

Regarding the Development of Lands Adjoining Dyck Lane:

We are Linda Chang and Cam Clayton. Our address is [REDACTED], the property furthest west of Dyck Lane. Our property does not have Frontage and for 22 years we have accessed our property from Tanbark Road through Dyck Lane.

The three homes on Dyck Lane have a legal Right-of-Way to access Tanbark Road using Dyck Lane. This Right-of-Way was established by Indenture in 1969 and was confirmed in 1998 in a legal agreement. That agreement clearly states that the owner(s) of Dyck Lane must maintain Dyck Lane and provide access to the homes on Dyck Lane from Tanbark Road. This legal obligation continues with the new owner.

We have already outlined our concerns regarding the potential closing of Dyck Lane in an August 9/22 email to the Town. These concerns include, but are not limited to, fuel truck access, garbage pick-up, snow plowing, Frontage, municipal address, and especially emergency access. Imagine calling an ambulance to an address on Dyck Lane but having to explain that you cannot actually reach the property via Dyck Lane! A response to our concerns was not provided.

It might be assumed that if a reasonable alternative that meets these concerns is provided, then our Right-of-Way could be unilaterally revoked. The legality of this revocation would depend upon whether the alternative is deemed “reasonable”.

Two points in this regard:

1. Presumably, once the Maves property is sold to a developer and Hickory is extended, the Town would provide us with a separate driveway, Frontage, and all the standard services (and service guarantees). But until then, any access arrangement will be temporary. It is not reasonable to expect that we would waive our Right-of-Way only to be left in a situation that does not *permanently* meet our concerns.

2. Even when a permanent arrangement becomes possible, the question of Frontage and the potential obligation to connect to the St. Davids sewer system may render this alternative unreasonable as well. Once we have Frontage in St. Davids, will we be obliged to connect to St. Davids sewer? We have asked this question in a previous letter to the Town and have received no reply. Unless we are assured that we will not be obliged to pay for any sort of service connections (or any costs related to the change in access including costs relating to a change of address), we will not waive our Right-of-Way over Dyck Lane. It is not reasonable to think that we would take on potential financial obligations just to make things convenient for a developer.

Finally, we would like to point out that all the problems surrounding Dyck Lane stem from the original decision by the Town (back in the 1960's) to allow the subdivision and building of houses on Dyck Lane even though these houses had no Frontage. As we understand it, Town regulations do not now, and did not then, permit subdivision and building without Frontage. About a year after we moved into our home, the original homeowner who divided the property and built the house visited us and described how he was able to circumvent Town regulations. The story he told hinted at corruption and incompetence. That is all hearsay, but the point is this: the Town allowed houses to be built on land that did not have Frontage despite regulations to the contrary. Because of this, any access and traffic problems – and any costs that arise to fix these problems -- ought to be the Town's responsibility, not the responsibility of homeowners who subsequently purchased their properties in good faith.

Linda Chang

Cam Clayton

From:
To: [Aimee Alderman](#)
Subject: Re: FW: Open House – OPA-05-2023, ZBA-14-2023 & 26T-18-23-01 – North Side of Hickory Avenue (south portion) – West of Tanbark Road
Date: Sunday, August 27, 2023 3:47:39 PM

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I am submitting my comments to be read in public regarding the plan of subdivision known as "Opulence" now being proposed through an extension of Kenmir Avenue in St Davids.

The Opulence subdivision or any development on the subject land should NOT be allowed unless the joining of the two Hickory Avenues is part of the planned development.

St Davids Estates comprises 66 building lots and 2 Ridgeview Crescent consists of 22 townhomes. Together, that is 88 building lots. The addition of another 28 building lots will bring the total well over 100 homes, all using the only point of entry and exit, that being Kenmir Avenue at Tanbark Road. The majority of St Davids Estates consists of large homes and many are occupied by more than one household or family generations. For this reason, there are far too many vehicles in the existing subdivision and Kenmir Avenue has become a dangerous road. The hilly topography invites drivers to speed up and down the hills regularly.

Safety must come first. There are many families with children living here and there has been at least one car accident on Kenmir Avenue already and more are possible in the future. My family has witnessed numerous emergency vehicles entering and exiting this subdivision over the past five years and some have had to dodge around vehicles that constantly park on the road (day and night). This is due to the sheer volume of cars needing a place to park. God forbid if a house caught fire, because escaping this subdivision by vehicle would not be possible for many. The addition of another 28 homes, multiple residents and 50+ or more vehicles is totally unacceptable without a second public road for ingress and egress.

The Opulence subdivision must be delayed until arrangements are made to join the two Hickory Avenues as part of the plan. Failing which, the Town must expropriate sufficient land from the present owner to provide a second entry/exit route for all those that live here now, and in the future.

The emergency easement that currently exists at the end of Kenmir Avenue is too narrow, one way, and is meant for emergency vehicles only.

From:
To: [Aimee Alderman](#)
Subject: New Sub-Division on Kenmir/Hickory
Date: Thursday, September 21, 2023 9:35:35 AM

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Hi Aimee,

I live at [REDACTED] I wish to reiterate my disapproval of the existing proposal for the new sub-division for the end of Kenmir Avenue and adjoining onto Hickory Avenue.

Unless an additional public roadway is added to accommodate the new development I will remain firmly opposed as I believe do most of my neighbours.

The distance from Tanbark and Apricot Glen to the beginning of this development is 700 meters. Contemplating all the additional residential traffic plus the temporary (but not short-lasting) construction traffic to this already very long dead-end road is untenable.

Road safety is also a concern as Kenmir is a hill with four 90 degree turns. There are small children who reside on this street. Clearing snow in the winter is a challenge. This raises concerns regarding emergency services. I also do not accept that the emergency services can use the proposed pedestrian walkways for access as these build up more snow and are cleared even less than the regular road network. This is not a solution.

As was also mentioned in the meeting, we have endured poor construction etiquette on this street for a very long time. There have been issues with parking, erosion, and noise. The town has failed to enforce the rules. One wonders if the same lackluster enforcement would occur in Old Town instead of St. Davids.

If the plan can be amended to include another public roadway access to Tanbark, then I believe most of my concerns would be addressed.

Thank you,

Darryl Byrne

From: [Kirsten McCauley](#)
To: [Aimee Alderman](#); [Rick Wilson](#)
Subject: FW: Zoning Application OPA-05-2023 & ZBA-14-2023 for the Proposed Hickory Street Development, St Davids
Date: Tuesday, October 10, 2023 9:54:20 AM

Hi Aimee,
Please see comments below for Opulence.
Thanks,
Kirsten

From: Gary Zalepa <gary.zalepa@notl.com>
Sent: Friday, October 6, 2023 11:13 AM
To: Planning Development <planning.development@notl.com>; Kirsten McCauley <kirsten.mccauley@notl.com>
Subject: Fwd: Zoning Application OPA-05-2023 & ZBA-14-2023 for the Proposed Hickory Street Development, St Davids

Kirsten - please include the below in comments from residents on this file.
Have a nice long weekend.

Thanks.

Gary Zalepa

Lord Mayor

Town of Niagara-on-the-Lake
1593 Four Mile Creek Rd.
P.O. Box 100, Virgil ON L0S 1T0
Phone: 905.468.6416

Email: Gary.Zalepa@NOTL.com

Sent: Friday, October 6, 2023 6:11 AM
To: Gary Zalepa <gary.zalepa@notl.com>
Subject: Re: Zoning Application OPA-05-2023 & ZBA-14-2023 for the Proposed Hickory Street Development, St Davids

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Hi Gary,

Yes, I would appreciate it if you forward my email to the planning staff—thanks.

Dean Pilon

Sent from my iPhone

On Oct 5, 2023, at 9:32 AM, Gary Zalepa <gary.zalepa@notl.com> wrote:

Hi Dean - Thanks for your email .. I appreciate you taking the time to share your thoughts. I am very familiar with the neighbourhood as you might imagine.

I am happy to forward your comments to the planning staff as they consider all input as they prepare the report to Council.

Let me know if that is something you are interested in?
Thanks.

Gary Zalepa

Lord Mayor

Town of Niagara-on-the-Lake
1593 Four Mile Creek Rd.
P.O. Box 100, Virgil ON L0S 1T0
Phone: 905.468.6416

Email: Gary.Zalepa@NOTL.com

Sent: Thursday, September 28, 2023 12:34:59 PM

To: Gary Zalepa <gary.zalepa@notl.com>; Erwin Wiens <erwin.wiens@notl.com>; Tim Balasiuk <tim.balasiuk@notl.com>; Gary Burroughs <gary.burroughs@notl.com>; Wendy Cheropita <wendy.cheropita@notl.com>; Nick Ruller <nick.ruller@notl.com>; Adriana Vizzari <Adriana.Vizzari@notl.com>; Andrea.Kaiser@niagararegion.ca <Andrea.Kaiser@niagararegion.ca>

Subject: Zoning Application OPA-05-2023 & ZBA-14-2023 for the Proposed Hickory Street Development, St Davids

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Good afternoon Gary and esteemed Councilors,

My name is Dean Pilon, and I write to strongly oppose zoning application OPA-05-2023 & ZBA-14-2023 for the proposed Hickory Street development in Niagara-on-the-Lake, Ontario. As a resident residing adjacent to the proposed development on Kenmir Ave, I am deeply concerned about its potential adverse impacts on our community. My primary objection centers around the requested amendments, specifically the proposed increase in density and zoning alterations.

It's essential to highlight the geographical characteristics of our neighborhood, particularly the narrow, winding Kenmir Ave with its four 90-degree turns and elevated terrain. If you're not already acquainted with Kenmir Ave, I highly recommend paying it a visit as it's essential for you to grasp the nature of our concerns. The unique landscape poses significant accessibility and traffic flow challenges, especially during winter. The proposed density increase and the resulting surge in traffic would overburden our already limited road, creating safety hazards due to heightened congestion. Safety should be a paramount concern.

Furthermore, the developer's request to amend the R2 zoning to 8.23 units per acre, representing a 37% increase, contradicts the existing zoning, which sensibly caps density at 6 units per acre. Alongside this proposed amendment, there are seven more, all of which substantially deviate from well-established zoning regulations that are crucial for preserving our community's character, property values, quality of life, environmental well-being, and, most significantly, safety. It's imperative that we engage in thoughtful deliberation and foster a comprehensive understanding of the potential consequences when considering zoning changes. Unfortunately, the Planning Department provided residents with a brief "no objections" response at the town hall meeting, leaving critical details absent. To foster trust and transparency, the Planning Department must provide residents with comprehensive explanations for their lack of objections to each amendment within our neighborhood. Furthermore, it's crucial that the department explains why these regulations exist in the first place if they can be altered so readily upon a builder's request, raising questions about the regulatory process and its alignment with community interests.

I serve as a Project Manager overseeing new developments for the Region of Niagara. As Gary is well aware, my responsibilities primarily involve spearheading property development projects for both the Homelessness and Housing departments. The New Development department prioritizes the impact we have on the communities we serve. We place a strong emphasis on community engagement, strict adherence

to local bylaws and zoning regulations, ensuring resident safety, and enhancing the overall neighborhood and community. Regrettably, it appears that these considerations are not evident in the practices of the Hickory Street developer. Their sole objective seems to revolve around profit maximization, regardless of local zoning bylaws or the detrimental effects on the neighborhood.

Given these concerns, I urge the council to reject the proposed amendments for the Hickory Street property. If the developer is authorized to move forward, it is absolutely essential to address the pressing issue of road access by mandating an additional entrance. This step would alleviate traffic concerns and enhance overall safety.

I advocate for responsible and sustainable development that respects the character and infrastructure of existing neighborhoods. It is my hope that the Planning Department and Council will carefully consider the points raised in this letter and prioritize the interests and safety of the current residents of Kenmir Ave and the surrounding area. Thank you for your attention to this matter, and I eagerly await the decision on this zoning application and any updates on the Hickory Street project.

Sincerely,

Dean Pilon

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From:
To: [Aimee Alderman](#); [Clerks](#)
Cc: [Rick Wilson](#); [Gary Zalepa](#); [Erwin Wiens](#)
Subject: OPA-05-2023, ZBA-14-2023 & 26t-18-23-01 (Opulence)
Date: Monday, August 28, 2023 4:11:35 PM
Attachments: [image001.png](#)

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To whom it may concern:

[REDACTED] has been notified of a complete application for the above noted rezoning and official plan amendments.

We are the developers of the neighbouring property St David's Estates. We collectively have the following concerns and comments.

1. St David's estates is not an assumed subdivision as of August 28th, 2023. How does the town propose the new development to connect to the roads and sewers that our firm still is responsible for maintenance ?
2. How does the town and developer propose to deal with the existing turning circle on lots 37 and 38 of St David's Estates?
3. How does the Town propose to deal with the Emergency access that is still under 1473944 Ontario Ltd ownership ? We continue to pay taxes on this property.

Please let us know as we will continue to monitor the next steps here and can not support the application as is.

Thanks

Joe Candeloro

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From:
To: [Aimee Alderman](#)
Cc: [Mike Komljenovic](#); [Darren MacKenzie](#)
Subject: RE: OPA-05-2023, ZBA-14-2023 & 26t-18-23-01 (Opulence)
Date: Thursday, September 21, 2023 5:02:55 PM
Attachments: [image002.png](#)
[image004.png](#)

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Aimee

How does the town support a subdivision that is not good planning? Good planning does not land lock 2 lots for years to come !?

How does the town allow another developer to use roads that are not assumed by Town ? The town still has our subdivision on maintenance and Centennial is on the hook, while you're supporting a new plan? We can not support this subdivision that land locks two of our lots, when everyone knows Hickory Ave should connect on both sides.

Joe Candeloro

[illegible]

From:
To: [Aimee Alderman](#)
Subject: Re: Open House Meeting this Evening
Date: Tuesday, August 29, 2023 2:28:25 PM

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Thank you

We would both like to be added to the Sept meeting as well.

We are all for development as we have clearly stated in the past , we are a new subdivision in itself and understand the need for more housing .

Our concern is clearly that there isn't an entrance to the new subdivision off of tanbark. Last winter we were locked in for approximately three hours as a truck was stopped/ stuck and it blocked the hill sideways heading up Kenmir. This situation affected many of us but I couldn't imagine if there were another 28 homes that were trying to exit / enter and worse if one had an emergency .

The topography does not allow for another 28 homes to be built with only one access, the traffic will be back logged daily. Would you want to live in such a situation? We moved to the area to escape high traffic and high density .

Until this is resolved we will be clearly against this development.

It isn't safe in our opinion .

Lesley

Please disregard any typos!

From:
To: [Aimee Alderman](#)
Cc:
Subject: Kenmir , Opulence
Date: Thursday, September 28, 2023 10:44:03 AM

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Good morning Aimee,

I just wanted to write a follow up letter regarding the Opulence development off of Kenmir .
Once again our issue is the lack of an egress to Tanbark from the development . This is highlighted as once again I was blocked by a truck on Kenmir who was conducting work on a new home and I was landlocked for approx ten minutes and unable to detour around it this week .
(this one was obviously not weather induced like the last episode which was almost three hours)

In the winter the snow piles up on the pedestrian walk routes and even if an emergency vehicle was to attempt a cross of the walkway the padlock to unlock the barriers is usually under ice and or plowed so poorly it is impassable.

I would be happy to document it this winter to demonstrate how difficult it would be to use this during an emergency.

Who would be responsible if there was an emergency and we were landlocked in ?

Once again we are not against the development at all, just the lack of planning on the egress .

They mentioned that the home that they own on Tanbark is too valuable of a home to demolish for an egress . We are not planners but in viewing the home from the road it appeared that the shed would be the only obstacle. Can you put a price on potentially saving a life ?

We have been one of the unfortunate ones where an emergency trip was necessary in the last few years. We know all too well that every second can count .

Thanks for your attention to this matter,

Lesley Varga

“Opulence” Development at St Davids

Presentation by Martin Quick

This is a major development of 27 single family dwellings, and I know that Kito Gatta builds high end houses/town houses.

I have 3 major concerns re this development:

- 1) The destruction of beautiful mature trees on the N side of Hickory Ave S - right in front of my house, including the evergreen clump on the w side of the development. It seems to me that the removal of these trees runs totally against the town's own by-law regarding the cutting down of mature trees. Can any of these trees be preserved, and if not can mature trees be planted in their place that will not interfere with the development. Gatta has minimized the destruction by saying that these beautiful black walnut trees are just bush and/or invasive species and that the evergreens are old and dying. Neither is the case. So what can be done to correct this destruction in the path of alleged progress?

- 2) Access to the the development site.

I have gathered from a previous meeting with Gatta Homes that access will be through Kenmir Avenue and to me that makes no sense at all. This is a major development with a high amount of trucks, vans, concrete trucks etc needing access on a daily basis. It would make so much better sense to have these vehicles gain access directly through east portion Dyck Lane/ Tanbark until the development is complete or substantially complete. Going all the way up Tanbark and then winding down through Kenmir is completely unnecessary, causing needless disruption to the people living on Kenmir.

A better solution would be to make this access a permanent one for all vehicles rather than a walkway so that there are two-way access points for all the residents in the Kenmir Ave sub-divisions. Waiting for the proposed linking of the 2 Hickory Avenues is still a long way off (it appears), and in the meantime there is just one point of egress. This presents its own safety issue for the residents, as dual egress points should have been established right at the beginning of development and not as an after-thought when everything has been built. The walkway use for emergencies is just not good enough!

3) Contractor and Sub Contractors. These people are notoriously irresponsible when it comes to safety and the way they drive and park their vehicles. This should not be the case if the developer and the town set up strict guidelines and rules that contractors, and in particular sub-contractors, must adhere to.

Examples -

wear proper fitting safety gear -

hard hats safety goggles.

Install restraints so that workers do not fall and break legs or worse. Yes this happened next door to me by the yahoo sub-contractors.

No double parking on non construction site roads - Kenmir and Hickory Ave S

No work after dark of 6;00 pm. Weekend work should be minimized

These are reasonable guidelines that the Developer should be responsible for or heavy fines should be given if they are not followed.

It is very important that all workers have respect and understanding for the owners and residents already living in the area, and cause the least amount of disruption possible.

Thank you for Listening to my verbal presentation on September 12, 2023.

Kind Regards

Martin Quick

[REDACTED]
[REDACTED]
[REDACTED]

September 13, 2023

Niagara-on-the-Lake Public Meeting
September 12, 2023

Comments Submitted to clerks@notl.com on 09/12/2023 via email from Stephanie Petroff and Lloyd Oliver in reference to files OPA-0502023, ZBA-14-2023 & 26T-18-23-01 (Opulence):

We are Stephanie Petroff and Lloyd Oliver and we live at [REDACTED]
[REDACTED]

We chose to live in St. Davids because of its idyllic location and village feel.

We have concerns about the Opulence development, specifically Lots 26, 27, 28, of which Lot 27 falls right behind our property and will affect the quality of life for existing residents. These lots are only 70 feet deep. We feel that what is being proposed to be built is pushing the limits within the R2 designation of what should be acceptable for living in our community.

Our concerns are the following changes that have been proposed, which we do not find minor:

- Minimum rear yard setback of 7.5 metres (required by NOTL) and the proposed change to 5.0 metres; plus the permitted yard projections for unenclosed/covered/uncovered porch/deck to 2.5 metres, which is 8 feet 2 inches from rear lot line (way too close to the back of our fence) (Keeping in mind this is a 70 foot lot)
- Maximum building height of 10.0 metres (required by NOTL) and the proposed change to 11.0 metres (36 ft) – plus the steeper roof pitches/sloped roof design – will affect the light and ambience of our backyard and our neighbours
- Concerned about the style and build form particularly because these lots are shallow and wide. On page 14, under “Build Form” the developer has stated that these dwellings will “**most likely** be bungalow and emulate a ranch-style orientation occupying the majority of the width of the property”. “Preliminary elevations have not yet been prepared.” This is not

acceptable that we do not know what the build will look like behind our home and feel strongly that elevations need to be prepared before any approval.

Overall we are truly concerned that “Opulence” will not be opulent with so many proposed properties (28 in total) that are built so close together similar to The Cannery. This proposed development doesn’t fit in with the adjacent luxury homes in the area.

Signed: Stephanie Petroff and Lloyd Oliver

Dated: September 12, 2023

From: [REDACTED]
To: [Aimee Alderman, MSc, MCIP, RPP](#)
Cc: [REDACTED]
Subject: Additional Comments Re: Follow Up Re: Files OPA-0502023, ZBA-14-2023 & 26T-18-23-01 (Opulence)
Date: Thursday, March 7, 2024 12:54:45 PM

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Hi Aimee -

Lloyd and I want to thank you for our call earlier today. We appreciate your time and having the opportunity to discuss our concerns regarding the Opulence development.

Further to our questions and previously submitted comments, we would also like to address the following concerns:

- Lot Size: based on St. Davids R2 zoning, the minimum lot frontage is 15 metres; the developer is asking for an amendment to 3.0 metres, which is an unacceptable ask
- R2 zoning maximum lot coverage is 40%; the developer is requesting 45% for the dwelling plus another 5% for the deck/patio area
- combined this is 50% of the total lot size, which we believe is unprecedented for St. Davids and will certainly affect the back of our lot and quality of living with a looming home and reduced amount of light in our yard
- R2 zoning minimum rear yard setback is 7.5 metres; the developer is proposing a change to 5 metres and on top of that, is requesting an additional unenclosed/covered/uncovered patio/deck to only 2.5 metres from our property line - this is way to close too our backyard taking into consideration noise, smoke from the BBQ, etc., i.e. everyone's quality of life.

We also want to confirm that the overall maximum height is now going to be required to conform to the existing R2 zoning of 10 metres as you mentioned to us on our call.

We appreciate you submitting these additional comments on our behalf as part of the Public Records for this development.

Regards,

Stephanie and Lloyd

From:
To: [Aimee Alderman](#)
Cc:
Subject: OPA-05-2023, ZBA-14-2023 26T-18-23-01 (Opulence)
Date: Tuesday, September 12, 2023 8:34:35 PM

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Ms. Alderman,

We live at [REDACTED] (North Hickory) and back onto Lot 19 & 20 of the proposed development and unfortunately were out of town for the open house and could not ask questions at the Committee of the Whole Meeting so we have a few questions and comments about the development as follows:

1. Lot 19 is proposed to have a two story house built on it and we are curious as to why the smallest lot in the development would support a two story house when bungalows are being built on much larger houses?
2. Since our backyard will have two lots (19 & 20) backing on to us we will have two different size houses looking in on our yard making an unpleasant view from our side of the fence.
3. Rear yard setbacks proposed in the zoning by-law amendment are excessive and with the added request for yard projection and encroachments it will make enjoying our backyard almost impossible. This is especially true for Lot 19 which backs onto our property. When we moved here we didn't think we would be sharing a back yard however with all of these zoning amendments that is what we will be doing.
4. Our backyard faces south and we have sun all day but with the size of the proposed houses, which is another amendment to the R2 Zone, our sunlight will be dramatically affected.
5. We heard during the applicants presentation that there would be trees planted in the backyards to help with privacy. Will this be part of the development agreement?
6. Traffic is a big concern for us too as we are going to get a double whammy when the Tawney Ridge Estates development gets built and the two Hickory Avenue's get joined. All traffic will be pushed through our now quiet development and add to the already existing traffic problems at Hickory Avenue and Tanbark.
7. We need new roads onto Tanbark from one of these developments or both. Dyck Lane is not the solution for a new road as it is too close to Hickory Avenue North and would put one house between the new road and the existing Hickory Avenue. The ideal solution would be to widen the existing walkway from Hickory Avenue to Tanbark and make it a roadway.
8. We are also concerned about drainage as we have had problems with drainage in our backyards from Dyck Lane. We assume this will be corrected when the development is built.
9. We appreciate that affordable housing is needed but let's not kid ourselves this is not affordable housing. The sleepy village of St. Davids we have called home for many years is slowly being ruined by overbuilding and overcrowding.

Please provide answers to our questions and incorporate our comments into your report.

Regards

Vince & Joyce Serratore

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [Natalie Thomson](#)
Cc: [REDACTED]
Subject: Consent Applications B-33/22 and B-25/22 ref 134-140 Tanbark
Date: January 18, 2023 11:48:35 AM

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Hello Natalie,

Concerning Consent Applications B-33/22 and B-25/22 please note that I spoke to Council on Tuesday January 17th related to in principle the same matter that is before the Committee of Adjustment involving properties at 134 - 140 Tanbark and by extension Dyck Lane and a stretch of land abutting the St. Davids Estates subdivision. Video of that public meeting begins at roughly the 3:22.20 at the following link:

<https://pub-notl.escribemeetings.com/Players/ISIStandAlonePlayer.aspx?Id=affb920a-2d3e-4b3b-936b-c743b2a25586>

My particular discussion begins at around 3:37 and a rough transcription of my talk at the public meeting is as follows:

"My name is Mike Maves. Our family lives at [REDACTED] We've lived here since October 2009, so going on 14 years before any houses were built in Courtland Valley or St. Davids Estates.

Our property immediately abuts the western edge of [REDACTED] We have a legal right of way over Dyck Lane which provides our family with access to Tanbark Road.

I'm not fundamentally opposed to responsible development to the east of our property if it will enhance our community but have some concerns about the sequence of events that are ongoing right now. My understanding is that, rapidly on top of these severances and rezoning, Dyck Lane will be rolled into and incorporated into the lands we are discussing today. This matter I believe is in front of the Committee of Adjustment later this week. Since the lane is being discussed in the Planning Justification Brief supplied

for the meeting today, it seems that now is the first appropriate time to air our concerns and objections to the severances and rezoning as currently proposed.

Our objections to the proposed severances will not be resolved without some assurances regarding what our alternate road access will look like and how it will solve current confusion about our addresses and location. For those who don't know Hickory Avenue abuts us to both the north and south but is not and has never been a through street. Currently we encounter a mix of people who can't locate our property and others who find us accidentally not realizing they are on the wrong Hickory until they find themselves running up against our property either to our south in the St. Davids Estates subdivision or to our North in the Courtland Valley subdivision. Invariably, our property serves as a frequent turnaround point for lost traffic. We need a solution to that.

Additionally, in spite of signage indicating that both our property and Dyck Lane are private property, the public repeatedly disregards this and trespasses at will both in vehicles and on foot. We have chosen to tolerate lost traffic utilizing Dyck Lane as a means of exit to Tanbark because the alternative of using our driveway is worse both in terms of our personal quiet enjoyment and damage to the lane and lawn from frequent overweight vehicles. Closing Dyck Lane will make this situation worse.

The bigger problem, however, relates to delivery vehicles, emergency services, trash collection, road maintenance and the fact that should Dyck Lane close we have no proper frontage or road access. As currently configured the stub at the end of what I'll call Hickory North is not a proper road access for any of the properties currently using Dyck Lane to gain access to Tanbark.

If the future involves the closing of Dyck Lane, and let's not kid ourselves the writing does appear to be on the wall in that regard, we need proper frontage and road access. We need a means for lost vehicles to easily turn around on public property rather than use our property for that purpose and we need to be assigned new addresses so that we are both easily found by those intent on locating us and not stumbled upon by lost traffic.

If a proper solution to these issues can be found I think our objections to the

severances and rezoning will likely cease.

However, it is hard for us to look at the history of the lane and go forwards supporting other moving parts here, knowing that this problem just really has never been presented with a solution with a chance of succeeding.

Apart from this, I'd just like to ask whether what I've said today will be furnished to the Committee of Adjustment for consideration or if I must restate it again for them in writing.

Thank you for your attention and for considering our concerns."

In answer to my question I was told that I should submit my concerns also to the Committee of Adjustment. Since what I would have to say to the Committee of Adjustment would be duplicative of what I said before Council, I ask that this be entered into the record as my statement on the matter before the Committee of Adjustment with respect to Consent applications B-33/22 and B25/22 pertaining respectively to 140 and 134 Tanbark Road.

For similar reasons, I ask also that the portion of the video of the Public Meeting referenced above pertaining to 134 and 140 Tanbark be entered as part of the record pertaining to this matter before the Committee of Adjustment.

Thank you,
Mike Maves

[REDACTED]

[REDACTED]

[REDACTED]

Mike Maves

[REDACTED]

Hi, I'm Mike Maves. My wife Leah is here as well. We live at [REDACTED]

I spoke earlier this year with respect to the initial severances and rezoning that prepared some of the parcels of land to be incorporated into this subdivision proposal. So I don't have to re-address all of the issues brought up at that time I'll follow up what I have to say today by forwarding to the Town a copy of that talk.

We are concerned right now that Dyck Lane is already incorporated into the plan even though we have no intention at this point to release our easement rights.

Some background on this is that the town had hoped to close the lane as a means to solve a dust issue for residents on Hickory Avenue who back onto the lane. The dust problem was a byproduct of the previous lane owners unwillingness to comply with town orders and their general obligations to keep the lane maintained appropriately for the use by the residents on Dyck Lane. The need to close the lane to solve the dust issue has disappeared now that a new responsible owner for the lane has acquired the property.

We're not ready to release our easement rights because, for one thing, we have still not solved the frontage

problem whereby we become landlocked. Having frontage is important and valuable, so this is why we are concerned about frontage and the value of our easement rights. Our frontage currently is on Tanbark by way for our easement over Dyck Lane so we are hesitant to give it up.

Our right of way also gives us access to Services (at Tanbark) sufficient to support the best use of lands for future development. Even the Town's Notice regarding this Open House acknowledges that the proposed subdivision would have a "servicing easement to Tanbark Road". It is not reasonable to expect that we would give up our servicing easement. It is our understanding that the other option for services for future development of our property (i.e. at the end of Hickory North) are insufficient for the best use of the land in the long term

Our neighbors Cam Clayton and Linda Chang have expressed their concerns about the development and the potential closure of Dyck Lane in a letter to the town. They copied me and so I'd like to read a portion of it pertaining to our right of way which explains the status of:

"The three homes on Dyck Lane have a legal Right-of-Way to access Tanbark Road using Dyck Lane. This Right-of-Way was established by Indenture in 1969 and was confirmed in 1998 in a legal agreement. That agreement clearly states that the owner(s)

of Dyck Lane must maintain Dyck Lane and provide access to the homes on Dyck Lane from Tanbark Road. This legal obligation continues with the new owner.

We have already outlined our concerns regarding the potential closing of Dyck Lane in an August 9/22 email to the Town. These concerns include, but are not limited to, fuel truck access, garbage pick-up, snow plowing, Frontage, municipal address, and especially emergency access. Imagine calling an ambulance to an address on Dyck Lane but having to explain that you cannot actually reach the property via Dyck Lane! A response to our concerns was not provided. ”

Cam and Linda’s letter outlines how the current status and orientation of the Dyck lane properties came to be back in the 1960’s when decisions were made by the town that were not in compliance with their own policies then or now. It seems that now is the time to finally get this right.

Aside from our concerns about our Dyck Lane Right of Way, we have some other concerns. One is about what is referred to as the **Niagara Escarpment Viewplane** Protection and Access. The General Policies section of the Town's Official Plan it reads that:

1) New development shall comply with the objectives and policies of the Niagara Escarpment Plan as applicable with in St. Davids

2) New development shall be designed to protect views or the Niagara Escarpment through such means as appropriate building height, separation, and orientation and the provision or appropriately-located public space.

Our understanding is that the road portion of the Cul-de-sac portion of the proposed subdivision is going to be elevated above the current grade of the land and that the dwellings to be located at the western most portion of the cul-de-sac will be two storeys. Packing the tallest structures on artificially elevated lots doesn't seem to be in harmony with the preservation of escarpment views, especially the ones that are currently enjoyed from our vantage point immediately to the west of the proposed subdivision.

Another concern is **StormDrainage**. Being partway down the escarpment, our property does experience runoff from the development to the south. The raised roadway being proposed here causes concern that this runoff issue could be exacerbated.

The Loss of Mature Trees is another issue we have. Property line currently has mature trees, suitable for privacy and wildlife. New trees being proposed are not a suitable replacement.

Finally, we are concerned that the subdivision may bring **Increased traffic meeting the dead end at Hickory (North)** Vehicles intended to reach St. Davids Estates/Hickory South very often find themselves at the dead end at Hickory North. More homes in St. Davids Estates will mean more of these lost vehicles. We would intend to close off access on our property from the end of Hickory to prevent unwanted/lost vehicles from accessing our property to turn around. We do not wish to encourage increased public use of our property as it currently meets Hickory North