

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

Meeting #: PCOW-01/2024
Date: Wednesday, January 17, 2024
Time: 5:30 PM
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present: Mayor Marvin Junkin, Councillor Bob Hildebrandt,
Councillor Wayne Olson, Councillor John Wink,
Councillor Kevin Ker, Councillor Shellee Niznik

Staff Present: David Cribbs, Barbara Wiens, Shannon Larocque, Sarah
Leach, Lindsay Richardson, Jodi Legros

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 p.m.

2. Land Recognition Statement

Councillor Olson read the land recognition into the record.

3. Adoption of Agenda

THAT the agenda for the January 17, 2024, Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as circulated.

Amendment:

Moved By Councillor Bob Hildebrandt

THAT the agenda be amended to include item 6.2.1.

Carried

Motion as Amended:

Moved By Councillor Bob Hildebrandt

THAT the agenda for the January 17, 2024, Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as amended.

Carried

4. Disclosure of Pecuniary Interest and General Nature Thereof

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

5. Planning Act Application: OP-AM-02-2023 & AM-05-2023 - 1389 Effingham Street

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

5.1 Planning Report and Presentation

Shannon Larocque, Senior Planner provided an overview of the application before Council. A copy is available through the Clerk.

5.1.1 Information Report - Applications for Official Plan and Zoning By-law Amendment - 1389 Effingham Street, 2024-0018-Planning

5.2 Applicant's Presentation

The Agent, Angela Buonamici, provided an overview of the application before Council. A copy is available through the Clerk.

5.3 Public Input

Steve Mathews expressed concern about the potential use of bird bangers. The Agent indicated the Applicant does not intend to use bird bangers.

Patrick Fuller expressed concern for the potential future expansion of the winery facility, noting the website references a capacity of 150 people. Mr. Fuller objected to the wine-tasting facility and indicated the proposed parking was insufficient.

The Agent, Angela Buonamici, stated the current intent is a wine-tasting facility, not an event space. Ms. Buonamici indicated an event space would require an additional planning application. She stated the information on the website was a placeholder and is not currently permitted or requested. Ms. Buonamici stated that wine production will occur during business hours and will not contravene the Town's Noise By-law.

Gaye Fuller expressed uncertainty as to why the website advertises events if it is not going to happen. Ms. Buonamici responded it was part of a marketing plan which may be a long-term vision.

The Mayor asked for clarity that a special event would require an additional permit. Senior Planner, Shannon Larocque, confirmed. Ms. Larocque stated the Zoning By-law permits an annual event subject to a Special Event Permit, with anything more frequent requiring a zoning by-law amendment.

Mark Engel asked why a portion of the land is to be rezoned to EP3 from EP1. Ms. Larocque stated the property is within the Greenbelt Plan Area and the characterization of features on-site made it more appropriate as an EP3 zone. She stated the intention is to retain environmental protection zoning.

Gayle Savage expressed concern about the view from her property. The Mayor confirmed the building already exists. Ms.

Savage expressed traffic concern, noting the current excessive traffic on Effingham Street. Ms. Savage expressed further concern regarding noise and the potential for music. Ms. Buonamici indicated that noise would be limited to hours of operation. Ms. Buonamici stated the winery is not located on a wine route and therefore it would not be advantageous for buses to travel to the winery. She stated the winery is not huge and is meant to serve the Pelham community. Addressing the noise concern, Ms. Buonamici stated that if music occurred, it would likely be a solo artist or guitarist.

Steve Mathews expressed concern the Town would not adequately respond to future noise complaints if warranted.

Ms. Leach, Deputy Clerk, indicated she checked the clerks@pelham.ca email address at 6:15 p.m. 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.

5.4 Committee Input

Councillor Ker introduced his experience in the industry and identified that wine production normally occurs during a six-week window. Aside from this timeframe, the Councillor indicated the noise levels are not drastically different from other agricultural operations. Councillor Ker stated that bird bangers are generally ineffective, and identified other preventive measures that exist. He asked for clarification regarding the numbers that appeared in the agent's presentation.

Ms. Buonamici identified the picnic area is not part of the building. Ms. Larocque stated the requirements in the Official Plan and Zoning By-law relate to floor area which would not encompass the outdoor tasting area.

Councillor Ker stated the site ingress and egress appeared insufficient for large equipment. Ms. Buonamici confirmed site plan requirements would be addressed following the current application and indicated that the driveway width would be increased to allow for two-way traffic.

Councillor Niznik asked how many special event permits can be issued to a business within a given year. Barb Wiens, Director of Community Planning and Development, stated the Official Plan allows rural properties one annual event per year. She stated anything beyond this would require a zoning by-law amendment.

Concerning the written comments provided by Mr. and Mrs. Fuller, Councillor Niznik asked how the applicant plans to secure the property line. The Applicant, Anthony Hall, indicated that he no longer uses the footpath, but will address its use with others. He stated the intention is to have a surveyor mark the property line. Regarding noise concerns, Mr. Hall stated he has four young

children and has no intent to be a bad neighbor or generate noise that would also adversely affect his family. Councillor Niznik emphasized securing the property line to avoid future encroachment.

Councillor Ker identified the importance of sewer capacity at the site plan stage. Councillor Ker expressed the proposal seemed worthwhile and presented a good opportunity for a winery within the Town's boundary.

Councillor Olson asked if a sewage permit was obtained. The Applicant confirmed.

Mayor Junkin asked if the NPCA request for additional information was fulfilled. Ms. Buonamici confirmed.

5.5 Presentation of Resolutions

Moved By Councillor Wayne Olson

THAT Committee receive Report #2024-18 for information as it pertains to File Nos. OP-AM-02-2023 & AM-05-2023; AND THAT Committee direct Planning staff to prepare the Recommendation Report on this topic for Council's consideration.

Carried

Moved By Councillor John Wink

THAT Committee receive the applicant's presentation for information

Carried

Moved By Councillor Bob Hildebrandt

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

AND THAT Committee receive the verbal presentations made by the public.

Carried

6. Planning Act Application: AM-08-2023 Housekeeping Zoning By-law Amendment

6.1 Planning Report and Presentation

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

6.1.1 Information Report – Housekeeping Zoning By-law Amendment, 2024-0016-Planning

6.2 Public Input

Mark Engel provided a brief background on the history of Pelham's Zoning By-law. Mr. Engel indicated he has an issue with the process behind the creation of the EP zoning schedules. Mr. Engel indicated the new schedule designates approximately 604 properties as EP1. He stated the new schedule is out of alignment with the Official Plan and suggested that Council was not adequately informed of this material change before their decision.

Mr. Engel expressed concern and disagreement that homeowners were not directly notified of their zoning change. As a remedy, Mr. Engel requested his property be rezoned back to Agriculture "A". He requested staff work with him to provide a solution that allows development on his property.

Mr. Engel expressed disagreement with the removal of single detached dwellings as a permitted use in EP2 and EP3 zones. He indicated this would put the Zoning By-law out of alignment with the Official Plan. Mr. Engel stated the amendment removes the right for construction without notification to property owners. Mr. Engel suggested a zoning impact study be conducted. To conclude, Mr. Engel requested that single detached dwellings not be removed as a permitted use from EP2 and EP3.

Stephen Kaiser provided a brief overview of his involvement with the Town of Pelham and indicated that staff are effectively working to address his comments. Ms. Kaiser expressed concern about height and bicycle parking, noting the definition is still ambiguous. He expressed disagreement with the proposed changes in the Institutional zone and indicated there should be no coverage restrictions in the Village Commercial zone.

Mr. Kaiser emphasized that Council should consider how to promote intensification as opposed to limiting it.

Don Campbell identified he was appearing on behalf of Pelham Advocates for Trees and Habitat (PATH). Mr. Campbell expressed concern for promoting reasonable development that balances the need for housing and jobs with the protection of heritage and the environment. Mr. Campbell indicated that PATH would submit written comments to the Planning Department in the near future.

Mr. Campbell proposed the Fenwick Urban Area boundary be exempt from setback requirements for EP1 and EP2. Mr. Campbell expressed satisfaction with the addition of significant woodlands to the chart. Mr. Campbell expressed concern about the removal of the site plan control requirement from the Greenbelt Natural Heritage System. Barb Wiens, Director of Community Development and Planning, indicated that staff would be happy to meet with PATH on the suggestions proposed. Mr. Campbell indicated that PATH is supportive of many of the amendments.

Jason Wierenga expressed satisfaction with the reduction of parking spots required for his greenhouse operation. However, Mr. Wierenga stated the parking requirement would still not accurately reflect his business needs and would like to see a further reduction. In addition to greenhouses, Mr. Wierenga stated the parking reduction should be applied to other agricultural purposes. Mr. Wierenga suggested the term "agricultural" be utilized as opposed to "commercial" with respect to greenhouses. To conclude, Mr. Wierenga identified the current lot coverage restrictions for greenhouses.

Ms. Leach, Deputy Clerk, indicated she checked the clerks@pelham.ca email address at 7:26 p.m. 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.

6.3 Committee Input

Councillor Wink asked why the new Zoning By-law reduced the greenhouse lot coverage to 30% from 70%. Ms. Wiens clarified the previous zoning by-law permitted a lot coverage of 60% and was reduced to be consistent with the Official Plan. Ms. Wiens assured this restriction would be reviewed with the Official Plan update. Councillor Wink asked the greenhouse lot coverage permitted within other municipalities. Ms. Wiens stated they range; noting 50% in Niagara-on-the-Lake and 70% in Lincoln.

Councillor Wink asked about a lot coverage restriction for hoop houses as they are temporary. Ms. Wiens confirmed there is no lot coverage restriction for hoop houses.

Councillor Niznik expressed concern for the time associated with an official plan amendment related to greenhouse lot coverage. Councillor Niznik asked if there is a process to make a temporary exemption.

Mayor Junkin reminded Council of a previous discussion where Council felt a six-to-eight-month period was reasonable. Mayor Junkin asked Ms. Wiens if this was still feasible. Ms. Wiens indicated she was not aware of a legal process outside of a zoning by-law amendment. She stated the zoning by-law amendment could be brought forward at the same time as the official plan update.

Councillor Ker supported an increase in lot coverage for greenhouses and hoop houses and asked if hoop houses required a building permit. Ms. Wiens confirmed that under the Ontario Building Code hoop houses do require a building permit.

Councillor Ker expressed the greenhouse industry needs support and indicated he would like to see a reasonable measurement imposed as opposed to unlimited lot coverage. Councillor Ker stated that hoop houses are separate from fixed greenhouses.

Councillor Ker acknowledged the request to change "commercial" to "agricultural" but indicated value in the use of the term commercial for control and revenue purposes.

Councillor Olson expressed support for a 70% greenhouse lot coverage. Councillor Olson supported the comment regarding a reduction in parking requirements for agricultural operations. He stated the Town should create a condition for the agricultural industry to succeed.

Councillor Hildebrandt concurred with the comments of Council. Councillor Hildebrandt expressed concern for the greenhouse industry due to the lot coverage restriction.

Councillor Wink asked for the timelines associated with a specific official plan amendment and the overall official plan review. Ms. Wiens responded five to six months for an amendment and six to nine months for the new official plan. Ms. Wiens explained the process for an official plan amendment. Councillor Wink expressed disappointment in the associated timeframe.

Mayor Junkin asked if the timeframe changes if the request is received from an individual or business. Ms. Wiens stated the timeframe would not change.

Councillor Ker expressed a desire to expedite the change. Ms. Wiens stated pursuit of a zoning by-law amendment is required to increase the lot coverage of any specific greenhouse. Ms. Wiens indicated there could be situations where 70% is too much.

Councillor Wink emphasized that greenhouse growers can pursue a zoning by-law amendment individually.

David Cribbs, Chief Administrative Officer, stated the zoning by-law and official plan processes are statutory and subject to an appeal to the Ontario Land Tribunal. Mr. Cribbs stated the 30% lot coverage was adopted for a good reason, as 70% may not be appropriate for every property. He further stated Staff is on track to deliver the new Official Plan this calendar year.

Councillor Ker agreed that parking requirements were excessive as automation has reduced staffing requirements.

Councillor Wink asked for a response to Mr. Engel's comments. Ms. Wiens indicated that zoning needs to comply with various policy documents in addition to the Town's Official Plan and identified the complexity of environmental requirements. Ms. Wiens stated the map Mr. Engel referenced was changed because of agency comments. She further stated the revised map was included in the package brought forward to Council and subject to a public meeting.

Concerning notification, Ms. Wiens stated it was a comprehensive zoning by-law review that involved community outreach and open houses, exceeding the legislated

requirements. Ms. Wiens indicated individual notification is not standard and acknowledged it was unfortunate the Engels were not aware. She further indicated the Zoning By-law was not appealed by any agencies which confirms compliance.

Ms. Wiens identified a zoning by-law process for boundary refinement subject to an environmental impact study. Ms. Wiens stated that development has not been permitted in areas of certain environmental features for approximately 20 years, and the Town is catching up to this restriction.

Mayor Junkin thanked Ms. Wiens and Staff for public consultation conducted during the comprehensive zoning by-law process.

Councillor Wink asked for an approximate cost of an environmental impact study. Ms. Wiens responded that it could vary greatly between 10 to 25 thousand dollars depending on environmental features and the proposal itself. Councillor Wink acknowledged the Engel's unfortunate circumstance, as they were able to build at the time of purchase. Ms. Wiens agreed and confirmed that in 2019 at the time of purchase, construction was permitted.

Councillor Niznik asked if homes within EP1 could be demolished and rebuilt. Ms. Wiens indicated it would depend on several variables such as the footprint. Ms. Wiens stated existing uses are permitted to continue.

6.4 Presentation of Resolutions

Moved By Councillor Kevin Ker

THAT Committee receive Report #2024-0016 Information Report – Housekeeping Zoning By-law, for information;

AND THAT Committee direct Planning staff to prepare the Recommendation Report on the Housekeeping Zoning By-law Amendment to Town of Pelham Comprehensive Zoning By-law 4481(2022) for Council’s consideration.

Carried

Moved By Councillor Wayne Olson

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

AND THAT Committee receive the verbal presentations made by the public.

Carried

7. Adjournment

The meeting was adjourned at 8:12 pm.

Moved By Councillor Bob Hildebrandt

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

Carried

Mayor: Marvin Junkin

Deputy Clerk: Sarah Leach