

Shannon Larocque

From: Mark S < >
Sent: Wednesday, February 16, 2022 9:32 PM
To: Marvin Junkin; Marianne Stewart; Wayne Olson; Ron Kore; John Wink; Bob Hildebrandt; Lisa Haun
Cc: Shannon Larocque; Lucy Colangelo; Larry C; ; Kelly Majka; Pat Pambianco; ; 'Nicole NOONAN); Bill Fordy
Subject: Zoning By-law Amendment File: AM-10-2021

Dear Mayor Junkin and Members of Pelham Town Council

I would like to start by acknowledging and thanking you for your public service. I appreciate that you have many competing pressures and that you can not possibly read everything on every issue.

I had an opportunity to view the Public Meeting in support of the application for Zoning By-law Amendment, File Number AM-10-2021. I am one of the homeowners involved in the application.

In the spirit of efficiency, I have tried to, in general terms, identify your specific questions, or comments. I apologize if I have overgeneralized and I think they were as follows:

- 1) Mayor Junkin - Have the NPCA and Region been consulted?
- 2) Councillor Stewart- The homeowners did not do their due diligence and feel entitled to do whatever they want.
- 3) Councillor Wink – has reviewed the reports and his questions were answered.
- 4) Councillor Kore – Will there be second properties built and what type of fencing will there be?
- 5) Councillor Olson – Will the drainage be affected and will there be liability for the Town (Haist). Would like to review the technical reports.
- 6) Councillor Hildebrandt – Structures and drainage.
- 7) Councillor Haun – was not present.
- 8) Public Comments – Leo Benoit and Michelle Strike

First: I will start by trying to address Councillor Stewart's concerns. I can tell you that this process has been frustrating for all the homeowners and I know that one of the applicants has had discussions with the CAO at the Niagara Region and the Manager of Planning at the Town of Pelham and suggested that this type of property development not be supported on a go-forward basis. The source of that frustration is that the homeowners were provided no or conflicting information with respect to variances on the property line. Over the past five years, there have been at least 4 applications for relief of variance. Variances were approved at the following addresses:

- 1) 28 Philmori Boulevard for a deck August 1, 2017
- 2) 44 Philmori Boulevard for pool January 9, 2018
- 3) 66 Philmori Boulevard for a deck December 4, 2018
- 4) 42 Philmori Boulevard for a deck/stairs January 9, 2022

In those processes, the Town of Pelham, Niagara Peninsula Conservation Authority (NPCA), Niagara Escarpment Commission, and the Region of Niagara have been actively involved and approved these noted applications.

In 2019, three of the applicants in this process embarked upon a similar process and met with the Town, Region and NPCA. In that meeting, it was suggested to us that a more efficient use of time, that complied with the Planning Act, would be to follow the By-law Amendment process rather than a Variance process. As such, we complied with that request and, in an effort to be inclusive, reached out to all the homeowners backing onto the protected grounds and

asked if they were interested in joining the application. We started with 9, but as the process continued and costs increased 4 of the applicants withdrew their interest.

Additionally 2 of the homeowners (Andy & Kelly - ; Pat and Charlene -) were advised by Mountainview/Costiano Developments that you can simply apply for a minor variance to allow structures in the first 7.5m (this information was accurate at the time as shown by the approved minor variances listed above). Purchasers were also made aware that rear 7.5m was untouchable. This information was a factor of consideration in the purchase of these 2 properties in order to allow for improvements for future enjoyment.

In other words, none of the applicants felt or feel that they were entitled. Rather, we are a group of persons that live and work in the Region, love the area, and have done everything that was asked of us, inclusive of having retained subject Matter Experts or Engineers to prepare technical reports.

Second: Mayor Junkin asked about NPCA consultation. As referenced by Manager Larocque, the NPCA and Niagara Region have been consulted and are in support of this application.

Third: Councillor Kore asked if the application allowed for second homes. Manager Larocque advised that outbuildings could be pursued by way of an application. I can confirm that none of us intend to build a second residence, carriage house of the like on our properties. Some seek a pool and or shed. One has no immediate plans but has young children and would like to have the option of adding a pool in the future. Permits will be sought for the pools. I anticipate all homeowners installing iron fences (IE not wood) on the rear property line.

Fourth: Councillors Olson and Hildebrandt identified drainage and resulting impact on current drainage systems with a particular emphasis on Haist. The councillors indicated a desire for more information. Technical reports have been secured that should address their respective concerns. I will not add any non-essential narrative to this message detailing the contents of their reports. The reports are as follows:

- 1) Planning Justification Report prepared by Better Neighbourhoods Development Consultants;
- 2) Scoped Environmental Impact Study prepared by Natural Resource Solutions Inc. dated September 2021; and
- 3) Storm water Management Assessment prepared by Upper Canada Consultants Engineers/Planners dated November 6, 2021

Public Comments: I would be remiss if I did not provide additional context with respect to the two persons that submitted comments at the public hearing. The Benoit's are the immediate neighbors of Kelly and Andy living at . For the four years that Kelly and Andy have lived at there, unfortunately, has been on-going conflict between these two families. The irony and hypocrisy of their concerns is that after selling their "2 million dollar home in Toronto" they are one of the above noted persons that has already had a variance issued at their property for a deck . The second concerned citizen, Michelle Strike, is Leo Benoit's daughter. I hope and trust that they were transparent and shared these facts with you. I believe upon review of the technical reports you would agree that their claims are false or unsubstantiated.

I would like to close by thanking you for your important and difficult work. Collectively, we believe that The Residences at Lookout are one the best locations to live in, work and play. It is my hope that with this additional context, you will more fully appreciate that we are a group of families that have tried to do everything asked of us in what has been an expensive and frustrating process.

Sincerely,

Mark and Karen Stukel

