

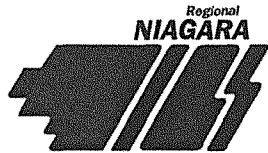
SCHEDULE "A"

AMENDMENT NO. 39

THE AMENDMENT

1. The alphabetical letter "(f)" be added as a prefix to the seventh paragraph of Section 1.10.1, and
2. The following is added to Section 1.10.1:
 - (f) Notwithstanding the uses permitted by Policy 1.10.1, the lands occupying Part of Lot 15, Concession 8, known municipally as 1401 Maple Street, and having a total area of approximately 2.3 acres, may be used for a tent rental service.

**AMENDMENT NO. 39
TO THE
OFFICIAL PLAN
OF THE
TOWN OF PELHAM**

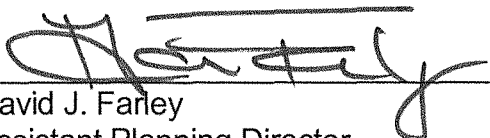


THE REGIONAL MUNICIPALITY OF NIAGARA

OFFICIAL PLAN AMENDMENT NO. 39
RECOGNIZE EXISTING TENT RENTAL BUSINESS
MAPLE ST.
TOWN OF PELHAM

Amendment No. 39 to the Official Plan of the Town of Pelham, which was adopted by the Council of the Town of Pelham, is hereby approved under Section 17 of the Planning Act.

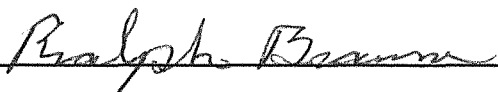
DATE: June 15, 2001

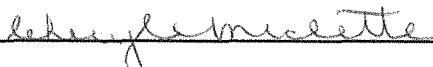


David J. Farley
Assistant Planning Director
Regional Municipality of Niagara

TOWN OF PELHAM
CERTIFICATE
OFFICIAL PLAN OF THE
TOWN OF PELHAM
AMENDMENT NO. 39

The attached text constituting Amendment No. 39 to the Official Plan of the Town of Pelham, was prepared by the Pelham Planning Services Committee and was adopted by the Corporation of the Town of Pelham by By-law No. 2265 (2001) in accordance with Section 17 of the Planning Act, R.S.O. 1990, as amended, on the 19th day of March, 2001.


MAYOR


CLERK

This Amendment to the Official Plan of the Town of Pelham which has been adopted by the Council of the Corporation of the Town of Pelham, is hereby approved in accordance with Section 17 of the Planning Act, R.S.O. 1990, as amended, as Amendment No. 38 to the Official Plan for the Town of Pelham.

Date

Approval Authority

THE CORPORATION OF THE
TOWN OF PELHAM


BY-LAW NO. 2265 (2001)

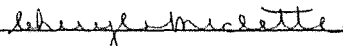
Being a by-law to adopt Amendment No. 39 to the
Official Plan of the Town of Pelham.

THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM IN
ACCORDANCE WITH THE PROVISION OF THE PLANNING ACT, R.S.O. 1990, AS
AMENDED, HEREBY ENACTS AS FOLLOWS:

- (1) Amendment No. 39 to the Official Plan of the Town of Pelham, consisting of the
attached Text, is hereby adopted.
- (2) THAT the Clerk is hereby authorized and directed to make application to the
Regional Municipality of Niagara for approval of the aforementioned Amendment No. 39 to the
Official Plan of the Town of Pelham.
- (3) THAT this by-law shall come into force and take effect on the day of the final
passing thereof.

ENACTED AND PASSED THIS 19TH DAY OF MARCH, 2001 A.D.


MAYOR RALPH BEAMER


CLERK CHERYL MICLETTE

TOWN OF PELHAM
CERTIFIED A TRUE COPY


CLERK

SCHEDULE "A"

AMENDMENT NO. 39

THE AMENDMENT

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2. The following is added to Section 1.10.1:
 - (f) Notwithstanding the uses permitted by Policy 1.10.1, the lands occupying Part of Lot 15, Concession 8, known municipally as 1401 Maple Street, and having a total area of approximately 2.3 acres, may be used for a tent rental service.

AMENDMENT NO. 39

TO THE OFFICIAL PLAN

FOR THE TOWN OF PELHAM

PLANNING AREA

TABLE OF CONTENTS

PART A - PREAMBLE

Introduction to the Official Plan Amendment

- i) Purpose
- ii) Location
- iii) Basis

PART B - THE AMENDMENT

The Amendment which will be incorporated into the Town of Pelham Official Plan.

PART C - BACKGROUND

Background material relevant to the Official Plan Amendment.

NOTE:

Parts A and C are explanatory sections providing information regarding the Amendment and do not form a part of the body of the Official Plan Amendment. Only Part B constitutes the actual Amendment to the Official Plan of the Town of Pelham.

PART A

PREAMBLE

PART A

PURPOSE

The Purpose of this amendment is to:

- ▶ Recognize and permit the additional use of a tent rental service in the Agricultural Area Policy Section of the Official Plan

LOCATION

The lands that are the subject of this amendment are located on the east side of Maple Street. The legal description of the property is Part of Lot 15, Concession 8, municipally known as 1401 Maple Street.

BASIS

The basis of this amendment is to:

- ▶ Permit and recognize, in addition to the permitted agricultural uses, an existing tent rental service.
- ▶ Facilitate the rezoning of the lands to an Agricultural "A-158" Special Exception Zone.

PART B

THE AMENDMENT

SCHEDULE "A"

AMENDMENT NO. 39

THE AMENDMENT

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2. The following is added to Section 1.10.1:
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TOWN OF PELHAM
CERTIFIED A TRUE COPY

Sheryl McElroy
CLERK

PART C

APPENDICES

LIST OF APPENDICES

- Appendix A-1 Notice of Public Meeting
A-2 Affidavit re
- Giving Notice of Public Meeting
- Giving Notice of Adoption
- Appendix B-1 Minutes of General Committee Meeting February 28, 2001
B-2 Minutes of General Committee Meeting March 12, 2001
- Appendix C Written Submissions or Comments
C1 Regional Niagara Public Health Department
- Appendix D-1 Affidavit re
- List re Oral Submissions at Public Meetings
- Appendix E-1 Planning Report dated January 18, 2001
E-2 Planning Report dated March 6, 2001
- Appendix F-1 Affidavit re
- Information under Section 6(2) of Ont. Reg. 198/96 is provided and is true
- Appendix G-1 List of Public Bodies Given Notice Which Did Not Respond
- Appendix H-1 Information re Applicant Initiating the Amendment

NOTICE OF JOINT PUBLIC MEETING

PROPOSED AMENDMENTS TO THE REGIONAL NIAGARA POLICY PLAN
AND THE TOWN OF PELHAM OFFICIAL PLAN AND ZONING BY-LAW

ROBERT & SHIRLEY LEIDEN (ROBERT LEIDEN TENT SERVICE)
PART LOT 15, CONC. 8, 1401 MAPLE STREET

Purpose of the Meeting:

The purpose of the meeting is to receive comments and answer questions from the public regarding an application by Robert and Shirley Leiden to amend the Regional Niagara Policy Plan and the Town of Pelham Official Plan and Zoning By-law.

Nature and Purpose of the Amendments:

The purpose of the amendments is to recognize an existing light industrial use (Robert Leiden Tent Service) within an agricultural area.

Location:

The subject lands are located on the east side of Maple Street, being part of Lot 15, Concession 8, and municipally known as 1401 Maple Street.

The attached **KEY MAP** may assist you in locating the subject site.

This will be a joint Regional Niagara and Town of Pelham public meeting and is being held under the provisions of Section 17 and Section 34 of the Planning Act at the following time and place:

DATE: Wednesday February 28, 2001 TIME: 7:00 P.M.

LOCATION: Council Chambers, Town of Pelham Municipal Building,
20 Pelham Town Square, Fonthill

If a person or public body that files a notice of appeal of a decision by the Regional Municipality of Niagara or by the Town of Pelham regarding the Amendment applications does not make oral submissions at a public meeting or make written submissions to the Regional Municipality of Niagara or to the Town of Pelham before the proposed amendments are adopted, the Ontario Municipal Board may dismiss all or part of the appeal.

If you wish to be notified of the adoption of the proposed Official Plan Amendments, you must make a written request to:

Mr. Thomas Hollick, Regional Clerk
Regional Municipality of Niagara
2201 St. David's Road
P. O. Box 1042
Thorold ON L2R 4T7

OR

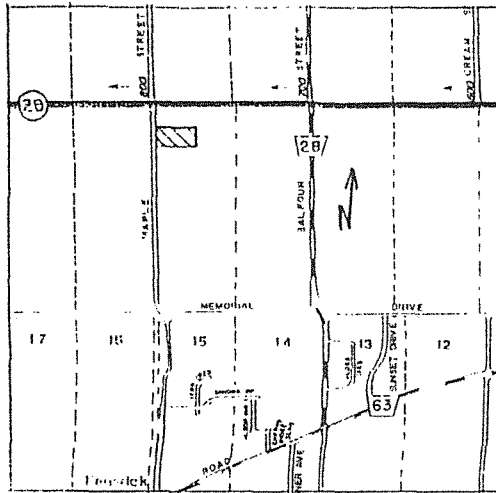
Mrs. Cheryl Miclette, Clerk
Town of Pelham
20 Pelham Town Square
P. O. Box 400
Fonthill ON L0S 1E0

A copy of the proposed Amendments and background materials related to the Amendments is available and will also be available for inspection at the public meeting. For more information contact:

Mr. Don Campbell
Regional Municipality of Niagara
(905) 984-3630

OR

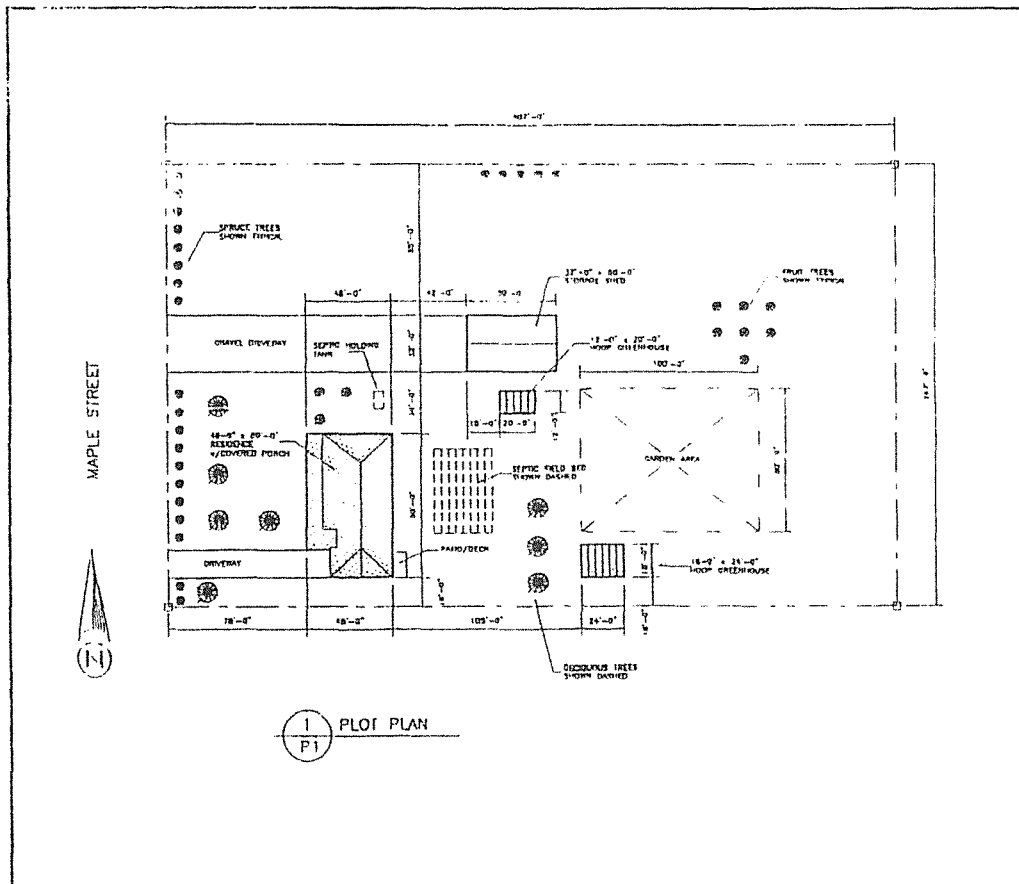
Mr. Jack Bernardi
Town of Pelham
(905) 892-2607, ext. 16



Subject



Property



THE CORPORATION OF THE TOWN OF PELHAM

IN THE MATTER OF SECTION 17 OF THE
PLANNING ACT, R.S.O. 1990, AS AMENDED

TOWN OF PELHAM OFFICIAL PLAN AMENDMENT NO. 39

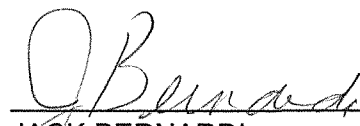
PART OF LOT 15, CONCESSION 8, 1401 MAPLE STREET

AFFIDAVIT

I, **JACK BERNARDI**, DIRECTOR OF PLANNING SERVICES OF
THE TOWN OF PELHAM, IN THE REGIONAL MUNICIPALITY OF NIAGARA,
MAKE OATH AND SAY AS FOLLOWS:

- (1) I am the Director of Planning Services of the Corporation of the Town of Pelham and as such I have knowledge of the matters herein set forth.
- (2) On the 2nd day of February, 2001, I did cause to be sent by prepaid First Class Mail and in envelopes addressed to the respective public bodies whose names and addresses are shown on the list attached hereto and marked as Schedule "A" to this Affidavit, and to the respective persons whose names and addresses are shown on the list attached hereto and marked as Schedule "B" to this Affidavit, a notice of the public meeting.
- (4) On the 21st day of March, 2001, I did cause to be sent by prepaid First Class Mail and in envelopes addressed to the respective persons whose names and addresses are shown on the list attached hereto and marked as Schedule "C" to this Affidavit, a copy of the Notice of Adoption of Official Plan Amendment No. 39.

SWORN BEFORE ME AT THE TOWN OF PELHAM)
IN THE REGIONAL MUNICIPALITY OF NIAGARA)
THIS 26TH DAY OF MARCH, 2001 A.D.)

) 
)
) **JACK BERNARDI**


CHERYL MIOLETTE, CLERK

CHERYL MIOLETTE, Clerk,
Town of Pelham, a Commissioner,
for taking Affidavits in the
Regional Municipality of Niagara

MAILING LIST OF PUBLIC BODIES FOR NOTICE OF PUBLIC MEETING

ATTN CLERK

REGIONAL NIAGARA
BOX 1042
THOROLD ON L2V 4T7

MANICCIA ACT MGR OF OPERATIONS

NIAGARA CATHOLIC DISTRICT
SCHOOL BOARD
27 RICE RD
WELLAND ON L3C 7C1

ATTN MR GLEN BARKER

BLS PLANNING ASSOCIATES
1 ST PAUL ST
ST CATHARINES ON L2R 7L2

MANAGER LAND SERVICES
ENBRIDGE CONSUMERS GAS
101 CONSUMER DRIVE
WHITBY ON L1N 1C4

REGIONAL NIAGARA HEALTH
SERVICES
573 GLENRIDGE AVE
ST CATHARINES ON L2T 4C2

ATTN MANAGER
PLANNING & TRANSPORTATION

DIST SCHOOL BOARD OF NIAGARA
191 CARLTON ST
ST CATHARINES ON L2R 7P4

PRESERVATION OF
AGRICULTURAL LANDS
BOX 1090
ST CATHARINES ON L2R 7A3

MR JOHN BLAKELY
RIGHT-OF-WAY AGENT
INTERPROVINCIAL PIPE LINE
P O BOX 128
SARNIA ON N7T 7H8

ATTN SEC-TREASURER
NIAGARA PENINSULA
CONSERVATION AUTHORITY
250 THOROLD RD WEST 3RD FLOOR
WELLAND ON L3C 3W3

ATTN SECRETARY

ENBRIDGE CONSUMERS GAS
P O BOX 1051
THOROLD ON L2V 5A8

LAND USE PLANNING SECTION
REAL ESTATE SERVICES
HYDRO ONE NETWORKS INC
483 BAY ST 12TH FLR NORTH TOWER
TORONTO ON M5G 2P5
TECHNICIAN 1
RIGHT-OF-WAY DEPT
TRANSCANADA PIPELINES LTD
P O BOX 1000 STN M
CALGARY AB T2P 4K5

SCHEDULE " B "

ROBERT & SHIRLEY LEIDEN
1401 MAPLE ST
FENWICK ON LOS 1C0

T B J & E SLAPPENDEL
1397 MAPLE ST R R 4
FENWICK ON LOS 1C0

TRUDY SLAPPENDEL
1397 MAPLE ST R R 4
FENWICK ON LOS 1C0

JANICE KLASSEN
P O BOX 62
FENWICK ON LOS 1C0

JOHN KLASSEN
612 MEMORIAL DR BOX 62
FENWICK ON LOS 1C0

H & H BLEIJERVELD
R R 4 764 HWY 20
FENWICK ON LOS 1C0

A & E SYPKES
760 HWY 20 R R 4
FENWICK ON LOS 1C0

G & F SCHUSTER
756 HWY 20 R R 4
FENWICK ON LOS 1C0

NICK & HELEN VLASSIS
R R 4 802 HWY 20
FENWICK ON LOS 1C0

KEITH & DARLENE HORTON
1372 MAPLE ST R R 4
FENWICK ON LOS 1C0

CLARE'S CYCLE & SPORTS
R R 4 799 HWY 20
FENWICK ON LOS 1C0

MAILING LIST FOR NOTICE OF PASSING OF OFFICIAL PLAN AMENDMENT NO. 39

Robert & Shirley Leiden
1401 Maple Street
Fenwick ON L0S 1C0

GC-34/2001

GENERAL COMMITTEE

GC-4/01

February 28, 2001

Minutes of a special General Committee meeting held on Wednesday, February 28th, 2001 at 7:00 p.m. in the Municipal Council Chambers. The special meeting was called for the purpose of holding public meetings under the Planning Act with respect to three applications.

ATTENDANCE:

Council:

Mayor R. Beamer
Councillor C. Kuckyt
Councillor G. Berkhout
Councillor R. Hatt
Councillor W. B. Walker
Councillor S. Matthews
Councillor U. Brand

Staff:

CAO/Director of Financial Services G. Cherney
Director of Planning Services J. Bernardi
Recording Secretary(Clerk) C. Miclette

Others:

Mr. Glen Barker of BLS Planning**
Mr. Drew Semple, Regional Planning**
Mr. Don Campbell, Regional Planning**
Mr. William Smeaton, Regional Councillor**
Mr. Bruce Timms, Regional Councillor**
Interested Citizens

Media:

Carolyn Mullin, The Voice of Pelham
Diane Ujfalussy, Pelham News
The Standard

** - IN ATTENDANCE PART TIME

1. CALLED TO ORDER:

The special meeting was called to order by Mayor R. Beamer.

2. ADOPTION OF AGENDA:

RECOMMENDATION - MOVED BY COUNCILLOR C. KUCKYT, SECONDED BY COUNCILLOR G. BERKHOUT - THAT the agenda for the February 28th, 2001 Special General Committee meeting be adopted. CARRIED, CHAIR, MAYOR R. BEAMER

3. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF:

There were no disclosures of pecuniary interest noted by members of the Committee.

4. PUBLIC MEETING UNDER PLANNING ACT:

At this point in the meeting, Mayor R. Beamer vacated the Chair and Councillor W. B. Walker assumed the Chair as Chair of the Planning Services Division.

(A) JOINT PUBLIC MEETING - 7:00 P.M. - PROPOSED OFFICIAL PLAN & ZONING BY-LAW AMENDMENT APPLICATION #AM-11/00 - ROBERT & SHIRLEY LEIDEN - PART OF LOT 15, CONC. 8 - 1401 MAPLE STREET:

Chair, Councillor Walker noted that this was a joint public meeting between the Regional Municipality of Niagara and the Town of Pelham. Chair Walker then introduced Regional Councillor William Smeaton and Regional Councillor Bruce Timms, who are members of the Regional Planning Committee as well as Mr. Drew Semple & Mr. Don Campbell staff of the Regional Niagara Planning Department.

The Chair Secretary then recited the required form of notice.

Chair, Councillor Walker then introduced Director of Planning Services J. Bernardi who provided an overview of the application, as well as the background information contained in the Technical Information Report P-05/01. J. Bernardi noted that they must assess the various planning documents, being the Provincial Policy Statement, Regional Official Plan, Town Official Plan and Zoning By-law and that once this review is completed, a recommendation report will be prepared taking into account any comments received this evening from members of the Committee or the public with respect to this application.

Chair, Councillor Walker then called upon Mr. Don Campbell of the Regional Planning Department who stated that the Region must review the Provincial Policy Statement and Regional Official Plan prior to taking a recommendation report to the Regional Planning Committee for consideration. He stated that the application has been circulated to the various agencies for comment and that once these comments are received and reviewed a report will be prepared. In closing, Mr. Campbell noted that, at this point in time, no decision has been made by the Region on this application, but he did indicate that a sample wording for the amendment had been prepared, as required by the Planning Act. Mr. Campbell noted the background information report which was available to the public.

Applicant's Presentation: - Mr. Bob Leiden indicated that he did not have anything further to add.

Public Input: - There were no comments received from the general public on this application.

Committee Input:

Mayor Beamer - How long has the business been in existence? Mr. Leiden responded that he has been in operation for 13 years at the present location, but that in fact, the business has been in existence for approximately 30 years.

Councillor Brand - Are tents manufactured on site? Mr. Leiden responded by noting that no tents are manufactured on site and that the site is only used for storage purposes.

This public meeting was declared closed by the Chair.

At this point in the meeting, Regional Councillors & Regional Planning Staff left the meeting.

- (B) PUBLIC MEETING - 7:30 P.M. - PROPOSED ZONING BY-LAW AMENDMENT APPLICATION #AM-10/0099 - KEN & LYSE EDWARDS, PART OF LOTS 7 & 8, CONC. 8 & 9, 398 CANBORO ROAD:

The Chair Secretary recited the required form of notice.

Chair, Councillor Walker then called on the Director of Planning Services, J. Bernardi to provide the Committee and public with an overview of the application.

Mr. Bernardi noted that this application for rezoning was to recognize deficient lot frontage and to remove an existing special exemption on Part 1.

In closing, Mr. Bernardi noted that planning staff would be assessing this application and preparing a recommendation report for consideration by Council pending any comments received this evening from the Committee or public.

Applicant's Presentation: - The applicant or representative were not in attendance.

Public Input: - There was no one who spoke to this application.

Committee Input: - No members of Committee spoke to this application.

This public meeting was declared closed by the Chair.

At this point in the meeting, Mr. Glen Barker of BLS Planning entered the meeting.

- (C) PUBLIC MEETING - 8:00 P.M. - PROPOSED OFFICIAL PLAN & ZONING BY-LAW AMENDMENT APPLICATION #AM-12/00 - 609793 ONTARIO INC. & RAMGOLD LTD. - PART LOT 3, R.P. 25, FLAN 717 - 110 HIGHWAY #20 EAST:

The Chair Secretary recited the required form of notice.

Chair, Councillor Walker then introduced Planning Consultant, Mr. Glen Barker who informed the public of his responsibility to the municipality.

Mr. Barker provided a brief overview of the application as to uses currently permitted on this site. He also noted that if the amendment to the Official Plan and Zoning By-law were approved, then a site plan would have to be prepared to address how the actual development would be developed. Mr. Barker noted the requirements contained in the Official Plan Amendment, as well as the current cap of 25,000 square feet for a shopping centre.

Mr. Barker also noted that a Draft Form of the Official Plan Amendment was available on the back table.

Mr. Barker stated that if "supermarket" was added as a permitted use then a zoning by-law amendment was required.

Mr. Barker then reviewed the preliminary Site Plan which had been prepared by the applicant which showed "Building B" - 4,000 square feet - drive through restaurant and "Building A" - 30,000 square feet with a future expansion of 10,000 square feet to the rear. The site plan also noted that the garbage and loading area would be located on the east side of the building and that allocation had been made for 280 parking spaces. Mr. Barker noted that a zoning conformity check had not yet been carried out.

Mr. Barker also noted that access would be provided on the east and west edge of the property.

Mr. Barker made mention of two documents which had been filed by the applicant with the municipality:

- (1) Market Opportunity & Impact Analysis dated January 31st., 2001 prepared by Mr. Henry Joseph, P. Eng. MBA
- (2) Letter from Ms. Ana Gall of DelCan Corporation re Preliminary Traffic Assessment

Mr. Barker noted that the Regional Municipality of Niagara will be looking at Regional Road #20 in the near future and as well he noted that the intersection of Regional Road #20 and Station Street do not meet the standards.

Mr. Barker stated that two points of access are required for this site and that a right hand turn lane into the development would be required as a result of this development as noted in the preliminary traffic assessment carried by Ms. Ana Gall of DelCan.

Mr. Barker also stated that land use policies as well as amenity and design criteria must be assessed.

In closing, Mr. Barker noted the various items which must be assessed:

- (1) appropriateness of site
- (2) right location within municipality
- (3) assessment of Market Study
- (4) determine whether it will threaten the viability of the downtown core
- (5) character and appearance of the community - can this proposal achieve this
- (6) assess size of proposal
- (7) land use compatibility - can it be achieved

Applicant's Presentation:

Mr. Rami Goldman thanked Mr. Barker for his in depth review of the proposal. Mr. Goldman then introduced Mr. Greg Boyd, designer and builder of proposed store; Mr. Henry Joseph, Preparer of Market Study and Ms. Ana Gall, Preparer of Preliminary Traffic Assessment.

In closing, Mr. Goldman noted that, in his opinion, this proposal would strengthen the municipality.

Public Input:

Mr. Bob Meehan - reviewed, in detail, his written comments of February 20th., 2001 which were broken down into four sections, as follows:

- (1) background on how we got to the issue before us
- (2) flaws in the proposal as it relates to planning
- (3) flaws in the market analysis
- (4) comparison to another town with similar characteristics

RECOMMENDATION - MOVED BY MAYOR R. BEAMER, SECONDED BY COUNCILLOR C. KUCKYT - THAT the petition presented by Mr. Bob Meehan be received for the information of the Committee. CARRIED, CHAIR, COUNCILLOR W. B. WALKER

Dr. J. Morrison, President, Fonthill/Fenwick Business Association - Dr. Morrison noted that the mandate of the Business Association was to promote business and to protect the current businesses in operation. Dr. Morrison then expressed three concerns relating to this proposed development:

- (1) does not feel the municipality warrants such a business and that the current businesses must be protected
- (2) what affect will it have on Klager's and Country Meat & Deli
- (3) traffic is a major concern and it will cause added problems on this highway

In closing, Dr. Morrison asked Council to take their concerns into consideration when making their decision.

Mr. Frank Sicoli, Shoppers Drug Mart - Mr. Sicoli reviewed the problems which he envisions if this development is built:

- (1) traffic
- (2) does not feel buying habits of Pelham will support such a store
- (3) feels the market opportunity and impact analysis report is too ambitious
- (4) accessibility for seniors

Mr. Sicoli noted that his worst fear would be that the Fonthill Shopping Centre would become empty therefore putting an end to a wonderful Town Square atmosphere.

In closing, Mr. Sicoli noted that what the people of Pelham can and will support can be accommodated in the Fonthill Shopping Plaza with a renovated larger grocery store.

Mr. Manfred Fast of 1435 Station Street - Mr. Fast expressed thanks to the Committee for allowing him the opportunity to comment on the proposed supermarket.

Mr. Fast highlighted the comments set out in his written presentation with respect to the proposal and he stated that if, in fact, the proposal is approved there are certain issues which the immediate neighbours would like addressed, such as:

- (1) creation of a greenbelt
- (2) building location on the site
- (3) location of trash compactor
- (4) noise from truck loading docks; airconditioning/heating units, as well as regulating hours of operation and delivery
- (5) lighting for the building and parking lot
- (6) infrastructure impacts on sewage, water pressure, electrical, etc.

- (7) traffic - Highway #20 concerns and the enhanced use of Station Street as a thoroughfare need to be addressed to ensure safety and security

Mrs. Carla Baxter, Fonthill Paint & Paper - Mrs. Baxter noted the current problem with trucks parking along Regional Road #20 from Station Street to the McDonald's/Donut Diner properties.

Mrs. Margaret Pick - She indicated that she chose to live in a small town and that she would hate to see a "big box" store located in Pelham.

Mrs. Barbara Lemieux - She indicated that when entering the Town of Pelham from the east it is not a good impression and it does not make her proud, as well she feels that this development will have a negative impact on Pelham.

Mr. Vic Farago - indicated that he supports this proposal and he indicated that he feels the people of Pelham will stay in Pelham if this store is built and that it will help the municipality grow.

Committee Input:

Councillor Matthews - questioned what the major issues for the Highway #20 area were.

Mr. Barker responded by noting that the Regional Municipality of Niagara will be assessing Regional Road #20 in the near future and that a consultant will be hired to carry out a Class Environmental Assessment on this highway.

Councillor Brand - questioned when the market analysis was carried out and how was it established.

Mr. Joseph Henry noted that the market analysis addressed shopping needs, as well as the needs of the community. He noted that, in his opinion, Sobey's will bring people that currently shop out-of-town back into Town. He also noted that they must look at the best way to accommodate the people of Pelham.

Councillor Hatt - noted that he shares the concerns of the residents with respect to traffic on Regional Road #20, as well as the possible affect on the Fonthill Shopping Centre and the seniors'.

Mayor Beamer - noted that, in his opinion, the figures contained in the market analysis which indicated that 2,500 persons from the 3 municipalities of Wainfleet, Lincoln and West Lincoln, would shop at this store were far fetched.

Mr. Joseph Henry made reference to Table 7 contained in his market analysis and he noted that if, in fact, the estimated \$1.7 million is taken out of the scenerio, it does not change the picture.

Mayor Beamer - inquired as to when staff became aware of the location of Building B on the property and the proposed drive through restaurant. Mr. Barker responded that the plan was deposited with the municipality on February 1st., 2001.

Councillor Brand - noted that, in his opinion, the 10% was purely speculation and also that the figure of \$22.5 million by 2006 was also pure projections.

Mr. Joseph Henry - noted that the 10% was based on his own opinion, but he also noted that the current owner of IGA, Mr. Bob Meehan, in fact stated that approximately 5% of his business is from out of town. Mr. Henry also addressed the concerns raised by Councillor Brand with respect to the figures contained in Table 6.

Mr. Henry - also noted that this site would allow for expansion and therefore the store would not have to relocate if an expansion became necessary.

Councillor Kuckyt - feels that this is a very important issue for this Council to deal with and she expressed her disappointment about not having all the information before Committee this evening, i.e. traffic study and site plan showing "Building B".

Chair, Councillor Walker then called upon Ms. Ana Gall of DelCan Corporation who stated that this development could be serviced in this area if certain improvements were carried out on Regional Road #20. She also noted that traffic counts were taken during the weekday PM peak hour as well as Sunday midday peak hour.

Ms. Gall also noted that discussions have been held with staff at Regional Niagara, who are cognizant of the need to widen Regional Road #20. She also noted that Regional Staff have advised that a Class Environmental Assessment will be initiated by the end of 2001. She also noted that for the purpose of their preliminary traffic assessment, they assumed that Regional Road #20 would be reconstructed with a three-lane cross-section within five years.

She also noted that the proposed supermarket is expected to generate about 456 two-way vehicle trips during the weekday pm peak hour and approximately 687 two-way vehicle trips during the Saturday peak hour; however, the number of new trips generated by the proposed development is expected to be approximately 212 two-way vehicle trips during the weekday pm peak hour and about 321 two-way vehicle trips during the Saturday peak hour.

Ms. Gall also noted that an operational analyses was undertaken at the nearby intersection using the two future traffic scenarios.

In closing, Ms. Gall noted that the capacity and level of service of the driveways servicing the proposed development were examined and she indicated the results.

Mr. Jim Dalton - inquired as to whether or not there were any concrete plans for a 29,000 square foot expansion at the Fonhill Shopping Centre IGA.

Mr. Bob Meehan - responded that no concrete plans were in place, but that a sample store layout and restructured parking lot had been prepared. He also noted that expansion of the current store would be a viable option and good for the community.

Mrs. Jeannie Pender - asked if it would be possible to circulate a petition or survey around Town to determine whether or not this type of store is wanted and/or warranted before a decision is made by the Committee. In closing, she noted that people shop where it is most convenient.

Mr. Roy Kirkup - inquired as to how the 3 lane highway could be accomplished.

Ms. Gall - noted that it could either be an urban or rural cross section whereby the possibility existed that the current shoulders could be eliminated. She noted that the proposal was to reconstruct Regional Road 20 from Highway #406 to Rice Road. In closing, she encouraged the residents of Pelham to attend any public meetings held by the Region with respect to the Class Environmental Assessment to be carried out.

Councillor Brand - noted that any new proposal should not threaten the existing core area and he feels that another market study should be carried out by a third party and paid for by the applicant.

Councillor Berkhout noted that there are many unanswered questions at this point.

Chair, Councillor Walker agreed that another market study should be carried out and that it should review why only 20% of the market is currently being captured by the existing store.

Director of Planning Services J. Bernardi suggested that if, in fact, the Committee would like to have an independent market study carried out and paid for by the applicant, they should confirm with the applicant that he is willing to pay for same.

Mr. Goldman noted that he will agree with a Peer Review and that he will pay all costs involved with preparation of same.

Councillor Brand noted that, in his opinion, an Independent Third Party Market Study should be carried out and not a Peer Review.

Mr. Goldman noted that a peer review can review anything and he feels that a peer review will assess the situation adequately.

Director of Planning Services J. Bernardi noted that it has been the practice of the municipality to carry out a Peer Review and therefore he feels that this would be appropriate in this case.

Mayor Beamer noted that, in his opinion, an Independent Peer Review would be fair and adequate. He also noted that all information should be supplied to the Committee well in advance of the meeting so that Committee/Council can make a decision on the matter at hand.

Councillor Hatt noted that he supports the carrying out of an Independent Peer Review.

RECOMMENDATION - MOVED BY COUNCILLOR R. HATT, SECONDED BY MAYOR R. BEAMER - THAT the Committee recommend to Council that an Independent Peer Review be carried out, with all costs associated with the review to be borne by the applicant. CARRIED, CHAIR, COUNCILLOR W. B. WALKER

Ms. Gall noted that the complete Traffic Study should be completed within the next 2 weeks.

Councillor Brand asked that any new reports be made available to Council as soon as possible after receipt of same.

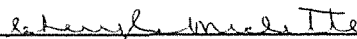
Director of Planning Services J. Bernardi suggested that terms of reference should be drafted for review by the Committee prior to a request for an independent peer review.

The Chair declared the public meeting closed.

(5) ADJOURNMENT:

RECOMMENDATION - MOVED BY COUNCILLOR R. HATT, SECONDED BY COUNCILLOR C. KUCKYT - THAT this special General Committee meeting be adjourned until the next regular meeting scheduled for MONDAY, MARCH 12th, 2001, unless sooner called by the Mayor. CARRIED, CHAIR, MAYOR R. BEAMER


CHAIR


SECRETARY

GC-46/2001

GENERAL COMMITTEE

GC-6/01

March 12, 2001

Minutes of a regular General Committee meeting held on Monday, March 12th., 2001 at 7:00 p.m. in the Municipal Council Chambers, 20 Pelham Town Square, Fonthill.

ATTENDANCE:

Council: Mayor R. Beamer;
Councillor U. Brand
Councillor G. Berkhout
Councillor R. Hatt
Councillor S. Matthews
Councillor W. B. Walker;
Absent - Councillor C. Kuckyt

Staff: C.A.O./Director of Financial Services G. Cherney
Director of Planning Services J. Bernardi
Director of Building/Enforcement Services E. Cronier
Director of Fire Services S. McLeod
Recording Secretary E. Schmidt

Others: Interested citizens

Media: Carolyn Mullin, The Voice of Pelham
Diane Ujfalussy, Pelham News

1. CALLED TO ORDER:
The meeting was called to order by Mayor R. Beamer.
2. ADOPTION OF AGENDA:
RECOMMENDATION - MOVED BY COUNCILLOR R. HATT, SECONDED BY COUNCILLOR G. BERKHOUT - THAT the agenda for the March 12th., 2001 regular General Committee meeting be adopted, as amended. CARRIED, CHAIR, MAYOR R. BEAMER
3. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF:
Councillor Brand disclosed an indirect pecuniary interest with respect to Report MOR-23/01 re 2001 Sanitary Sewer Video Inspection Program, Acceptance of Tender.
4. PUBLIC MEETING UNDER PLANNING ACT:
There were no public meetings under the Planning Act scheduled.

At this point in the meeting, Mayor Beamer vacated the Chair and Councillor W. B. Walker assumed the Chair as Chair of the Planning Services Division.

5. BUSINESS SUBDIVISION:

(A) PLANNING SERVICES:

(i) Hearing of Delegations:

(ii) Staff Reports:

Report P-14/01 re Application for Condominium Approval #26CD19-00001 - Canberra Five Properties Ltd. - Proposed 16 Unit Brookhaven Condominium - Block 102, Plan 59M-221, 42 Concord Street, Oakridge Estates Subdivision - RECOMMENDATION - MOVED BY COUNCILLOR R. HATT, SECONDED BY COUNCILLOR G. BERKHOUT - THAT P-14/01 re Application for Condominium Approval #26CD19-00001 - Canberra Five Properties Ltd. - Proposed 16 Unit Brookhaven Condominium - Block 102, Plan 59M-221, 42 Concord Street, Oakridge Estates Subdivision be received; AND THAT the recommendations contained therein be approved, as follows:

"THAT the Committee recommend to Council:

- (1) THAT the draft plan of condominium, File 26CD19-00001, Brookhaven Condominium, Canberra Five Properties Limited, Town of Pelham, be APPROVED in accordance with the provisions of The Planning Act, RSO 1990, Chapter P.13, The Condominium Act, RSO 1990, Chapter C.26 and regulations thereunder; and
- (2) THAT the conditions for final approval and registration of the condominium are as outlined in Appendix "A" to this report; and,
- (3) THAT all parties be advised of Council's decision on this application in accordance with Provincial regulations; and,
- (4) THAT the Mayor be authorized to endorse the draft plan as "approved" 20 days after notice of Council's decision has been given, provided that no appeals against the decision have been lodged; and,
- (5) THAT the applicant be advised that the Town's draft approval of the condominium plan will lapse three years from the date of draft approval unless an extension of the approval period is granted by Town Council. If an extension is requested, an updated review and revisions to the conditions of approval may be necessary at that time.

CARRIED, CHAIR, COUNCILLOR W. B. WALKER

Report P-15/01 re Recommendation Report - Proposed Official Plan & Zoning By-law Amendment Application #AM-11/00 - Robert & Shirley Leiden - Part of Lot 15, Concession 8, 1401 Maple Street - RECOMMENDATION - MOVED BY COUNCILLOR S. MATTHEWS, SECONDED BY COUNCILLOR U. BRAND - THAT Report P-15/01 re Recommendation Report - Proposed Official Plan & Zoning By-law Amendment Application #AM-11/00 - Robert & Shirley Leiden - Part of Lot 15, Conc. 8, 1401 Maple Street be received; AND THAT the recommendations contained therein be approved, as follows: - "THAT the Committee recommend to Council that:

- (1) the Official Plan & Zoning By-law Amendment Application #AM-11/00 be approved which would:
 - (i) add a "notwithstanding" policy to the Agricultural Area Policies of the Pelham Official

Plan to permit an additional use of a tent rental service.

(ii) rezone the subject lands to an Agricultural "A-158" Special Exception Zone to permit, in addition to the permitted agricultural uses, a tent rental service.

- (2) staff be directed to prepare the necessary amending by-laws for consideration by Council.

CARRIED, CHAIR, COUNCILLOR W. B. WALKER

Report P-16/01 re Recommendation Report - Proposed Zoning By-law Amendment Application #AM-10/00 - Kenneth & Lyse Edwards - Part of Lot 7, Concession 8, 398 Canboro Road -
RECOMMENDATION - MOVED BY COUNCILLOR S. MATTHEWS, SECONDED BY COUNCILLOR U. BRAND - THAT the Committee recommend to Council that Report P-16/01 re Recommendation Report - Proposed Zoning By-law Amendment Application #AM-10/00 - Kenneth & Lyse Edwards - Part of Lot 7, Concession 8, 398 Canboro Road be received; AND THAT the recommendations contained therein be approved, as follows:

"THAT the Committee recommend to Council that:

- (1) the Zoning By-law Amendment Application #AM-10/00 be approved which would:

(I) rezone the subject lands (Part 1) to an Agricultural "A-159" Special Exception Zone to recognize a deficient lot frontage and to eliminate a special exemption which permitted a seasonal farm market and a tea room.

(II) amend the zoning on the subject lands (Part 2) by adding to the Special Exception Agricultural "A-141" Zone a special provision to recognize a deficient lot frontage.

- (2) staff be directed to prepare the necessary amending by-law for consideration by Council."

CARRIED, CHAIR, COUNCILLOR W. B. WALKER

(iii) Other & New Business:

There were no items listed and/or presented for consideration.

(iv) Communications Received to March 7th., 2001:

(A) Information Items #1 & #2 - RECOMMENDATION - MOVED BY COUNCILLOR S. MATTHEWS, SECONDED BY COUNCILLOR R. HATT - THAT Planning Services communications received to March 7th., 2001, Items #1 & #2, be received for the information of the Committee.
CARRIED, CHAIR, COUNCILLOR W. B. WALKER

(B) OPERATIONS:

At this point in the meeting, Councillor W. B. Walker vacated the Chair and Councillor G. Berkhout resumed the chair as Chair of the Operations Division.

(i) Hearing of Delegations:

There were no delegations listed and/or present to be heard by the Committee.

(ii) Staff Reports:

Report MOR-19/01 re Proposed Highway #20 Watermain: Lookout Street to E. L. Crossley Secondary School - deferred.

Report MOR-23/01 re 2001 Sanitary Sewer Video Inspection Program - Acceptance of Tender - RECOMMENDATION - MOVED BY COUNCILLOR R. HATT, SECONDED BY COUNCILLOR W. B. WALKER - THAT Report MOR-23/01 re 2001 Sanitary Sewer Video Inspection Program - Acceptance of Tender be received; AND THAT the recommendation contained therein be approved, as follows: - "THAT the Committee recommend to Council that the tender of \$45,816.54, GST included, submitted by Trans Video Inspection Limited for the 2001 Sanitary Sewer Video Inspection Program be accepted." CARRIED, CHAIR, COUNCILLOR G. BERKHOUT

Councillor Brand did not vote on this matter, due to the disclosure of pecuniary interest noted earlier in the meeting.

(iii) Other & New Business:

There were no items listed and/or presented for consideration.

(iv) Communications received to March 7th., 2001:

(A) Information Item #1 - RECOMMENDATION - MOVED BY COUNCILLOR U. BRAND, SECONDED BY COUNCILLOR S. MATTHEWS - THAT Operations communications received to March 7th., 2001, Item #1 be received for the information of the Committee. CARRIED, CHAIR, COUNCILLOR G. BERKHOUT

(C) CORPORATE SERVICES:

At this point in the meeting, Councillor G. Berkhout vacated the Chair and Councillor S. Matthews resumed the chair as Vice-Chair of the Corporate Services Division.

(i) Hearing of Delegations:

There were no delegations scheduled or in attendance to be heard.

(ii) Staff Reports:

Report B&E-07/01 re Building Permit & Complaints Report for the Month of February, 2001 - RECOMMENDATION MOVED BY COUNCILLOR G. BERKHOUT, SECONDED BY COUNCILOR W. B. WALKER - THAT the Committee recommend to Council that Report B&E-07/01 re Building Permit & Complaints Report for the Month of February, 2001 be received for the information of the Committee. CARRIED, VICE-CHAIR, COUNCILLOR S. MATTHEWS

Report CAO-06/01 re Council Policy COUNCIL/15 - Canada Day Celebrations - RECOMMENDATION - MOVED BY COUNCILLOR G. BERKHOUT, SECONDED BY COUNCILLOR W. B. WALKER - THAT Report CAO-06/01 re Council Policy COUNCIL/15 - Canada Day Celebrations be received; AND THAT the recommendation contained therein be

approved, as follows: - "THAT the Committee recommend to Council that the policy on Canada Day Celebrations be referred back to the Canada Day Committee for review and consideration of the comments contained in Report CAO-06/01." CARRIED, VICE-CHAIR, COUNCILLOR S. MATTHEWS

(iii) Other & New Business:

Approval of Accounts - RECOMMENDATION - MOVED BY COUNCILLOR G. BERKHOUT, SECONDED BY COUNCILLOR R. HATT - THAT the Committee recommend to Council that the accounts as per Cheque Register dated March 12th, 2001, in the amount of \$1,333,810.47 be approved and ordered paid. CARRIED, VICE-CHAIR, COUNCILLOR S. MATTHEWS

(iv) Communications Received to March 7th, 2001:

(A) Information Items #1 to #9 - RECOMMENDATION - MOVED BY COUNCILLOR G. BERKHOUT, SECONDED BY COUNCILLOR W. B. WALKER - THAT Corporate Services communications received to March 7th, 2001, Items #1 to #9 be received for the information of the Committee. CARRIED, VICE-CHAIR, COUNCILLOR S. MATTHEWS

Fire Chief McLeod was directed to send a letter to the District School Board of Niagara to advise them of the Town's policy regarding charges for false alarm responses.

(B) Items Requiring Action of Committee:

Item #10 - District School Board of Niagara - to which is attached a copy of their draft strategic plan document "A Blueprint for the Future". The letter also invites the municipality to attend a meeting on Thursday, March 29, 2001 for a parent/community discussion forum - 7:00 p.m. to 9:00 p.m. at various secondary schools through their jurisdiction. The letter also states that a written reaction/response to the draft plan should be submitted no later than April 12th, 2001.

RECOMMENDATION - MOVED BY COUNCILLOR R. HATT, SECONDED BY COUNCILLOR G. BERKHOUT - THAT the Committee recommend to Council that the Town of Pelham attend one of the discussion forums at which time the District School Board of Niagara's draft strategic plan document "A Blueprint for the Future" will be discussed; AND THAT the municipality prepare a response to the draft plan for submission to the District School Board of Niagara on or before April 12th, 2001. CARRIED, VICE-CHAIR, COUNCILLOR S. MATTHEWS

Councillor Brand advised that he would attend the meeting.

Item #11 - Mrs. Jackie Glen, Secretary, Niagara South Federation of Agriculture - in which they request the municipality to consider the installation of Emergency Response Posts in the rural areas of Pelham for safety purposes.

RECOMMENDATION - MOVED BY COUNCILLOR W. B. WALKER, SECONDED BY COUNCILLOR G. BERKHOUT - THAT the Committee recommend to Council that the correspondence received from the Niagara South Federation of Agriculture re installation of Emergency Response Posts be

received and referred to the Director of Fire Services for a report and recommendation as soon as possible. CARRIED, VICE-CHAIR, COUNCILLOR S. MATTHEWS

(6) COMMITTEE OF THE WHOLE:

RECOMMENDATION - MOVED BY COUNCILLOR S. MATTHEWS, SECONDED BY COUNCILLOR U. BRAND - THAT the General Committee enter into Committee of the Whole with the Mayor as Chair. CARRIED, CHAIR, MAYOR R. BEAMER

RECOMMENDATION - MOVED BY COUNCILLOR U. BRAND, SECONDED BY COUNCILLOR S. MATTHEWS - THAT the General Committee adjourn the Committee of the Whole session and resume the balance of the agenda. CARRIED, CHAIR, MAYOR R. BEAMER

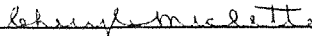
(7) REPORT ON COMMITTEE OF THE WHOLE:

Report C-5/01 re Denial of Liability Claim Against Municipality - RECOMMENDATION - MOVED BY COUNCILLOR W. B. WALKER, SECONDED BY COUNCILLOR G. BERKHOUT - THAT Report C-5/01 re Denial of Liability Claim Against Municipality be received; AND THAT the recommendations contained therein be approved, as follows: - "THAT the Committee recommend to Council that the municipality deny liability submitted under File No. TBA: 904027003621 as recommended by Mr. D. C. Palmer of Cunningham Lindsey Canada Limited; AND THAT Mr. D. C. Palmer of Cunningham Lindsey Canada Limited be so advised." CARRIED, CHAIR, MAYOR R. BEAMER

(8) ADJOURNMENT:

RECOMMENDATION - MOVED BY COUNCILLOR G. BERKHOUT, SECONDED BY COUNCILLOR S. MATTHEWS - THAT this regular meeting of the General Committee be adjourned until the next regular meeting scheduled for MONDAY, MARCH 26th, 2001, unless sooner called by the Chair. CARRIED, CHAIR, MAYOR R. BEAMER


CHAIR


SECRETARY



Public Health Department

The Regional Municipality of Niagara

INSPECTION DIVISION

573 Glenridge Avenue

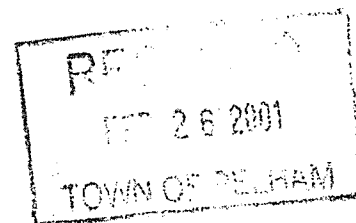
St. Catharines, Ontario L2T 4C2

Telephone: 905-688-3762, Toll Free: 1-800-263-7248

Fax: 905-641-4994

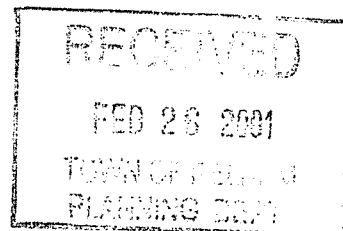
E-mail address: inspect@regional.niagara.on.ca

Appendix C-1



February 21, 2001

Mr. Jack Bernardi
TOWN OF PELHAM
P.O. Box 400
Fonthill, Ontario
L0S 1E0



**RE: PROPOSED AMENDMENTS TO THE REGIONAL NIAGARA POLICY PLAN
AND THE TOWN OF PELHAM OFFICIAL PLAN AND ZONING BY-LAW**

Our Public Health Inspector has reported on the above-mentioned transaction and has provided the following details:

Name of Owner/Applicant: Robert & Shirley Leiden
Robert Leiden Tent Service

Location: 1401 Maple Street, Part Lot 15, Conc. 8

In the City, Town or Township of: Town of Pelham

COMMENTS:

This department offers no objections at this time.

Yours truly,

Gerry Murray, C.P.H.I. (C)

For: Robin Williams, M.D., D.P.H., F.R.C.P. (C)

Medical Officer of Health

GJM:vd

THE CORPORATION OF THE TOWN OF PELHAM

IN THE MATTER OF SECTION 17 OF THE
PLANNING ACT, R.S.O. 1990, AS AMENDED

TOWN OF PELHAM OFFICIAL PLAN AMENDMENT NO. 39

PART OF LOT 15, CONCESSION 8, 1401 MAPLE STREET

AFFIDAVIT

I, JACK BERNARDI, DIRECTOR OF PLANNING SERVICES OF THE TOWN
OF PELHAM, IN THE REGIONAL MUNICIPALITY OF NIAGARA, MAKE OATH AND
SAY AS FOLLOWS:

- (1) I am the Director of Planning Services of the Corporation of the Town of Pelham
and as such I have knowledge of the matters herein set forth.
- (2) No person or public body made an oral submission at the public meeting held on
February 28, 2001.

SWORN BEFORE ME AT THE
TOWN OF PELHAM IN THE
REGIONAL MUNICIPALITY OF NIAGARA
THIS 26TH DAY OF MARCH, 2001 A.D.

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)
)
)
)
)
)



JACK BERNARDI



CHERYL MICLETTE, CLERK

CHERYL MICLETTE, Clerk,
Town of Pelham, a Commissioner,
for taking Affidavits in the
Regional Municipality of Niagara

PLANNING SERVICES REPORT

P-5/01

TO: Chair, Councillor Brian Walker and Members of the General Committee,
Planning Services Division

DATE OF REPORT: January 18, 2001

DATE OF MEETING: January 22, 2001

FROM: J. Bernardi, Director of Planning Services

SUBJECT: TECHNICAL INFORMATION REPORT
Proposed Official Plan and Zoning By-law Amendment Application #AM-11/00 Robert and Shirley Leiden - Part of Lot 15, Concession 8 - 1401 Maple Street

RECOMMENDATION:

THAT the General Committee, Planning Services Division, receive Planning Services Report P-5/01 re Technical Information Report - Proposed Official Plan and Zoning By-law Amendment Application #AM-11/00 Robert and Shirley Leiden - Part of Lot 15, Concession 8 - 1401 Maple Street; and

THAT a public meeting be scheduled for February 28, 2001, pursuant to the provisions of the Planning Act.

1. Background and Proposal:

The Town is in receipt of an application from Robert & Shirley Leiden to amend the Official Plan and the Zoning By-Law to recognize an existing light industrial use (Leiden's Tent Service) within an agricultural area. A plot plan is attached for Committee's information. The applicants have also made application to the Regional Municipality of Niagara to amend the Region's Policy Plan.

The above applications have been made in response to a complaint which questioned the legality of Leiden's Tent Service in an agricultural area.

2. Location:

The subject lands are located at the east side of Maple Street. The legal description is Part Lot 15, Concession 8, and municipally known as 1401 Maple Street.

3. Property Description and Surrounding Land Use:

The subject lands are rectangular in shape and relatively flat having a total area of approximately 0.81 hectares (2.0 ac.) with a lot frontage of approximately 75 metres (247 ft.). The subject lands presently contain a single family dwelling a large storage building and two hoop greenhouses.

Cont.../2

The lands abutting the subject land are as follows:

- (a) North - commercial
- (b) South - residential
- (c) East - residential
- (d) West - Maple Street and across the road is agricultural

PLANNING REVIEW

4. Provincial Policy Statement:

Efficient, Cost-effective Development and Land Use Patterns.

Subject to the provisions of policy 1.1.2, cost-effective development patterns will be promoted, in part as follows:

- 1.1.1 a) Urban areas and rural settlement areas (cities, towns, villages and hamlets) will be the focus of growth;
- 1.1.2 Land requirements and land use patterns will be based on:
 - a) the provision of sufficient land for industrial, commercial, residential, recreational, open space and institutional uses to promote employment opportunities, and for an appropriate range and mix of housing, to accommodate growth projected for a time horizon of up to 20 years.
 - b) densities which:
 - 1. efficiently use land, resources, infrastructure and public service facilities;
 - 2. avoid the need for unnecessary and/or uneconomical expansion of infrastructure;
 - 3. support the use of public transit, in areas where it exists or is to be developed;
 - 4. are appropriate to the type of sewage and water systems which are planned or available; and
 - 5. take into account the applicable policies of Section 2: Resources, and Section 3: Public Health and Safety;
 - c) the provision of a range of uses in areas which have existing or planned infrastructure to accommodate them;
 - d) development standards which are cost effective and which will minimize land consumption and reduce servicing costs; and
 - e) providing opportunities for redevelopment, intensification and revitalization in areas that have sufficient existing or planned infrastructure.

5. Regional Niagara Policy Plan:

The subject land is located within the good general agricultural area of the Regional Policy Plan. The policies in the good general agricultural area, relative to this proposal, state in part the following:

Policy 6.A.7 Small-scale commercial and industrial uses directly related to, serving, and requiring close proximity to the surrounding agricultural areas may be permitted except where there is a conflict with the N.E.C. Plan, as amended from time to time and if it is not possible for such uses to locate in designated Hamlets, Villages, Rural Areas, or Urban Areas. These uses should be located so the effect on surrounding unique and good general agricultural lands as well as viable farm operations is minimized. Farm markets in agricultural areas should be seasonal in nature with the majority of retail floor space devoted to the sale of domestic produce. Local municipal official plans and zoning by-laws should establish maximum retail floor space area provisions and other site design criteria.

Policy 6.A. 8 Non-agricultural uses should not be located in Agricultural Areas. The introduction of new non-agricultural development of all types into the Agricultural Areas has an adverse impact on the agricultural and natural resources and shall be strictly limited. However, applications for individual non-agricultural uses may be received. These applications will be reviewed through a Regional Policy Plan Amendment using the following review criteria:

- (a) the quality of agricultural land including soils, climate, and the nature of agricultural activity in the area. It is expected that Rural Areas will be preferred, that poorer general agricultural lands will be the next preference and that good general agricultural lands will be less preferred for such uses. These uses are not permitted on unique agricultural lands;
- (b) the need for and desirability of the proposed use to the community;
- (c) the availability of alternative sites in Urban Areas and Rural Areas;
- (d) non-agricultural uses shall not be permitted in Unique Agricultural Areas. Furthermore, estate residential development is not permitted in Agricultural Areas and/or in close proximity to agricultural activity;
- (e) the degree of conflict with surrounding agricultural uses. This would depend on the size and nature of the proposed use, the existing agricultural uses, and on any buffering factors between them. For example, creeks, roadways, and other prominent features would be helpful in defining and screening a non-agricultural use from surrounding farms;
- (f) impact on the environment and on rural resources such as forestry and fisheries; and
- (g) compliance with other policies contained in the Regional Policy Plan.

6. Town of Pelham Official Plan:

The subject lands are designated Good General Agricultural within the Town's Official Plan. The major uses permitted in this category shall be all types of agriculture, which shall include the raising of livestock. Compatible uses such as forestry and conservation shall also be permitted. Residential uses relating to agriculture are also permitted subject to the other policies in this Plan.

The relevant General Development Policy of the Plan states in part as follows:

- 1.4 Some existing uses of land will not meet all the policies set out in this Plan. This situation is recognized and notwithstanding these policies, such uses may be zoned in any restricted area by-law in accordance with their present use and performance standards and all other applicable circumstances provided:
 - 1.4.1 The zoning will not permit any change of use or performance standards that will aggravate any situation detrimental to adjacent complying uses;
 - 1.4.2 They do not constitute a danger to surrounding uses and persons by virtue of their hazardous nature or the traffic they generate;
 - 1.4.3 They do not pollute air and water to the extent of interfering with the ordinary enjoyment of property;
 - 1.4.4 They do not interfere with the desirable development, or enjoyment of the adjacent area:
- 1.5 Where a use is not in conformity with this Plan but where it is reasonably in harmony with the adjacent area in light of the preceding requirements, appropriate additions and enlargements may be made pursuant to the provisions of the Planning Act.

7. Town of Pelham Zoning By-law No. 1136 (1987), as amended:

The subject lands (Part 1) are zoned Agricultural 'A' Zone in accordance with Zoning By-law No. 1136 (1987), as amended. The Agricultural 'A' Zone permits the following:

Permitted Uses

- (a) Agricultural uses including greenhouses;
- (b) seasonal or permanent farm help houses on farms larger than 10 hectares;
- (c) one single detached dwelling on one lot;
- (d) home occupations;
- (e) kennels;
- (f) animal hospitals;
- (g) uses, buildings and structures accessory to the foregoing permitted uses;
- (h) forestry and conservation uses.

8. Servicing:

This area is serviced by private water and sanitary facility and road side ditches. No sidewalks exist in this area. Driveway access to the subject lands is from Maple Street.


9. Conclusion:

The proposed Official Plan and Zoning By-law amendment would recognize and permit the continued use of a tent service.

A public meeting is being targeted for February 28, 2001.


This report is for information only and serves to make the Committee aware of its submission and to advise of a future public meeting date. It is intended to present a recommendation report for Committee's consideration at a subsequent meeting. It is not intended to discuss or debate the merits of the proposal at tonight's meeting as such discussion must occur during a public meeting.

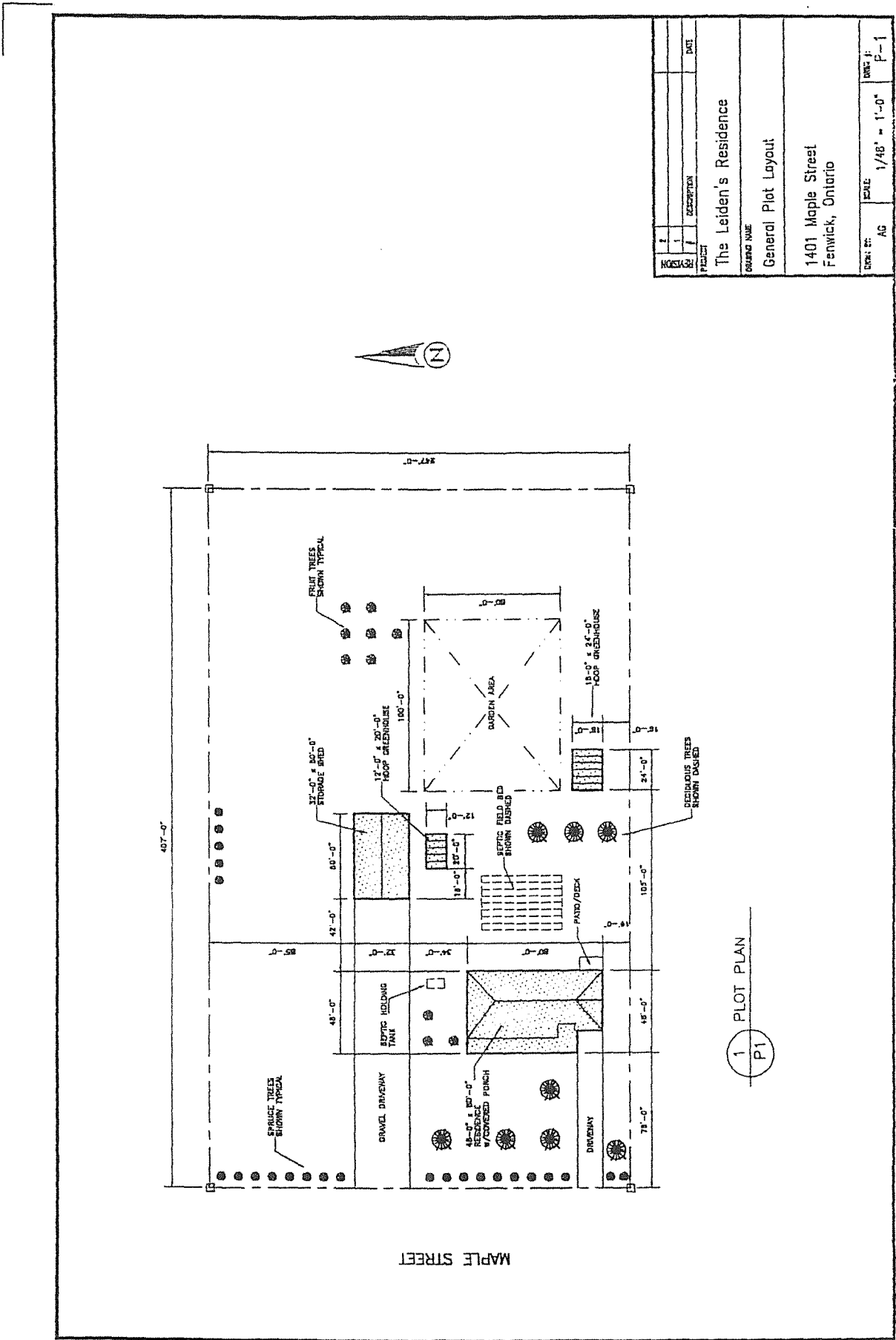
Prepared by,


Jack Bernardi
Director of Planning Services

/JB
Encl.

Approved and submitted by,


Gordon Cherney
C.A.O.



NO. 1	1	DESCRIPTION	DATE
PROJECT			
The Leiden's Residence			
General Plot Layout			
1401 Maple Street Fenwick, Ontario			
DATE: 8/1	SCALE: 1/4" = 1'-0"	DATE: 8/1	P-1

PLANNING SERVICES REPORT

Appendix E-2

P-15/01

TO: Chair, Councillor Brian Walker and Members of the General Committee,
Planning Services Division

DATE OF REPORT: March 6, 2001

DATE OF MEETING: March 12, 2001

FROM: J. Bernardi, Director of Planning Services

SUBJECT: RECOMMENDATION REPORT
Proposed Official Plan and Zoning By-law Amendment Application #AM-11/00
Robert and Shirley Leiden - Part of Lot 15, Concession 8
1401 Maple Street

1. RECOMMENDATION:

- (a) THAT the General Committee, Planning Services Division, receive Planning Services Report P-15/01 re Recommendation Report Proposed Official Plan and Zoning By-law Amendment Application #AM-11/00 Robert and Shirley Leiden - Part of Lot 15, Concession 8, 1401 Maple Street, and
- (b) THAT the Official Plan and Zoning By-law Amendment Application #AM-11/00 be approved which would:
 - i) add a "notwithstanding" policy to the Agricultural Area Policies of the Pelham Official Plan to permit an additional use of a tent rental service.
 - ii) rezone the subject lands to an Agricultural "A-158" Special Exception Zone to permit, in addition to the permitted agricultural uses, a tent rental service.
- (c) That staff be directed to prepare the necessary amending by-laws for consideration by Council.

2. BACKGROUND:

Planning Services Report P-5/01 was presented to the Planning Services Division of the General Committee at the Public Meeting held on February 28, 2001. The report provided technical information relative to Official Plan and Zoning By-law Amendment Application #AM-11/01. A copy of the said report is appended hereto.

The applicant has operated Leiden's tent rental service on the subject site for the past thirteen years. The operation involves the indoor storage and maintenance of large canopy tents, the delivery and pick-up of tents for clients, the outdoor drying of tents on hangers, the outdoor storage of poles and the outdoor parking of truck trailers for additional storage. The tent rental service operates during the summer months only and the applicant carries on his primary business within the Fenwick Village core.

Cont.../2

3. PROVINCIAL POLICY STATEMENT

The Provincial Policy 2.1.1 states "Prime agricultural areas will be protected for agriculture. Permitted uses and activities in these areas are: agricultural uses; secondary uses; and agriculture-related uses." The subject site is located in an agricultural area and may be considered a secondary use which may be considered compatible with, and will not hinder, surrounding agricultural operations.

4. REGIONAL POLICY PLAN

The lands are designated as "Good General Agricultural Area" in the Regional Policy Plan. Policy 6A7 states that "Small-scale commercial and industrial uses directly related to, serving, and requiring close proximity to the surrounding agricultural areas may be permitted except where there is a conflict with the N.E.C. Plan, as amended from time to time and if it is not possible for such uses to locate in designated Hamlets, Villages, Rural Areas, or Urban Areas."

Policy 6A8 states in part that non-agricultural uses should not be located in Agricultural Areas. The introduction of new non-agricultural development of all types into the Agricultural Areas has an adverse impact on the agricultural and natural resources and shall be strictly limited. However, applications for individual non-agricultural uses may be received. These applications will be reviewed through a Regional Policy Plan Amendment using specific review criteria.

Policy 12.6 of the Regional Policy Plan also permits the continued operation of commercial/industrial uses, provides the opportunity for a reasonable change in use, and expansionary opportunities. This Policy goes on to say that further policies guiding the continued operation and possible expansion of such existing uses should be included in local official plans.

The applicant has applied for a Regional Policy Plan Amendment and the Region will be assessing the recognition of the existing use relative to the above policies. We are confident that this long standing existing use will satisfy the above policies.

5. PELHAM OFFICIAL PLAN

The Pelham Official Plan designates the subject lands "Good General Agricultural". The major uses permitted in this category shall be all types of agriculture, which shall include the raising of livestock. Compatible uses such as forestry and conservation shall also be permitted. Residential uses relating to agriculture are also permitted subject to the other policies in this Plan.

The relevant General Development Policy of the Plan states in part as follows:

- 1.4 Some existing uses of land will not meet all the policies set out in this Plan. This situation is recognized and notwithstanding these policies, such uses may be zoned in any restricted area by-law in accordance with their present use and performance standards and all other applicable circumstances provided:
 - 1.4.1 The zoning will not permit any change of use or performance standards that will aggravate any situation detrimental to adjacent complying uses;

- 1.4.2 They do not constitute a danger to surrounding uses and persons by virtue of their hazardous nature or the traffic they generate;
- 1.4.3 They do not pollute air and water to the extent of interfering with the ordinary enjoyment of property;
- 1.4.4 They do not interfere with the desirable development, or enjoyment of the adjacent area:
- 1.5 Where a use is not in conformity with this Plan but where it is reasonably in harmony with the adjacent area in light of the preceding requirements, appropriate additions and enlargements may be made pursuant to the provisions of the Planning Act.

The recognition of this long standing use can be considered in keeping with the intent and purpose of policies of the Pelham Official Plan and does not offend the above criteria.

6. ZONING BY-LAW

The subject lands are presently zoned "Agricultural A Zone" which permits, among other things, agricultural uses including greenhouses. The existing light industrial use is not specifically named as a permitted use within the "A Zone". The Zoning By-Law amendment will recognize the existing use by way of a special exception zoning.

The Provincial Policy Statement, Regional Policy Plan, and the Pelham Official Plan establish criteria to evaluate development within an agricultural area. The collective evaluation criteria can be generally categorized as:

- a) The quality of agricultural land,
- b) Need,
- c) Conflict with surrounding land uses,
- d) Impact on the environment

7. ANALYSIS:

The subject application was examined according to the above noted criteria to determine the appropriateness of the subject amendment application of which the following is noted.

A. *The Quality of Agricultural Land*

It is acknowledged that the existing use is not removing land from viable agricultural production as buildings, parking areas and access are existing on the 0.81 hectare (2.0 ac.) site. A single detached dwelling also exists together with two hoop greenhouses and a garden area for personal use.

B. *Need*

The tent rental service has existed for thirteen years and has provided their service to the larger agricultural/rural community as well as the urban communities. This existing use provides a needed service during the summer months of the year.

C. Conflict With Surrounding Land Uses

The surrounding land uses consist of commercial abutting to the north, residential to the east and south with agricultural to the west across Maple Street. Site planning will assist in creating a further buffer from the street and outside storage will be screened or restricted to the rear of the storage building. We understand that the existing use has coexisted in harmony with the surrounding land uses. Therefore no off-site impacts are anticipated.

D. Impact on the Environment

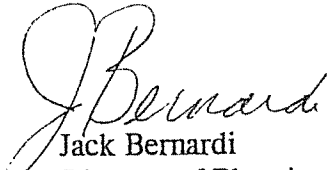
A tributary of Fifteen Mile Creek runs parallel to the property boundary, about 100 feet to the north. The Ministry of Natural Resources has classified this tributary as Critical Fish Habitat a short distance downstream. A large forested area is located immediately to the east of the site. This forested area contains threatened and endangered plants. No further development is proposed for the site respecting buildings or parking areas associated with the tent rental service, therefore we do not anticipate any impact on the environment.

8. CONCLUSION

The proposed Official Plan and Zoning By-Law Amendment will result in the recognition of a long standing light industrial use. No new buildings or expansions are proposed and the above analysis concludes that the continuation of the existing use will have no impacts on the surrounding lands.


The site planning process will provide an additional opportunity to further minimize any impacts on surrounding lands.

Prepared by,


Jack Bernardi
Director of Planning Services

/JB
Encl.

Approved and Submitted by,


Gordon Cherney
C.A.O.

THE CORPORATION OF THE TOWN OF PELHAM

IN THE MATTER OF SECTION 17 OF THE
PLANNING ACT, R.S.O. 1990, AS AMENDED

TOWN OF PELHAM OFFICIAL PLAN AMENDMENT NO. 39

PART OF LOT 15, CONCESSION 8, 1401 MAPLE STREET


AFFIDAVIT

I, **JACK BERNARDI**, DIRECTOR OF PLANNING SERVICES OF THE
TOWN OF PELHAM, IN THE REGIONAL MUNICIPALITY OF NIAGARA, MAKE
OATH AND SAY AS FOLLOWS:

- (1) I am the Director of Planning Services of the Corporation of the Town of Pelham and as such I have knowledge of the matters herein set forth.
- (2) The information required under Section 6(2) of Ontario Regulation 198/96 attached as Schedule "A" is provided and is true.

SWORN BEFORE ME AT THE TOWN OF PELHAM)
IN THE REGIONAL MUNICIPALITY OF NIAGARA)
THIS 26TH DAY OF MARCH, 2001 A.D.)


JACK BERNARDI


CHERYL MICLETTE, CLERK

CHERYL MICLETTE, Clerk,
Town of Pelham, a Commissioner,
for taking Affidavits in the
Regional Municipality of Niagara

SCHEDULE "A"

1. Pelham Council is submitting an Official Plan Amendment.
2. The lands are described as Part of Lot 15, Concession 8, 1401 Maple Street in the Town of Pelham.
3. The approximate area covered by the amendment is 0.93 hectares (2.3 acres).
4. The proposed amendment adds a notwithstanding policy to the Agricultural Area Policies
5. The purpose of the amendment is to permit an additional use of a tent rental service.
6. The current designation of the subject land is Good General Agricultural. This designation permits:
 - all types of agriculture, which shall include the raising of livestock. Compatible uses such as forestry and conservation shall also be permitted.
7. The said lands are the subject of a rezoning application under application number AM-11/00. The Town recently approved By-law No. 2266 (2001) rezoning the lands from an Agricultural "A" Zone to an Agricultural "A-158" Special Exception Zone. The by-law implements the intent of the Official Plan Amendment and it is currently proceeding through the appeal period.

Appendix G-1

LIST OF PUBLIC BODIES GIVEN NOTICE OF PROPOSED PLAN OR AMENDMENT BUT WHICH DID NOT RESPOND

Niagara Peninsula Conservation Authority

Niagara Catholic District School Board

District School Board of Niagara

Enbridge Consumers Gas, Thorold

Preservation of Agricultural Lands

Hydro One Networks Inc., Toronto

Enbridge Consumers Gas, Whitby

Interprovincial Pipe Line

Transcanada Pipe Line

Appendix H-1

AMENDMENT BEING INITIATED BY:

APPLICANT - Robert & Shirley Leiden
1401 Maple Street
Fenwick ON L0S 1C0
(905) 892-4346

REGIONAL PROCESSING FEE TO BE PAID BY APPLICANT