



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

MEETING NO. 4

April 11, 2022, 6:30 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

Council: Councillor William Reilly
Councillor Shelley Bradaric
Mayor Dave Bylsma
Councillor Cheryl Ganann
Councillor Harold Jonker
Councillor Jason Trombetta

Absent: Councillor Mike Rehner

Staff: Bev Hendry, CAO
Brian Treble, Director of Planning and Building
Madyson Etzl, Planner II
Jessica Dyson, Deputy Clerk
Gerrit Boerema, Planner II
Meghan Birbeck, Planner I
Mike DiPaola, Director of Public Works and Recreation*
Kevin Geoghegan, IT Help Desk Analyst

Other Members:	Tom Richardson, Township Solicitor*	Peter Budd*
	Neil Carter*	Jared Marcus*
	Sidney Thompson*	Jill Anthony*
	Lianne Timbers-Sharp*	Kenneth Kranendonk*
	Jesse Auspitz*	Matt Wichmann*
	Shawn Ryan*	Andrea Wichmann*
	WeeStreem*	

***IN ATTENDANCE PART-TIME**

1. CHAIR - Councillor William Reilly

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

1. Due to efforts to contain the spread of COVID-19 and to protect all individuals, the Council Chamber will not be open to the public to attend Standing Committee and Council meetings until further notice.
2. The public may submit comments for matters that are on the agenda to jdyson@westlincoln.ca before 4:30 p.m. 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 and recorded and available on the Township's website.

2. LAND ACKNOWLEDGEMENT STATEMENT

Councillor Reilly read the following 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 Hatiwendaronk (Hat-i-wen-DA-ronk), the Haudenosaunee (Hoe-den-no- SHOW-ee), 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

There were no disclosures of pecuniary interest and/or conflicts of interest by any Member of the Committee in attendance.

4. CONFIDENTIAL MATTERS

All Members of Committee, with the exception of Councillor Mike Rehner, were noted as present as well as the CAO, Deputy Clerk, Director of Planning & Building, and Tom Richardson, Township Legal Counsel, were in attendance for discussion of all confidential matters. The Director of Public Works and Recreation was in attendance for Item P36-22 and left prior to discussions of Item P37-22.

Prior to the closed session, all Members of Committee were reminded that any discussions in closed are to remain confidential as per the Township's Code of Conduct and the Procedural By-law.

All those in attendance electronically for closed session deliberations confirmed and acknowledged that they understood and confirmed to all of the following statements:

- That all confidential matters and discussions are to remain confidential;
- No one else was present with them during the electronic confidential discussions;
- No one else could hear the electronic closed session deliberations;
- No one was using any electronic devices other than their tablet or computer; for the purpose of the video conferencing; and,
- No one was recording any portion of the confidential portion of the meeting.

Moved By Councillor Cheryl Ganann

Seconded By Councillor Shelley Bradaric

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:

4.1 Township Solicitor (Tom Richardson) and Director of Planning & Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Crossings on the Twenty

VERBAL UPDATE

Applicable closed session exemption(s):

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

4.2 Township Solicitor (Tom Richardson) and Director of Planning & Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Woodland Tree Cutting

VERBAL UPDATE

Applicable closed session exemption(s):

- Advice that is subject to Solicitor-client privilege, including communications necessary for that purpose

Carried

Moved By Councillor Cheryl Ganann

Seconded By Mayor Dave Bylsma

That, this Committee meeting does now resume in open session at the hour of 7:29 p.m.

Carried

4.1 ITEM P36-22

Township Solicitor (Tom Richardson) and Director of Planning & Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Crossings on the Twenty

VERBAL UPDATE

Moved By Mayor Dave Bylsma

Seconded By Councillor Jason Trombetta

That, Township Staff and Legal Counsel be and are hereby authorized to proceed as directed in closed session through the implementation of the original Draft Plan of Condominium approval from 2009.

Carried

4.2 ITEM P37-22

Township Solicitor (Tom Richardson) and Director of Planning & Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Woodlot Tree Cutting

VERBAL UPDATE

Members of Committee rose without reporting.

5. PUBLIC MEETING(S)

Public Meeting(s) commenced at 7:30 p.m. following Confidential Matters.

PUBLIC MEETING(S) FOR PLANNING MATTERS

5.1 Site Alteration - P. Budd Developments Inc. (File No. 3000-002-22)

Re: Site Alteration application has been submitted by Rankin Construction Inc. (Contractor) on behalf of P. Budd Developments Inc. (Owner) to import fill to the property legally described as Plan M94 Lot 1 Plan 30M300; PT Lots 12 and 13 and RP; 30R15516 Parts 1 and 2 (off of South Grimsby 5 Road) in Smithville, north of the CP Rail Line (File No. 3000-002-22).

PUBLIC MEETING(S) UNDER THE PLANNING ACT

5.2 Zoning By-law Amendment - 197 Griffin Street (C A Real Estate Holdings)

Re: Zoning Bylaw Amendment has been submitted by NPG Planning Solutions (Agent) on behalf of C A Real Estate Holdings (Owner) for the property located at 197 Griffin Street (File No. 1601-005-22).

5.3 Zoning By-law Amendment - 2990 South Grimsby Road 18 (Neil Carter)

Re: Zoning Bylaw Amendment has been submitted by Neil Carter for the property municipally known as 2990 South Grimsby Road 18 (File No. 1601-002-22).

6. CHANGE IN ORDER OF ITEMS ON AGENDA

There were no requests to change the order of items on the agenda.

7. APPOINTMENTS

7.1 ITEM P38-22

Lianne Timbers-Sharp, Resident (Carter Drive)

Re: Crossings on the Twenty, Condo Development and Registration
FOR INFORMATION

Ms. Timbers-Sharp reviewed a PowerPoint Presentation (attached as **Schedule A**) regarding the Crossings on the Twenty South Condominium Development and Registration concerns.

The Director of Planning & Building discussed the process of the condominium registration and the Township's role with respect to the issues. The Director of Planning & Building stated that this condominium development dates back to 2009 when Draft Plan Approval was granted which only included the units of the west side of the road and was a condominium development that went right to the creek. The Director of Planning & Building stated that the lands between the end of the road and the creek have always been intended to be included as part of the plan of condominium and that was the approval that was granted by the Township, noting that the concept of making the land something other than land owned by the condominium is a situation created by the Developer. The Director of Planning & Building also stated that the Township has tried to work with the Developer to consider their concepts, however, the situation at hand is not a result of the Township and that Township staff are simply reacting to proposals being brought forward.

The Director of Planning & Building stated that at this time the Township has not received a letter that shows how the conditions of draft plan of condominium approval have been satisfied, nor has the draft plan of condominium been submitted to the Township for review and approval and for it to be sent to the registry office. Also, the draft declarations that have not yet been provided. The Director of Planning & Building stated that Township Staff cannot move forward until all of the appropriate documents are submitted, once they are submitted, staff will work as efficiently as possible to move forward with the approval.

Township Solicitor, Tom Richardson, stated that Township legal and staff have been working with the developers' lawyer and consultants in attempting to find a solution to a problem that does not stem from the Township.

The CAO provided some key points with respect to this issue, stating that (1) West Lincoln Council has concluded that its need for the lands the developer wishes to give to the Township are not required at this point in time. The costs associated with remediating the land and/or developing something like a trail are not planned for in our current or future capital budget plans; (2) it was never a condition of the condominium approval for the Township to take the lands; and (3) this situation now is completely within the purview of the developer to conclude the planning processes including the finalization of the condominium approval so that ownership can be transferred to the purchasers.

Moved By Councillor Cheryl Ganann

Seconded By Councillor Shelley Bradaric

That, the correspondence received from Lianne Timbers-Sharp regarding "Crossings on the Twenty, Condo Development and Registration", dated April 11, 2022, be received.

Carried

8. REQUEST TO ADDRESS ITEMS ON THE AGENDA

There were no requests to address items that were on the agenda.

9. 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.

9.1 ITEM P39-22

CONSENT AGENDA ITEMS

Moved By Councillor Cheryl Ganann

Seconded By Councillor Jason Trombetta

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

1. Items 1, 2, 3, and 4 be and are hereby received for information; and,
2. Items 5, 6, 7 and 8 be and are hereby received and that the recommendations contained therein be adopted with exception of Item No.(s) 1 &4.

Carried

2. Technical Report No. PD-37-2022 - 197 Griffin Street Application for Zoning Amendment - Christoph Arnold, Owner & NPG Planning Solutions, Agent (File No. 1601-005-22)
3. Technical Report No. PD-46-2022 – Zoning Bylaw Amendment – Neil Carter 2990 South Grimsby Road 18 (File No. 1601-002-22)
5. Recommendation Report No. PD-40-2022 - Marz Homes (Smithville West) Inc. Temporary Site Plan Authoring By-law for Sales Trailer (File No. 2100-02-22)
6. Recommendation Report No. PD-18-2022 - Site Plan Amendment Authorization 7484 Regional Road 20 – John Cadman Bristol Motors (File No. 2100-019-21)
7. Recommendation Report No. PD-38-2022 - Industrial Park Road (Part 2 of Plan 30R-15914) 1794733 Ontario Inc. AJ Clarke and Associates (Tristar Contracting) Authorizing By-law (File No. 2100-003-22)
8. Recommendation Report No. PD-43-2022 – Driveway and Entrance Review (File No. 1601-007-20)
1. Technical Report No. PD-47-2022 – P. Budd Developments Inc. Site Alteration Application for “Station Meadows West – Phase 1,” No. 3000-002-22

Moved By Councillor Shelley Bradaric

Seconded By Councillor Cheryl Ganann

1. That, report PD-47-22, regarding “Technical Report – P. Budd Developments Inc. Site Alteration Application for “Station Meadows West – Phase 1,” No. 3000-002-22”, dated April 11, 2022 be RECEIVED; and,
2. That, a future recommendation report be presented to Committee and Council after all public and agency consultation have been reviewed.

Carried

4. Information Report No. PD-41-2022 - Marz Homes – Smithville Station Tree Planting (File No. 2000-65-05)

Moved By Mayor Dave Bylsma

Seconded By Councillor Cheryl Ganann

That Report PD-41-2022, regarding “Information Report Marz Homes – Smithville Station Tree Planting, File No. 2000-65-05, dated April 11, 2022” be received for information purposes.

Carried

10. COMMUNICATIONS

There were no communications.

11. STAFF REPORTS

11.1 ITEM P40-22

Planner I (Meghan Birbeck) and Director of Planning & Building (Brian Treble)

Re: Recommendation Report No. PD-42-2022 – Zoning Bylaw Amendment – Van Andel and Boverhof (File No. 1601-004-22)

Moved By Councillor Harold Jonker

Seconded By Councillor Jason Trombetta

1. That, Report PD-42-2022, regarding “Recommendation Report - Zoning By-law Amendment– Van Andel and Boverhof (File No. 1601-004-22)”, dated April 11th 2022, be RECEIVED; and,
2. That, an application for Zoning By-law Amendment 1601-004-22 submitted by Van Andel and Boverhof - and a corresponding Zoning By-law be APPROVED and passed; and
3. That, Staff be authorized to circulate the Notice of Decision for the Zoning By-law Amendment with the corresponding 20-day appeal period.

Carried

11.2 ITEM P41-22

Director of Planning & Building (Brain Treble)

Re: Recommendation Report PD-45-2022 - Building Fees By-law Review in accordance with Comprehensive User Fee Report

Moved By Councillor Cheryl Ganann

Seconded By Mayor Dave Bylsma

1. That, Report PD-45-2022 regarding "Recommendation Report - 2022 Building Fees By-law Review in accordance with Comprehensive User Fee Report" dated April 11, 2022, be RECEIVED, and;
2. That, a by-law be passed similar to the draft by-law found at attachment 1 to this report to establish new Building Permit Fees effective May 1, 2022.
3. That, a by-law be passed similar to the draft by-law found at attachment 2 to this report to establish new Swimming Pool Permit Fees to take effect on May 1, 2022.

Carried

12. OTHER BUSINESS

12.1 ITEM P42-22

Members of Committee

Re: Other Business Matters of an Informative Nature

1. Mayor Bylsma

Re: Cairn Christian School - Breaking Ground

Mayor Bylsma stated that on Friday, April 8th, he was invited to a breaking ground event for a new addition to Cairn Christian School. Mayor Bylsma noted he was joined with some other dignitaries and that this addition shows the growth within the community and the Christian school community.

Councillor Trombetta questioned why other members of Council have not been made aware of the ground breaking ceremonies that have taken place within the last couple of weeks and if staff are also getting the Correspondence. In response to Councillor Trombetta's question, Mayor Bylsma stated that the invitation for Cairn school was sent directly from the school to the Mayor, nothing that there was nothing in the correspondence asking him to forward the invite. Councillor Reilly noted that there were communications on Cairn Christian School's social media page regarding the event.

2. Councillor Harold Jonker

Re: Live After Five Business Meeting at Domaine Queylus Winery

Councillor Jonker announced that the Chamber of Commerce is holding the first Live After Five Business event on Thursday April 14th, at Domaine Queylus Winery.

3. Counillor William Reilly

Re: Master Community Plan Open House

Councilor Reilly reminded the public of the virtual Open House for the Master Community Plan and requested that the Planner provide more information. Planner II, Gerrit Boerema, stated that there is an online virtual open house which is running on the Plan Smithville Website from April 13th - April 20th noting that members of the public can participate through providing comments and viewing of additional information in addition to a Special Council being held on April 27 at 6:30 p.m. with respect to the Smithville Master Community Plan.

13. NEW BUSINESS

There were no items for new business brought forward by any Member of Committee.

14. ADJOURNMENT

The Chair declared the meeting adjourned at the hour of 9:44 p.m.

JESSICA DYSON, DEPUTY
CLERK

COUNCILLOR WILLIAM REILLY,
CHAIR



Crossings on the Twenty South, Carter Drive, Smithville

LIANNE TIMBERS-SHARP

APRIL 11, 2022



OBJECTIVE:

- *Create awareness regarding the costs, risks and frustrations of the home “owners” of Crossings on the Twenty South, due to the ONGOING delay in registration of the condominium development.*
- **GOAL: IMMEDIATE HOME OWNERSHIP FOR THE RESIDENTS OF CARTER DRIVE**





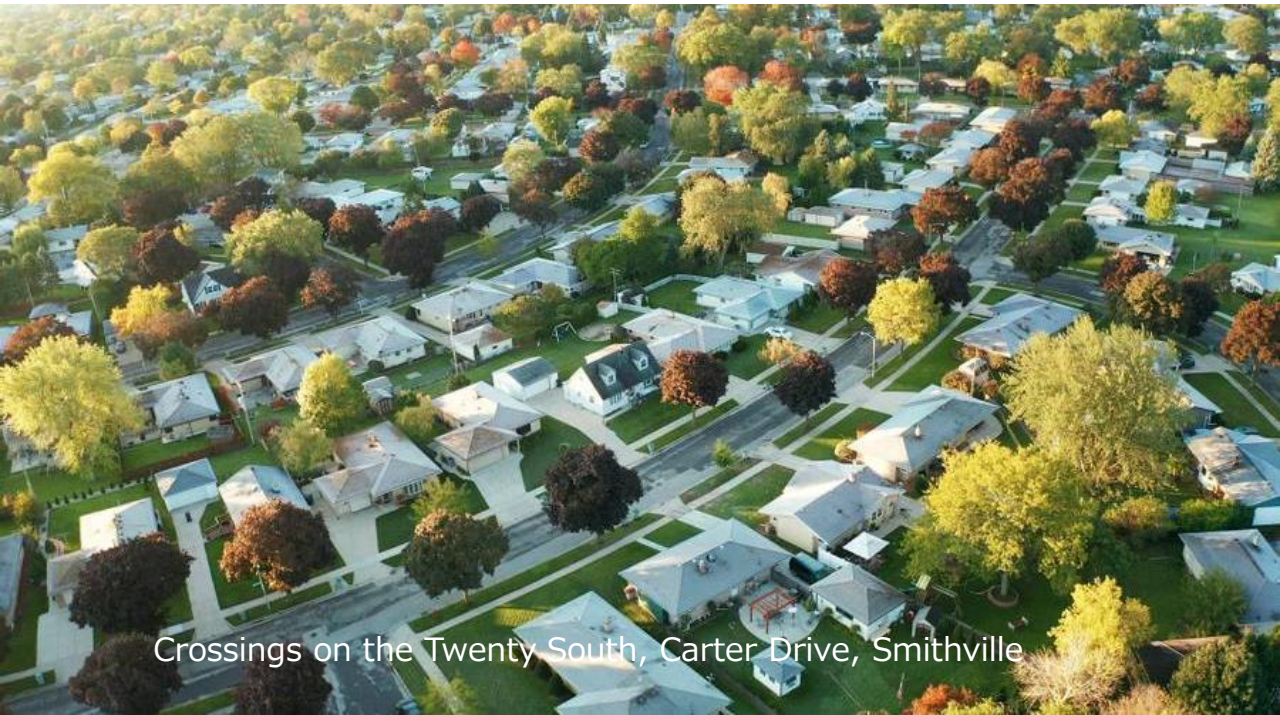
OUTLINE:

Owner Situation and Interim Occupancy

Termination Clause...The Clock is Running Out!

Letter from Developer

Expectations for the Future



Crossings on the Twenty South, Carter Drive, Smithville

**It's been almost 2
years since the first
owner moved in...we
are being held
hostage in a situation
that doesn't involve
us!**

**"We can't sleep, we are stressed, we are
frustrated...all the while we pay out money
and don't own our homes!"**

TIMELINE OF INTERIM OCCUPANCY August 2020-April 2022

August 2020

First “owner” moves into unit, given **INTERIM OCCUPANCY STATUS**.

Pays monthly “rent” to builder incl. interest on amount owing, condo fees, property taxes.

August 2021

Last “owner” moves in”, paying **INTERIM OCCUPANCY FEES**.

24 unit owners now paying monthly fees of approx. **\$1600-\$1800 /month**

This does not apply to purchase cost. Comes directly out of our savings.

October 23, 2021

Residents receive the following email from the listing agent:

Dear Residents of Carter Drive

On behalf of the builder I would like to give an update on the progress of the development as we get closer to registering the condominium. The builder's consultants are dealing with the Township of West Lincoln to convey the additional lands to the north of the development to be parkland. Construction of decks, tree planting, driveway paving and a second coat of asphalt on the street is ongoing. Registration of the condominium will take place as soon as possible after the above items are complete. We appreciate your patience as we finish up this project.

April 2022

Residents remain stuck in INTERIM OCCUPANCY

Paid \$10000-\$25000 without owning their homes.

Contract time is running out.

Bank accounts are running low.

Mortgage rates are rapidly increasing.

BEING HELD HOSTAGE IN THE MIDDLE

Termination Clause

As per the Agreement of Purchase and Sale signed by the owners of Carter Drive, we are subject to a 24 month termination clause.



This clause states “If notwithstanding all reasonable steps taken by the Vendor, the condominium is not registered within 24 months after the occupancy date, unless otherwise agreed to, the agreement shall be terminated”



This means that starting August of 2022 (24 months from when the first owner was given interim occupancy), “owners” can essentially be evicted, if the condominium isn’t registered, putting us all at HIGH RISK of losing our homes and being HOMELESS. We have lost purchase power, while the homes we don’t “own” have gained substantial value.



Letter from DeHaan Homes (received April 4, 2022)

April 4, 2022

To all the residents of Carter Drive,

Further to our letter from February 21, 2022, I wish to update you on the situation regarding the registration of the condominium and the last condition of approval to satisfy the Township so they can accept the additional lands as described in my previous letter.

As you may or may not know, in late February planning staff was prepared to accept a proposed trail to intersect the additional lands and when it was brought to Council, Council decided it would be a better idea to propose a pedestrian bridge across the creek to connect the additional lands with the lands we own to the north. Council took a few weeks to realize that the cost to do that would be astronomical and has since decided at their last meeting that it would not be feasible.

Needles to say this has delayed the process again for another month, and so we are back at square one. Planning staff have now requested us to build a pedestrian trail from Ellis Street travelling east through the north part of Rock Street Park to the additional lands and end at the creek. We have provided the Township with a cost and a proposal, which they are discussing now and plan to bring to Council on April 11 for approval.

We trust that this will be accepted by the Township and Council and clear the condition of approval, so we can finally register the condominium.

We thank you for your patience as we deal with this. For further information, please contact your lawyer.



Arie DeHaan
President


What does our future hold?

We deserve ANSWERS!



We deserve RESOLUTION!

- *Now that there is a proposal from DeHaan Homes, can this issue get resolved tonight?*
- WE DESERVE:
- **to FINALLY OWN OUR HOMES**
- **to STOP PAYING unnecessary fees**
- **To STOP being the VICTIMS of a situation we were never made aware of, nor should be caught in the middle of.**



**The way to get
started is to quit
talking and
begin doing.**

W A L T D I S N E Y

Summary

Tonight, I have represented the home “owners” of Crossings on the Twenty South, Carter Drive.

I have passionately presented our case, our costs, risks and frustrations.

We do not care who is ultimately at fault here, but do know that WE ARE NOT.

It is now in your hands.....

Thank-you,

Lianne Timbers-Sharp, and the residents of Carter Drive.

Crossings on the Twenty, Carter Drive, Smithville

