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## COMMITTEE OF THE WHOLE - PLANNING MEETING MINUTES

July 11, 2023, 6:00 p.m.

Council Members Present: Councillor Tim Balasiuk, Councillor Gary Burroughs, Councillor Wendy Cheropita, Councillor Maria Mavridis, Councillor Sandra O'Connor, Councillor Nick Ruller, Councillor Adriana Vizzari, Councillor Erwin Wiens, Lord Mayor Gary Zalepa

Staff Present: Marnie Cluckie - Chief Administrative Officer, Shaunna Arenburg - (A) Town Clerk, Kirsten McCauley - Director of Community and Development Services, Jay Plato - Fire Chief, Kyle Freeborn - Director of Corporate Services/ Treasurer, Shannon Mista - (A) Deputy Clerk

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### 1. CALL TO ORDER

Councillor Wendy Cheropita called the meeting to order at 6:00 p.m.

### 2. ADOPTION OF AGENDA

Councillor Burroughs requested to speak under new business.

Moved by: Councillor Tim Balasiuk

That the agenda be adopted as amended.

Yea (9): Councillor Tim Balasiuk, Councillor Gary Burroughs, Councillor Wendy Cheropita, Councillor Maria Mavridis, Councillor Sandra O'Connor, Councillor Nick Ruller, Councillor Adriana Vizzari, Councillor Erwin Wiens, and Lord Mayor Gary Zalepa

**APPROVED (9 to 0)**

### 3. CONFLICT OF INTEREST

#### 3.1 Councillor Erwin Wiens - CONFLICT OF INTEREST

Councillor Wiens declared a conflict for ZBA-06-2023 - 434 Hunter Road - Report CDS-23-126 as this is his church.

#### **4. PUBLIC MEETING**

##### **4.1 File ZBA-06-2023 - 434 Hunter Road - Report CDS-23-126**

Councillor Wiens left at 6:04 p.m.

Mark Iamarino, Senior Planner, gave a presentation on the file outlining:

- Development Process
- Proposal and Location
- Provincial, Region and Town Planning Policies
- Zoning By-law and Amendment
- Town, Agency and Public Comments
- Next Steps

Mark answered questions from Council.

Susan Smyth from Quartek and Wendy Eitzen from Corner Stone Church gave a presentation, including information on the proposed expansion/development, conceptual site plan, site statistics, proposed renderings, requested amendments and next steps.

Susan answered clarification questions from Council.

Gracia Janes - 261 King Street - Concerns that the lands are specialty crop lands, which under Regional and Provincial policies are given the highest priority to be protected for long-term agriculture. The lands are within the Greenbelt, and the site is almost completely surrounded by specialty cropland. The proposed expansion building area is only 98 square metres short of doubling the size of the Church, almost double the lot coverage, and will pave over 34% of the lot. The expanded uses are not Agricultural ones and won't help satisfy the Provincial Policy vision that *"farming will be productive, diverse and sustainable."*, and the substantive building and parking expansions for the Church in this proposal appear to be for its planned expanded membership uses, and only used in a minor way for the farm workers.

Moved by: Councillor Gary Burroughs

That Information Report (agenda item 9.1), CDS-23-126, be lifted for discussion.

Yea (8): Councillor Tim Balasiuk, Councillor Gary Burroughs, Councillor Wendy Cheropita, Councillor Maria Mavridis, Councillor Sandra O'Connor, Councillor Nick Ruller, Councillor Adriana Vizzari, and Lord Mayor Gary Zalepa

Conflict (1): Councillor Erwin Wiens

**APPROVED (8 to 0)**

Moved by: Councillor Gary Burroughs

That Information Report (agenda item 9.1), CDS-23-126, be received.

Yea (8): Councillor Tim Balasiuk, Councillor Gary Burroughs, Councillor Wendy Cheropita, Councillor Maria Mavridis, Councillor Sandra O'Connor, Councillor Nick Ruller, Councillor Adriana Vizzari, and Lord Mayor Gary Zalepa

Conflict (1): Councillor Erwin Wiens

**APPROVED (8 to 0)**

#### **4.2 File ZBA-07-2023 - 1339 Lakeshore Road (Strewn Winery) - Report CDS-23-137**

Councillor Wiens returned to the meeting at 6:37 p.m.

Mark Iamarino, Senior Planner, gave a presentation on the file outlining:

- Development Process
- Proposal and Location
- Provincial, Region and Town Planning Policies
- Zoning By-law and Amendment
- Town, Agency and Public Comments
- Next Steps

Mark answered questions from Council.

The applicant Stephen Bedford was present and gave a brief overview and answered clarifying questions from Council.

Moved by: Lord Mayor Gary Zalepa

That Information Report (agenda item 9.2), CDS-23-137, be lifted for discussion.

Yea (9): Councillor Tim Balasiuk, Councillor Gary Burroughs, Councillor Wendy Cheropita, Councillor Maria Mavridis, Councillor Sandra O'Connor, Councillor Nick Ruller, Councillor Adriana Vizzari, Councillor Erwin Wiens, and Lord Mayor Gary Zalepa

**APPROVED (9 to 0)**

Moved by: Lord Mayor Gary Zalepa

That Information Report (agenda item 9.2), CDS-23-137, be received.

Yea (9): Councillor Tim Balasiuk, Councillor Gary Burroughs, Councillor Wendy Cheropita, Councillor Maria Mavridis, Councillor Sandra O'Connor, Councillor Nick Ruller, Councillor Adriana Vizzari, Councillor Erwin Wiens, and Lord Mayor Gary Zalepa

**APPROVED (9 to 0)**

#### **4.3 File ZBA-09-2023 - 925 Line 2 Road - Report CDS-23-147**

Mark Iamarino, Senior Planner, gave a presentation on the file outlining:

- Development Process
- Proposal and Location
- Provincial, Region and Town Planning Policies
- Zoning By-law and Amendment
- Town, Agency and Public Comments
- Next Steps

Mark answered questions from Council.

Robert Smit and Jesse Auspitz from NPG Planning Solutions presented on behalf of the applicant, including Farm Consolidation, next steps and supporting studies.

Moved by: Lord Mayor Gary Zalepa

That Information Report (agenda item 9.3), CDS-23-147, be lifted for discussion.

Yea (9): Councillor Tim Balasiuk, Councillor Gary Burroughs, Councillor Wendy Cheropita, Councillor Maria Mavridis, Councillor Sandra O'Connor, Councillor Nick Ruller, Councillor Adriana Vizzari, Councillor Erwin Wiens, and Lord Mayor Gary Zalepa

**APPROVED (9 to 0)**

Moved by: Lord Mayor Gary Zalepa

That Information Report (agenda item 9.3), CDS-23-147, be received.

Yea (9): Councillor Tim Balasiuk, Councillor Gary Burroughs, Councillor Wendy Cheropita, Councillor Maria Mavridis, Councillor Sandra O'Connor, Councillor Nick Ruller, Councillor Adriana Vizzari, Councillor Erwin Wiens, and Lord Mayor Gary Zalepa

**APPROVED (9 to 0)**

**5. DELEGATIONS**

There were none.

**6. RESPONSE TO DELEGATIONS**

There were none.

**7. PRESENTATIONS**

There were none.

**8. CONSENT AGENDA**

Councillor Erwin Wiens had previously declared a conflict with item 8.2 1570 Niagara Stone Road.

Moved by: Lord Mayor Gary Zalepa

That item 8.2 be approved, and that the reports and recommendations contained therein be forwarded to Council for adoption.

Yea (8): Councillor Tim Balasiuk, Councillor Gary Burroughs, Councillor Wendy Cheropita, Councillor Maria Mavridis, Councillor Sandra O'Connor, Councillor Nick Ruller, Councillor Adriana Vizzari, and Lord Mayor Gary Zalepa

Conflict (1): Councillor Erwin Wiens

**APPROVED (8 to 0)**

**8.1 823 Line 6 Road (Big Head Estate Winery)  
Zoning By-law Amendment Application ZBA-14-2022, CDS-23-129**

Councillor O'Connor lifted the report for discussion.

Councillor O'Connor requested clarification on two points;

1. That the 10 hectares will remain agricultural lands

Kirsten McCauley, Director of Community and Development Services confirmed that the zoning by-law does specify that 75% of the lands must stay in production. There will be a marginal increase for the expansion of the estate winery that is being dealt with through a site plan agreement amendment.

2. That events such as weddings and other events are not proposed as part of the winery expansion and requested verification that this is factual and will be carried through.

Director McCauley verified that there is no intention at this time of any events and confirmed there is no outdoor patio or hospitality space. If in the future, they would like to host a special event it would require a Special Event Permit.

It is respectfully recommended that:

1.1 The application for Zoning By-law Amendment (File No. ZBA-14-2023) for the lands known municipally as 823 Line 6 Road, be approved as detailed in this report; and

1.2 The draft Zoning By-law Amendment, attached as **Appendix IV** to this report, be forwarded to Council for adoption.

**8.2 1570 Niagara Stone Road Zoning By-law Amendment ZBA-05-2023, CDS-23-133**

It is respectfully recommended that:

1. The application for Zoning By-law Amendment (File No. ZBA-05-2023) for lands municipally known as 1570 Niagara Stone Road, be approved as detailed in this report; and,
2. The draft Zoning By-law Amendment, attached as **Appendix IV** to this report, be forwarded to Council for adoption.

### **8.3 240 Nassau Street Zoning By-law Amendment ZBA-03-2023, CDS-23-134**

Councillor O'Connor lifted the report for discussion.

Councillor O'Connor requested confirmation from Staff the proposed site layout will preserve the existing on-site and boulevard trees and facilitate the opportunity for generous perimeter and internal landscaping since the site plan does not come back to the Council for review.

Director McCauley confirmed that any building or entrance permits would have to be reviewed for any tree removal and the intent would be to maintain the existing landscaping.

Councillor Burroughs requested clarification on whose decision it would be for tree removal. Director McCauley confirmed the decision would be from the department in charge of the permit application.

Councillor O'Connor requested that it be relayed to those departments that the intent of Council is to keep the trees.

It is respectfully recommended that:

1. The application for Zoning By-law Amendment (File No. ZBA-03-2023) for lands municipally known as 240 Nassau Street, be approved as detailed in this report; and
2. The draft Zoning By-law Amendment, attached as **Appendix IV** to this report, be forwarded to Council for adoption.

### **8.4 281 Tanbark Road & Stoneridge Crescent Zoning By-law Amendment Application ZBA-26-2022, CDS-23-061**

Councillor O'Connor lifted the report for discussion.

Councillor O'Connor requested confirmation that no trees were destroyed as a result of this amendment and asked Director McCauley if she can assure that the relevant departments will be made aware of Council's intent. Director McCauley confirmed there is no intention of tree removal.

It is respectfully recommended that:

1. The Application for Zoning By-law Amendment (File No. ZBA-26-2022) for lands known municipally as 281 Tanbark Road be approved as detailed in this report; and
2. The draft Zoning By-law Amendment, attached as **Appendix IV** to this report, be forwarded to Council for adoption.

Moved by: Councillor Erwin Wiens

That the Consent agenda item(s) 8.1, 8.3, and 8.4 be approved and that the reports and recommendations contained therein be forwarded to Council for adoption.

Yea (9): Councillor Tim Balasiuk, Councillor Gary Burroughs, Councillor Wendy Cheropita, Councillor Maria Mavridis, Councillor Sandra O'Connor, Councillor Nick Ruller, Councillor Adriana Vizzari, Councillor Erwin Wiens, and Lord Mayor Gary Zalepa

**APPROVED (9 to 0)**

## **9. INFORMATION PACKAGES**

### **9.1 Information Report - Public Meeting - 434 Hunter Road (ZBA-06-2023) - CDS-23-126**

This item was lifted and received under item 4.1.

### **9.2 Information Report - Public Meeting - 1339 Lakeshore Road (ZBA-07-2023) - (Strewn Winery) - CDS-23-137**

This item was lifted and received under item 4.2.

### **9.3 Information Report - Public Meeting - 925 Line 2 Road (ZBA-09-2023) - CDS-23-147**

This item was lifted and received under item 4.3.

### **9.4 The City of Port Colbourne email re: Support Town of Bradford West Gwillimbury - The Right - to - Repair Movement**

Councillor Ruller left the room at 7:30 p.m.

Councillor Ruller returned to the room at 7:36 p.m.

Moved by: Councillor Sandra O'Connor



That the Town of Niagara-on-the-Lake support the Town of Port Colborne and support the Town of Bradford West Gwillimbury - Right to Repair motion and be circulated to the list contained within

Yea (3): Councillor Gary Burroughs, Councillor Sandra O'Connor, and Councillor Erwin Wiens

Nay (5): Councillor Tim Balasiuk, Councillor Wendy Cheropita, Councillor Maria Mavridis, Councillor Adriana Vizzari, and Lord Mayor Gary Zalepa

Absent (1): Councillor Nick Ruller

**DEFEATED (3 to 5)**

Moved by: Lord Mayor Gary Zalepa

Information Report (agenda item 9.4), be received.

Yea (7): Councillor Tim Balasiuk, Councillor Wendy Cheropita, Councillor Maria Mavridis, Councillor Sandra O'Connor, Councillor Adriana Vizzari, Councillor Erwin Wiens, and Lord Mayor Gary Zalepa

Nay (1): Councillor Gary Burroughs

Absent (1): Councillor Nick Ruller

**APPROVED (7 to 1)**

**9.5 The Niagara Peninsula Conservation Email re: Agreement of Services with Municipalities as required under the Conservation Authorities Act**

Councillor O'Connor highlighted that under the changes to the Conservation Authorities Act, the NPCA can no longer provide the natural heritage review services needed for the *Planning Act*. A separate agreement with Municipalities must be developed for this and must be in place for January 1, 2024. Councillor O'Connor asked for a status update on how the negotiations are going as it will impact the budget for the following year. Director McCauley stated that there have been some discussions with the NPCA and the Region as the Region also provides some environmental reviews for the Towns' development applications. There will be a report coming forward on the Service Agreements discussed with the Region. Director McCauley stated that she will also include information on the NPCA Agreement in that report.

The intention is to bring the report forward in September.

Councillor Mavridis left the room at 7:38 p.m.

Moved by: Councillor Sandra O'Connor

That agenda item 9.5 be received.

Yea (8): Councillor Tim Balasiuk, Councillor Gary Burroughs, Councillor Wendy Cheropita, Councillor Sandra O'Connor, Councillor Nick Ruller, Councillor Adriana Vizzari, Councillor Erwin Wiens, and Lord Mayor Gary Zalepa

Absent (1): Councillor Maria Mavridis

**APPROVED (8 to 0)**

**9.6 The Ministry of Natural Resources and Forestry Email Re: Technical Bulletin - Flooding Hazards: Data Survey and Mapping Specifications**

Lifted from the July 6 Information Package by Councillor O'Connor.

Councillor O'Connor inquired on how we fulfill our responsibility without guidance on a current flood standard to address the more extreme rainfall events that are occurring.

Councillor O'Connor requested Staff consult with the Province on what is being done to update the flood standards in response to climate change.

Director McCauley confirmed that Staff will consult with the NPCA and the Province and return with a comprehensive response.

Moved by: Councillor Sandra O'Connor

That agenda item 9.6 be received.

Yea (9): Councillor Tim Balasiuk, Councillor Gary Burroughs, Councillor Wendy Cheropita, Councillor Maria Mavridis, Councillor Sandra O'Connor, Councillor Nick Ruller, Councillor Adriana Vizzari, Councillor Erwin Wiens, and Lord Mayor Gary Zalepa

**APPROVED (9 to 0)**

**10. NEW BUSINESS**

Councillor Burroughs discussed amalgamation and the potential issues that could arise that concerned the previous Council.

Councillor Burroughs had previously provided notes from the past Council to the Town's Senior Management Team, he requested those notes be circulated to the current Council.

## **11. ADJOURNMENT**

Adjournment time: 8:02 p.m.

Moved by: Councillor Erwin Wiens

That Council adjourn to the next Committee of the Whole - General meeting of July 18, 2023, and if a special meeting is required, it will be held at the call of the Lord Mayor.

Yea (9): Councillor Tim Balasiuk, Councillor Gary Burroughs, Councillor Wendy Cheropita, Councillor Maria Mavridis, Councillor Sandra O'Connor, Councillor Nick Ruller, Councillor Adriana Vizzari, Councillor Erwin Wiens, and Lord Mayor Gary Zalepa

**APPROVED (9 to 0)**