



SPECIAL COUNCIL MEETING MINUTES

Wednesday July 14, 2021

05:00 PM

PRESENT:

This meeting was held via Video Conference due to COVID-19 and public health concerns and was able to be viewed via Livestream on the Town's website.

Lord Mayor Betty Disero, Councillors: Norm Arsenault, Al Bisback, Clare Cameron, Wendy Cheropita, Sandra O'Connor, Erwin Wiens, John Wiens, Gary Burroughs

REGRETS:

STAFF:

Marnie Cluckie	Chief Administrative Officer
Sheldon Randall	Director, Operations
Kyle Freeborn	Director, Corporate Services
Craig Larmour	Director, Community & Development Services
Nick Ruller	Fire Chief
Rick Wilson	Manager, Planning
Mark Iamarino	Senior Planner
Tara Druzina	Administrative Assistant
Colleen Hutt	Acting Town Clerk

OTHERS:

Stacey McCulloch	Planning Partnership
Ron Palmer	Planning Partnership

MEDIA:

CALL TO ORDER

Lord Mayor Betty Disero called the meeting to order at 5:00 p.m.

ADOPTION OF THE AGENDA

Moved by Councillor Al Bisback, seconded by Councillor Gary Burroughs that the agenda be adopted, as presented.

COUNCILLOR	YEA	NAY
NORM ARSENAULT	X	
AL BISBACK	X	
GARY BURROUGHS	X	
CLARE CAMERON	X	
WENDY CHEROPITA	X	
SANDRA O'CONNOR	X	
ERWIN WIENS	X	
JOHN WIENS	X	
LORD MAYOR BETTY DISERO	X	
TOTALS	9	

- resolution #1, **APPROVED.**

CONFLICTS OF INTEREST

No conflicts of interest at this time.

PUBLIC MEETING

Lord Mayor Betty Disero explained the process for public meetings and read the Planning Act requirements for submission of an appeal to the Ontario Land Tribunal.

At the request of Lord Mayor Betty Disero, it was confirmed by the Town Clerk that notice of the public meeting to inform the public of the proposal, was complied with as per the Planning Act.

Lord Mayor Betty Disero advised that anyone wishing to receive notice should leave their name with the Clerk.

- (1) 200 John Street East and 588 Charlotte Street - application for official plan and zoning by-law amendment

At the request of Lord Mayor Betty Disero, Mark Iamarino, Senior Planner, Community & Development Services referred to an electronic presentation and explained that applications have been received for an Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision on the subject lands (see the location map) to facilitate the development of 125 single-detached dwellings, 66 semi-detached dwellings and blocks of land for parks, natural areas and future development all on a private road network. A portion of the lands within the existing Urban Area Boundary are proposed to be designated Low Density Residential in the Official Plan. The Zoning By-law Amendment requests a site-specific Residential (R2) Zone for the residential lots, Open Space (OS) Zone for parks and Natural Heritage System Overlay for natural areas. Mark Iamarino answered questions from Council.

The Chair noted there was 32 participants who registered to speak to the proposal. Not all those that registered to speak provided comments.

Paul Lowes, SGL Consulting Group

Paul Lowes, agent for the application spoke to an electronic presentation. Mr. Lowes spoke to Site Location & Context, Proposed Development, existing Official Plan Designation, the proposed Official Plan Designation, Zoning, and Draft Plan of Subdivision, He also reference supposed studies, and response to questions raised at the Open House.

John McCallum, 45 The Promenade

Mr. McCallum spoke to an electronic presentation. He noted concerns with the arborist report, specifically the area identified as Block 159 and the emergency road that will affect trees. He also spoke to concern with the trees that have been removed and the storm water facility.

Gracia Janes, Niagara-on-the-Lake Conservancy

Gracia Janes stated she was speaking on behalf the the Niagara-on-the-Lake Conservancy members. She that this application, on an estate lot, is poorly conceived. She further spoke to provincial policy, Regional and Town policy and housing intensification targets.

Duff Roman, 38 Weatherstone Court

Duff Roman stated this proposal is asking for a compromise of the characteristics of the Town. He further spoke to the clear cutting of the property and destruction of the historic hedge. He also noted the large housing development and traffic in a historic neighbourhood.

Marguerite Luczay, 34 Weatherstone Court

Marguerite Luczay noted her objection to the proposed development and her concerns being similar to the first speakers. She also noted concern with elevations and the fill that will be required for that. She further spoke to the sizes of the homes on the lots and they will have little front and back yards.

Michael Boyer & Linda Murphy Boyer, 26 Weatherstone Court

Linka Murphy Boyer spoke to an electronic presentation. The Boyers were present to speak to their concerns with the proposed development which are density, traffic, emergency access roads, flooding and sewage in ground water affecting neighbouring properties.

Irene Bader, 9 Shaw's Lane

Irene Bader spoke in opposition to the proposed development. She noted her concerns were the Rand natural heritage landscape and potential environmental damage. She also noted the Heritage Protective Stonewall and the damage that could happen with the infilling and the need for a water management engineer.

Robert Bader. 9 Shaw's Lane

Robert Bader noted he had several objections to the proposed subdivision. The

objections are the intention to designate issue currently with the CRB, outstanding prosecution for the clear cutting, the NOTL official plan and density, arborist plan, street parking and suitability of the proposed 191 homes.

David Bell, 25 Laird Street, St. Catharines

David Bell stated he formerly lived at 511 Charlotte Street and noted his concerns with this development. He cited intensification should not come at the expense of heritage and natural features. He further spoke to policy statements and how this proposal does meet policy.

Daniel Kelly, 28 Weatherstone Court

Daniel Kelly stated most of his concerns had been addressed by other speakers but also noted the destruction of unique property, questionable planning, precedent and process.

John Lorenc, 45 The Promenade

John Lorenc stated his concerns were density, flooding, excessive construction noise and air conditioner noise after the houses are built, and increased traffic concerns.

Terry Anderson, 30 Weatherstone Court

Terry Anderson stated his concerns were expressed by the speakers ahead of him and thanked them.

Nancy Jackson, 30 Weatherstone Court

Nancy Jackson stated she was speaking on behalf of herself, Anne Halloran and Barbara Walworth. She stated that those on Weatherstone Court would be strongly impacted by this development. She further stated concern with the future condo corporation and their responsibilities and the storm water management system.

Brian Lillos, 5 Evergreen Lane

Brian Lillos noted his concern with one emergency access to the development, he stated that there should be at least one more added.

Derek Collins, 37 The Promenade

Derek Collins stated he has similar concerns as raised previously and noted his further concern with elevations, infill and the loss of a historic site.

Michael Fox, 362 Gate Street

Mr. Fox stated he is a member of Friends of One Mile Creek and was speaking on behalf of the landowners downstream from this development.

He noted that much of the water that originates in this development area are called the head waters of One Mile Creek. He noted the natural heritage is what helps to identify the Town and the density requirements are really part of our natural heritage.

Katleya Young-Chin, 67 Paffard Street

Ms. Young-Chin stated she was also a member of Friends of One Mile Creek. She further noted concerns with the proposed water tank for the storm water, elevations and the tree by-law and woodlots.

Stuart McCormack was not present, but provided written comments for Council.

Catherine Lyons, Goodmans LLP

Catherine Lyons representative of the applicant stated there is a team of experts speaking on behalf of SORE to provide advice on the proposed development. She noted that virtually all of the heritage value in the lands has been removed and destroyed, except for the swimming pool, garden and teahouse and change room. She further spoke to the underground tanks, one mile creek and the emergency access. She also noted zoning standards, flood impacts issues, trees and the upcoming CRB matter.

Brendan Stewart, University of Guelph

Brendan Stewart spoke to an electronic presentation regarding the historic Rand Estate and the Study Area Boundary.

David Stephenson, NRSI

David Stephenson, Senior Biologist with NRSI stated he is assisting in the review of the proposed development focused on natural environmental issues as well as the tree inventory.

Aaron Farrell, Wood PLC

Aaron Farrell spoke to an electronic presentation reference the drainage and stormwater management, peer review of Rand Estates and the Development Proposal.

Tara Chisholm, WSP

Tara Chisholm spoke to an electronic presentation and provide information on grading and the servicing review.

Greig Bumstead, WSP

Greig Bumstead, Senior Transportation Planner stated he is providing advice on traffic aspect of the proposal with respect to traffic data impact study, growth factors, emergency access and the proposed development to surrounding developments.

Dana Anderson, MHBC Planning

Dana Anderson, Partner and Planner, stated that her review identified a number of land use issues. She noted the character area study, technical issues, cultural heritage, density and site access.

Moved by Council Norm Arsenault, seconded by Councillor Gary Burroughs that the meeting time be extended to the completion of the agenda.

COUNCILLOR	YEA	NAY

NORM ARSENAULT	X	
AL BISBACK	X	
GARY BURROUGHS	X	
CLARE CAMERON	X	
WENDY CHEROPITA	X	
SANDRA O'CONNOR	X	
ERWIN WIENS	X	
JOHN WIENS	X	
LORD MAYOR BETTY DISERO	X	
TOTALS	9	

APPROVED.

Sally Miller, 7 Christopher Court

Sally Miller noted her concerns with the development being retaining walls, storage tanks for storm water, sump pumps and traffic.

INFORMATION PACKAGE

Moved by Councillor Al Bisback, seconded by Councillor Wendy Cheropita that the Information Package of July 9, 2021 be received.

COUNCILLOR	YEA	NAY
NORM ARSENAULT	X	
AL BISBACK	X	
GARY BURROUGHS	X	
CLARE CAMERON	X	
WENDY CHEROPITA	X	
SANDRA O'CONNOR	X	
ERWIN WIENS	X	
JOHN WIENS	X	
LORD MAYOR BETTY DISERO	X	
TOTALS	9	

- resolution #2, **APPROVED.**

PROCEEDINGS BY-LAW

5339-21 - A by-law to confirm the proceedings at the Special Council Meeting of the Corporation of the Town of Niagara-on-the-Lake on July 14, 2021.

Moved by Councillor John Wiens, seconded by Councillor Norm Arsenault that leave be given to introduce By-law No. 5339-21 and that the same be considered read a first, and second time and passed any ruling of this Council to the contrary notwithstanding.

COUNCILLOR	YEA	NAY
NORM ARSENAULT	X	

AL BISBACK	X	
GARY BURROUGHS	X	
CLARE CAMERON	X	
WENDY CHEROPITA	X	
SANDRA O'CONNOR	X	
ERWIN WIENS	X	
JOHN WIENS	X	
LORD MAYOR BETTY DISERO	X	
TOTALS	9	

- resolution #3, **APPROVED.**

ADJOURNMENT

Moved by Councillor Gary Burroughs, seconded by Councillor Clare Cameron that that this Council adjourn to the next regular meeting of July 26, 2021 and if a special meeting is required, it will be held at the call of the Lord Mayor.

COUNCILLOR	YEA	NAY
NORM ARSENAULT	X	
AL BISBACK	X	
GARY BURROUGHS	X	
CLARE CAMERON	X	
WENDY CHEROPITA	X	
SANDRA O'CONNOR	X	
ERWIN WIENS	X	
JOHN WIENS	X	
LORD MAYOR BETTY DISERO	X	
TOTALS	9	

- resolution #4, **APPROVED.**

VERBAL MOTIONS:

1. Moved by Council Norm Arsenault, seconded by Councillor Gary Burroughs that the meeting time be extended to the completion of the agenda.

COUNCILLOR	YEA	NAY
NORM ARSENAULT	X	
AL BISBACK	X	
GARY BURROUGHS	X	
CLARE CAMERON	X	
WENDY CHEROPITA	X	
SANDRA O'CONNOR	X	
ERWIN WIENS	X	
JOHN WIENS	X	
LORD MAYOR BETTY DISERO	X	
TOTALS	9	

APPROVED.

ADJOURNMENT: 10:00 PM

LORD MAYOR BETTY DISERO

ACTING TOWN CLERK COLLEEN HUTT