: 963 Queenston Road, Niagara-on-the-Lake

File Number: ZBA-17-2018

To:

Town Clerk-Peter Todd Niagara-on-the-Lake Planning Department

Our opposition to the granting of the By-Law Amendment to Queenston Mile Winery does not relate to the production, sale and marketing of estate grown wines on site as currently allowed by a Farm Winery, but rather on the following three interrelated issues

- 1. The close proximity of the Proposed Estate Winery to the existing residential properties;
- 2. The vague explanation of the "Ancillary" uses including the scale of such activities proposed in the By-Law Amendment and supporting documents as they relate to the hospitality and kitchen areas.
- 3. The apparent absence of wine production facilities within the winery based on the floor plans provided.

The documents in support of the Zoning By-Law Amendment put forward by Queenston Mile Vineyards, indicates that the following uses will be permitted at the Estate Winery.

Hospitality area Retail Uses Agricultural Market Kitchen

As the exact nature of "hospitality" operations intended for the winery is not described within the application, approval will allow for the creation of a large-scale restaurant which although not mentioned, could further result in the development of a facility capable of hosting corporate events, banquets and weddings inside the winery building and in designated outdoor spaces.

In an attempt to explain what is meant by the "Hospitality Area", the proposed By-Law indicates that this would include space within the existing building as well as outdoor spaces, which would include, but would not be limited to a deck, patio and balcony. The document further state that within these indoor and outdoor spaces wine and food prepared in the large scale kitchen will be served. No explanation or definition is provided as to what is intended by an "Agricultural Market"

In reviewing the Planning Justification Report attached to the submission, reference is made to the planning framework in relation to provincial policy statements, the Greenbelt Plan, the Niagara Regional Official Plan and the Town of Niagara on the Lakes Official Plan. Although each of these documents use different language to describe farm related activities, they appear to be

in agreement that these activities will be small in scale and will be suitable to the location and primary agricultural activities on site.

The analysis section of the Planning Justification Report focuses on several points on which we have concerns.

- The report states that the proposed business uses of the property allowed by the
 amendment will not significantly impact neighbouring residential properties. The only
 reference made to potential impacts is the access off Queenston Road. No mention is
 made of the close proximity to existing residential homes
- 2. The report does not provide specific details as to the type or scale of hospitality activities proposed for the winery. In our view, the proposal therefore fails to explain or justify how these proposed uses will be secondary or ancillary to the primary activity of producing and selling wine.

In looking at the meaning of the word "ancillary" in relation to the hospitality uses proposed, it would be reasonable to infer that these activities will be subordinate or secondary to the main activity of wine production and sales. It looking at the actual square footage of indoor and outdoor space which will be devoted to these ancillary or secondary hospitality uses, it is difficult support the view that the uses intended for these areas are only secondary in nature to the primary business activity.

The specific figures provide by Queenston Mile within the amendment indicates a maximum floor area for all secondary uses at **1,968.50 sq. ft**. However, when the square footage figures devoted to the indoor hospitality area are combined with the square footage of the kitchen, this figure is in fact 4,219.45 sq. ft. In addition, a further 2,238.89 sq. ft is also allocated for outdoor hospitality space bringing the actual total to **6,458.34 sq. ft**

With such a large area both inside and outside being devoted to hospitality uses, it is difficult to understand how the sale and production of wine would remain the primary business, when the proposed By-Law Amendment acknowledges that only 30% of the indoor hospitality area will be devoted to wine production. In reviewing the plans as presented, reference is made to "production", but we see no clearly defined floor area where wine making equipment would be housed and wine production would take place. The only items noted on the plans are "wine storage tanks" and "wine storage bins"

Based on our review of the case before Council, the proposal presented by Queenston Mile, allows for the creation of a business were wine production and sales are no longer the primary business activity pursued on-site. As the wine industry has made it clear that for roughly 50% of all wineries the production and sale of wine results in a non-profitable business enterprise, it is our view that the plan as presented moves far beyond the creation of secondary activities which are intended to support the wine industry.

We would ask council to obtain explicit clarification as to the intended uses of the indoor and outdoor spaces as part of the review process, and that the issues outlined above be considered in making a decision on the proposed By-Law. Based on the wording of the amendment as presented, the by-Law if passed by Council, will allow for the creation of a large business enterprise focused primarily on commercial uses unrelated to the winery.

John and Cheryl Scott 969 Queenston Road Niagara on the Lake

Appendix C - Public Comments



Re: File Number ZBA-17-2018 -963 Queenston Road

John Scott

to:

JRees@notl.org 07/31/2018 02:44 PM

Cc:

"ciscott@hotmail.com", "John Scott"

Hide Details

From: "John Scott" < jcscott88@hotmail.com>

To: "JRees@notl.org" <JRees@notl.org>

Cc: "ciscott@hotmail.com" <ciscott@hotmail.com>, "John Scott"

<jcscott88@hotmail.com>

History: This message has been replied to.

I have reviewed all the documents found on the town's web site which I understand when taken as a whole include the written application and supporting documents.

In reviewing the Application in conjunction with the Planning Justification Report, the most basic concern is that although an Estate Winery would require on site production which the report acknowledges, the floor plans found in Appendix A show no production facilities. The vast majority of the floor space is taken up with kitchen facilities, dining areas, hospitality areas and meeting rooms. In addition, there are no specifics as to the use of the covered patio areas.

We also have issue with the conclusions found on page 13 of the Planning Justification Report.

The statement that the development would have limited off site impacts in no way takes into account the existing homeowners directly in front of the building located along Queenston Road, or the traffic issues associated with the current farm access road.

The report also states that the site would not require significant infrastructure improvements although improvements are clearly shown on the site map and building plans.

Overall the absence of wine making facilities make it impossible to argue that the restaurant and hospitality areas represent value added uses.

John and Cheryl Scott 969 Queenston Road

On July 26, 2018, at 9:12 AM, JRees@notl.org wrote:

Hi John and Cheryl,

I received your email regarding the proposed ZBA for 963 Queenston Road. I just wanted to follow up to see if you had any specific comments you would like to submit regarding the application.

Regards,

Joanna Rees, M.Pl. Planner I 905-468-3061 ext. 297

1593 Four Mile Creek Road, PO Box 100, Virgil, ON LOS 1T0

Website:www.notl.org Facebook: @Town.of.NOTL

Twitter: @Town of NOTL& @NOTLfiredept



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April 1, 2019

To whom it may concern,

We at Diamond Estates Wines & Spirits Ltd. support the application of Queenston Mile Vineyard for re-zoning as an Estate Winery.

Furthermore, we support their intent to buy fruit from local growers, expand their existing retail footprint and designate a space for hospitality/special functions.

Kind Regards

Fiona Buchan

Director of Marketing

T: 905.641.1042 ext. 238

J. Buchan

C: 905.988.3212

fbuchan@diamondwines.com





April 4, 2019

To whom it may concern,

We at De Simone Vineyards Winery support the application of Queenston Mile Vineyard for re-zoning as an Estate Winery.

Furthermore, we support their intent to buy fruit from local growers, expand their existing retail footprint and designate a space for hospitality/special functions.

Kind Regards,

Vincenzo De Simone Owner/Winemaker De Simone Vineyards

Vincenzo.de-simone@hotmail.com

905-684-1547



April 5th, 2019

To Whom It May Concern:

I am pleased to support the application of Queenston Mile to be re-zoned to an Estate Winery and continue with their stellar work in generating increased interest in the quality of wine and hospitality to be found in Niagara-on-the-Lake. A rising tide floats all boats and all of the many visitor focused businesses in Niagara-on-the -Lake benefit from this kind of expansion.

Sincerely,

Mark Torrance

National Director of Estate Wineries

Andrew Peller Limited .



To: Town of Niagara-on-The-lake

April 5, 2019

Attention: Mr. Peter TODD, Town Clerk

We, Icellars Estate Winery, located at 615 Concession 5 Rd N.O.T.L. support the application of Queenston Mile Vineyard for re-zoning their winery to an Estate Winery. We believe stronger and more service offering wineries will benefit our beautiful town and our industry.

We support their intent to buy more wine grapes from local grape growers, expanding their retail and hospitality area.

Kind regards.

Adnan ICEL

Owner&Winemaker

Ph: 905-599-1322

E-mail: adnan@icellars.ca

NOMAD AT HINTERBROOK WINERY

April 9, 2019

To Whom It May Concern,

We, at NOMAD at Hinterbrook Winery, support the application of Queenston Mile Vineyard for rezoning as an Estate Winery.

An Estate Winery as oppose to Farm Winery has much more flexibility for business to develop. This then bring much more resources and creativities that will add different and unique values to the wine industry here in Niagara On The Lake.

Sincerely,

Violet Yeh

Signing Officer

T. 905.646.5133

C. 647.202.8179

violet@hinterbrook.com



April 5, 2019

To Whom It May Concern,

We at Andrew Peller Limited support and encourage the application of Queenston Mile Vineyard for re-zoning as an Estate Winery.

In addition, we support their intent to expand their existing retail footprint and create a space for hospitality and functions.

We welcome them into the community and stand behind their goals for their business.

Sincerely,

Tim Coons

Tim Coons

Regional Estate Manager
Trius Winery and Restaurant and Wayne Gretzky Estates Winery and Distillery
1249 Niagara Stone Rd.
Niagara-on-the-Lake, ON
LOS 1J0
905.468.6211

tim.coons@andrewpeller.com



April 15, 2019

To Whom it May Concern,

I am happy to support the application of the Queenston Mile to be re-zoned to an Estate Winery. As a successful award winning bed and breakfast in Niagara-on-the-Lake, it is important to have new and amazing additions to the wine industry, such as Queenston Mile. It is beneficial to the whole of Niagara-on-the-Lake and its tourism industry to have new options for old and new visitors alike. I fully support this application as it will benefit all industries in the area and keep Niagara-on-the-Lake fresh and new. Queenston Mile Estate Winery will add to the uniqueness of Niagara-on-the-Lake in all that it will have to offer to its visitors.

Sincerely,

Rob Pividor

Host

On the 6 Bed and Breakfast

NOTL Resident

Appendix C - Public Comments

1696 Niagara Stone Rd., RR #2 Niagara-on-the-Lake Ontario, Canada LOS 1J0



Tel: (905) 468-3147 Fax: (905) 468-0389 winery@pillitteri.com www.pillitteri.com

To whom it may concern at the Town of NOTL,

April 16, 2019

I have been asked for my opinion, on behalf of Pillitteri Estates Winery, regarding the establishment of an Estate Winery application for Queenston Mile Winery. I have visited the site in the past year. Pillitteri Estates Winery has welcomed and will always welcome new, 100%, VQA wineries to NOTL because they contribute to preserving the land base for specialty crops and are an accessory use to the agricultural land on which they reside. We were welcomed as a new 100% VQA winery in 1993. We wish to reciprocate this to the new Estate Wineries in our community that meet the requirements that date back to the 1994 Official Plan.

Queenston Mile Winery on Queenston Road has made an application to transform from a Farm Winery to an Estate Winery. The different criteria to qualify for an Estate Winery from a farm winery is acreage. The reason for the NOTL 1994 OP requirement of a 20 acres minimum and 75% planted in grapes, of which I had a part in establishing as Councillor and the first chair of the Town of NOTL Agriculture Committee back in 1992, was to maintain a commitment to the land on which the winery sits. It is evident that Queenston Mile Vineyard exceeds the minimum acreage planted in grapes/in full production, by over double the municipal requirement for an Estate Winery. In the Town's present OP, Regional & Provincial policy Plans, an Estate Winery is a permitted use on Agricultural land. An Estate Winery is allowed greater uses on site than a Farm Winery.

Regarding the processing of wine on site as another requirement in the 1994 OP. An approval of an Estate Winery requires that processing will commence on site once an Estate Winery is established not that processing is required before it is approved. At the formation of the 1994 OP rules it was recognised that the municipality of NOTL lacked the expertise or the resourses to enforce "processing on site" but supported this concept and thus relied upon provincial authorities to enforce those rules. The verification of "processing on site" is presently done by several Provincially legislated authorities, VQA, AGCO and LLBO/LCBO. The municipality of NOTL can ask those authorities if compliance is being met once an Estate Winery or Farm Winery is established. Over a decade ago concern was voiced regarding Peller Estates "processing on site" and it was deferred to the provincial authorities. There must have been satisfaction as Peller Estates continues to operate their winery on agricultural land.

Regarding the site plan. The municipality of NOTL has clearly defined setbacks, heights, lighting, parking, waste & storm water management and buffers zones etc to protect adjacent residential properties that could be impacted by a winery. Impacts can also be minimized with the buffering by berms, fencing, treelines and positioning of parking etc in a site plan. If these present-day setbacks are deemed to be inadequate, then Municipal Council has the prerogative to include greater setbacks/distances in the OP presently under review to apply to all wineries equally. Applying stricter rules to one applicant than another is inherently unfair.

1696 Niagara Stone Rd., RR #2 Niagara-on-the-Lake Ontario, Canada L0S 1J0



Appendix C - Public Comments

Tel: (905) 468-3147 Fax: (905) 468-0389 winery@pillitteri.com www.pillitteri.com

To conclude, in my opinion so long as Queenston Mile Winery meets the requirements as set out in the OP then Pillitteri Estates Winery would be in support of Queenston Mile Winery being approved as an Estate Winery. Like all other wineries the municipality will then verify/enforce the site plan agreement and the provincial authorities will verify/enforce "processing on site".

Sincerely,

Jamie Slingerland

Jamie Slingerland Director of Viniculture Pillitteri Estates Winery



THE HARE WINE CO.

April 26, 2019

To whom it may concern,

We at The Hare Wine Co. support the application of Queenston Mile Vineyard for re-zoning as an Estate Winery.

Additionally, we support their intent to buy fruit from local growers, expand their existing retail footprint and designate a space for hospitality/special functions.

Sincerely,

John/

John Hare, MBA, CPA-CMA

Owner & General Manager

A

The Hare Wine Co.

769 Niagara Stone Road Niagara-on-the-Lake, ON LOS 1J0

O: +1.905.684.4994 ext. 202

C: +1.905.401.9810

www.theharewineco.com

Joanna Rees

From: Peter Todd

Sent: Friday, March 29, 2019 8:43 AM

To: Joanna Rees

Subject: Fw: Estate winery application for QMV

Please the comments below.

Peter Todd Town Clerk

905-468-3061 ext 228 Fax: 905-468-2959

1593 Four Mile Creek Road, PO Box 100, Virgil, ON LOS 1T0

Website: www.notl.org Facebook: @Town.of.NOTL

From: Betty Disero

bdisero@rogers.com>

Sent: March 28, 2019 9:34 PM

To: Peter Todd **Cc:** Holly Dowd

Subject: Fwd: Estate winery application for QMV

Betty

Begin forwarded message:

From: Richetta Bonaffino < bonaffino@hotmail.com>

Date: March 25, 2019 at 6:45:44 PM EDT

To: "bdisero@rogers.com" <bdisero@rogers.com>, "norm.arsenault@notl.com"

<norm.arsenault@notl.com>, "allan.bisbark@notl.com" <allan.bisbark@notl.com>,

"gary.burroughs@notl.com" <gary.burroughs@notl.com>, "clare.cameron@notl.com"

<<u>clare.cameron@notl.com</u>>, "<u>stuart.mccormack@notl.com</u>" <<u>stuart.mccormack@notl.com</u>>,

"erwin.wiens@notl.com" < erwin.wiens@notl.com>, "john.wiens@notl.com"

<john.wiens@notl.com>

Cc: Richetta Bonaffino < bonaffino@hotmail.com >

Subject: Estate winery application for QMV

Good day to you Lord Mayor and to the fellow Councillors:

My name is Richetta Bonaffino and my husband and I reside at 925 Queenston Rd., Niagara on the Lake. I previously mentioned to some of you last year that there was an Illegal Farm winery, "Queenston mile vineyards" at 963 Queenston Rd, open for business directly behind my home and neighbour's. Illegal in the fact that under your terms and definition of "farm winery" only the grapes are grown on site. The grapes then take a ride on the QEW to Jordon On. where Creekside winery then crushes ferments bottles and labels QMV and then returned it via the QEW to QMV in Niagara on the lake. They took advantage of a very weak and sparsely manned council, (election time) where the previous mayor and a previous councillor excused themselves for various reasons, where the remaining members where bickering amongst themselves. Betty was there. So rather than paying attention to our situation at hand

Appendix C - Public Comments

voted to pass the buck and hand it off to Staff to decide.

QMV blueprints have been changed multiple times, so that in print everything complies. As I said to Craig Larmour "they are pulling the wool over your eyes" Construction work was being done without permits. They finally decided to investigate.

Again the blueprints changed so it looks good on paper. Again last fall the grapes make their yearly trip to Jordan and the process is repeated. What is wrong with that picture.

Now less than a year later they want to become an Estate winery. Again I say there are NO wine production facilities on site. QMV is setting a precedence that will encourage and permit any other Tom, Dick and Harry winemaker to follow in their footprints and do the same. We had to hire legal representation at our expense to try and rectify this mistake. We live and pay taxes in this Residential neighbourhood not business. We are being forced to sacrifice our peace and quiet and privacy, to change our lifestyles so that outsiders can make a quick buck at our expense. Again the blueprints changed. This is behind my house and they are laughing at all of us. What would you do if it was your house?

Thank you Lord Mayor Desirous and councillors.

R Bonaffino

Sent from my iPad



LAWYERS

Client Committed, Community Minded.

May 22, 2019

Via email to betty.disero@notl.com

Reply to St. Catharines office THOMAS A. RICHARDSON, C.S. 905.688.2207 – Direct line tarichardson@sullivanmahoney.com

Certified Specialist (Municipal Law – Local Government/Land Use Planning & Development)

Her Worship Lord Mayor Betty Disero And Members of Council Town of Niagara-on-the-Lake 1593 Four Mile Creek Road P.O. Box 100 Virgil, ON LOS 1T0

Dear Mayor Disero and Members of Council:

RE: Queenston Mile Winery – 963 Queenston Road, Town of Niagara-on-the-Lake Our File No. 120835

We act as solicitors for those persons and companies listed on Schedule "A" attached to this letter, with respect to the proposed establishment of the Queenston Mile Winery. We have had previous involvement in this file on behalf of residents immediately adjacent to the winery and have on three occasions written letters of complaint to the Town with respect to the nature of the proposal and with respect to the operation of the winery contrary to the provisions of the current Zoning By-law. The letters of complaint dated July 30, 2018, November 30, 2018 and December 19, 2018 are enclosed herewith for your information and reference.

Our clients are strongly opposed to the establishment of this winery as an estate winery. The reasons for that opposition are as follows:

1. The current farm winery has been established solely for the purpose of justifying its conversion into an estate winery. To that end, a former vacant farm building was converted into what was always intended to be an estate winery. Our first letter of objection dated July 30, 2018 addressed the plans for an estate winery which had been filed with the municipality at that time. Following our objection, application for an estate winery was put on hold.

However, the conversion of the farm building into a winery as shown on the plans for an estate winery continued to completion. Those plans include a substantial kitchen for which substantial kitchen ventilation equipment has been brought on site.

- 2. The applicant then purported to establish a farm winery. As detailed in our letters, the facility which exists on the site now does not meet the definition of a farm winery as contained in By-law 500A-74 as amended by By-law No. 500IO-94. The facility is sufficiently close to the homes of neighbours that they have been able to determine that there has been no crushing, fermenting or bottling of wine on the site.
- 3. These circumstances, set out above, have been brought to the attention of Town staff, which have taken no action to enforce the current Zoning By-law. So, we have concluded that the justification for the conversion of a farm winery to an estate winery rests on the breach of the current Zoning By-law in its establishment.
- 4. The location of the proposed winery immediately adjacent to residential properties offers the prospect of substantial disruption to the adjacent neighbours. We are now aware that an application for a Tied House licence has been approved by the Licence Appeal Tribunal. That licence will permit an indoor capacity of 150 people and an outdoor capacity of 100 people. This is a recipe for ongoing disruption of the neighbourhood.

The subject property is a substantial vineyard which can support the establishment of a winery. However, the establishment of the winery should not have proceeded in the manner in which it has, nor in the location which is proposed. We request that the Council deny this application.

Yours very truly,

SULLIVAN, MAHONEY LLP

Per:

Thomas A. Richardson, C.S. Thomas A. Richardson Legal

T Hickarkion

Professional Corporation

TAR:sm Enclosures (3)

cc-Mr. Peter Todd, Town Clerk

cc-Mr. Craig Larmour, Director of Community and Development Services

cc-Mr. Richard Wilson, Senior Planner

SCHEDULE "A"

Haralambos Bob Mavridis Corks Restaurant, Orzo Restaurant 19 Queen Street, 10 Queen Street Niagara-on-the-Lake, ON LOS 1J0

John Angelakopoulos Grill on King, Epicurean Restaurant 233 King Street, 84 Queen Street Niagara-on-the-Lake, ON LOS 1J0

David Jones Q Hotel 124 Queen Street Niagara-on-the-Lake, ON LOS 1J0

Joerg Wiebe Somerset B and B 111 Front Street Niagara-on-the-Lake, ON LOS 1J0

Harry Edgecombe Bistro Sixty-One 61-62 Queen Street Niagara-on-the-Lake, ON LOS 1J0

Paul Harber Ravine Vineyard Estate Winery 1366 York Road St. David's, ON LOS 1P0

Paul Bosc Jr. Chateau des Charmes 1025 York Road St. David's, ON LOS 1P0

Ed Werner Brox Company Limited P.O. Box 399 Virgil, ON LOS 1T0



July 30, 2018

Reply to St. Catharines Office THOMAS A. RICHARDSON, C.S. 905.688.2207 — Direct line tarichardson@sullivanmahoney.com

Certified Specialist (Municipal Law – Local Government/Land Use Planning and Development)

Via email to clarmour@notl.org

Mr. Craig Larmour, Director of Community and Development Services Town of Niagara-on-the-Lake 1593 Four Mile Creek Road P.O. Box 100 Virgil, ON LOS 1T0

Via email to rwiens@notl.org

Mr. Rolf Wiens, Chief Building Official Town of Niagara-on-the-Lake 1593 Four Mile Creek Road P.O. Box 100 Virgil, ON LOS 1T0

Dear Mr. Larmour and Mr. Wiens:

Re: Application for Building Permit to construct a farm winery on Property located at 963 Queenston Road in the Town of Niagara-on-the-Lake Our File No. 117365

We act for those persons listed on Attachment A to this letter with respect to a proposal to construct a farm winery at 963 Queenston Road in Niagara-on-the-Lake. Our clients are opposed to this application.

We understand that an application has been made for approval of a Site Plan following which a building permit is to be issued for the proposed farm winery. We also understand, looking at pictures posted online, that construction of the farm winery in an existing farm building is well underway, without a building permit.

40 Queen Street, P. O. Box 1360, St. Catharines, Ontario L2R 6Z2 Telephone: 905-688-6655, Facsimile: 905-688-5814 4781 Portage Road, Niagara Falls, Ontario L2E 6B1 Telephone: 905-357-0500, Facsimile: 905-357-0501

WWW.Stintyan-manoney.com											
V.F. Muratori, Q.C.	T.A. Richardson	P.M. Sheehan	W.B. McKaig	J. Dallal	D.A. Goslin	J.M. Gottli					
R.B. Culliton	J.R. Bush	P.A. Mahoney	B.A. Macdonald	M.J. Bonomi	G.W. McCann	S.J. Premi					
C. D'Angelo	R. Vacca	T. Wall	B.J. Troup	D.M.Willer	L.K.Parsons	J.P. Maloney					
D. Continenza	L.Sgambelluri	D.A. Maloney	P.A. Bush	C.L. Dilts	E.L. Bush	R.C. Corbett					
A.M. Mannell	C. White										

Page Two

We are relying upon the material which has been provided to the Town of Niagara-on-the-Lake and which is posted online, which includes the application for Zoning By-law amendment to permit a proposed estate winery for production and hospitality uses, a Design Brief prepared by M. Molek, P.Eng., a planning justification report for Queenston Mile Vineyard prepared by Niagara Planning Group, and plans attached thereto, together with information which was provided at an Open House held on Thursday, June 28, 2018. Our clients were led to believe, given the information that was provided at the Open House, that it is the intention of the applicant to convert the existing farm building into a farm winery by means of the application for Site Plan approval and a building permit, following which a Zoning By-law amendment is sought to then convert the building into an estate winery. It is the understanding of our clients that the interior of the building will not change from that presently being constructed, as shown on a floor plan attached to the planning justification report.

Zoning By-law 500A-74, as amended, continues to apply in the Agricultural Area of the Town of Niagara-on-the-Lake. By-law 500A-74 was amended, in 1994, by By-law No. 500IO-94. In that amending by-law, a farm winery is defined in the following terms:

"2.32-1 "Farm Winery":

means a farm on which buildings and structures are used for the making of wines from fruit grown exclusively on site and subject to the following criteria:

- 1) All wines produced shall be made from fruit grown exclusively on site;
- 2) All wines produced are to be made from fruit grown, crushed, and fermented on site;
- All wines produced shall be bottled on site."

An examination of the plan attached to the planning justification report reveals that the proposed farm/estate winery, does not show any area for the crushing, or fermenting of wine on the site, nor for the bottling of wine and the storage of wine on the site. In short, the plan as provided at the public Open House reveals a building which appears in the main to be a restaurant containing a large assembly area as well as a commercial kitchen, but no provision, as indicated above, for the crushing, fermentation, bottling or storage of wine on the site. In the face of that information, it is our opinion that the proposal is not a farm winery as defined by By-law 500IO-94. Consequently, the proposed conversion of the existing barn is to a use which is not permitted in the Zoning By-law.

We ask that you advise us when a building permit has been issued in this matter. We have instructions to pursue this matter pursuant to Section 25 of the *Ontario Building Code Act* unless it can be shown that the application before you does indeed comply with all of the requirements of the current Zoning By-law.

Page Three

Thank you for your anticipated co-operation this matter.

Yours very truly,

SULLIVAN, MAHONEY LLP

Per:

Thomas A. Richardson, C.S.

TARichardon

TAR:sm Enclosure

cc-Mr. Paul Bosc

cc-Mr. John Henricks, Niagara Planning Group

Attachment A

Lul Bosc Sr. 1020 York Road P.O. Box 280 Niagara-on-the-Lake, ON LOS 1J0

Paul Bosc Jr. 915 Queenston Road Niagara-on-the-Lake, ON LOS 1J0

Richetta Bonaffino and Salvatore Bonaffino 925 Queenston Road Niagara-on-the-Lake, ON LOS 1J0

Rob Hassebroek and Marion Hassebroek 958 Queenston Road Niagara-on-the-Lake, ON LOS 1J0

Giles Gauthier 967 Queenston Road Niagara-on-the-Lake, ON LOS 1J0

Sheryl Lepp and Paul Lepp 959 Queenston Road Niagara-on-the-Lake, ON LOS 1J0



November 30, 2018

<u>Via email to clarmour@notl.org</u> and <u>rwiens@notl.org</u>

Reply to St. Catharines Office THOMAS A. RICHARDSON, C.S. 905.688.2207 – Direct line tarichardson@sullivanmahoney.com

Certified Specialist (Municipal Law – Local Government/Land Use Planning and Development)

Mr. Craig Larmour, Director of Community and Development Services and Mr. Rolf Wiens, Chief Building Official Town of Niagara-on-the-Lake 1593 Four Mile Creek Road P.O. Box 100 Virgil, ON LOS 1T0

Dear Sirs:

Re: 963 Queenston Road, Niagara-on-the-Lake Our File No. 117365

Thank you for meeting on Monday, November 26, 2018 with Mr. Paul Bosc, Mrs. Marion Hassebroek and this writer to discuss concerns arising from the "farm winery" located at 963 Queenston Road, Niagara-on-the-Lake.

The purpose of this letter is to put on record the complaint of our clients with respect to the "farm winery" said to be established at the above-referenced address.

You will recall that the owners of the subject property commenced an application for a Zoning By-law amendment to permit an estate winery. Immediately prior to the statutory public meeting in August, the public meeting was deferred in order to permit the applicant to meet with our clients. We were then contacted by the consultant for the applicant seeking to set up a meeting at a mutually convenient time. We had agreed that the meeting would be held without solicitors. The consultant for the applicant several times arranged for a meeting space at the Niagara-on-the-Lake Community Centre. Each time a meeting was established, it would later be cancelled by the applicant for various reasons. Finally, we proposed that the meeting be held at the site. We then received a letter from the solicitor for the applicant demanding that we refrain from contacting the consultant, notwithstanding that the initial contact had been made by the consultant.

40 Queen Street, P. O. Box 1360, St. Catharines, Ontario L2R 622 Telephone: 905-688-6655, Facsimile: 905-688-5814 4781 Portage Road, Niagara Falls, Ontario L2E 6B1 Telephone: 905-357-0500, Facsimile: 905-357-0501

W W W State Anti-Marion Contraction Contra										
V.F. Muratori, Q.C.	T.A. Richardson	P.M. Sheehan	W.B. McKaig	J. Dallal	D.A. Goslin	J.M. Gottli				
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C. D'Angelo	R. Vacca	T. Wall	B.J. Troup	D.M. Continenza	D.M. Willer	L.K. Parsons				
J.P. Maloney	L.T. Sgambelluri	D.A. Maloney	S.C. Anello	P.A. Bush	C.L. Dilts	E.L. Bush				
R.C. Corbett	A.M. Mannell	C.J. White								

you are aware, a building permit was issued for a farm winery and construction is apparently complete. It is the opinion of this writer and our clients that what has been established is not a farm winery as defined by Town of Niagara-on-the-Lake Zoning By-law No. 500IO-94.

The initial floor plan for an estate winery was revised for the purpose of obtaining a building permit for a farm winery by deleting reference to a kitchen and an area for the serving of food and wine. In its place, a plan has been provided to you showing a bottling area, a crush pad, production area/barrels, retail tasting room and storage. Nothing about the configuration of the building has changed, only the labels. However, attendance on the site reveals the following, much of which you have confirmed in our meeting. The kitchen area is presently being used for storage, namely the storage of the ventilation equipment to be used in the kitchen. The production area/barrels are being used for the sale of wine and the entertainment of customers. The crush pad area is incapable of being used for crushing equipment as it is surmounted by a balcony on the second floor. There are no facilities for the fermentation and aging of wine other than some barrels which have been moved onto the site. There are no stainless steel tanks as one might expect in a winery.

Consequently, we believe that the use of the present facility currently offends the Zoning By-law as follows. It is being used for the sale of wine which has not been crushed and fermented and bottled on site, all of which is required in accordance with the definition of a farm winery under By-law 500IO-94. Further, the same by-law mandates that the maximum floor area devoted to the sale of wine shall be 18.5 square metres (199 square feet). The area shown on the floor plan is substantially larger than the mandated area.

In addition, the Site Plan Agreement entered into with the Town of Niagara-on-the-Lake, Section 16.1, mandates that "the owner acknowledges and agrees that a restaurant is not a permitted use and that no outdoor events will be convened on the property." Our clients are aware that there have been outdoor events held in the vicinity of a fire pit with Muskoka chairs which has been created immediately adjacent to the neighbouring residential properties.

In short, the site has been constructed on the design of the estate winery plans initially filed with the Town. We believe staff have been misinformed by the owners with respect to the actual nature of the uses being made of the property. We ask that the Town take whatever steps are necessary to terminate the illegal uses on this property.

We will await your further advice in this matter.

Yours very truly,

SULLIVAN, MAHONEY LLP

Per:

Thomas A. Richardson, C.S.

TARich audion

TAR:sm

cc-Mr. Paul Bosc



December 19, 2018

Via email to clarmour@notl.org and rwiens@notl.org

Reply to St. Catharines Office THOMAS A. RICHARDSON, C.S. 905.688.2207 – Direct line tarichardson@sullivanmahoney.com

Certified Specialist (Municipal Law – Local Government/Land Use Planning and Development)

Mr. Craig Larmour, Director of Community and Development Services and Mr. Rolf Wiens, Chief Building Official
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
P.O. Box 100
Virgil, ON LOS 1T0

Dear Sirs:

Re: 963 Queenston Road, Niagara-on-the-Lake Our File No. 117365

This letter follows our letter of November 30, 2018, a copy of which is enclosed herewith.

Would you please advise whether the Town intends to take any action as a result of our complaint?

Yours very truly,

SULLIVAN, MAHONEY LLP

Per:

Thomas A. Richardson, C.S.

TAR:sm Enclosure

cc-Mr. Paul Bosc

cc---Mr. Stephen Bedford

40 Queen Street, P. O. Box 1360, St. Catharines, Ontario L2R 6Z2 Telephone: 905-688-6655, Facsimile: 905-688-5814 4781 Portage Road, Niagara Falls, Ontario L2E 6B1 Telephone: 905-357-0500, Facsimile: 905-357-0501

Client Committed, Community Minded.

June 17, 2019

Via email to Peter.Todd@notl.com

Reply to St. Catharines office THOMAS A. RICHARDSON, C.S. 905.688.2207 — Direct line tarichardson@sullivanmahoney.com

Certified Specialist (Municipal Law – Local Government/Land Use Planning & Development)

Mr. Peter Todd, Clerk Town of Niagara-on-the-Lake 1593 Four Mile Creek Road P.O. Box 100 Virgil, ON LOS 1T0

Dear Mr. Todd:

RE: Queenston Mile Winery Proposal Our File No. 120835

We act as solicitors for a number of persons and companies who are opposed to the proposed creation of the Queenston Mile Estate Winery.

We understand that this matter will come before the Council in Committee at its meeting on July 8, 2019. In order to permit a thorough preparation of our submissions for that meeting, we are writing to ask that you provide to us a complete copy of the application and all supporting materials which have been filed with the Town.

This is not an application under the *Protection of Privacy and Freedom of Information Act*. Rather, this request is made pursuant to the *Planning Act*, Section 1.0.1 which provides as follows:

"1.0.1 Information and Material to be made Available to the Public — Information and material that is required to be provided to a municipal or approval authority under this Act shall be made available to the public."

Would you please advise when we may attend to pick up a copy of the entire application package including supporting materials and all information that is required by the Town of Niagara-on-

the-Lake to be provided under this application? Should there be any costs to copying this material, please advise and we will provide a cheque upon our attendance to pick up the material.

Thank you for your anticipated co-operation in this matter.

Yours very truly,

SULLIVAN, MAHONEY LLP

Per:

Thomas A. Richardson, C.S.

Thillactus

Thomas A. Richardson Legal Professional Corporation

TAR:sm

cc-Mr. Craig Larmour, Director of Community and Development Services

cc-Mr. Rick Wilson, Senior Planner

Joanna Rees

From: Peter Todd

Sent: Tuesday, April 2, 2019 3:58 PM

To: Joanna Rees

Subject: Fw: Queenston Mile

Hey Joanna,

See below, not comments but if you are able to keep with the file as Mr. Bedford is reserving his right to appeal.

Sincerely,

Peter Todd Town Clerk

905-468-3061 ext 228 Fax: 905-468-2959

1593 Four Mile Creek Road, PO Box 100, Virgil, ON LOS 1T0

Website: www.notl.org Facebook: @Town.of.NOTL

From: Stephen Bedford <sbc@stephenbedford.ca>

Sent: April 1, 2019 9:50 PM

To: Peter Todd

Subject: Queenston Mile

I was looking for a sign in sheet to protect our position with respect to further comment and appeal. Was there one that I missed?

If not i would like to be on record as being in attendance and wanting to be able to make a separate written submission to council and our ability to appeal

Thx

Stephen

Sent from my iPhone

From: <u>Craig Larmour</u>
To: <u>Tara Druzina</u>

Subject: Fwd: Queenston Mile Vineyard Estate Winery Concerns

Date: April 11, 2019 6:35:57 AM

Can you add this to the database for the 963 Queenston Road Zoning bylaw amendment file?

Get Outlook for iOS

From: Betty Disero

betty.disero@notl.com>

Sent: Wednesday, April 10, 2019 9:38 AM

To: Craig Larmour

Subject: Fwd: Queenston Mile Vineyard Estate Winery Concerns

Betty Disero Lord Mayor

Town of Niagara-on-the-Lake

Phone: 905-468-3266

1593 Four Mile Creek Rd, PO Box 100

Assistant: Shaunna Arenburg - shaunna.arenburg@notl.com x307 or Victoria Steele x221-

victoria.steele@notl.com

From: Gil Gauthier <gilgauth01@gmail.com> Sent: Tuesday, April 9, 2019 11:53:33 PM

To: Betty Disero; Norm Arsenault; Allan Bisback; Gary Burroughs; Clare Cameron; Wendy Cheropita;

Stuart McCormack; Erwin Wiens; John Wiens

Subject: Queenston Mile Vineyard Estate Winery Concerns

To the Lord Mayor, and members of the town council of Niagara on the Lake:

Thank you for taking the time to read this letter. Please let us share some concerns about the farm winery bordering our property on 967 Queenston Road, NOTL, and that of our neighbors. We attended a board meeting in the fall of 2017 when the proposal for the farm winery was seemingly pushed through without inspection of the proposed farm winery. We presented our concerns at that meeting, and with a successive letter from a lawyer outlining our concerns. At that time a group of neighbors adjoining the winery recognized that the farm winery facilities being constructed would not actually produce wine due to the lack of required fermenting equipment, nor a septic to handle all the waste water involved in the production of such wine. In short, the bylaws for a farm winery were seemingly not upheld, but all that was presented was unsubstantiated promises of what would be done. According to our neighbors who visited the open house, this facility does not, at this time, have the equipment to actually produce wine. QMV seems to be moving ahead rapidly, without fulfilling the requirements for a farm winery, according to the established bylaws. The facility rather seems to be

Appendix C - Public Comments

built as an estate winery premise for the sale of wine, a restaurant, and a place for special events. Of major concern to all the property owners is the extreme proximity of QMV and the fact that they are applying for a liquor license, which means they could be open until 2AM.

I wonder if it has been considered by the town council, in approving a farm winery adjacent to acreages, that the town is establishing a dangerous precedent for future requests. The question is why would QMV not build a facility in the middle of their wine field which would allow access from Line 6, and would not infringe on any family acreages? However, it is suspected QMV is not willing to do things the right way, but is cutting corners to bypass the bylaw restrictions. The question is what kind of influence and money is pushing this situation so that what should not even be considered was and is considered. This concern is not about wanting to limit the development of wineries in the Niagara region, nor the desire to limit business growth or monetary gain. However, the concern is that things be done properly without infringement on the privacy and welfare of others in the process.

I am a retired teacher, and due to the inability to substitute teach in the Niagara region, we are attempting to sell our acreage to enable a move to Alberta where I have been substitute teaching since September of 2018. Recently, in more than one situation, interested buyers have moved on due to their concern about an estate winery being established so close to the property, and the potential noise coming from special events held by such an estate winery, and the traffic 20 feet from our house. There is no division between the properties and where our grandchildren are playing, and if there is a lapse in their attention, there could be dire consequences if they stepped onto QMV's driveway at the wrong time. The noise level is already high in the house when the vehicles drive in and out of the Queenston Road entrance. If interested buyers recognize the noise concern do you not think that the town council would not also recognize this concern and others. Not only is this concern for an estate winery limiting the sale of our home, but also the possibility of the reduction of family acreage values adjacent to the proposed estate winery.

It is our hope and prayer that the town council will revisit the farm winery proposal and any consideration for an estate winery in the back yards of established acreage homes and families.

Thank you for your consideration of our deep concerns before considering the approval of an estate winery so close to family homes.

Sincerely,

Gil and Melanie Gauthier

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