



**TOWNSHIP OF WEST LINCOLN
PLANNING/BUILDING/ENVIRONMENTAL
COMMITTEE MINUTES**

MEETING NO. SEVEN

September 11, 2023, 6:30 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

Council:	Councillor William Reilly (Chair) Councillor Shelley Bradaric Mayor Cheryl Ganann Councillor Jason Trombetta Councillor Mike Rehner Councillor Terry Bell Councillor Joann Chechalk
Staff:	Bev Hendry, CAO Brian Treble, Director of Planning and Building Kevin Geoghegan, IT Help Desk Analyst Justin Paylove, Deputy Clerk Susan Smyth, Senior Planner
Other Members:	Nancy Neville Dora Pavlidis Rob Wood WeeStreem Rodger Vaughan Gord Szaszi Chris Tsiropoulos Karen Sabatine

1. CHAIR - Councillor William Reilly

Prior to commencing with the Planning/Building/Environmental Committee meeting agenda, Chair Reilly will provide the following announcements:

1. Comments can be made from members of the public for a matter that is on the agenda by advising the Chair during the "Request to Address an Item on the Agenda" Section of the agenda.
2. The public may submit written comments for matters that are on the agenda to jpaylove@westlincoln.ca before 4:30 pm on the day of the meeting. Comments submitted will be considered as public information and will be read into the public record.
3. This meeting will be livestreamed as well as recorded and available on the Township's website.

2. LAND ACKNOWLEDGEMENT STATEMENT

The Township of West Lincoln, being part of Niagara Region is situated on treaty land. This land is steeped in the rich history of the First Nations such as the Hattiwendaronk (Hat-i-wen-DA-rong), the Haudenosaunee (Hoe-den-no-SHOW-nee), and the Anishinaabe (Ah-nish-ih-NAH-bey), including the Mississaugas of the Credit First Nation. There are many First Nations, Métis, and Inuit people from across Turtle Island that live and work in Niagara today. The Township of West Lincoln, as part of the Regional Municipality of Niagara, stands with all Indigenous people, past and present, in promoting the wise stewardship of the lands on which we live.

3. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST

3.1 Councillor Terry Bell - ITEM P59-23

Councillor Bell noted that he has a conflict of interest with Item P59-23, as he sits on the Legion Villa Board.

4. PUBLIC MEETING(S)

4.1 Zoning Bylaw Amendment - Henry and Lisa Van Ryn - 8248 Concession 3 Road

Re: An application for a Zoning Bylaw Amendment has been submitted by Henry and Lisa Van Ryn for the property municipally known as 8248 Concession 3 Road and on behalf of the owners (Doug and Rita Lampman) of 8214 Concession 3 Road. Both properties are located on the south side of Concession 3 Road, south east of the Hamlet of Caistor Centre, west of Smithville Road/Regional Road 14, municipally known as 8214 and 8248 Concession 3 Road (File No. 1601-006-23).

5. CHANGE IN ORDER OF ITEMS ON AGENDA

6. APPOINTMENTS

6.1 ITEM P59-23

Nancy Neville and Gord Szaszi

Re: Waiving of Development Fees for Legion Villa

POWERPOINT PRESENTATION

Councillor Terry Bell declared a conflict on this item. (Councillor Bell noted that he has a conflict of interest with Item P59-23, as he sits on the Legion Villa Board.)

Mayor Ganann inquired if Gord Szaszi was here in an official capacity from the Region, or if this was a personal project of his.

In response to the inquiry made by Mayor Ganann, Gord Szaszi stated that he works with the Region and his role largely focuses on working with non-profit organizations and similar organizations, such as the Legion Villa.

Mayor Ganann inquired into the process in which the project was with the Regional Development team, and if the project was in the purview of the Region at the moment or if this project was far down the list, and wondered what would push this project to be in the queue.

In response to the inquiry made by Mayor Ganann, Gord Szaszi noted that Affordable Housing was front and center for the Region, and is currently working on other projects that are farther ahead, stating that these projects are going through the proper channels, which is what they are proposing to Council. He noted that the Region does not have an extensive grant program for housing, but can act as a mediator between higher levels of government/ministries and these local organizations.

Councillor Chechalk inquired into if this project was still going to maintain its independent living standard, as well as Development Charges, and if it was premature to request the waiving of the Development Charges, as the recent provincial bills are removing Development Charges to builds like this.

In response to the inquiry made by Councillor Chechalk, Gord Szaszi noted that the project would still be focusing on building independent living but with "aging in place" practices. He further noted that the Councillor was correct in regards to the development charges, but the applicants wanted to get ahead of the process.

Councillor Chechalk inquired to the Director of Planning and Building regarding the changes that the province has made to the development charges system.

In response to the inquiry made by Councillor Chechalk, the Director of Planning and Building Brian Treble, stated that while he cannot speak to all of the specific changes made, he noted that staff have recently had a meeting with the Economic Development Advisor from the Region, to further understand the changes.

Mayor Ganann inquired into the rigidity of the idea of truly affordable homes, with maintaining rent at market value needing to be a focus of the proposal in order to be affordable for the long-term.

In response to the inquiry from Councillor Chechalk, Gord Szaszi noted that affordable rent or "market value rent" was a shifting number, and is largely dependent on whether or not the project receives particular grants. However, he noted that the project will still fall into the acceptable affordable range.

Councillor Chechalk inquired into the development charges at the region and other planning fees, and whether or not they had agreed to also waive associated fees.

In response to the inquiry made by Councillor Chechalk, Gord Szaszi noted that the region will follow the lead of the municipality on the topic of fee waiving.

Councillor Reilly inquired what this project could potentially do to the projected 12 year waitlist in the Region for this type of housing.

In response to the inquiry made by Councillor Reilly, Gord Szaszi stated that while he can't give a specific number of years that this development would reduce the waitlist due to the construction of this expansion, however he noted that it would provide a large number of people on the waitlist with safe and affordable housing.

Moved By Councillor Joann Chechalk

Seconded By Mayor Cheryl Ganann

1. That, the presentation made by Nancy Neville and Gord Szaszi regarding a request to waive the fees for the new development for the Legion Villa be received; and,

2. That, the correspondence as outlined above be referred to staff to present a recommendation report at a future Planning/Building/Environmental Committee Meeting.

Carried

6.2 ITEM P60-23

Dora Pavlidis

Re: Backyard Chickens in Residential Zones

Dora Pavlidis read from a prepared letter to Council.

Councillor Rehner noted the concern of Avian Flu, which was documented in West Lincoln, and noted that someone had lost their entire flock causing great economic hardship. Councillor Rehner went on to note that a major concern would be the possibility of roosters, which would cause a multitude of problems with complaints from those who live in the urban boundary.

Director of Planning and Building Brian Treble, stated and Committee agreed, that this may pose risks to the very large poultry industry that West Lincoln has, and will require further consultation with various stakeholders.

Dora Pavlidis noted that not only did chickens provide eggs, but also companionship to their owners as well as fantastic natural insecticides which would significantly cut down on the presence of ticks in the area.

Committee agreed that the proposal requires serious consideration, and a future public meeting, and noted that they would like to have a fulsome report regarding the potential risks and benefits from experts in the future.

Moved By Councillor Mike Rehner

Seconded By Councillor Jason Trombetta

1. That, the presentation made by Dora Pavlidis regarding a request to allow for backyard chickens in the residential zones be received; and,
2. That, the correspondence as outlined above be referred to staff to present a recommendation report at a future Planning/Building/Environmental Committee Meeting.

Carried

7. REQUEST TO ADDRESS ITEMS ON THE AGENDA

NOTE: Section 10.13 (5) & (6) – General Rules

One (1) hour in total shall be allocated for this section of the agenda and each individual person shall only be provided with **five (5) minutes** to address their issue (some exceptions apply). A response may not be provided and the matter may be referred to staff. A person who wishes to discuss a planning application or a matter that can be appealed, will be permitted to speak for ten (10) minutes.

Chair to inquire if there are any members of the public present who wish to address any items on the Planning/Building/Environmental Committee agenda.

8. CONSENT AGENDA ITEMS

All items listed below are considered to be routine and non-controversial and can be approved by one resolution. There will be no separate discussion of these items unless a Council Member requests it, in which case the item will be removed from the consent resolution and considered immediately following adoption of the remaining consent agenda items.

8.1 ITEM P61-23

CONSENT AGENDA ITEMS

Moved By Councillor Mike Rehner

Seconded By Councillor Terry Bell

That the Planning/Building/Environmental Committee hereby approve the following Consent Agenda items:

1. Items 1, and 2 be and are hereby received for information; and,
2. Item 3 be and is hereby received and the recommendation contained therein be approved.

with the exception of Item no.(s)_____.

Carried

1. Information Report PD-44-2023 – 2022 Building Department Annual Budget Report
2. Information Report PD-48-2023 - Housekeeping Amendment No.7
3. Recommendation Report PD-45-2023 – Removal of 1995 Development Agreement from Title of Pt Lot 31, Conc 6, Former Township of Gainsborough, now the Township of West Lincoln

9. COMMUNICATIONS

10. STAFF REPORTS

10.1 ITEM P62-23

Senior Planner (Susan Smyth), Manager of Planning (Dave Heyworth) & Director of Building and Planning (Brian Treble)

Re: Recommendation Report PD-42-2023 – Application for Zoning Bylaw Amendment for 8214 and 8248 Concession 3 Road (File No. 1601-06-23)

Moved By Councillor Mike Rehner

Seconded By Mayor Cheryl Ganann

1. That, Recommendation Report PD-42-2023, regarding “Application for Zoning Bylaw Amendment for 8214 and 8248 Concession 3 Road (File No. 1601-06-23)”, dated September 11, 2023, be received; and,
2. That, the application for Zoning Bylaw Amendment submitted by Henry and Lisa Van Ryn owners of 8248 Concession 3 Road, and Doug and Rita Lampman owners of 8214 Concession 3 Road, be approved in accordance with the attached Amending Zoning By-law with the site-specific regulations; and,
3. That, no further public meeting is required for the consideration of this by-law in accordance with Section 34(17) of the *Planning Act*.

Carried

10.2 ITEM P63-23

By-law Enforcement Officer (Jesse Paul) & Director of Building and Planning (Brian Treble)

Re: Recommendation Report PD-46-2023 – Amendment to Accessible Parking By-Law

Council inquired to the Director of Planning and Building Brian Treble, why the removal of the wording of accessible parking spaces was being removed from the By-law.

In response to the inquiry from Council, the Director of Planning and Building Brian Treble, noted that the By-law went above and beyond the standards set by the province, and had caused some tickets to be thrown out due to the lack of painted spaces in West Lincoln while the By-law calls for them.

Council agreed that while the decision to remove the requirement to have the painted lines was prudent, it would be best to start painting the accessible parking spaces for the benefit of the community. Council agreed that the Director of Planning and Building Brian Treble, would speak to the Director of Public Works to figure out the cost of adding accessible parking painting to the road painting budget in 2024.

The Director of Planning and Building Brian Treble, agreed with Council and stated he would follow up with the Director of Public Works to make sure that the item would be discussed during budget in 2024.

Moved By Councillor Shelley Bradaric

Seconded By Mayor Cheryl Ganann

1. That, Recommendation Report PD-46-2023, regarding “Amendment to Accessible Parking By-Law”, dated September 11, 2023 be received; and,
2. That, the Accessible Parking By-law, 97-2020, as amended, be further amended by deleting and replacing the definition of an accessible parking space as listed in the Draft Amending By-law, as found at Attachment 1 to this report.

Carried

10.3 ITEM P64-23

Director of Building and Planning (Brian Treble)

Re: Recommendation Report PD-47-2023 - 167 St. Catharine Street Draft Plan of Condominium Extension Approval - 1 Year File No. 2100-086-17

Council inquired to the Director of Planning and Building Brian Treble, why another extension was being offered to the applicant, as it had already lapsed once before.

In response to the inquiry from Council, the Director of Planning and Building Brian Treble, noted that the applicant had stated they were in the middle of another project and it would not be financially possible to begin the one in West Lincoln as well.

Council stated that they wanted to see this project move forward, and agreed they would like to see a real monetary commitment made by the applicant to complete the project.

The Director of Planning and Building Brian Treble clarified that the one year extension is from the previous application, and would only last until May of 2024.

Council agreed that before an extension was granted that they would like a monetary commitment that was satisfactory to the Director of Planning and Building.

Moved By Councillor Shelley Bradaric

Seconded By Councillor Joann Chechalk

1. That, report PD-47-2023, regarding "Recommendation Report, 167 St. Catharine Street Draft Plan of Condominium Extension Approval, File No. 2100-086-17" dated September 11, 2023, be received; and,
2. That, the Draft Plan approval for 167 St. Catharine Street BE EXTENDED for a period of one year, to expire on May 25, 2024, subject to the conditions found at Attachment 2 to this report; and,
3. That, a notice of extension be circulated to relevant agencies and departments.

Carried / Lost / Lost / Deferred / Referred / Carried as Amended

Moved By Councillor Joann Chechalk

Seconded By Councillor Terry Bell

That, this item be referred back to staff to be brought forward to the next Council meeting, after consulting with the Applicant, which would have a financial commitment satisfactory to the director.

Carried

11. OTHER BUSINESS

11.1 ITEM P65-23

Members of Committee

Re: Other Business Matters of an Informative Nature

12. NEW BUSINESS

NOTE: Only for items that require immediate attention/direction and must first approve a motion to introduce a new item of business (Motion Required).

13. CONFIDENTIAL MATTERS

Moved By Councillor Mike Rehner

Seconded By Mayor Cheryl Ganann

That, the next portion of this meeting be closed to the public to consider the following pursuant to Section 239(2) of the Municipal Act 2001:

13.1 Director of Building and Planning (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Ontario Land Tribunal (OLT) - Helen Kszan (File No.22-00280)

VERBAL UPDATE

Applicable closed session exemption(s):

- Advice that is subject to Solicitor-Client Privilege, including communications necessary for that purpose; and,
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board

13.2 Director of Planning and Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Ontario Land Tribunal (OLT) - Official Plan Amendment (OPA) 63

VERBAL UPDATE

Applicable closed session exemption(s):

- Advice that is subject to Solicitor-Client Privilege, including communications necessary for that purpose; and,
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board

13.3 Director of Planning & Building (Brian Treble)

Re: Property Matter/By-law Enforcement Matter - South Grimsby Road Property Matter

VERBAL UPDATE

Applicable closed session exemption(s):

- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- personal matters about an identifiable individual, including municipal or local board employees

13.4 By-Law Enforcement Officer (Jesse Paul) & Director of Planning and Building (Brian Treble)

Re: Legal/Enforcement Matters - Quarterly By-Law Update

VERBAL UPDATE

Applicable closed session exemption(s):

- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- personal matters about an identifiable individual, including municipal or local board employees

Carried

Moved By Councillor Trombetta

Seconded By Councillor Chechalk

That, this Committee meeting does now resume in open session at the hour of 9:56 PM.

Carried

13.1 ITEM P66-23

Director of Building and Planning (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Ontario Land Tribunal (OLT) - Helen Kszan (File No.22-00280)

VERBAL UPDATE

13.2 ITEM P67-23

Director of Planning and Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Ontario Land Tribunal (OLT) - Official Plan Amendment (OPA) 63

VERBAL UPDATE

13.3 ITEM P68-23

Director of Planning & Building (Brian Treble)

Re: Property Matter/By-law Enforcement Matter - South Grimsby Road Property Matter

VERBAL UPDATE

13.4 ITEM P69-23

By-Law Enforcement Officer (Jesse Paul) & Director of Planning and Building (Brian Treble)

Re: Legal/Enforcement Matters - Quarterly By-Law Update

VERBAL UPDATE

14. ADJOURNMENT

The Chair declared the meeting adjourned at the hour of 9:57 PM.

JUSTIN PAYLOVE, DEPUTY
CLERK

COUNCILLOR WILLIAM REILLY,
CHAIR