



TOWNSHIP OF WEST LINCOLN
PUBLIC MEETING UNDER THE PLANNING ACT MINUTES
AMENDMENT TO TOWNSHIP OF WEST LINCOLN'S ZONING BY-LAW

January 13, 2025, 6:30 p.m.
West Lincoln Community Centre
177 West Street, Smithville, Ontario

Council: Mayor Cheryl Ganann, Chair
Councillor Shelley Bradaric
Councillor Mike Rehner
Councillor William Reilly
Councillor Jason Trombetta
Councillor Joann Chechalk
Councillor Greg Maychak

Staff: Dennis Fisher, Fire Chief
Mike DiPaola, Director of Operations
Gerrit Boerema, Director of Growth and Sustainability
Katelyn Repovs, Director of Corporate Services/CFO
Susan Smyth, Senior Planner
Wendy Beaty, Coordinator of Recreation Services
Justin Paylove, Director of Legal and Legislative Services/Clerk
Kevin Geoghegan, IT Help Desk Analyst
Truper McBride, CAO

Attendees:
Rodger Vaughan
Fred Stoffels
Mike Sullivan
Michael Black
Larry Pomerantz
Nancy Neville*
Peggy Cook*
John Ganann
Mark Doerrsum
Rob Wood

Gordon Szaszi*
John Vuckovic
Sue VanBurren
Macy Lacasse
Kayla Jakobszen
Olivia Garby
Peter Jovic
Rhonda Tuckett
Alex Jovic
Lilian Jovic

*Attended Part-time

9127 Regional Road 20 (Larry Pomerantz, Agent & Giovanni Diflavio, Owner)-
Extension to a Temporary Use By-Law

1. Application for Zoning By-law Amendment

The Chair advised that this public meeting was being held to consider an extension to the Township of West Lincoln's Temporary Use By-law under Section 34 and 39 of the Planning Act.

EXPLANATION OF THE PURPOSE AND EFFECT OF THE APPLICATION:

The intent of this Extension to a Temporary Use By-law application is to continue to permit a portion of the lands approximately 9,712.45 square metres (0.97 hectares/2.4 acres) or 5% of the total lot area for outside storage of rain barrels/composters.

Township Council granted approval of this temporary use on February 26, 2024 for one year for the storage area situated behind the existing storage buildings fronting Regional Road 20 along the west side of the subject lands below the existing berm.

An application for an extension of 3 years for the temporary use has been requested by the Agent on behalf of the Owner.

2. Purpose of the Public Meeting

The Chair stated that the Planning Act requires in Section 34(12) and Section 39 (1) and (3) that before extending a Temporary Use By-law, Council must hold at least one public meeting for the purpose of informing the public in respect of the extension.

The purpose of this public meeting is to receive comments and answer questions from the public regarding the extension.

The Chair stressed that, at this point, no decision has been made on the request for an extension of the temporary use 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, Justin Paylove, 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, Justin Paylove, explained that proper notice was given.

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.

Mike Sullivan (Land Pro Planning Solutions Consultant) and Larry Pomerantz (Agent)

Mr. Sullivan explained that the extension would allow Mr. Pomerantz to continue operating his business under the temporary use agreement while intersecting with the completion of the Fulton Rural Employment Land Use Study and the Township's decision in terms of designation and zoning for that property. Mr. Sullivan reiterated that there has been no known public comment made to the Township and that he has not received any public comment or complaints.

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.

Ronda Tuckett

Ms. Tuckett's property is directly south of the property in discussion and expressed concerns for the addition of a berm that has created runoff expanding 3 feet by 4 feet, running N to S on her property and the potential for increased runoff through her property into Twenty Mile Creek due to plastic barrels. Ms. Tuckett provided comment on a trench leading from the property's field to the ditch on Highway 20, resulting in more water flowing S.

John Vuckovic

Mr. Vuckovic is a farmer from the area in discussion and expressed concerns regarding the environmental impact of Mr. Pomerantz's business and liability issues that may arise. Mr. Vuckovic expressed further concern questioning the type of business in operation.

Lilian Jovic

Ms. Jovic owns property in West Lincoln and expressed concerns for the amount of barrels on the property in discussion and questioned the likelihood of these barrels being food grade. Ms. Jovic provided photos of the property and barrels to Council, further commenting on the site.

Mark Doerrsum

Mr. Doerrsum is a resident of West Lincoln and expressed concerns regarding proper inspection and code compliance of the operation, MOE inspections, and the posed risk of standing water.

Alex Jovic

Mr. Jovic owns property next to the property in discussion and expressed concerns regarding the type of business that is operating, the type of material being stored and dumped, the environmental impact, and liability. He indicated that he had previously raised concerns to the Township and questioned the landowner's involvement in the application.

Lilian Jovic

Ms. Jovic further commented on the landowner's liability.

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 Trombetta inquired to the Director of Growth and Sustainability, Gerrit Boerema, about the issues with the site agreement.

In response to Councillor Trombetta's inquiry, Director of Growth and Sustainability, Gerrit Boerema, explained that site agreement requirements including grading, sediment and erosion control, storm water control works and tree planting for screening have not been completed.

Councillor Trombetta further inquired to the Director of Growth and Sustainability, Gerrit Boerema, if complaints have been received from the public.

In response to Councillor Trombetta's inquiry, Director of Growth and Sustainability, Gerrit Boerema, explained that no formal complaints have been received since October; however, a number of residents have reached out through this process to express concern.

Councillor Reilly inquired to the Director of Growth and Sustainability, Gerrit Boerema, whether the Municipality is able to communicate with the land owner about the agreement in place with Mr. Pomerantz.

In response to Councillor Reilly's inquiry, Director of Growth and Sustainability, Gerrit Boerema, explained that the property owner has signed the authorized agent form to Mr. Pomerantz and Mr. Sullivan as planning consultant.

Councillor Rehner inquired to the Director of Growth and Sustainability, Gerrit Boerema, to confirm that a \$20,000 deposit for the berm and ditch work was required.

In response to Councillor Rehner's inquiry, Director of Growth and Sustainability, Gerrit Boerema, explained that a \$20,000 deposit to ensure that the grading works was completed and a \$5,000 deposit for site clean up if compliance was not achieved was required.

Councillor Rehner further inquired to the Director of Growth and Sustainability, Gerrit Boerema, about what percentage of the site agreement has been completed.

In response to Councillor Rehner's further inquiry, Director of Growth and Sustainability, Gerrit Boerema, explained the process for compliance and was unable to provide a percentage at this time. He further noted that the majority of erosion and sediment control works and grading works has not been completed.

Councillor Rehner inquired to Senior Planner, Susan Smyth, to confirm the date of approval for the grading plan of August 8, 2024.

In response to Councillor Rehner's inquiry, Senior Planner, Susan Smyth, confirmed that engineering staff approved the grading plan on August 8, 2024.

Councillor Rehner inquired to Planning Consultant, Mike Sullivan, to clarify when he was retained by Mr. Pomerantz and if he was aware of the site issues.

In response to Councillor Rehner's inquiry, Planning Consultant, Mike Sullivan, clarified that he was hired in December of 2024. Mr. Sullivan explained that he was unaware of the extent of the site issues and further explained that his client has reached out for professional assistance, recognizes the issues, and will lead his client towards compliance.

Councillor Rehner inquired to the Fire Chief, Dennis Fisher, whether he has been to the facility.

In response to Councillor Rehner's inquiry, Fire Chief Dennis Fisher explained that he recently returned from leave and has not seen the site and would require a number of different measures and discussion with Deputy Chief Hofsink.

Councillor Rehner further inquired to Fire Chief Dennis Fisher if West Lincoln has the capacity to extinguish this magnitude of fire, and expressed concern regarding serious events involving a tire fire and the Plastimet recycling plant fire in Ontario.

In response to Councillor Rehner's further inquiry, Fire Chief Dennis Fisher determined that the department would be able to extinguish the fire with support from other municipalities, but it would take time.

Mayor Ganann inquired to the Planning Consultant, Mike Sullivan, if he has visited the property for a site visit.

In response to Mayor Ganann's inquiry, the Planning Consultant, Mike Sullivan, confirmed that he has visited the property.

Mayor Ganann suggested to the Fire Chief, Dennis Fisher, that he might wish to discuss a fire plan with Deputy Hofsink.

In response to Mayor Ganann's suggestion, Chief Dennis Fisher agreed to discussing a fire plan with Deputy Hofsink and also commented that his department has not received any formal complaints to date.

Councillor Bradaric inquired to the Senior Planner, Susan Smyth, if the property in discussion is in compliance with the stackable height limit.

In response to Councillor Bradaric's inquiry, the Senior Planner, Susan Smyth, explained that the maximum height of the structure is not to exceed 30 feet; it is difficult to determine if the structure exceeds this limit.

Councillor Chechalk inquired to the Director of Growth and Sustainability, Gerrit Boerema, for more information regarding the increased size of the berm.

In response to Councillor Chechalk's inquiry, the Director of Growth and Sustainability, Gerrit Boerema, explained that they cannot provide an answer until the applicant's engineer confirms that the works are complete and in compliance with the approved grading plan.

Councillor Chechalk inquired to the Agent, Larry Pomerantz, regarding additional materials used to change the berm.

In response to Councillor Chechalk's inquiry, the Agent, Larry Pomerantz, commented that no additional materials were brought in to change the berm.

Councillor Chechalk further inquired to the Agent, Larry Pomerantz, if additional material had been brought on site.

In response to Councillor Chechalk's further inquiry, the Agent, Larry Pomerantz, commented that no additional materials were brought on site.

Councillor Chechalk further inquired to the Agent, Larry Pomerantz, if environmental certificates have been completed with each load as required for materials brought into agricultural sites.

In response to Councillor Chechalk's further inquiry, the Agent, Larry Pomerantz, stated that no additional materials have been brought onto the property.

Councillor Chechalk further inquired to the Agent, Larry Pomerantz, whether the barrels on the property were old or new.

In response to Councillor Chechalk's further inquiry, the Agent, Larry Pomerantz, stated that the barrels are food grade and used.

Councillor Chechalk further inquired to the Agent, Larry Pomerantz, about the initial understanding that barrels were to come in and then go out at the same time.

In response to Councillor Chechalk's further inquiry, the Agent, Larry Pomerantz, explained that his operation is seasonal and that barrels come in all year and then go out between April and July.

Councillor Maychak expressed sympathy for the residents of West Lincoln and concern regarding the site plan agreement.

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 will 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 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 Director of Legislative Services/Clerk, Justin Paylove, at jpaylove@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 8:12 p.m.

7793 Young Street (Brandon Barnim, Agent)- Zoning By-Law Amendment

5. 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.

EXPLANATION OF THE PURPOSE AND EFFECT OF THE APPLICATION:

This Zoning By-law Amendment has been made to rezone the property legally described as South Grimsby Gore A, Part Lot 14 RP 30R2653 Parts 1 and 2, RP 30R11938 Parts 1 and 2, in the former Township of South Grimsby, now in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 7793 Young Street.

The intent of this rezoning application is to fulfill a condition of consent for severance file B01/2024WL. The previous consent application was approved on February 28th 2024 to permit a minor boundary adjustment where 1.2 acres form

the abutting farm parcel was added to the subject property to accommodate the existing parking lot as well as 2,670 square metre building addition which will connect the three existing warehouse buildings.

This zoning application proposes to rezone the Agricultural 'A' farmlands that had been converted into a parking lot on the west side of the property to the Agricultural Related 'AR-51' zone with the existing site specific exception that covers the remainder of the property, and to also extend the AR-51 zoning over to the east of the property to cover the warehouse that is being used as part of the business as well.

6. Purpose of the Public Meeting

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

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 Amendments.

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

7. Public Meeting

The Chair stated that in accordance with the *Planning Act* and the Minister, the applicant or specified person, public body or registered land owner of any land to which the by-law amendment will apply who made oral submissions at a public meeting or written submissions to Council prior to the adoption and/or passage of the by-law may appeal the by-law amendment to the Ontario Land Tribunal.

The Chair inquired to the Director of Legislative Services/Clerk, Justin Paylove, 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, Justin Paylove, explained that proper notice was given.

The Chair inquired to the Director of Growth and Sustainability, Gerrit Boerema, to explain the purpose and reason for the proposed Zoning By-Law Amendments.

In response to the inquiry from the Chair, Director of Growth and Sustainability, 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.

Sue Vanbuuren (Owner) was present, but chose not 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 submission from any members of the public.

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 submission from any members of the Committee.

The Chair stated that a Technical Report was being considered by Council later, as part of this evening's Committee meeting. The Chair advised that once Committee and/or Council has made a decision with respect to the Zoning By-law Amendment 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 Director of Legislative Services/Clerk, Justin Paylove, at jpaylove@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.

8. Adjournment

The Chair declared the meeting adjourned at the hour of 8:19 p.m.

JUSTIN PAYLOVE, DIRECTOR OF
LEGAL AND LEGISLATIVE SERVICES/
CLERK

MAYOR CHERYL GANANN, CHAIR