



TOWNSHIP OF WEST LINCOLN
PUBLIC MEETING UNDER THE PLANNING ACT MINUTES

January 15, 2024, 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 Joann Chechalk

Absent with Regrets: Councillor Terry Bell – Notification Provided

Staff: Brian Treble, Director of Planning and Building
 Jessica Dyson, Director of Legislative Services/Clerk
 Donna DeFilippis, Director of Finance/Treasurer
 Mike DiPaola, Director of Public Works and Recreation
 Dennis Fisher, Fire Chief
 Katelyn Repovs, Deputy Director of Finance/Treasurer
 Tim Hofsink, Deputy Fire Chief
 Gerrit Boerema, Manager of Planning
 Kevin Geoghegan, IT Help Desk Analyst
 Susan Smyth, Senior Planner
 Vanessa Holm, CEO, West Lincoln Public Library

Other Members: Regional Councillor Albert Witteveen
 WeeStream
 Jared Marcus
 Sharon Molnar
 Larry Pomerantz
 Sandra Magnini
 William Lowe
 Ronda Tucket
 Alex Jovic
 John Vuckovic

Lillian Jovic
Peter Jovic
Sylvia Jovic

Thrive Subdivision (Marz Homes) - Street Naming

1. Application for Street Naming

The Chair advised that this public meeting for the street naming of the Marz Homes Thrive Subdivision was held in accordance with the Municipal Act S.O. 2001, Chapter 25 and the Township of West Lincoln's Procedural By-law and Street Naming Policy, being Policy POL-PD-01-11.

EXPLANATION OF THE PURPOSE AND EFFECT OF THE APPLICATION:

The Township of West Lincoln is undertaking the process of public consultation for a street naming, subject to the Street Naming Policy POL-PD 01-11. The proposed street names for the subdivision have been selected from the Township's reserve list. The proposed name for Street A is Atkinson Street and for Street B is Daniels Street.

2. Purpose of the Public Meeting

The Chair stated that the purpose of this meeting was to give an opportunity for the public and Council Members to provide comments and/or ask questions regarding the Street Naming.

The Chair also stated that the Planning/Building/Environmental Committee of the Township of West Lincoln intends to approve the street names for the Marz Homes Thrive Subdivision, and so therefore if any Members of the Public in attendance want to make comments and/or provide written comments, they need to do so at this Public Meeting.

3. Public Meeting

The Chair stated that the Township of West Lincoln's Procedural By-law states that any matter pertaining to the naming of a highway and/or private road in a plan of subdivision or plan of condominium, for which notice is required to be given, notice shall be published at least once, the date of the publication being at least seven days prior to the Council Meeting indicated in the notice.

The Chair inquired to the Director of Legislative Services/Clerk, Jessica Dyson, about the method and dates by which notice of the public meeting was given.

In response to the Chair's inquiry, the Director of Legislative Services/Clerk, Jessica Dyson, advised that proper notice was given by way of circulating the

notice to applicable agencies, advertising on the Township's website, as well as in the local newspaper on December 14, 2023.

The Chair inquired to Senior Planner, Susan Smyth, to explain the purpose and reason for the proposed street naming application.

In response to the Chair's inquiry, Senior Planner, Susan Smyth provided an overview of the application and Technical Report PD-02-2024.

The Chair asked if the applicant or their authorized agent were present to speak to the application.

Jared Marcus (Agent)
Arcadis Inc., 360 James Street North, Hamilton ON

Mr. Marcus, the authorized agent of Marz Homes, explained that he and Marz Homes have no issues with the report and the proposed name changes, but that he is in attendance at the public meeting to answer any potential questions that may arise, from Council or Members of the Public.

The Chair asked if there were any oral or written submissions from any members of the public present in person or as part of the Zoom meeting that wished to provide comments at this time with respect to the street naming application. The Chair suggested that if there were any Members of the Public present that wished to provide comments that they should state them now, as the OLT may not consider comments made during any other Council and/or Committee meetings.

There were no oral or written submissions from any members of the public that wished to provide comments with respect to the street naming.

The Chair asked if any Members of the Committee had any oral or written submissions on the proposed street naming application. The Chair advised that this may be the only Public Meeting being held with respect to this application; therefore, he noted that if any Members of the Committee has any comments they should state them now as the Ontario Land Tribunal (OLT) may not consider comments made during any other Council and/or Committee meetings.

Councillor Trombetta inquired to the Director of Planning and Building, Brian Treble, as to whether these street names being proposed were in line with the list of names from the Heritage Committee.

In response to Councillor Trombetta's inquiry, Director of Planning and Building, Brian Treble, explained that both of the proposed street names come from the list provided by the Heritage Committee.

Councillor Chechalk inquired to the Director of Planning and Building, Brian Treble, about how to add names to the Heritage Committee's list of potential street names, and adjusting the priority of names already on the list.

In response to Councillor Chechalk's inquiry, Director of Planning and Building, Brian Treble, explained that this desire to reassess the order of potential street names on the list could be expressed directly to the Heritage Committee for their consideration, as well as potential additions to the list.

Councillor Chechalk further inquired to Councillor Bradaric as to whether the Heritage Committee could ensure that they gather youth input on the list of potential street names going forward.

Councillor Bradaric explained that the Heritage Committee has connected with the local high school and as a result of that community connection, they were able to get four students to attend the last Heritage Committee meeting. Councillor Bradaric will ensure that gathering youth input for the potential street names list is put on the agenda for the next committee meeting.

The Chair stated that a Technical Report was being considered by Council later, as part of this evening's Committee meeting and that a recommendation report would be forthcoming to a future Committee and/or Council Meeting. The Chair advised that once Committee and/or Council has made a decision with respect to the street naming application and if approved by Council, a notice of its passing will be circulated with an appeal period. The Chair stated that if there was anyone who wished to be notified of Council's decision, they should email the Township Clerk, Jessica Dyson at jdyson@westlincoln.ca.

The Chair stated that anyone who is interested in observing Council and/or Committee discussions about a particular by-law should not solely rely on mailed notices and thus miss the opportunity to attend applicable meetings and suggested the public watch the Township's website for posting of agendas to review items that will be discussed at Council and/or Committee meetings. The Chair advised that agendas for meetings are posted on the Township's website after 4 p.m. on the Friday prior to the meeting and that meeting schedules are also noted on the Township's website for the public to view. The Chair stated that anyone wishing to receive notices by email, should contact the Township Clerk to advise of their request and include their email address along with their mailing address and phone number.

4. Adjournment

The Chair declared the meeting adjourned at the hour of 6:59 p.m.

1. Application for Zoning By-law Amendment

The Chair advised that this public meeting was being held to consider an amendment to the Township of West Lincoln's Zoning By-law under Section 34 of the Planning Act to fulfill a condition of consent for severance file B07/2023WL.

EXPLANATION OF THE PURPOSE AND EFFECT OF THE APPLICATION:

The purpose of this Zoning By-Law Amendment application is to re-zone a recently-severed farm property, as a condition of the severance.

The effect of the Zoning By-law Amendment application would be that the newly-severed farm dwelling property must be re-zoned to a rural residential zone, and the retained agricultural land must be re-zoned to an agricultural purposes-only zone.

The amendment is also proposing to recognize a deficient lot area on the agricultural retained lands that is 34 hectares, while 39 hectares is currently required in the Zoning By-law.

Lastly, the amendment is looking to recognize lot coverage deficiency for agricultural buildings on the severed residential parcel.

2. Purpose of the Public Meeting

The Chair stated that the Planning Act requires in Section 34(12) that before passing a Zoning By-law Amendment, Council must hold at least one public meeting for the purpose of informing the public in respect of the amendment.

The Chair further stated that the purpose of this public meeting is to receive comments and answer questions from the public regarding the proposed Zoning By-law Amendment.

The Chair further stated that no decision has been made on the proposed amendment and any comments received will be taken into account by Council in their consideration.

3. Public Meeting

The Chair inquired to the Director of Legislative Services/Clerk, Jessica Dyson, about the methods and dates by which notice of the public meeting was given.

In response to the Chair's inquiry, Director of Legislative Services/Clerk, Jessica Dyson, explained that proper notice was given by way of email circulation to

agencies and mail circulation to all residents within 120 metres of the subject property on December 11, 2023. Public notice was also posted to the subject property on December 26, 2023.

The Chair stated that the Planning Act requires through Section 34 (13) that Council advise the public that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Township of West Lincoln before the by-law is passed, the person or public body is not entitled to appeal the decision of Council for the Township of West Lincoln to the Ontario Land Tribunal (OLT).

The Chair inquired to the Manager of Planning, Gerrit Boerema, to explain the purpose and reason for the proposed Zoning By-law Amendment.

In response to the inquiry from the Chair, Manager of Planning, Gerrit Boerema, explained the purpose and reason for the proposed Zoning By-law Amendment.

The Chair asked if the applicant or their authorized agent were present to speak to the application.

The applicant or their authorized agent were not present to speak to the application.

The Chair asked if there were any oral or written submissions from any members of the public present in person or as part of the Zoom meeting that wished to provide comments at this time with respect to the Zoning By-law Amendment. The Chair suggested that if there were any Members of the Public present that wished to provide comments that they should state them now, as the OLT may not consider comments made during any other Council and/or Committee meetings.

There were no oral or written submissions from any members of the public that wished to provide comments with respect to the Zoning By-law Amendment.

The Chair asked if any Members of the Committee had any oral or written submissions on the Zoning By-law Amendment. The Chair advised that this may be the only Public Meeting being held with respect to this application; therefore, he noted that if any Members of the Committee has any comments they should state them now as the Ontario Land Tribunal (OLT) may not consider comments made during any other Council and/or Committee meetings.

There were no oral or written submissions from any members of the Committee that wished to provide comments with respect to the Zoning By-law Amendment.

The Chair stated that a Technical Report was being considered by Council later, as part of this evening's Committee meeting and that a recommendation report would be forthcoming to a future Committee and/or Council Meeting. The Chair advised that once Committee and/or Council has made a decision with respect to the Zoning By-law Amendment and if approved by Council, a notice of its passing will be circulated with an appeal period. The Chair stated that if there was anyone who wished to be notified of Council's decision, they should email the Township Clerk, Jessica Dyson at jdyson@westlincoln.ca.

The Chair stated that anyone who is interested in observing Council and/or Committee discussions about a particular by-law should not solely rely on mailed notices and thus miss the opportunity to attend applicable meetings and suggested the public watch the Township's website for posting of agendas to review items that will be discussed at Council and/or Committee meetings. The Chair advised that agendas for meetings are posted on the Township's website after 4 p.m. on the Friday prior to the meeting and that meeting schedules are also noted on the Township's website for the public to view. The Chair stated that anyone wishing to receive notices by email, should contact the Township Clerk to advise of their request and include their email address along with their mailing address and phone number.

4. Adjournment

The Chair declared the meeting adjourned at the hour of 7:05 p.m.

5909 Regional Road 20 (Sharon and John Molnar) - Zoning By-law Amendment

1. Application for Zoning By-law Amendment

The Chair advised that this public meeting was being held to consider an amendment to the Township of West Lincoln's Zoning By-law under Section 34 of the Planning Act to consider an application for a Temporary Use By-law.

EXPLANATION OF THE PURPOSE AND EFFECT OF THE APPLICATION:

The Temporary Use Application is requesting to temporarily permit a mobile home (garden suite) on the property zoned Agricultural 'A', and Environmental Conservation 'EC', for a maximum of 20 years. (File No.: 1601-009-23).

2. Purpose of the Public Meeting

The Chair stated that the Planning Act requires in Section 34(12) and Section 39 that before passing a Zoning By-law Amendment and a Temporary Use By-law, Council must hold at least one public meeting for the purpose of informing the public in respect of the amendment.

The Chair further stated that the purpose of this public meeting is to receive comments and answer questions from the public regarding the proposed Zoning By-law Amendment.

The Chair further stated that no decision has been made on the proposed amendment and any comments received will be taken into account by Council in their consideration.

3. Public Meeting

The Chair stated that the Planning Act requires through Section 34 (13) that Council advise the public that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Township of West Lincoln before the by-law is passed, the person or public body is not entitled to appeal the decision of Council for the Township of West Lincoln to the Ontario Land Tribunal (OLT).

The Chair inquired to the Director of Legislative Services/Clerk, Jessica Dyson, about the methods and dates by which notice of the public meeting was given.

In response to the Chair's inquiry, Director of Legislative Services/Clerk, Jessica Dyson, explained that proper notice was given by way of email circulation to agencies and mail circulation to all residents within 120 metres of the subject property on December 12, 2023. Public notice was also posted to the subject property on December 20, 2023.

The Chair inquired to the Manager of Planning, Gerrit Boerema, to explain the purpose and reason for the proposed Zoning By-law Amendment.

In response to the inquiry from the Chair, Manager of Planning, Gerrit Boerema, explained the purpose and reason for the proposed Zoning By-law Amendment.

The Chair asked if the applicant or their authorized agent were present to speak to the application.

Sharon Molnar
Hamilton, Ontario

Ms. Molnar currently lives in Hamilton, but is hoping that this application is successful, as it would allow her to live closer to her family to more easily provide care for her grandchildren.

Ms. Molnar said that all of the necessary information is included in the application, and that if any members of the public or members of the Committee have any questions or concerns that she would be happy to address those.

The Chair asked if there were any oral or written submissions from any members of the public present in person or as part of the Zoom meeting that wished to provide comments at this time with respect to the Zoning By-law Amendment. The Chair suggested that if there were any Members of the Public present that wished to provide comments that they should state them now, as the OLT may not consider comments made during any other Council and/or Committee meetings.

There were no oral or written submissions from any members of the public that wished to provide comments with respect to the Zoning By-law Amendment.

The Chair asked if any Members of the Committee had any oral or written submissions on the Zoning By-law Amendment. The Chair advised that this may be the only Public Meeting being held with respect to this application; therefore, he noted that if any Members of the Committee has any comments they should state them now as the Ontario Land Tribunal (OLT) may not consider comments made during any other Council and/or Committee meetings.

Councillor Rehner inquired to the Manager of Planning, Gerrit Boerema, as to what the requirements and standards are that must be met when applying for a Temporary Use By-law with the Township of West Lincoln.

In response to Councillor Rehner's inquiry, Manager of Planning, Gerrit Boerema, explained that most properties are able to justify a garden suite, so long as they could identify the need for such a garden suite. Another condition is that the property would be able to accommodate the additional septic load. While this property is under one acre, they have provided information on their septic to show that it can be located on the property. Another criteria is the need to enter into an agreement with the Township. As per local planning regulation, garden suites are intended for use by family and not as rental properties. Provincial regulation does not make this distinction.

Councillor Rehner further inquired to the Manager of Planning, Gerrit Boerema, as to how close the familial relation must be to meet this requirement.

In response to Councillor Rehner's further inquiry, Manager of Planning, Gerrit Boerema, explained that the Official Plan does not specify the level of familial relation required.

In response to Councillor Rehner's further inquiry, Director of Planning and Building, Brian Treble, explained that it was intended for close family connections.

Councillor Rehner further inquired to the Manager of Planning, Gerrit Boerema, about the potential for the garden suite to be used as a loophole to provide rental lodging to a distant family member. Additionally, Councillor Rehner inquired about the required size of the lot in order to approve the addition of a garden suite.

In response to Councillor Rehner's further inquiry, Manager of Planning, Gerrit Boerema, explained that there is no maximum or minimum lot size required for the addition of a garden suite, but that the lot must be able to accommodate the additional septic load.

Councillor Rehner inquired further to the Manager of Planning, Gerrit Boerema, as to whether the garden suite is required to connect to the existing septic system, or if the addition of a new septic system for the garden suite is required.

In response to Councillor Rehner's further inquiry, Manager of Planning, Gerrit Boerema, explained that the regulation used to be that they had to make use of the existing septic system or create a new single septic system for both the principal dwelling and the garden suite. However, that rule has been changed to allow for the addition of a secondary septic system in circumstances where that is more feasible.

Councillor Rehner further inquired to the Manager of Planning, Gerrit Boerema, if the addition of a garden suite may only occur at the property owner's primary residence, or if a property owner would be allowed to add a garden suite to any of their residential properties if they own more than one.

In response to Councillor Rehner's further inquiry, Manager of Planning, Gerrit Boerema, explained that garden suites are most commonly only added to the primary residence of the property owner, for the purpose of housing close family members.

In response to Councillor Rehner's further inquiry, Director of Planning and Building, Brian Treble, explained that he cannot think of any time a garden suite has been approved in any other instance as he described over the course of his career.

Councillor Chechalk inquired to the Manager of Planning, Gerrit Boerema, as to the number of dwellings allowed on an urban residential lot.

In response to Councillor Chechalk's inquiry, Manager of Planning, Gerrit Boerema, explained that in addition to the primary dwelling, two additional or secondary units are allowed on an urban residential lot.

Councillor Chechalk further inquired to Manager of Planning, Gerrit Boerema, about how many additional dwellings are allowed on rural residential lots.

In response to Councillor Chechalk's further inquiry, Manager of Planning, Gerrit Boerema, explained that the township does allow a secondary unit on a rural residential lot, which could include a garden suite.

Councillor Chechalk further inquired to the Manager of Planning, Gerrit Boerema, if this allowance of secondary dwellings on residential lots is part of the provincial effort to intensify housing development and density.

In response to Councillor Chechalk's further inquiry, Manager of Planning, Gerrit Boerema, explained that allowing for secondary dwelling units to intensify urban residential lots is certainly of interest to the provincial government. It has yet to be seen, however, if the province will push for more intensification in rural residential areas. He does see rural intensification as being generally appropriate, so long as the additional dwellings are of reasonable size and are placed in appropriate spots on residential lots.

In response to Councillor Chechalk's further inquiry, Director of Planning and Building, Brian Treble, explained that the only changes made recently concerning rural intensification of residential lots has been to allow the addition of a second septic system where necessary or appropriate. This change was made to reflect updated provincial requirements and desires and is being monitored on an ongoing basis.

The Chair stated that a Technical Report was being considered by Council later, as part of this evening's Committee meeting and that a recommendation report would be forthcoming to a future Committee and/or Council Meeting. The Chair advised that once Committee and/or Council has made a decision with respect to the Zoning By-law Amendment and if approved by Council, a notice of its passing will be circulated with an appeal period. The Chair stated that if there was anyone who wished to be notified of Council's decision, they should email the Township Clerk, Jessica Dyson at jdyson@westlincoln.ca.

The Chair stated that anyone who is interested in observing Council and/or Committee discussions about a particular by-law should not solely rely on mailed notices and thus miss the opportunity to attend applicable meetings and suggested the public watch the Township's website for posting of agendas to review items that will be discussed at Council and/or Committee meetings. The Chair advised that agendas for meetings are posted on the Township's website after 4 p.m. on the Friday prior to the meeting and that meeting schedules are also noted on the Township's website for the public to view. The Chair stated that

anyone wishing to receive notices by email, should contact the Township Clerk to advise of their request and include their email address along with their mailing address and phone number.

4. Adjournment

The Chair declared the meeting adjourned at the hour of 7:22 p.m.

9127 Regional Road 20 (Larry Pomerantz) - Zoning By-law Amendment

1. Application for Zoning By-law Amendment

The Chair advised that this public meeting was being held to consider an amendment to the Township of West Lincoln's Zoning By-law under Section 34 of the Planning Act to consider an application for a Temporary Use By-law.

EXPLANATION OF THE PURPOSE AND EFFECT OF THE APPLICATION:

The Temporary Use Application is requesting to permit a portion of the lands approximately 9,712.45 square metres (0.97 hectares/2.4 acres) or 2% of the total lot area for outside storage of rain barrels/composters. (File No.: 1601-010-23).

2. Purpose of the Public Meeting

The Chair stated that the Planning Act requires in Section 34(12) and Section 39 that before passing a Zoning By-law Amendment and a Temporary Use By-law, Council must hold at least one public meeting for the purpose of informing the public in respect of the amendment.

The Chair further stated that the purpose of this public meeting is to receive comments and answer questions from the public regarding the proposed Zoning By-law Amendment.

The Chair further stated that no decision has been made on the proposed amendment and any comments received will be taken into account by Council in their consideration.

3. Public Meeting

The Chair stated that the Planning Act requires through Section 34 (13) that Council advise the public that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Township of West Lincoln before the by-law is passed, the person or public body is not entitled to appeal the decision of Council for the Township of West Lincoln to the Ontario Land Tribunal (OLT).

The Chair inquired to the Director of Legislative Services/Clerk, Jessica Dyson, about the methods and dates by which notice of the public meeting was given.

In response to the Chair's inquiry, Director of Legislative Services/Clerk, Jessica Dyson, explained that proper notice was given by way of email circulation to agencies and mail circulation to all residents within 120 metres of the subject property on December 12, 2023. Public notice was also posted to the subject property on December 19, 2023.

The Chair inquired to Senior Planner, Susan Smyth, to explain the purpose and reason for the proposed Zoning By-law Amendment.

In response to the inquiry from the Chair, Senior Planner, Susan Smyth, explained the purpose and reason for the proposed Zoning By-law Amendment.

The Chair asked if the applicant or their authorized agent were present to speak to the application.

Larry Pomerantz
Hamilton

Mr. Pomerantz thanked staff for their help with and support of his application.

Mr. Pomerantz explained that his business has operated in West Lincoln for ten years and is currently growing, in spite of wider economic conditions. Mr. Pomerantz assured that the rain barrels need to be stored at this location due to the growing demand his business is facing, and that once they are shipped out, nobody will be able to know they were there. The storage of the rain barrels at this location will greatly support his growing business and its distribution needs. There is no ulterior motive or hidden agenda at play here.

The Chair asked if there were any oral or written submissions from any members of the public present in person or as part of the Zoom meeting that wished to provide comments at this time with respect to the Zoning By-law Amendment. The Chair suggested that if there were any Members of the Public present that wished to provide comments that they should state them now, as the OLT may not consider comments made during any other Council and/or Committee meetings.

Sandra Magnini
Regional Road 20

Ms. Magnini lives right next door to the property that is the subject of Mr. Pomerantz' application.

Ms. Magnini inquired to the Director of Planning and Building, Brian Treble, about what is meant by "Temporary Use" and where exactly on the west side that the rain barrels would be stored. Ms. Magnini also expressed her concern over the requested height of 16 ft. at which the barrels would be stored.

In response to Ms. Magnini's inquiry, Director of Planning and Building, Brian Treble, explained that "Temporary Use" allows for use for up to three years, though the exact amount of time is determined by Committee. After the temporary use that is allowed expires, the applicant would have to submit another temporary use application if they wanted to extend their temporary use on the property. On the west side of the property, the proposed area is behind the barn. The proposed storage height of 16 feet is in compliance with the height provisions of the zone as they are currently written, which is 32 feet.

William Lowe
Regional Road 20

Mr. Lowe explained that his basement has flooded twice since the addition of a berm on the neighboring property, which is the subject of the application. The original watershed goes to the back of the property to a creek, which Mr. Lowe notes has not been cleaned out, but that this has been interrupted by the newly built berm.

Director of Planning and Building, Brian Treble, explained that this is the third time that he has heard of a drainage concern in relation to this property. He does not believe that this temporary use will make this drainage any worse, but that this is a secondary plan-related issue that will require analysis through the secondary plan to address.

Ronda Tucket
Regional Road 20

Ms. Tucket inquired about the details of the application which state that only two trucks a day worth of rain barrel deliveries will occur during regular business hours, and that only two per cent of the property would be used for rain barrel storage, and how this would be enforced.

In response to Ms. Tucket's inquiry, Director of Planning and Building, Brian Treble, explained that the Township will be able to easily regulate the percentage of land used for the rain barrel storage, but that the question regarding the delivery of the rain barrels should be directed toward the applicant.

Mr. Pomerantz responded to Ms. Tucket's inquiry that the number of deliveries of barrels is limited by the production capacity of the company who is supplying the

barrels to Mr. Pomerantz. The area that will store the rain barrels on the property has already been created, and that area represents approximately two per cent of the property.

Alex Jovic
Niagara-on-the-Lake

Mr. Jovic owns the property adjacent to the property of the applicant. Mr. Jovic inquired to the Director of Planning and Building, Brian Treble, who the current owner of the property is.

In response to Mr. Jovic's inquiry, Director of Planning and Building, Brian Treble, explained that the owner is listed as Giovanni Diflavio, while Mr. Pomerantz is the agent speaking to the application.

Mr. Jovic responded further, saying that he was confused because Mr. Pomerantz told him that he was the owner of the property.

In response to Mr. Jovic's comment, the Chair explained that an agent will quite often represent a property owner at a public meeting.

Mr. Jovic inquired further to the Chair if an agent is required to be legal counsel.

In response to Mr. Jovic's further inquiry, the Chair explained that an agent is not required to be legal counsel.

Mr. Jovic further inquired about whether the land would only be used to store rain barrels, and if only two per cent of the land was truly all that was going to be used, as Mr. Jovic was skeptical of the need for that much land for rain barrels, and what else may be going on across the rest of the property, based on private conversations he had with either the landowner or Mr. Pomerantz.

In response to his further inquiry, the Chair was not able to answer the question, as it was not directly relevant to the information contained in the application and involved speculation on the part of Mr. Jovic.

Mr. Jovic expressed his concerns over the unsightly nature of the rain barrels stacked on top of each other up to 16 feet high, and the potential impact on his property value.

In response to Mr. Jovic's concerns, the Director of Planning and Building, Brian Treble, explained that the secondary plan process for this area in question, which is meant to be a rural, low water use industrial park, will address issues like what Mr. Jovic is bringing up. This application is just for a temporary use to address this request from Mr. Pomerantz ahead of the secondary plan process.

John Vuckovic
Regional Road 20

Mr. Vuckovic is a tenant farmer across from the property that is the subject of this temporary use application. Mr. Vuckovic inquired about the impact of a potential fire and if there are any safety provisions or precautions in place to mitigate the risks of a fire, as this could result in the rain barrels burning, and the plastic contaminants from the rain barrels negatively impacting the land that he farms nearby.

In response to Mr. Vuckovic's inquiry, the Director of Planning and Building, Brian Treble, explained that through the secondary plan process, which is forthcoming, there will be some policy written into the development with respect to fire cisterns or whatever else may be required on the land for fire prevention. Additionally, the Director of Planning and Building, Brian Treble explained that they will be sure to speak with the Fire Chief ahead of the creation of a recommendation report regarding this specific temporary use application.

Mr. Vuckovic expressed similar concerns to Mr. Lowe regarding the improperly redirected watershed and the drainage issues that this has created, which has legal and insurance implications for Mr. Vuckovic and the land upon which he farms as a tenant.

In response to Mr. Vuckovic's concerns, Director of Planning and Building, Brian Treble explained that in the secondary plan, planning process, they will look at rectifying the issue of the redirected watershed in this area that was allegedly done by the owner of the property that is the subject of this temporary use application.

Lillian Jovic
Regional Road 20

Ms. Jovic is the owner of the 9031 Regional Road 20 property, and is looking to build a house on a section of the property. Ms. Jovic is a retired school teacher, and is against the potential problem of this temporary use application. Ms. Jovic is similarly concerned about the number of trucks that will be coming by each day. Ms. Jovic has seen Mr. Pomeranz' property and was not impressed by its appearance and is not excited about the potential view from her future house of the stacked rain barrels on the property. Ms. Jovic is also concerned about the potential fire risks if the rain barrels were to catch fire. Ms. Jovic would like to see a storage building constructed for the rain barrels on the property rather than having them stored outside. Ms. Jovic is also concerned about the existing

drainage problem caused by the alleged improper rerouting of the watershed on the subject property.

Peter Jovic
Stoney Creek

Mr. P. Jovic spoke with Mr. Pomerantz, who wanted to buy land in the area near the subject property of this application. Mr. P. Jovic declined the offer, and alleged that Mr. Pomerantz misrepresented his plans in the area. Mr. P. Jovic went to check out the subject property, and he believes that it looks like a dump. His concern is the appearance of the land, and its impact it will have on the value of his land and the land of his family members who own neighbouring lots and who are interested in building houses on their properties.

Alex Jovic
Niagara-on-the-Lake

Mr. Jovic inquired as to what is being done to prevent the misuse of the land for other unstated business purposes.

In response to Mr. Jovic's inquiry, the Director of Planning and Building, Brian Treble, explained that the potential misuse of the property brought forward by Mr. Jovic would not be permitted nor approved by Council, and that if anyone were to believe or have suspicions that the land was being misused in this way, they should reach out to the Township by-law enforcement.

Larry Pomerantz
Hamilton

Mr. Pomerantz thanked all members of the public for their comments this evening. Mr. Pomerantz also was optimistic that drainage issues caused by the rerouted watershed would be addressed through the upcoming secondary plan process. Mr. Pomerantz explained that in ten years of operation in Smithville, his business has never had a fire and that storage of the rain barrels outside is safest in regards to fire, because a building presents multiple potential sources of a fire, primarily through the electrical wiring. Mr. Pomerantz explained that the subject property has a large berm, and so between the berm and the main building on the property, the rain barrels will not be visible from the road or from any adjacent properties. Mr. Pomerantz also explained that the existing property is home to multiple other businesses, including a scrap metal company and a few others, which are unrelated to Mr. Pomerantz and his rain barrel business.

The Chair asked if any Members of the Committee had any oral or written submissions on the Zoning By-law Amendment. The Chair advised that this may

be the only Public Meeting being held with respect to this application; therefore, he noted that if any Members of the Committee have any comments they should state them now as the Ontario Land Tribunal (OLT) may not consider comments made during any other Council and/or Committee meetings.

Councillor Chechalk inquired to Mr. Pomerantz about how many people are employed at their current location, and how many would be employed at the subject property.

In response to Councillor Chechalk's inquiry, Mr. Pomerantz explained that seven people are employed at their current location, and that no permanent employees would be present at the subject property, but that four employees would move to the location temporarily to load and unload trucks of rain barrels each business day.

Councillor Chechalk further inquired to Mr. Pomerantz about how his current property is zoned.

In response to Councillor Chechalk's further inquiry, Mr. Pomerantz explained that while he is not entirely sure how it is zoned, he believes it is industrial.

Director of Planning and Building, Brian Treble, explained that he is not sure of the zoning of Mr. Pomerantz' current business property, though he would expect that it was grandfathered in because the land would have been zoned a long time ago.

Councillor Chechalk further inquired about the potential impact of high winds could have on the safe storage of the rain barrels.

In response to Councillor Chechalk's inquiry, Mr. Pomerantz explained that they are designed to stack together securely in a way that makes them unable to be swayed in high winds. Additionally, Mr. Pomerantz reiterated the presence of the berm on the subject property, which would block winds from reaching the rain barrels.

Councillor Chechalk further inquired to Mr. Pomerantz about the rain barrels and if they are modified, customized or processed on site or if they will be altered on the site of the subject property.

In response to Councillor Chechalk's further inquiry, Mr. Pomerantz explained that the rain barrels are repurposed food grade containers, but they are not modified in any way on property, nor would they be on the subject property.

Councillor Chechalk inquired to the Director of Planning and Building, Brian Treble, about who would be responsible for any issues that occurred as a result

of Mr. Pomerantz' business on the property, as he is not the owner of the property.

In response to Councillor Chechalk's inquiry, Director of Planning and Building, Brian Treble, explained that the property owner would be responsible and liable legally for any issues that may arise, at least in regards to the involvement of the township. The legal relationship between the property owner and Mr. Pomerantz as a tenant would be between them alone, but in terms of the Township, only the property owner would be responsible and held accountable for any issues that arise.

Councillor Chechalk further inquired to Mr. Pomerantz about the location of his business in Smithville.

In response to Councillor Chechalk's further inquiry, Mr. Pomerantz explained that his business is currently located at 9093 Regional Road 20.

Councillor Chechalk commented that the Committee should consider allowing for temporary use for less than the allowed three year maximum, in order to allow for a test of this type of use of this land, and due to the upcoming secondary use planning, as well as the drainage and watershed issue with this property.

Director of Planning and Building, Brian Treble, explained that the zoning of 9093 Regional Road 20, is A-5, which is an agricultural zone with an exception that allows a salvage yard.

Councillor Chechalk inquired to the Director of Planning and Building, Brian Treble, if the agricultural zoning of Mr. Pomerantz current property limits the number of employees that can be working at that location.

In response to Councillor Chechalk's inquiry, Director of Planning and Building, Brian Treble, explained that no, the exemption for a salvage yard in the zoning of this land is a full exemption from all agricultural land use restrictions, as the zoning is old and has been grandfathered in.

Councillor Rehner inquired to the Director of Planning and Building, Brian Treble, about if the watershed change and drainage issue can be addressed in the secondary plan, and secondly, if the water running into waterways from the site can be monitored by the Ministry of Environment to determine if it is contaminated or not.

In response to Councillor Rehner, Director of Planning and Building, Brian Treble, explained that they will investigate these issues as part of the secondary plan process.

Councillor Rehner further inquired to the Director of Planning and Building, Brian Treble, if the Township can check out and try and address issues with the drainage and watershed issue now ahead of the secondary plan.

In response to Councillor Rehner, Director of Planning and Building, Brian Treble, assured that the issue is now in staff's hands and the appropriate departments will be in discussion on this issue and look to do what they can.

Councillor Trombetta inquired to Mr. Pomerantz as to the length of the temporary use exception that he applied for.

In response to Councillor Trombetta's inquiry, Mr. Pomerantz explained that he applied for a three year temporary use exception.

Councillor Trombetta commented further that he will not support a full three-year temporary-use exception because of a history of issues with compliance with previous temporary use applicants. Additionally, Councillor Trombetta echoed the concerns of the public who have made comments previously in the meeting. Councillor Trombetta further commented that residents have raised concerns to him about the state of the property that Mr. Pomerantz' business is currently located on, which gives him further concern in granting a three-year temporary use.

Councillor Bradaric inquired to Mr. Pomerantz as to whether he is the owner or the agent of the property.

In response to Councillor Bradaric, Mr. Pomerantz explained that he currently is not the owner but is the agent. He is in the process of purchasing the property and is interested depending on how the secondary use plan plays out.

Councillor Bradaric further commented that both the property that Mr. Pomerantz' company operates on currently and the subject property of this meeting are both eye sores, and that gives her some concern.

Mayor Ganann inquired to Mr. Pomerantz as to whether the current owner of the property is aware of this temporary use application.

In response to Mayor Ganann's inquiry, Mr. Pomerantz explained that yes the current owner is aware of this application and even signed it.

Mayor Ganann further inquired to Mr. Pomerantz if his intention is to have the rain barrels on the subject property, whether he is able to purchase that property or not.

In response to Mayor Ganann's further inquiry, Mr. Pomerantz explained that yes he does want to have the rain barrels on the property for the full temporary use

period whether he owns the property or not. He continued that he is interested in taking part in the secondary use planning process, but that his use of this property and the future with it will be up to the Township to decide.

Mayor Ganann further commented that this property is an eye sore. Mayor Ganann then inquired to Mr. Pomerantz if the business is no longer as successful as it is now, who will be responsible for disposing of the remaining rain barrels.

In response to Mayor Ganann's inquiry, Mr. Pomerantz explained that he purchases all of the rain barrels on the property, and he feels he would have no problem selling them, whether as rain barrels or to recycling plants for the plastic, even at the lowest market price, to liquidate leftover rain barrels.

Director of Planning and Building, Brian Treble, explained that the Township has faced complaints about the current property that Mr. Pomerantz' property operates on, but Mr. Pomerantz has been very helpful on a couple of occasions in regards to the issues on the site and he has helped to rectify those issues.

The Chair inquired to the Director of Planning and Building if a shorter temporary use period could be brought forward to the Committee to vote on. Additionally, the Chair asked if a security deposit, to be provided by Mr. Pomerantz, could be included as part of the application process.

In response to the Chair's inquiry, Director of Planning and Building, Brian Treble, explained that this has been done in the past and so staff could definitely look into such options in this case as well.

The Chair stated that a Technical Report was being considered by Council later, as part of this evening's Committee meeting and that a recommendation report would be forthcoming to a future Committee and/or Council Meeting. The Chair advised that once Committee and/or Council has made a decision with respect to the Zoning By-law Amendment and if approved by Council, a notice of its passing will be circulated with an appeal period. The Chair stated that if there was anyone who wished to be notified of Council's decision, they should email the Township Clerk, Jessica Dyson at jdyson@westlincoln.ca.

The Chair stated that anyone who is interested in observing Council and/or Committee discussions about a particular by-law should not solely rely on mailed notices and thus miss the opportunity to attend applicable meetings and suggested the public watch the Township's website for posting of agendas to review items that will be discussed at Council and/or Committee meetings. The Chair advised that agendas for meetings are posted on the Township's website after 4 p.m. on the Friday prior to the meeting and that meeting schedules are also noted on the Township's website for the public to view. The Chair stated that

anyone wishing to receive notices by email, should contact the Township Clerk to advise of their request and include their email address along with their mailing address and phone number.

4. Adjournment

The Chair declared the meeting adjourned at the hour of 8:40 p.m.

JESSICA DYSON, DEPUTY CLERK

COUNCILLOR WILLIAM REILLY,
CHAIR