

From: Dave Ignatczyk

Sent: July 5, 2023 3:57 PM

To: Jessica Dyson <jdyson@westlincoln.ca>

Cc: charlene ignatczyk

Subject: Public Input- 1701-003-23 (OPA), 1601-004-23 (ZBA) - P BUDD DEVELOPMENTS INC - S. Grimsby Road 5

Good Afternoon Jessica,

As per our conversation, please see my comments below for public input:

Storm Retention Pond Expansion & High Rise Apartment

1. The current storm management pond has little to no attention dedicated to it currently by the municipality. In a conversation I had with Senior Planner Gerrit Boerma last year, He advised that the municipality plants vegetation so that the "pond takes care of itself". The current storm management pond covers a large area already and the standing water within this area creates a breeding ground for mosquitos and other wildlife that the residents have to deal with on a regular basis. The shores outside of the fence line have been eroded by animals burrowing and for over 2 years that I have lived here, this has not been attended to by the municipality leading to trip hazards for people and pets walking through the greenspace area. This is leading to increased liability on the municipality for failing to maintain current property, let alone expanding the storm retention ponds compounding these problems for residents to face.
2. It is my understanding that the original agreement between the residents of the properties that back onto this greenspace where the proposed retention pond expansion is planned to occur and P Budd, was that those residents had to pay an extra fee to the contractor in order for the contractor to guarantee this area remain a "greenspace"(I do not have paperwork, it is my understanding from previous residents). Now that this property has been turned over to the municipality, the plan is to utilize that greenspace for the newly proposed subdivision expansion storm retention ponds as it is now municipal property. This will allow the contractor P Budd to build more houses in the new development, however this property was established under one understanding and is now planning to be altered under a different understanding but in favor of the same developer. The storm retention ponds required for the new subdivision should be placed in the area of the new development that is required to service the new development. I understand that if the storm retention ponds are relocated into the new subdivision, they will need to be connected to the current storm pond in the event of overflow, but the contractor will be required to install piping either way to move the storm water.
3. One of the big attractions to purchasing our home was the Greenspace behind our home, This along with the points mentioned above in section 2 of this email were some of the reasons for the purchasing costs of our home. This newly proposed storm retention pond expansion is planned to occupy the entire area behind our home, which will have a detrimental affect on our resale value, how will the municipality reimburse the property value decrease that this expansion will have for each of the residents?
4. With the railway so close to the current storm management pond, the railway has water sample test hole posts in the proposed "storm pond expansion area" to ensure no toxic chemicals are leaching from the railway into the surrounding area. This expansion will require the removal of the test hole posts and place the new storm water pond expansion for Clean water within

proximity of the rail line where there could be potential contamination from hazardous chemicals leaching in the ground. Instead of increasing the hazard that could be created, why not mitigate the potential hazard by locating the required storm ponds for the new subdivision in the area of the new subdivision and away from the rail line.

5. The current greenspace behind our home includes a tall berm that runs parallel to railway with a pressure treated fence at the top, During the winter, this hill is packed and provides many kids/ families a safe place to sled/ toboggan. There has been situations in the past that have ended with tragic outcomes because there was no safe area away from dangers like traffic, water hazards, etc where families can enjoy themselves or it requires families to travel long distances away from our municipality to seek enjoyment elsewhere, directly contradicting the municipalities goal of attracting families to the community.
6. When I spoke with Senior Planner Gerrit Boerma last year, I asked if other options were considered other than expanding the surface area of the current pond and he replied with the municipality takes advantage of current property and infrastructure when deciding on location for storm ponds. I understand these factors that are taken into consideration, but when I inquired if any other options were considered, no other options were identified during our conversation. I believe the municipality accepted the first and easiest option that was presented instead of investigating other options that would best suit the residents and visitors to the municipality.
7. The proposed zoning amendment to allow for a height exemption to 6 stories should be denied. Consideration by council for the municipalities long term projections need to be established and followed. Trying to fit more residences into smaller geographic spaces without consideration for the direction of the municipality, the infrastructure that services the area, the affect to the current residents is irresponsible. I can understand developers are trying to maximize their profits/ investments but it must balance out with the rest of the surrounding area. Developer has the ability to engineer the building to allow for additional floors at a later date, if it is the direction the municipality wishes to take. This will allow for a period of time to determine if the roads, parking and other infrastructure can support the additional apartments and not have a one off building within the subdivision

My contact info:

Dave Ignatczyk
Smithville Ontario
L0R 2A0
Email-

Thanks again for your time Jessica, as this is my first submission in this nature, please let me know if there are any concerns or additional information required.

Gerrit Boerema

From: Municipal Planning <MunicipalPlanning@enbridge.com>
Sent: June 28, 2023 1:09 PM
To: Gerrit Boerema
Subject: RE: Application for Official Plan Amendment and Zoning Bylaw Amendment File No. 1701-003-23 & 1601-004-23 P Budd Developments

Thank you for your circulation.

Enbridge Gas does not object to the proposed application however, we reserve the right to amend our development conditions.

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Regards,

Jasleen Kaur
Municipal Planning Coordinator
Engineering
—

ENBRIDGE
TEL: 437-929-8083
500 Consumers Rd, North York, ON M2J1P8

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-----Original Message-----

From: Gerrit Boerema <gboerema@westlincoln.ca>
Sent: Friday, June 16, 2023 4:18 PM
To: ann-marie.norio@niagararegion.ca; 'Sue Mabee' <Sue.Mabee@dsbn.org>; Clark.Euale@ncdsb.com; Meghan Birbeck <mbirbeck@npca.ca>; Pasquini-Smith, Alexandria <Alexsandria.PasquiniSmith@ncdsb.com>; Notifications <Notifications@enbridge.com>; Municipal Planning <MunicipalPlanning@enbridge.com>; landuseplanning@hydroone.com; rowcentre@bell.ca; Busnello, Pat <pat.busnello@niagararegion.ca>; Young, Katie <Katie.Young@niagararegion.ca>; Development Planning Applications <devtplanningapplications@niagararegion.ca>; CP Proximity-Ontario <CP_Proximity-Ontario@cpr.ca>; mr18enquiry@mpac.ca; consultations@metisnation.org; tedc@metisnation.org; pontdj@hotmail.com; jocko@sixnationsns.com; hdi2@bellnet.ca; traceyghdi@gmail.com; fawn.sault@mncfn.ca; megan.devries@mncfn.ca; peter.epler@mncfn.ca; lonnybomberry@sixnations.ca; dlaforme@sixnations.ca; tanyahill-montour@sixnations.ca; executivedirector@fenfc.org; executivedirector@nrnc.ca; Jennifer Bernard <jbernard@westlincoln.ca>; Tim Hofsink <thofsink@westlincoln.ca>; John Bartol <jbartol@westlincoln.ca>; Joanne Scime <jscime@westlincoln.ca>; Jessica Dyson <jdyson@westlincoln.ca>; Beverly Hendry <bhendry@westlincoln.ca>; DL-Council Members <DL-CouncilMembers@westlincoln.ca>; Lisa Kasko-Young <lyoung@westlincoln.ca>; KYLE, David E. <david.kyle@canadapost.postescanada.ca>; newdevelopment@rci.rogers.com; randy.leppert@cogeco.com; Joe Friedman <friedmanjoe21@gmail.com>; Jim Sorley <jim.sorley@npei.ca>; Ray Vachon <rvachon@westlincoln.ca>; info@niagarahomebuilders.ca; Fred vanderVelde

<fredv@royallepage.ca>; West Lincoln Chamber <westlincolnchamber@bellnet.ca>; Dave Heyworth <dheyworth@westlincoln.ca>; Brian Treble <btreble@westlincoln.ca>
Subject: [External] Application for Official Plan Amendment and Zoning Bylaw Amendment File No. 1701-003-23 & 1601-004-23 P Budd Developments

CAUTION! EXTERNAL SENDER Were you expecting this email? TAKE A CLOSER LOOK. Is the sender legitimate? DO NOT click links or open attachments unless you are 100% sure that the email is safe.

Good Afternoon,

Please find attached the notice of public meeting for Official Plan and Zoning Bylaw Amendment submitted by P Budd Developments.

The full submission can be found in the drop box link below:

[https://urldefense.com/v3/__https://www.dropbox.com/scl/fo/8zbsikfpa60sz61xpbei1/h?dl=0&rlkey=4ubja28mx5kl51mzmzl0bxmo6__!!OME7ob65ag!rS1TKdWEz8i7tCpVtkL11N_5CzGYOK63awdcN_9qCgm5XS2bOWLS5liYGKJeWLQDfGLZMWGMt2AmJ75UlyW2BMRMRT5aPQo\\$](https://urldefense.com/v3/__https://www.dropbox.com/scl/fo/8zbsikfpa60sz61xpbei1/h?dl=0&rlkey=4ubja28mx5kl51mzmzl0bxmo6__!!OME7ob65ag!rS1TKdWEz8i7tCpVtkL11N_5CzGYOK63awdcN_9qCgm5XS2bOWLS5liYGKJeWLQDfGLZMWGMt2AmJ75UlyW2BMRMRT5aPQo$)

If you have any questions please let me know.

Gerrit,

Gerrit Boerema
Senior Planner
Tel: 905-957-3346 ext.5133
Email: <mailto:gboerema@westlincoln.ca>

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Growth Strategy and Economic Development

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

Via Email Only

July 5, 2023

File Number: D.10.12.OPA-23-0031
D.18.12.ZA-23-0062

Dave Heyworth
Manager of Planning
Township of West Lincoln
318 Canborough Street
Smithville, ON, L0R 2A0

Dear Mr. Heyworth:

**Re: Regional and Provincial Comments
Proposed Official Plan Amendment and Zoning By-law Amendment
Township File: 1701-003-23 (OPA) and 1601-004-23 (ZBA)
Owner: P. Budd Development Inc.
Agent: MHBC Planning c/o Oz Kemal
Station Meadows West – east of South Grimsby Road 5, north of the
Canadian Pacific Railway, and south of Spring Creek Road allowance
Township of West Lincoln**

Staff from the Region's Growth Strategy and Economic Development Department have reviewed the above-mentioned Official Plan Amendment ("OPA") and Zoning By-law Amendment ("ZBA") applications for lands legally described as Lot 1, Plan M94, Lots 12 and 13 of Plan 30M300 and Parts 1 and 2 of Plan 30R15516. The lands are located to the east of South Grimsby Road 5, north of the Canadian Pacific Railway, and south of the Spring Creek Road allowance and referred to as 'Station Meadows West'.

The OPA application proposes to permit a 6-storey apartment building on the west side of the subject property near South Grimsby Road 5, whereas the Township Official Plan only permits a maximum of 4-storeys (up to 5 storeys through a site-specific exception) within the 'Medium Density Residential' Designation. The ZBA application is proposed to modify the existing 'Residential (R2)', 'RM2-201', 'RM2-202', and 'RM3-203' zones to change a number of zoning regulations including, but not limited to, height, planting strips, lot area, lot overage, landscape open space and driveway widths. The residential subdivision will be comprised of 56 single-detached residential units, 144 freehold townhome units, 78 condominium townhouse units, 16 back-to-back units, 64 stacked

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back-to-back units, 54 apartment units in a 6-storey apartment, and a 1.24 hectare neighbourhood park and multi-use trail.

A pre-consultation meeting for the overall development was held on April 18, 2019. Regional staff have provided comments on previous Zoning By-law Amendment and Draft Plan of Subdivision applications on January 31, 2020, October 2, 2020, and May 4, 2021, respectively, as well as various engineering submissions. The following comments are provided from a Provincial and Regional perspective to assist Council in their consideration of the current applications.

Provincial and Regional Policies

The subject lands are located within the 'Settlement Area' under the *Provincial Policy Statement, 2020* ("PPS"), and within the 'Designated Greenfield Area' in *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan") and the *Niagara Official Plan, 2022* ("NOP").

The Growth Plan and NOP identify that Designated Greenfield Areas are to be planned as complete communities by ensuring that development is sequential, orderly and contiguous with existing built-up areas, utilizing district plans and secondary plans where appropriate, ensuring infrastructure capacity is available, and supporting active transportation and encouraging the integration and sustained viability of public transit service. Designated Greenfield Areas shall achieve a minimum density of 50 residents and jobs combined per hectare as measured across the entire region. The NOP directs local Official Plans to have policies which ensure this target will be achieved on a municipal-wide basis.

Staff have reviewed the submitted 'Planning Justification Report', ("PJR") prepared by MHBC (dated June 8, 2023). The PJR identifies that while a phased approach is being undertaken for the development, the proposal will provide a gross residential density of 59.76 people per hectare. Staff note that the Township's Northwest Quadrant Secondary Plan is in-effect for the subject lands, which includes density targets developments within this area are required to achieve to ensure the municipal-wide Greenfield density target is met. Township staff are responsible for monitoring this and should be satisfied that the proposal conforms to the neighbourhood density targets in the Northwest Quadrant Secondary Plan.

Land Use Compatibility

Regional staff previously noted that the subject lands are adjacent to the Canada Pacific rail line to the south. Policy 1.2.6.1 of the PPS and Policy 4.2.4.2 of the NOP states that major facilities (including transportation infrastructure and corridors and rail facilities) and sensitive land shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise, and other contaminants in order to minimize risk to public health and safety in accordance

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with provincial guidelines, standards, and procedures. Through the previous Zoning By-law Amendment application and Draft Plan of Subdivision applications, Regional staff reviewed a 'Noise and Vibration Feasibility Study, prepared by HGC Engineering (dated March 2, 2021), which predicted sound levels to be above the Ministry of the Environment, Conservation, and Parks' ("MECP") limits at the proposed development. As floor plans and elevation plans were not available when the study was completed, it was recommended by the consultant that a detailed noise study be completed when grading information for the proposed development was available, along with detailed floor plans and building elevations.

The submitted PJR notes that the proposed development provides the requisite 30 metre setback for residential uses from the rail line, as noted in the Guidelines for New Development in Proximity to Railway Operations. No dwellings are proposed to be constructed within the 30 metre railway setback, and incorporation of other mitigation measures as recommended by the Noise and Vibration study will be implemented prior to final approval of the Draft Plan of Subdivision. The approved Draft Plan conditions for the proposed development include a requirement that a detailed noise study be provided based on final grading, building floor, and elevation plans. Regional staff will review and provide comments on the detailed noise study prior to final approval of the Draft Plan of Subdivision.

Technical Comments

Conditions related to servicing, stormwater management and waste collection were addressed as part of Regional staff's previous review of the Draft Plan of Subdivision application. Waste collection requirements will also be addressed at the time of the future Site Plan application for the proposed apartment building.

Conclusion

In conclusion, Regional staff have no objection to the proposed Official Plan Amendment and Zoning By-law Amendment from a Provincial and Regional perspective. The proposed Official Plan Amendment and Zoning By-law Amendment are consistent with the Provincial Policy Statement (PPS) and conforms to Provincial Plans and the Niagara Official Plan (NOP). Accordingly, the Official Plan Amendment is exempt from Regional Council approval, in accordance with Policy 7.4.1.6 and 7.4.1.7 of the NOP and the Memorandum of Understanding.

Please send copies of the staff report and notice of the Township's decision on these applications.

If you have any questions related to the above comments, please contact me at amy.shanks@niagararegion.ca.

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Kind regards,

A handwritten signature in black ink, appearing to read "Amy Shanks", with a long, sweeping horizontal line extending to the right.

Amy Shanks, MCIP, RPP
Senior Planner

cc: Susan Dunsmore, P.Eng. Manager of Development Engineering, Niagara Region
Katie Young, MCIP, RPP, Senior Planner, Niagara Region