



SCHEDULE 'A' - KEY MAP

TOWN OF PELHAM



This is Schedule 'A' to By-law No. 3288 (2012) passed the 4th day of
September, 2012.


MAYOR: DAVE AUGUSTYN


CLERK: NANCY J. BOZZATO



SCHEDULE 'B' - DETAIL MAP

TOWN OF PELHAM



This is Schedule 'B' to By-law No. 3288 (2012) passed the 4th day of September, 2012.


MAYOR: DAVE AUGUSTYN

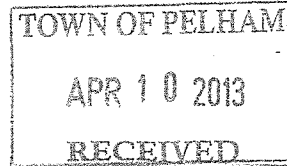

CLERK: NANCY J. BOZZATO

ISSUE DATE: :

April 8, 2013



Ontario



PL121159

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Terrance Wade
Subject:	By-law No. 3288 (2012)
Municipality:	Town of Pelham
OMB Case No.:	PL121159
OMB File No.:	PL121159

APPEARANCES:

Parties

Counsel*/Agent

Terence Wade

Self-represented

Maplecrest Early School and
Shannon McNevin

S. Premi*

Town of Pelham

C. Shedden*

DECISION DELIVERED BY SUSAN de AVELLAR SCHILLER AND ORDER OF THE BOARD

[1] Maplecrest Early School is a sole proprietorship and Shannon McNevin is the principal. Combined, they are the Proponent. The Board added Maplecrest Early School and Shannon McNevin as parties to these proceedings.

[2] The Proponent wishes to develop 49 Highway 20 West in the Town of Pelham ("Town"), community of Fonthill, as a day nursery and school. The subject site is currently zoned for residential. A site-specific zoning by-law amendment has been adopted by the Town to permit the proposed development.

[3] The subject site is located on the north side of Highway 20, at the northeast intersection with Hillcrest Place.

[4] Hillcrest Place is a short residential street that runs north from Highway 20 and ends in a cul-de-sac.

[15] Highway 20 is a Regional road under the jurisdiction of the Regional Municipality of Niagara ("Region"). The Region has certain requirements regarding Highway 20 that the Region will require be met if the proposed day nursery and school goes ahead. The Region did not require that the existing access be closed and relocated to Hillcrest Place. Apart from the requirements it set out, the Region simply advised the Town that it had no objection to the proposed zoning by-law amendment.

[16] A traffic study was undertaken to assess the impact of the proposal with the assumption that there would be a maximum of 50 students being served. Although the study indicated that there was sufficient capacity to accommodate the additional traffic, there was no dispute that Hillcrest Place would likely take the overflow of cars waiting to enter the site and drop off or pick up the children.

[17] Mr. Neelin is concerned that vehicles stacked on Hillcrest Place would hinder emergency vehicles and make it extremely difficult for him to enter and exit his property during the drop off and pick up times.

[18] The Board notes that the proposal was circulated for agency comments and there was no objection from the fire department.

[19] Driveway details, on-site parking, and vehicular circulation and stacking are all matters to be reviewed and refined at the site plan stage. There is no site plan before the Board.

[20] Both the Town and the proponent have heard Mr. Neelin's concerns. The subject site is large and Mr. Neelin is a close neighbour on the opposite side of Hillcrest Place and one of those who will be most directly affected by vehicular stacking on Hillcrest Place.

[21] Notwithstanding the traffic study that indicated sufficient capacity, there is a clear opportunity at the site plan stage for the Town and the Proponent to review plans for the driveway, parking, circulation and vehicular stacking and consider ways to reduce the impact on Mr. Neelin.

[22] The proposed zoning by-law amendment is to permit a day nursery and school within the settlement area of the Town of Pelham. The day nursery and school operates currently at a different site and is to be moved to this location. The proposed use provides employment as well as contributing to the variety and mix of facilities and

regarding "...the orderly development of safe and healthy communities...", s.2 (i)
regarding "...the adequate provision and distribution of educational...facilities...", s. 2(k)
regarding "...the adequate provision of employment opportunities..." and s. 2(p)
regarding "...the appropriate location of growth and development..."

ORDER

[33] The Board orders that Zoning By-law No. 1136 (1987), as amended, is further amended in accordance with Attachment 1 to this decision.

"Susan de Avellar Schiller"

SUSAN de AVELLAR SCHILLER
VICE CHAIR

3. THAT this By-Law shall become effective from and after the date of passing thereof pursuant to Sections 34(21) and 34(30) of the Planning Act, R.S.O. 1990, as amended.

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS
4TH DAY OF SEPTEMBER, 2012 A.D.

MAYOR _____

CLERK _____

**Environment and Land Tribunals
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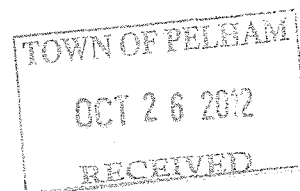
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October 19, 2012

Craig Lamour
Director of Planning
Town of Pelham
P.O. Box 400
20 Pelham Town Sq
Fonthill ON L0S 1E0



Subject:	Case/File Number:	PL121159
	By-Law Number:	3288 (2012)
	Property Location:	49 Highway 20 West
	Municipality:	Town of Pelham
	Applicant:	Christos Nicolaou
	Appellant:	Terrance Wade

The Board acknowledges receipt of the above referenced file. When communicating with the Board, please quote the Board's case and/or file number.

The file has been assigned to **Tamara Zwarycz, Case Coordinator, Planner**. For specific questions about this case, you may contact the Case Coordinator, Planner at **(416) 326-6790**.

The Case Coordinator, Planner will review the file to ensure that all required material has been received and will identify if there are other related matters that may come to the Board. The Case Coordinator, Planner may contact the parties or their representatives to:

- Identify issues
- Discuss whether the matter may be a candidate for a mediation meeting
- Discuss whether a prehearing conference may be beneficial (Prehearings are normally only held on complex cases where the hearing length is expected to be over five days)
- Discuss the time that may be required for the hearing if the matter does not proceed to mediation or prehearing

Parties are encouraged to explore whether the case before the Board and the issues in dispute are matters that may benefit from the assistance of a mediation meeting conducted by a Member of the Board. Mediation is a voluntary process of negotiation that encourages all sides in a dispute to get a better understanding of each other's positions and fully explore and consider options for a mutually acceptable settlement of all or some of the issues in dispute. Board staff may canvass this option with the parties or if any party would be in agreement to proceed to mediation they should contact the Case Coordinator, Planner. It should be noted that all parties must agree to proceed to mediation to allow the Board to proceed in that manner.