



## **THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE COMMITTEE OF THE WHOLE MEETING MINUTES/REPORT**

The members of the Committee of the Whole met on Monday May 03, 2021 in the Council Chambers, at 06:00 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.

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

### **REGRETS:**

### **STAFF:**

Marnie Cluckie	Chief Administrative Officer Director,
Kyle Freeborn	Corporate Services
Sheldon Randall	Director, Operations
Nick Ruller	Fire Chief
Jay Plato	Deputy Fire Chief
Rick Wilson	Manager, Planning
Peter Todd	Town Clerk
Colleen Hutt	Deputy Clerk

### **OTHERS:**

### **MEDIA:**

### **1. CALL TO ORDER**

Chair Councillor Clare Cameron called the meeting to order at 6:00 pm.

## **2. ADOPTION OF AGENDA**

The following member requested to speak under New Business Councillor: Gary Burroughs

Moved by Councillor Gary Burroughs that the agenda be adopted, as amended.

**APPROVED, AS AMENDED.**

## **3. CONFLICT OF INTEREST**

No conflicts of interest were declared at this time.

## **4. STATUTORY PUBLIC MEETING**

The Chair explained the process for public meetings and read the Planning Act requirements for submission of an appeal to the Local Planning Tribunal.

At the request of the Chair, 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.

The Chair advised that anyone wishing to receive notice should leave their name with the Clerk.

### **4.1 551 Butler Street - zoning by-law amendment**

At the request of the Chair, Jesse Auspitz, Planner II, Community & Development Services referred to an electronic presentation and explained that the application proposes to rezone the subject lands to “Old Town Community Zoning District - Residential (R1) – Site-Specific Zone” with special provisions for lot frontage, lot area and lot coverage. The amendment would facilitate future consent applications to create two new lots for single-detached dwellings fronting onto Bay Berry Lane. The existing dwelling will remain with access to Butler Street. Chair Councillor Clare Cameron thanked Mr. Auspitz for this presentation.

The Chair noted there were 9 participants who registered to speak to the proposal. Not all that registered wished to speak to the matter.

Dianne Ramos, Niagara Planning Group

Ms. Ramos, spoke on behalf the applicant and referenced an electronic presentation. Ms. Ramos provided a brief overview of the application and noted the description of the lands, the proposed residential lots, zoning and policies, and the proposed zoning amendments for the lots. She further referenced supporting studies and the proposed development.

Tom Hanrahan, Lancaster, Brooks & Welch

Mr. Hanrahan, solicitor for the applicant, spoke to studies undertaken, grading and drainage issues raised, compatibility and surrounding residences and the streetscape.

Mr. Hanrahan further spoke to a property line issue.

Ms. Ramos and Mr. Hanrahan answered questions from the Committee.

Peter Gill, 51 Bay Berry Lane

Peter Gill stated he would like to see a different type of development more in keeping with the surrounding homes like a semi detached dwelling. Mr. Gill further spoke to the summary provided by the consultant.

Elizabeth Vinassac, 58 Bay Berry Lane

Elizabeth Vinassac stated she had a few concerns with the development being grading run off, archaeological study and the size of the dwelling. She further stated that she agrees with Mr. Gills statements.

Carl Jenkin, 53 Bay Berry Lane

Mr. Jenkins stated they are not adverse to development, but would like to see a different type of dwelling. He also noted that it needs to be compatible and fit with other dwellings on the street.

Linda Murray & Sonny Salinkovich, 62 Bay Berry Lane

Linda Murray provided her concerns to the Committee. She noted parking, grading, drainage, elevation of houses and the installation of services. Ms. Murray also provided a brief history of the area. Sonny Salinkovich spoke to the original grading plan and slope stability.

Ruthann & Gary Brown, 533 Butler Street

Ruthann Brown stated they are the immediate neighbour to this property. Ms. Brown further spoke to drainage and the swale not adequately directing the water, property lines and location of their garage, home purchased with no encumbrances 40 years ago, and density and drainage.

Dale Rosewarne, 60 Bay Berry Lane

Dale Rosewarne stated her concerns were future short term rentals and parking. She also stated they are not against development but it should be compatible with the surrounding area.

Ms. Ramos answered further questions from the Committee. Chair Councillor Clare Cameron thanked all those for coming forward with their comments.

#### **4.2 963 Queenston Road - zoning by-law amendment**

At the request of the Chair, Jesse Auspitz, Planner II, Community & Development Services referred to an electronic presentation and explained that the application

proposes an amendment to the site-specific Rural (A) Zoning on the subject lands to permit commercial cooking equipment in association with the existing approved Estate Winery. Mr. Auspitz answered questions from the Committee.

The Chair noted there were 3 participants who registered to speak to the proposal. Not all that registered wished to speak to the matter.

Mary Lou Tanner, Niagara Planning Group

Ms. Tanner spoke on behalf the applicant and referenced an electronic presentation. Ms. Tanner provided a brief overview of the application and the proposed use of the equipment. She further referenced the proposed text amendment, the current zoning by-law, and an interior floor plan. Ms. Tanner answered questions from the Committee with regard to the proposed amendment.

Marion and Rob Hassebroek, 958 Queenston Road

Marion Hassebroek provided comments on behalf of Sheryl and Paul Lepp at 959 Queenston Road who were unable to be in attendance. The Lepp are opposed with the application and have concerns with the increased scale of use that the commercial cooking equipment would enable. There is also concerned with the increased smells and noise from the ventilation that would be installed and the increased parking in undesignated areas that would be along their property.

Ms. Hassebroek further stated that she and her family was opposed to the application for the commercial cooking equipment. Ms. Hassebroek stated her concerns are that this site does not meet the criteria for a fully functioning winery and they have not completed the terms of the site plan agreement. They are currently operating as a retail wine store and tasting room. She also stated concerns with the ventilation system, negative impacts on their property, access and parking. She also noted there are conflict in different floor plans.

Paul Harber, 1360 York Road

Paul Harber spoke to concerns with the winery in the crushing and fermenting of the wine, events, septic system, food preparation, driveway access and parking, and use of property.

Thomas A. Richardson, Sullivan Mahoney

Mr. Richardson stated he was representing residents in the Town. Mr. Richardson spoke to presentation forward to the Committee referencing wedding booking information and events, the 2018 and 2021 site plan agreements, zoning by-laws, floor plans and the septic system design. Mr. Richardson further stated that they have asked the Town and AGCO to initiate inspections.

Chair Councillor Clare Cameron thanked those who spoke for their comments.

## **5. DELEGATIONS/ PRESENTATIONS**

There were delegations or presentations at this time.

## **6. RESPONSE TO DELEGATIONS**

## **7. COVID-19 UPDATE**

Marnie Cluckie, Chief Administrative Officer provided the Committee of the following:

- Provincial order still currently in place;
- Increased strain on Niagara's Health Care System
- Vaccination eligibility and appointment times increased
- New dates for NOTL clinic - May 15 & 16
- Provincial sick day pay update
- Ambassador program
- May 1st was both Doctors day and First Responders Day
- Increase in traffic over the weekend
- Bell Media Program extended
- Enforcement and parking tickets

Ms. Cluckie answered questions from the Committee with the regard to the update.

## **8. CONSENT AGENDA**

At this time the Chair asked for members to identify any items to be lifted for separate discussion.

The following report was lifted for separate discussion: CDS-21-011.

Moved by Councillor Norm Arsenault that the Consent Agenda be approved, with the exception of item listed for separate discussion above, and that the reports and recommendations contained therein be forwarded to Council for adoption.

### **APPROVED.**

(1) Report not requiring separate discussion.

#### **CDS-21-010                      SP-10-2020 - 100 John Street East Application for Site Plan Approval**

- 1.1 The application for Site Plan Approval (File No. SP-10-2020), for lands known municipally as 100 John Street East, be approved;
- 1.2 The Site Plan Agreement, attached as **Appendix III** to this report, be forwarded to Council for approval; and
- 1.3 The owner enters into the Site Plan Agreement with the Town and the Town registers the agreement on the title of the subject lands.

(2) Report lifted for discussion.

#### **CDS-21-011                      Fence By-law & Zoning By-law Conflicts**

## **Request for Council Authorization to Initiate Amendments**

Moved by Councillor Wendy Cheropita that the recommendation contained in Community & Development Services Report CDS-21-011 be approved as follows:

- 1.1 Council direct Staff to initiate amendments to the Fence By-law (4778-14) and the Comprehensive Zoning By-laws (4316-09, as amended; 500A-74, as amended) respecting the resolution of fence provision conflicts and any related housekeeping issues.

**APPROVED.**

### **9. INFORMATION PACKAGES**

The following items were lifted for discussion:

April 29, 2021

- Item No. 1 - Public Meeting - 551 Butler Street
- Item No. 2 - Public Meeting - 963 Queenston Road
- Item No. 3 - Committee of Adjustment - March 18, 2021
- Item No. 23 - Fort Erie resolution re Source Water Protection
- Item No. 28 - LPAT Acknowledgement Letter
- Item No. 30 - ADS Chambers Integrity Commissioner Letter

Moved by Councillor Sandra O'Connor that Council endorse the motion from the Town of Fort Erie dated April 27, 2021 regarding the Province Investigating and Updating Source Water Protection Legislation.

**APPROVED.**

Moved by Lord Mayor Betty Disero that the letter from the Integrity Commissioner be endorsed by Council, and a copy of the Code of Conduct and an acknowledge to adhere to it's contents BE PROVIDED to Members of Council to sign on semi-annual basis.

**APPROVED.**

Moved by Councillor Al Bisback that the Information Package of April 29, 2021 be received.

### **10. NEW BUSINESS**

Discussion took place regarding the following:

- Rand Estate application update

#### **(a) Notice of Motion - Provincial Regulation on Housing**

Councillor Gary Burroughs put forward a notice of motion regarding the provincial regulation on housing

### **11. ADJOURNMENT**

## **ADJOURNMENT: 09:00 AM**

Lord Mayor, this concludes the Minutes/Report of the Committee of the Whole Planning Meeting. I Councillor \_\_\_\_\_ move, seconded by Councillor \_\_\_\_\_ that the Minutes/Report of the May 3, 2021 Committee of the Whole Meeting Planning be adopted.