

**Committee of the Whole Meeting**  
**Public Meeting under the Planning Act**  
**Minutes**

Meeting #: PCOW-05/2022  
Date: Monday, June 13, 2022  
Time: 5:30 PM  
Location: Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

Members Present: Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, Councillor John Wink

Staff Present: David Cribbs, Holly Willford, Barbara Wiens, Sarah Leach, Lindsay Richardson

**1. Call to Order and Declaration of Quorum**

Noting that a quorum was present, the Mayor called the meeting to order at approximately 5:30 pm.

**1.1 Land Recognition Statement**

Councillor Wink read the Pelham Land Recognition Statement into the record.

Ms. Sarah Leach, Deputy Clerk read opening remarks regarding the Zoom Webinar meeting and procedures for public participation.

**2. Adoption of Agenda**

THAT the agenda for the June 13, 2022 Public Meeting under the Planning Act, Special Meeting of Committee of the Whole, be adopted as circulated.

**Amendment**

**Moved By** Councillor Wayne Olson

**THAT the agenda be amended to add item 4.3.1 and item 5.2.1.**

For (7): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

**Carried (7 to 0)**

**Main Motion as Amended**

**Moved By** Councillor Bob Hildebrandt

**THAT the agenda for the June 13, 2022 Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as amended.**

For (7): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

**Carried (7 to 0)**

**3. Disclosure of Pecuniary Interest and General Nature Thereof**

There were no pecuniary interests disclosed by any of the members present.

**4. Planning Act Application: 15 Highway 20 East - OP-AM-01-2022 & AM-03-2021**

The Deputy Clerk read into the record the Notice Requirements regarding this application.

**4.1 Planning Report**

Ms. Barb Wiens, Director of Community Planning and Development provided an overview of the application before Council. A copy is available through the Clerk.

**4.1.1 Applications for Official Plan and Zoning By-law Amendments - 15 Highway 20 East, 2022-0136-Planning**

**4.2 Applicant's Presentation**

The Applicant, Tony Azzi and Planners, Mary Lou Tanner and Rhea Davis of NPG Solutions Inc. were electronically present. Ms. Davis provided a short presentation to further explain the application. A copy is available through the Clerk.

**4.3 Public Input**

Mr. Bernie Law expressed concern over garbage truck access from Kinsman Court due to the annual mounding snow pile on the south end of the Court. Mr. Law indicated that the snow will need to be removed more frequently for a garbage truck to gain access.

Mr. Law expressed concern over the capture of rainfall, noting a large increase to hard surfacing. Mr. Law further expressed concern over tree removal.

Mr. Law suggested that the proposed 9 foot driveway entrance is not sufficient. He recommended a 12 foot entrance and requested garbage truck access from Highway 20. Mr. Law concluded that he welcomes an apartment building on a smaller scale, providing residents with adequate greenspace.

Mr. William McInerney stated that he was appearing on behalf of a group of residents from Kinsman Court. Mr. McInerney

provided a short presentation of photographs to illustrate his comments. A copy is available through the Clerk.

Mr. McInerney expressed concern over the lack of proposed parking spaces and foresaw that Kinsman Court would be utilized for overflow parking. Mr. McInerney requested that Council not approve the parking plan as proposed and recommended an increase to visitor parking spaces.

Mr. McInerney expressed concern that Kinsman Court would be utilized during the construction phase for construction worker parking. Mr. McInerney stated that he was assured by the developers that this would not happen.

Mr. McInerney further stated concern with respect to the annual large snow mound on Kinsman Court. He indicated that the Town must remove the snow mound more frequently to allow for garbage truck access. Mr. McInerney requested the Town remove the snow on each garbage pick-up day. In closing, Mr. McInerney advised that the developers invited residents of Kinsman Court to work with them to ensure the development is suitable to allow for residents to retain their current lifestyle.

Mr. Mike and Mrs. Donna Zimmer expressed their support of the application. Mr. Zimmer stated that the current approved site plan allows for a 3-storey commercial and residential building inclusive of a rooftop patio. He further indicated the approved site plan contains a hard surface walkway spanning from Highway 20 to Kinsman Court. Mr. Zimmer stated that the new proposal does not contain a rooftop patio and is located closer to Highway 20, positioning the parking area backing Kinsman Court. Mr. Zimmer indicated this would be less impactful. He further stated that the new proposal does not contain the hard surfaced walkway and indicated this area would become greenspace.

Mr. Zimmer stated that the engineer's Functional Statement Report regarding drainage on the site indicates that water will drain away from Kinsman Court toward Highway 20. Mr. Zimmer indicated the design meets Provincial, Regional and Town design requirements and stated the report addresses concerns regarding drainage and the impact on Kinsman Court.

Mr. Zimmer stated that the proposed development will have less impact on the property owners of Kinsman Court than the current permitted uses. Mr. Zimmer further stated that he is aware of the concerns of neighboring residents and expressed hope that a resolution can be met between residents and the developer. Mr. Zimmer concluded by stating that snow clearance is an operational issue that can be addressed by the Public Works Department.

Pre-registered speaker, Mr. Michael Deprophetis did not attend the meeting.

Ms. Leach, Deputy Clerk, indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 6:31 pm and confirmed no e-mails have been received with regard to the subject application. Ms. Leach indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and move to Committee input.

#### **4.4 Committee Input**

A Member of Council stated that four visitor parking spaces is not sufficient. The Member indicated that although the original site plan approval provided for a 3-storey build, it also provided for sufficient surface and underground parking. The Member asked who owned the land between the proposed development and Kinsman Court. Ms. Barb Wiens, Director of Community Planning and Development stated the land is owned by the Town and is part of the Kinsman Court road allowance. The Member asked for clarification regarding access. Ms. Wiens stated that two driveway accesses are being requested; access from Highway 20 for residents and visitors and access from Kinsman Court for garbage collection. Ms. Wiens affirmed that driveway access from Kinsman Court does not connect to the parking area. The Member asked if the Town is obligated to provide this access. Ms. Wiens indicated that access will be considered through the site plan process and does provide a solution for garbage collection on the site. The Member asked how many trees would be removed as a result of the development. Ms. Wiens indicated two or three.

A Member of Council emphasized the importance of meeting the needs of the aging and senior community. The Member stated that before the development can be considered a significant asset, it must be well designed and integrated into the community. The Member indicated that gentle intensification raises the value of surrounding property as additional greenspace and walking space is valuable to aging and senior communities. The Member stated appreciation that the developer has involved the community in the development process.

The Applicant, Mr. Tony Azzi stated that he has met with residents and continues to welcome input and constructive conversation.

A Member of Council stated that they do not support the parking variance. The Member further stated that the garbage bins should be secured behind a solid fence and access for collection provided from Highway 20.

A Member of Council agreed that the proposed parking is not sufficient. The Member stated that the proposed building is too close to the road. The Member further stated that the reduced landscape space and increased traffic will be an issue. The Member stated they were not supportive of the modern building

design. The Member indicated that developers in the area have spent additional time and money designing nostalgic buildings.

A Member of Council stated preference of a 3-story building with adequate parking. The Member stated the design does not reflect the character of the neighborhood.

The Applicant’s Planner, Ms. Davis stated that all comments have been recorded and will be reviewed to determine if they can be accommodated.

**4.5 Presentation of Resolutions**

**Moved By** Councillor Marianne Stewart

**THAT Committee receive Report #2022-136 for information as it pertains to File Nos. OP-AM-01-2022 and AM-03-2021;**

**AND THAT Committee direct Planning staff to prepare the Recommendation Report on this topic for Council’s consideration.**

For (7): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

**Carried (7 to 0)**

**Moved By** Councillor Ron Kore

**THAT Committee receive the applicant’s presentation for information.**

For (7): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

**Carried (7 to 0)**

**Moved By** Councillor John Wink

**THAT Committee receive the written correspondence as listed on the agenda;**

**AND THAT Committee receive the verbal presentations made by the public listed on the Agenda.**

For (7): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

**Carried (7 to 0)**

**5. Planning Act Application: Town of Pelham New Comprehensive Zoning By-law and Housekeeping Official Plan Amendment**

The Deputy Clerk read into the record the Notice Requirements regarding this application.

## **5.1 Planning Report**

Lindsay Richardson, Policy Planner provided an overview of the application before Council. A copy is available through the Clerk.

### **5.1.1 Information Report - Draft Town of Pelham Comprehensive Zoning By-law and Housekeeping Official Plan Amendment, 2022-0132-Planning**

## **5.2 Public Input**

Mr. Hugh Fraser stated that he is representing the Greenhouse Growers Group and Dr. Jeanine West is representing Landscape Ontario. Mr. Fraser and Dr. West provided a short presentation. A copy is available through the Clerk.

Mr. Fraser stated support of new definitions which distinguish greenhouses from hoop houses. Mr. Fraser indicated that the definition for hoop house may present other implications. He stated that hoop houses are agricultural and should be subject to an alternate process for Town oversight, as opposed to site plan control.

Dr. West suggested separating hoop houses more clearly from greenhouses. Dr. West proposed clarifying the site plan control requirement for hoop houses. She further requested the consideration of an alternative requirement to replace building permits. Dr. West stated that agriculture and communities should be supported based on the recommendations in the Provincial Policy Statement, Greenbelt Plan and Escarpment Plan. Dr. West stated that hoop houses are simple structures that may not require the same level of zoning restrictions.

Ms. Bobbi Lococo indicated that her shop, Sweet Thoughts, is part of the Shops of Ridgeville on Canboro Road. Ms. Lococo requested that the Commercial zone continue to her shop as opposed to ending in the village.

Mr. Graham Pett indicated that he is representing the organization Pelham Advocates for Trees and Habitat, otherwise known as "PATH". Mr. Pett stated that the purpose and overreaching values of the Comprehensive Zoning By-law are void of mention to the natural environment, natural heritage and climate change crisis.

Mr. Pett indicated his appreciation for the inclusion of environmental mapping. He stated that the by-law does not contain a definition for Environmental Protection Zone, even though three appear. Mr. Pett expressed concern regarding the lack of mention to tree preservation, indicating that a tree preservation plan and a tree inventory are considered as part of the development pre-consultation process. On behalf of PATH, Mr. Pett requested that a tree inventory be a required

component of a development plan with emphasis on tree preservation. Mr. Pett suggested that where trees cannot be saved, the developer shall plant new trees.

Mr. Pett indicated that a higher significance should be placed on protecting trees and regulating tree removal. Mr. Pett stated that no mention is given to low impact development, which should become a standard practice in the Town.

Mr. Pett stated that the proposed by-law does not reference the climate crisis. Mr. Pett indicated that the Niagara Region is in the final stages of approving the new Regional Official Plan and stated that PATH has concern regarding the implementation of the Natural Heritage 3C Policy. Mr. Pett advised that the new Zoning By-law should not be implemented within the community until the Natural Heritage 3C Policy is completed and clearly understood.

Mr. Pett stated that the Niagara Region Planning Committee declared a climate change emergency on September 15, 2021. He indicated a climate change summit was occurring in June of 2022 which aims to identify best practices related to climate change mitigation. Mr. Pett stated that until the summit is held, it is unknown if the proposed Zoning By-law reflects best practice.

Ms. Colleen Kenyon indicated that she submitted detailed written comments and will verbally address key components. Ms. Kenyon stated that the proposed Zoning By-law contains great suggestions for gentle intensification. Ms. Kenyon indicated that some language within the by-law needs to be strengthened such as 'suggested' or 'recommended' to 'required'. Ms. Kenyon indicated that the Town must put the environment first and require better building practices. Ms. Kenyon supported the comments of Mr. Pett with respect to the current climate change crisis, indicating that mitigation cannot be put second to growth aims and building desires. Ms. Kenyon requested more emphasis on environmental protections.

Ms. Kenyon asked for an explanation for how an Environmental Protection Zone 1 gets removed after it has been in place. In closing, Ms. Kenyon requested a Zoning By-law that is proactive and preemptive toward climate change in both re-development and new development.

Pre-registered speaker, Mr. Mike Jones did not attend the meeting.

Mr. Stephen Kaiser indicated that he was representing a group of land owners that are concerned about the Highway Commercial Zone. Mr. Kaiser reiterated the old age of the current Zoning By-law and stated that there have been many changes to planning regimes at the Provincial, Regional and local level. Mr. Kaiser stated the proposed by-law is a massive change to catch up with the times and aims to be bold, visionary, enabling and non-

prescriptive while maintaining adequate protection of certain land.

Mr. Kaiser expressed support for main floor residential in the Village Commercial zone. He further asked that staff consider the permission of 4-storeys as opposed to 3-storeys in height to allow for ground floor parking with three residential floors above. Ms. Kaiser requested that staff re-visit glazing and first floor height in the Village Commercial zone and Downtown Corridor zone.

Ms. Leach, Deputy Clerk, indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address and received an email from Mr. Tim Nohara. Ms. Leach read the email which asked the following three questions: 1. Many changes were made to the Official Plan through By-law 4251(2020), are there changes to these provisions as a result of the proposed housekeeping Official Plan Amendment? 2. Many changes were made to the Zoning By-law through By-law 4252(2020), are there changes to these provisions as a result of the proposed Comprehensive Zoning By-law? 3. Will the Planning department accept additional questions in the coming weeks?

Ms. Leach, Deputy Clerk, indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 7:29 pm and confirmed no additional e-mails had been received with regard to the subject application. Ms. Leach indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and move to Committee input.

### **5.3 Committee Input**

In response to Mr. Nohara's questions, Ms. Barb Wiens, Director of Community Planning and Development stated that the two referenced Cannabis related by-laws are currently with the Ontario Land Tribunal. Ms. Wiens confirmed the two by-laws will remain and standalone if upheld. Ms. Wiens reiterated that the Planning Department is happy to accept comments following the Public Meeting.

A Member of Council stated they would like to see a climate lens applied to every decision made as a Town to aid in the climate emergency. The Member further stated they would like low impact development requirements built into the Building Code. The Member asked for confirmation that wetlands and significant geological features are now zoned to prohibit development. Ms. Wiens stated the current Zoning By-law does not provide for the protection of natural heritage features whereas the proposed Zoning By-law does so through the Environmental Protection 1, 2 and 3 zones in conformity with the Official Plan. Ms. Wiens stated that protection will now be applied through law, as opposed to just policy. The Member expressed support for the greater flexibility for home industries, businesses and farms.



A Member of Council referenced a previous request for a Zoning By-law comparison and inquired if this would be provided. Ms. Wiens stated that the proposed Zoning By-law is completely new with numerous changes. Ms. Wiens indicated that a side by side comparison would not be a fruitful exercise due to how significantly different the proposed by-law is. Ms. Wiens provided a high level summary of significant changes to the by-law. The Member expressed concern with the proposed parking requirements as well as the dimension of 5 metres to the front of a garage.

A Member of Council recalled a conversation with Ms. Wiens where she indicated that the Zoning By-law is not the correct place to regulate trees. Ms. Wiens expanded that provincial legislation does not permit a Zoning By-law to regulate trees or tree removal; this would be done through a separate by-law passed under the *Municipal Act, 2001*. Ms. Wiens indicated that a number of municipalities do regulate tree removal on private property and noted that this tends to be a contentious issue for Council's consideration.

A Member of Council asked if hoop houses currently require a demolition permit for removal. Ms. Wiens responded that agricultural buildings are exempt from demolition permits. With respect to parking, the Member indicated that the Comprehensive Zoning By-law should not be passed until the parking study has been received and considered by Council.

A Member of Council asked for clarification surrounding the exemptions for specific properties identified within the exemption section of the by-law. Ms. Wiens stated the exemptions reflected existing permitted site specific exemptions which are being proposed to carry forward. She indicated that if they do not carry forward, they become legal non-confirming which creates further issues or concerns.

#### **5.4 Presentation of Resolutions**

**Moved By** Councillor Wayne Olson

**THAT Committee receive Report # 2022-0132 for information;**

**AND THAT Committee direct Planning staff to prepare the Recommendation Report on the new Town of Pelham Comprehensive Zoning By-law and Housekeeping Official Plan Amendment for Council's consideration.**

For (7): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

**Carried (7 to 0)**

**Moved By** Councillor Lisa Haun

**THAT Committee receive the written correspondence as listed on the agenda;**

**AND THAT Committee receive the verbal presentations made by the public listed on the Agenda;**

**AND THAT Committee receive the email correspondence to the clerk@pelham.ca email address.**

For (7): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

**Carried (7 to 0)**

**6. Adjournment**

**Moved By** Councillor Ron Kore

**THAT this Special Committee of the Whole, Public Meeting Under the Planning Act, be adjourned.**

For (7): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

**Carried (7 to 0)**

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Mayor: Marvin Junkin

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Deputy Clerk: Sarah Leach