

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

### MEETING NO 4

April 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  
Jessica Dyson, Deputy Clerk  
Kevin Geoghegan, IT Help Desk Analyst  
Dave Heyworth, Manager of Planning  
Shradha Arun, Senior Planner

Other Members: Ed and Kim Wrzosek\*  
Luciano Piccioni, RCI Consulting\*  
Aaron Butler, NPG Planning\*  
Malcom & Vira High\*

### \*IN ATTENDANCE PART-TIME

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#### 1. CHAIR – COUNCILLOR WILLIAM REILLY

Prior to commencing with the Planning/Building/ Environmental Committee meeting agenda, Chair Reilly provided 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 [jdyson@westlincoln.ca](mailto:jdyson@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 Chair 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-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**

There were no disclosure of pecuniary interest and/or conflict of interest.

**4. PUBLIC MEETING(S)**

There were no public meeting(s).

**5. CHANGE IN ORDER OF ITEMS ON AGENDA**

There was no change in order of items on the agenda.

**6. APPOINTMENTS**

**6.1 ITEM P30-23**

Ed and Kim Wrzosek

Re: Request for Consideration for Review and Amendment to the Township's Noise By-law (By-law 2013-50)

**POWERPOINT PRESENTATION**

Kim and Ed Wrzosek reviewed their PowerPoint presentation, which was included on the April 11th Planning/Building/Environmental Committee agenda.

In response to Councillor Rehner's question regarding the revving definition within the Township's current noise by-law and why revving is not applicable to the starting of vehicles, the Director of Planning &

Building stated that there has been discussion with the Township's By-law Enforcement Officer with respect to exploring various avenues to find a solution to the revving issue, noting that there are a number of factors that contribute to this issue. The Director of Planning & Building stated that a number of municipalities have an idling by-law, noting that these by-laws are directed more to the duration of a vehicle running idle, not dealing with the initial start-up and warming of vehicles, adding that these inclusions do not fit the concerns that have been raised. The Director of Planning & Building stated that the *Highway Traffic Act* allows for vehicles to emit, even with muffler systems, up to ninety-five decibels, adding that the Township would have to use decibel readers in order to determine the sound emission from the vehicles. The Director of Planning & Building noted that with these factors, there is some more research that has to be done to bring forward a solution that works with Township resources.

Councillor Rehner questioned whether the noise by-law review will be conducted through a housekeeping public meeting to review the entirety of the by-law. In response to Councillor Rehner's question, the Director of Planning & Building stated that staff could move forward with a full review of the by-law should Members of Committee wish to proceed in that direction, or staff can focus on the issues that have been brought forward to Committee this evening. The Director of Planning & Building noted that staff have been researching the noise aspect of the by-law as well as newer noise by-laws from other municipalities, noting that one piece that staff may have to look into having decibel readers, which is not something that staff would recommend at this time.

Councillor Chechalk raised concerns regarding these regulations being enforced in the rural areas due to the agriculture business that takes place in the early mornings, noting the noise emitting from the diesel tractors. Councillor Chechalk questioned whether these regulations will focus on the urban areas and not universal to all West Lincoln. In response to Councillor Chechalk's question, the Director of Planning & Building stated that the noise by-law is more structured as two sections, being urban areas and rural areas, also noting that there is the Normal Farm Practices Protection Board that protects farmer's right to farm.

Mayor Ganann brought forward the idling concerns that have been raised by residents, stating that should this by-law be opened up for a full review, that staff look into to the idea of idling. Mayor Ganann also suggested looking into examining different motorized vehicles such as quads and ATVs.

**Moved By** Councillor Mike Rehner

**Seconded By** Mayor Cheryl Ganann

1. That, the correspondence received from Ed & Kim Wrzosek, dated April 11, 2023, be received; and,
2. That, staff are hereby directed to do a full comprehensive review of the noise bylaw with consideration to notes and concerns highlighted in the PowerPoint presentation presented on April 11, 2023 and,
3. That, staff report back at a future committee and/or council meeting with a report highlighting their findings and recommendations.

**Carried**

**7. REQUEST TO ADDRESS ITEMS ON THE AGENDA**

1. Luciano Piccioni, RCI Consulting (President)

Re: Staff Report Item P31-23 - Recommendation Report No. PD-19-2023 - Brownfield Property Tax Assistance and Brownfield Rehabilitation Grant Applications for lands situated on South Side of St Catharines Street (former CP Dunnville Spur Line Lands) - DeHann Homes Inc., Agent Luciano Piccioni, Legal Description: Being Part of Lot 56, Registered Plan M-88 (File No. 1519-021-001)

Luciano stated that he was speaking on behalf of DeHann Homes, with respect to DeHann's grant application that is being presented under item 10.1 on the agenda. Mr. Piccioni stated that their client agrees and supports the recommendation that has been prepared by staff, noting that as stated in the staff report, the Brownfield application meets the program requirements in the Community Improvement Plan (CIP) and the approval of this application will result in the remediation of a contaminated site in the Township and construction of 10 residential townhomes on the remediated site. Mr. Piccioni stated that this application was completed in January 2022, adding that the Township wanted to complete a thorough review of this application. Mr. Piccioni shared that due to the 15-month timeline resulted in their client losing out on a significant upfront Regional Brownfield development charge reduction. Mr. Piccioni explained the grant process and amount of cost that the Township and the Region would offset over a 13-year timeframe.

**8. CONSENT AGENDA ITEMS**

There are no consent agenda items.

**9. COMMUNICATIONS**

There are no communications.

**10. STAFF REPORTS**

**10.1 ITEM P31-23**

Manager of Planning (Dave Heyworth) and Director of Planning & Building (Brian Treble)

Re: Recommendation Report PD-19-2023 – Brownfield Property Tax Assistance and Brownfield Rehabilitation Grant Applications for lands situated on South Side of St Catharine Street (former CP Dunnville Spur Line Lands) – DeHaan Homes Inc, Agent Luciano Piccioni, Legal

Description: Being Part of Lot 56, Registered Plan M-88, File No. 1519-021-001

In response to Councillor Chechalk's question regarding the Township's Treasurer/Director of Finance involvement in the report and the financial implications that this application would have on the Township's budget, the Director of Planning & Building stated that the Treasurer/Director of Finance had reviewed the report and provided guidance with respect to the financial aspect of this application. The Director of Planning & Building noted that part of the delay was obtaining the assessed value of the property, noting that the piece of land in question were tied to the lands to the South adding that there was no assessment to the property until very recently. The Director of Planning & Building also noted that staff were thorough and diligent, stating that the departments of planning & treasury, as well as the applicants' agent and Township's consultant, worked closely together to review the application and bring forward a recommendation report to Committee.

In response to Councillor Chechalk's question regarding whether the cost of the remediation was considered in the transfer of lands from CP rails, Mr. Piccioni stated that the costs of remediation have gone up dramatically, noting that the anticipated costs have increased more than expected. Mr. Piccioni also stated that the clean-up costs for the property are almost 1.3 million dollars, noting that the grant will only be covering 20% of the clean-up costs for the property.

Mayor Ganann asked for clarification with respect to the purchase of the property and whether it was purchased as one piece of land. The Director of Planning & Building stated that this property was one deed as conveyed by CP Rail.

In response to Mayor Ganann's question regarding the timeline of the remediation and grant, Mr. Piccioni stated that the tax assistance would commence when the property remediation commences, which would be

paid out for up to three years after which then the grant would start, but only once all of the Townhomes have been built, the units have been reassessed by MPAC and the property taxes have been paid for at least one year in full. Mr. Piccioni stated that the Township would not be in the position of providing a grant for which the municipality has not already collected the property taxes. Mr. Piccioni also stated that there are performance requirements outlined in the agreement that states that the developer needs to start the remediation within a set period of time and complete the project within a set period of time.

In response to Councillor Bradaric's question regarding the property being unused and the contamination on the properties risk to the general public, Mr. Piccioni stated that there are no concerns to the general public should this stay unused, however, should the property be used as a residential development, environmental clean-up will need to occur.

Councillor Brandaric inquired about the approximation to the property tax values and questioned if whether or not there was any consideration as to the contaminated lands. In response to Councillor Bradaric's question, the Township's consultant, Aaron Butler, stated that the first project assessed value was the direct value of the assessment to the properties on the South side with the assumption of the clean up contaminated lands. The Director of Planning & Building added that the properties on the South side have had an environmental clean up, therefore, should be a fairly accurate assessment.

Councillor Bell raised concerns regarding the Township fronting the costs of the project, noting that he does not see any benefits that this assistance program will bring the municipality. In response to Councillor Bell's concerns, Mr. Piccioni stated that the Township is not fronting any of the costs of the project, noting that the Township along with the Niagara Region would be paying for the grant in its entirety from the increased property taxes that result from the project, which would be the benefit for the municipality.

In response to Councillor Reilly's question regarding the timeline of the project and if there was any protection to the Township or penalties to the developer should the developer not meet the timelines, the Director of Planning & Building stated that the Township had recently a extended draft Plan of Condominium approval on this property for two years, therefore there is a two year window in which the developers can meet conditions, however, should they fail the Township can refuse to grant

extensions meaning the property would stay a raw parcel of land until another application came forward. Mr. Butler added that within the agreement between the Township and the owner, it states that the development needs to commence within five years and be completed within seven or else no grant payments would be made to the owner. Mr. Piccioni also stated that the timelines that were mentioned by Mr. Butler is the construction component of the agreement, noting that the agreement also states that should the accepted remediation works not be commenced within one year of approval of the tax assistance program, then no tax assistance shall be provided to the owner.

**Moved By** Councillor Shelley Bradaric

**Seconded By** Mayor Cheryl Ganann

1. That, Recommendation Report PD-19-2023, regarding “Brownfield Property Tax Assistance and Brownfield Rehabilitation Grant Applications for lands situated on South Side of St Catharine Street (former CP Dunnville Spur Line Lands) – DeHaan Homes Inc, Agent Luciano Piccioni, Legal Description: Being Part of Lot 56, Registered Plan M-88, (File No. 1519-021-001)”, dated April 11, 2023 be RECEIVED; and,
2. That, Council approve the Brownfield Property Tax Assistance and Brownfield Rehabilitation Grant application for lands located between St Catharine Street and Twenty Mile Creek on the South Side of St Catharine Street and further identified through this report subject to the applicant meeting the program requirements including entering into an agreement with the Township.
3. That, a by-law (attachment 3) be passed to cancel all or part of property taxes in a form as found at attachment 3 and which also authorizes the signing of the Tax Assistance and Rehabilitation agreement; and
4. That, the Tax Assistance and Rehabilitation grant request be forwarded to the Region of Niagara for support under the Smarter Niagara Incentive Program (SNIP).
5. That, building permit fees are waived automatically should approval be granted.

**Lost**

**10.2 ITEM P32-23**

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

Re: Recommendation Report PD-18-2023 – Application to Remove the Holding Symbol (Dehaan Homes Inc.) - Crossings on Twenty North

**Moved By** Councillor Shelley Bradaric

**Seconded By** Councillor Jason Trombetta

1. That, Recommendation Report PD-18-2023 regarding “Recommendation Report, Application to Remove Holding Symbol (DeHaan Home Inc.) - Crossings on Twenty North, (File No. 1601-09-22)”, dated April 11<sup>th</sup>, 2023, be received; and
2. That, a by-law be passed to authorize the Mayor and Clerk to remove the Holding provision on the subject lands as identified in the attached By-law as Attachment 3.

**Carried**

**11. OTHER BUSINESS**

**11.1 ITEM P33-23**

Director of Planning & Building (Brian Treble)

Re: Official Plan Amendments 62 and 63 - Regional Council

**VERBAL UPDATE**

The Manager of Planning shared that Official Plan Amendments 62 & 63 were approved by Regional Planning Committee unanimously, noting that the Township's consultant, Steve Wever, presented a strong presentation of which was well received by Regional Planning Committee.

**11.2 ITEM P34-23**

Director of Planning & Building (Brian Treble)

Re: Ontario Land Tribunal (OLT) Appeal - Mothers Against Wind Turbines Inc. v. Ontario (Environment, Conservation and Parks)

**VERBAL UPDATE**

The Director of Planning & Building stated that the last time that the Mothers Against Wind Turbines Inc. v. Ontario (Environment, Conservation and Parks), Ontario Land Tribunal (OLT) appeal was scheduled for a hearing, it was adjourned due to the insufficient timing notice. The Director of Planning & Building shared that a second notice for an OLT hearing date had been sent, noting that this notice still did not give a lot of time for comment submissions, however the second notice had been written more clearly with respect to the appeal and how to provide comments.

**11.3 ITEM P35-23**

Members of Committee

Re: Other Business Matters of an Informative Nature

1. Councillor Reilly

Re: Township Easter Events

Councillor Reilly thanked staff and all those involved for their work with the Easter Events that occurred on the weekend, adding that the Egg Hunt as well as the Easter Market were very well received.

**12. NEW BUSINESS**

There were no new items of business.

**13. CONFIDENTIAL MATTERS**

**Moved By** Councillor Terry Bell

**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:

13.1 Director of Planning & Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Legal & By-law Enforcement

**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;
- Personal matters about an identifiable individual, including municipal employees

13.2 Director of Planning and Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Insurance Claim Matter

**VERBAL UPDATE**

**Applicable closed session exemption(s):**

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

13.3 Director of Planning and Building (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;
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board

**Carried**

**Moved By** Councillor Joann Chechalk

**Seconded By** Councillor Terry Bell

That, this Committee meeting now resume in open session at the hour of 7:51 p.m.

**Carried**

**13.1 ITEM P36-23**

Director of Planning & Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Legal & By-law Enforcement

**VERBAL UPDATE**

*Council rose without reporting.*

**13.2 ITEM P37-23**

Director of Planning and Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Insurance Claim Matter

**VERBAL UPDATE**

*Council rose without reporting.*

**13.3 ITEM P38-23**

Director of Planning and Building (Brian Treble)

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

**VERBAL UPDATE**

*Council rose without reporting.*

**14. ADJOURNMENT**

The Chair declared the meeting adjourned at the hour of 7:52 pm.

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JESSICA DYSON,  
DEPUTY CLERK

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COUNCILLOR WILLIAM REILLY,  
CHAIR