



Town of Newmarket MINUTES

COMMITTEE OF THE WHOLE

Monday, April 8, 2013 at 1:30 p.m.
Council Chambers
395 Mulock Drive

For consideration by Council
on April 15, 2013

The meeting of the Committee of the Whole was held on Monday, April 8, 2013 at 1:30 p.m. in the Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen
Regional Councillor Taylor
Councillor Di Muccio (1:33 to 4:45 p.m.) (7:35 to 7:58 p.m.)
Councillor Emanuel
Councillor Kerwin
Councillor Twinney
Councillor Vegh (7:01 p.m. to 7:58 p.m.)

Absent: Councillor Hempen
Councillor Sponga

Staff: R. N. Shelton, Chief Administrative Officer
I. McDougall, Commissioner of Community Services
A. Moore, Commissioner of Corporate Services
R. Prentice Commissioner of Development and Infrastructure Services
E. Armchuk-Ball, Director of Legal Services/Municipal Solicitor
A. Brouwer, Director of Legislative Services/Town Clerk
C. Kallio, Economic Development Officer
M. Mayes, Director of Financial Services/Treasurer
R. Nethery, Director of Planning and Building Services
J. Unger, Assistant Director of Planning
D. Ruggle, Senior Planner – Community Planning
C. Bickers, Building Inspector
L. Long, Supervisor of By-law Enforcement
L. Lyons, Deputy Clerk
L. Moor, Council/Committee Coordinator

The meeting was called to order at 1:32 p.m.

Mayor Van Bynen in the Chair.

Moved by Councillor Kerwin
Seconded by Councillor Emanuel

THAT the order of the agenda be altered by including the following items for consideration:

ADDITIONS

- Item 1c) Correspondence dated March 27, 2013 from Mr. John Cartwright, President, Labour Council, Toronto and York Region requesting that April 28, 2013 be proclaimed "Day of Mourning for Workers Killed or Injured on the Job".
- Item 14 Additional correspondence received April 4, 2013 from Mr. John Dowson regarding Corporate Services Report – Legislative Services 2013-07 dated March 25, 2013 with respect to Additional Information – Accessory Dwelling Unit By-law.
- Item 15 PowerPoint presentation regarding best practices related to e-bikes and e-bike regulations (Joint Report 2013-08 – Proposed Parks By-law).
- Item 16 Correspondence dated April 3, 2013 from Mr. Daniel McCurdy, President, Bodycote Thermal Processing regarding Development and Infrastructure Services Report – Planning and Building Services 2013-13 – Application for Draft Plan of Subdivision and Zoning By-law Amendment – National Homes.
- Item 16 Correspondence dated April 5, 2013 from A. Milliken Heisey of Papazian, Heisey, Myers, Barristers & Solicitors regarding Development and Infrastructure Services Report – Planning and Building Services 2013-13 – Application for Draft Plan of Subdivision and Zoning By-law Amendment – National Homes.
- Item 17 Corporate Services Report - Legislative Services 2013-08 dated April 2, 2013 regarding Carnival – D.A. Campbell Amusement Ltd. – Upper Canada Mall.

DISTRIBUTION

- Item 7 Joint CAO, Commissioner – Financial Services Report 2013-03 dated April 3, 2013 regarding the Asset Replacement Fund Study.
- Item 8 Community Services Report – Recreation and Culture; Development and Infrastructure Services – Public Works Services, Engineering Services, Public Works Services, Planning and Building Services Joint Report 2013-05 dated March 5, 2013 regarding the Future Use of the Fernbank Farmhouse.

CARRIED

DECLARATIONS OF INTEREST

Regional Councillor Taylor declared a conflict in Item 15 of the agenda (See Item 10 of these Minutes) being Community Services – Recreation & Culture; Corporate Services – Legislative Services and Legal Services; Development and Infrastructure Services – Planning & Building Services and Public Works Services Joint Report 2013-08 – Proposed Parks By-law with respect to e-bikes specifically mentioned in the report as he has conducted consulting work for an e-bike company. He advised he would take no part in the discussion or voting of the foregoing matter.

Mayor Van Bynen declared a conflict in Item 11 of the agenda (See Item 11 of these Minutes) being Corporate Services Report (Legal) 2013-09 dated March 26, 2013 regarding Delegation By-law – 2012 Report – Summarizing Delegated Matters to Staff as his property is listed on page 11.7 of the document (Summary of Building Department Delegated Matters). He advised he would take no part in the discussion or voting of the foregoing matter and he would relinquish the Chair to Regional Councillor Taylor for consideration of that item.

Councillor Di Muccio arrived at 1:33 p.m.

**Moved by Councillor Kerwin
Seconded by Councillor Emanuel**

THAT the following items be adopted on consent:

**1. COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 1
REQUESTS FOR PROCLAMATION**

- a) **THAT the correspondence dated March 6, 2013 from Mr. Clinton Shane Ekdahl be received and the following recommendations be adopted:**
 - 1. **THAT the Town of Newmarket proclaim May 29, 2013 as ‘Day of the Honey Bee’;**
 - 2. **AND THAT the proclamation be advertised in the Town Page advertisement and on the Town’s website www.newmarket.ca**

- b) **THAT the correspondence dated February 2013 from Ms. Amber McLellan, Program Administrator, Girls Incorporated of York Region be received and the following recommendations be adopted:**
 - 1. **THAT the Town of Newmarket proclaim April 29 to May 3, 2013 as “Girl’s Rights Week”;**
 - 2. **AND THAT the proclamation be advertised in the Town Page advertisement and on the Town’s website www.newmarket.ca**

- c) **THAT the correspondence dated March 27, 2013 from Mr. John Cartwright, President, Labour Council, Toronto and York Region be received and the following recommendations be adopted:**

1. THAT the Town of Newmarket proclaim April 28, 2013 as “Day of Mourning for Workers Killed or Injured on the Job”;
2. AND THAT the proclamation be advertised in the Town Page advertisement and on the Town’s website www.newmarket.ca

2. **COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 2
NEWMARKET DOWNTOWN DEVELOPMENT SUBCOMMITTEE MINUTES**

THAT the Newmarket Downtown Development Subcommittee Minutes of February 22, 2013 be received.

3. **COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 3
INCLUSIVITY ADVISORY COMMITTEE MINUTES**

THAT the Inclusivity Advisory Committee Minutes of March 13, 2013 be received.

4. **COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 4
ACCESSIBILITY ADVISORY COMMITTEE MINUTES**

THAT the Accessibility Advisory Committee Minutes of September 11 and December 4, 2012 be received.

5. **COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 5
ENVIRONMENTAL ADVISORY COMMITTEE MINUTES**

THAT the Environmental Advisory Committee Minutes of February 6, 2013 be received.

6. **COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 6
MAIN STREET DISTRICT BUSINESS IMPROVEMENT AREA
BOARD OF MANAGEMENT MINUTES**

THAT the Main Street District Business Improvement Area Board of Management Minutes of January 15 and February 19, 2013 be received.

7. **COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 7
CORPORATE SERVICES REPORT – LEGISLATIVE SERVICES 2013-08
CARNIVAL – D.A. CAMPBELL AMUSEMENT LTD. – UPPER CANADA MALL**

THAT Corporate Services Report – Legislative Services 2013-08 dated April 2, 2013 regarding Carnival – D.A. Campbell Amusement Ltd. Upper Canada Mall be received and the application be approved subject to the following terms:

1. THAT the license be issued for a period of seven consecutive days from May 7 to May 13, 2013 to permit the setting up and dismantling of amusement devices;
2. AND THAT the actual operation of the carnival not exceed five consecutive days within that permitted time period.

**8. COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 8
LIST OF OUTSTANDING MATTERS**

THAT the list of outstanding matters be received.

CARRIED

This concludes the consent portion of the agenda.

**9. COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 9
CORPORATE SERVICES REPORT – LEGISLATIVE SERVICES 2013-07
ADDITIONAL INFORMATION – ACCESSORY DWELLING UNIT BY-LAW**

Deputation:

Mr. John Dowson on behalf of the Newmarket Heights Community Association addressed the Committee regarding Accessory Dwelling Units.

Additional correspondence received April 4, 2013 from Mr. John Dowson regarding Corporate Services Report – Legislative Services 2013-07 dated March 25, 2013 with respect to Additional Information – Accessory Dwelling Unit By-law.

**Moved by Councillor Twinney
Seconded by Councillor Di Muccio**

THAT the deputation by Mr. John Dowson regarding Accessory Dwelling Units be received.

CARRIED

The Supervisor of By-law Enforcement and the Building Inspector addressed the Committee regarding some of the queries posed by Members of Council related to accessory dwelling units, the Ontario Building Code, smoke alarms and driveway/parking matters.

Regional Councillor Taylor requested that a Closed Session be held to obtain a legal opinion related to the matter.

Mayor Van Bynen advised that further consideration of this item would be stood down until after the Closed Session portion of the meeting. For further disposition of this item refer to Item 18 of these Minutes.

10. **COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 10
COMMUNITY SERVICES – RECREATION & CULTURE; CORPORATE SERVICES
LEGISLATIVE SERVICES AND LEGAL SERVICES; DEVELOPMENT AND
INFRASTRUCTURE SERVICES – PLANNING & BUILDING SERVICES AND PUBLIC
WORKS SERVICES JOINT REPORT 2013-08 – PROPOSED PARKS BY-LAW**

Deputation:

Mr. Paul Gingl, on behalf of Bionx addressed the Committee with a PowerPoint presentation detailing best practices related to electric bikes and electric bike regulations. Mr. Gingl requested an additional five minute time allotment for his presentation.

**Moved by Councillor Kerwin
Seconded by Councillor Emanuel**

THAT Mr. Paul Gingl be allotted an additional five minute time frame for his presentation.

CARRIED

Members of Council queried Mr. Gingl regarding certain aspects of electric bikes.

**Moved by Councillor Twinney
Seconded by Councillor Emanuel**

THAT the PowerPoint presentation by Mr. Paul Gingl on behalf of Bionix detailing best practices related to electric bikes and electric bike regulations be received.

CARRIED

Report:

Community Services – Recreation & Culture; Corporate Services – Legislative and Legal Services, Development and Infrastructure Services - Planning & Building Services and Public Works Services Joint Report 2013-08 dated March 28, 2013 regarding a Proposed Municipal Parks By-law.

Amendments were made to the report by including the following recommendations:

“THAT the proposed Municipal Parks By-law be amended to allow traditional e-bikes on the trails system;

AND THAT the matter be revisited after two years.”

**Moved by Councillor Twinney
Seconded by Councillor Emanuel**

THAT Community Services – Recreation & Culture, Corporate Services – Legislative and Legal Services, Development and Infrastructure Services – Planning and Building Services and Public Works Services Joint Report 2013-08 dated March 28, 2013 regarding a Proposed Municipal Parks By-law be received and the following recommendations, as amended, be adopted:

- 1. THAT the proposed Municipal Parks By-law be amended to allow traditional e-bikes on the trails system;**
- 2. AND THAT the attached by-law “Municipal Parks By-law being A By-law to Regulate the Use and Enjoyment of Municipal Parks in the Town of Newmarket” (Attachment A) be forwarded to Council for adoption;**
- 3. AND THAT the existing Parks Use By-law 1994-41 (A By-law to Regulate the Use of Public Parks in the Town of Newmarket) and By-law 2012-27 (A By-law to Amend By-law 1994-41 additions to Section 5 of 1994-41) be repealed;**
- 4. AND THAT the matter be revisited after two years.**

CARRIED

Regional Councillor Taylor took no part in the discussion or voting of the foregoing matter.

Mayor Van Bynen vacated the Chair.

Regional Councillor Taylor assumed the Chair.

**11. COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 11
CORPORATE SERVICES REPORT (LEGAL) 2013-09
DELEGATION BY-LAW – 2012 REPORT
SUMMARIZING DELEGATED MATTERS TO STAFF**

Corporate Services Report (Legal) 2013-09 dated March 26, 2013 regarding Delegation By-law – 2012 Report – Summarizing Delegated Matters to Staff.

**Moved by Councillor Emanuel
Seconded by Councillor Twinney**

THAT Corporate Services (Legal) Report 2013-09 dated March 26, 2013 regarding Delegation By-law 2007-114 and a summary of the matters delegated to staff from October 1, 2011 to September 30, 2012 be received.

CARRIED

Mayor Van Bynen took no part in the discussion or voting of the foregoing matter.

Regional Councillor Taylor vacated the Chair.

Mayor Van Bynen assumed the Chair.

**12. COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 12
JOINT CAO, COMMISSIONER AND CORPORATE SERVICES REPORT – FINANCIAL
SERVICES 2013-03
ASSET REPLACEMENT FUND STUDY**

Joint CAO, Commissioner, Financial Services Report 2013-03 dated April 3, 2013 regarding the Asset Replacement Fund Study.

**Moved by Councillor Emanuel
Seconded by Regional Councillor Taylor**

THAT Joint CAO, Commissioner – Financial Services Report 2013-03 dated April 3, 2013 regarding the Asset Replacement Fund Study be received and the report referred to the Committee of the Whole meeting scheduled for April 29, 2013.

CARRIED

**13. COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 13
COMMUNITY SERVICES – RECREATION AND CULTURE
DEVELOPMENT AND INFRASTRUCTURE SERVICES – PWS/ES
PLANNING & BUILDING SERVICES JOINT REPORT 2013-05
FUTURE USE OF FERNBANK FARMHOUSE**

Community Services Report – Recreation and Culture; Development and Infrastructure Services – Public Works Services, Engineering Services, Planning and Building Services Joint Report 2013-05 dated March 5, 2013 regarding the Future Use of the Fernbank Farmhouse.

**Moved by Councillor Twinney
Seconded by Councillor Kerwin**

THAT Recreation & Culture, Public Works Services, Engineering Services, Planning and Building Services Joint Report 2013-05 dated March 5, 2013 regarding the Future Use of the Fernbank Farmhouse be received and the following recommendations be adopted:

- 1. THAT staff be authorized to issue a request for proposals with the intent of securing a suitable charitable and/or not for profit organization dedicated to serving Newmarket for use of the Fernbank Farmhouse;**
- 2. AND THAT staff report back recommending a tenant along with operating and capital projections.**

CARRIED

**14. COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 14
COMMUNITY SERVICES COMMISSION REPORT 2013-07
MUNICIPAL ASSET NAMING FOR THREE LOCATIONS**

Community Services Commission Report 2013-07 dated March 20, 2013 regarding Municipal Asset Naming for Three Locations.

**Moved by Councillor Emanuel
Seconded by Councillor Kerwin**

THAT Community Services Commission Report 2013-07 dated March 20, 2013 regarding Municipal Asset Naming for Three Locations be received and the following recommendations be adopted:

- 1. THAT Council adopt the names recommended in Community Services Confidential Information Report 2013-11 (circulated separately) in order that the formal naming of the identified assets in Wards 1, 2 and 5, can be publicly revealed in official ceremonies;**
- 2. AND THAT, at a later date, staff bring back a report recommending a location and proposed name for a park in each of Ward 6 and Ward 7, with an official ceremony to occur in the fall of 2013.**

CARRIED

**15. COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 15
COMMUNITY SERVICES – ECONOMIC DEVELOPMENT AND CHIEF
ADMINISTRATIVE OFFICER JOINT REPORT 2013-10
MEMORANDUM OF UNDERSTANDING, POST-SECONDARY INSTITUTION**

Community Services – Economic Development and Chief Administrative Officer Joint Report 2013-10 dated March 27, 2013 regarding a Memorandum of Understanding.

Mayor Van Bynen advised that this item would be stood down until after the Closed Session portion of the meeting. For further disposition of this item refer to Item 17 of these Minutes.

**16. COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 16
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – ES 2013-18
MAIN STREET – ON-STREET ACCESSIBLE PARKING SPACES**

Development and Infrastructure Services Report – Engineering Services 2013-18 dated March 14, 2013 regarding Main Street – On-Street Accessible Parking Spaces.

An amendment was made by including the words “up to six” after the word “that” and “with the option of phasing their implementation” after the word “locations” in Recommendation # 1.

**Moved by Councillor Kerwin
Seconded by Councillor Di Muccio**

THAT Community Services Report – ES2013-18 dated March 14, 2013 regarding Main Street – On-street Accessible Parking Spaces be received and the following recommendations, as amended, be adopted:

- 1. THAT up to six accessible parking spaces on Main Street be approved in principle at the following on-street locations with the option of phasing their implementation:**
 - a. 127 Main Street**
 - b. 99 Main Street**
 - c. 71 Main Street**
 - d. 35 Main Street**
 - e. 48 Main Street**
 - f. 22 Main Street**

- 2. AND THAT a copy of this report and recommendations be forwarded to the Downtown BIA and the Accessibility Advisory Committee for their comments;**

- 3. AND THAT a final report with the accessible parking space locations be brought back to Town Council for approval.**

CARRIED

The Committee recessed at 3:36 p.m.

The Committee reconvened at 3:48 p.m.

**Moved by Councillor Kerwin
Seconded by Regional Councillor Taylor**

THAT Committee of the Whole resolve into a closed session for the purpose of discussing: advice that is subject to solicitor/client privilege including communications necessary for that purpose.

CARRIED

The Committee resolved into a Closed Session at 3:49 p.m.

The Committee of the Whole (Closed Session) Minutes are recorded under separate cover.

The Committee resumed into public session at 4:34 p.m.

**17. COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 17
COMMUNITY SERVICES – ECONOMIC DEVELOPMENT AND CHIEF
ADMINISTRATIVE OFFICER JOINT REPORT 2013-10
MEMORANDUM OF UNDERSTANDING, POST-SECONDARY INSTITUTION**

Community Services – Economic Development and Chief Administrative Officer Joint Report 2013-10 dated March 27, 2013 regarding a Memorandum of Understanding.

**Moved by Regional Councillor Taylor
Seconded by Councillor Emanuel**

THAT Joint Report Community Services/Economic Development and Chief Administrative Officer 2013-10 dated March 27, 2013 regarding a Memorandum of Understanding between the Town of Newmarket and a post-secondary institution be received and the following recommendations be adopted:

- 1. THAT the CAO be authorized to sign a Memorandum of Understanding (MOU) with a post-secondary institution to collaborate on establishing a post-secondary Learning Centre site in Newmarket that is substantially in accordance with the MOU included within the confidential information report circulated separately;**
- 2. AND THAT Council request NEDAC to review and provide comments on the business case and financial model as developed by a joint post-secondary institution/Town of Newmarket planning team;**
- 3. AND THAT staff report back to Council with respect to the business case.**

CARRIED

**18. COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 18
CORPORATE SERVICES REPORT – LEGISLATIVE SERVICES 2013-07
ADDITIONAL INFORMATION – ACCESSORY DWELLING UNIT BY-LAW**

Correspondence:

Correspondence dated February 26, 2013 from Ms. Teena Bogner regarding Accessory Dwelling Units.

Report:

Corporate Services Report – Legislative Services 2013-07 dated March 25, 2013 regarding Additional Information – Accessory Dwelling Unit By-law.

**Moved by Regional Councillor Taylor IN AMENDMENT
Seconded by Councillor Twinney IN AMENDMENT**

THAT the draft Accessory Dwelling Unit By-law include a revocation provision that in the event an owner of the registered unit is convicted of three violations of either the Property Standards By-law 1999-34, as amended, Zoning By-law 2010-40, as amended, Garbage By-law 2007-77, as amended or Noise By-law 2004-94, as amended, over a period of five consecutive years the Town may revoke the registration.

AMENDMENT CARRIED

Councillor Di Muccio left the meeting at 4:45 p.m.

**Moved by Councillor Kerwin
Seconded by Councillor Di Muccio**

THAT Corporate Services Report – Legislative Services 2013-07 dated March 25, 2013 regarding “Additional Information, Accessory Dwelling Unit By-law” be received and the following recommendations, as amended, be adopted:

- 1. THAT Corporate Services Report – Legislative Services 2012-05 regarding “Accessory Dwelling Unit By-law” be received (Attached as “Appendix A to Legislative Services Report 2013-07”);**
- 2. AND THAT the revised draft Accessory Dwelling Unit By-law (Attached as Appendix “B”), as amended, be adopted;**
- 3. AND THAT By-law 2003-106 be repealed;**
- 4. AND THAT Schedule F of By-law 2012-81 with regard to Accessory Dwelling Unit fees be repealed and replaced with the following:**

One-time Accessory Dwelling Unit Fee:	\$ 250.00 (HST excluded)
Replacement “N” Plate Fee”:	\$ 10.00 (HST excluded)
Refusal & Revocation Appeal Fee:	\$ 100.00 (HST excluded)
- 5. AND THAT By-law 2011-10, as amended, being a by-law to appoint a Property Standards/Fence Viewing/Appeals Committee be the appeals committee for the purposes of the Accessory Dwelling Unit By-law;**
- 6. AND THAT Mr. John Dowson be notified of these recommendations and provided a copy of Corporate Services Report – Legislative Services 2013-05 and Corporate Services Report – Legislative Services 2013-07;**

CARRIED

**19. COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 19
REPORTS BY REGIONAL REPRESENTATIVES**

None.

**20. COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 20
NEW BUSINESS**

- a) Councillor Emanuel provided Notice of Motion for the April 29, 2013 Committee of the Whole meeting regarding a Federation of Canadian Municipalities candidacy resolution.

**20. COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 20B)
NEW BUSINESS (CONTINUED) – MAPLE LEAF PUBLIC SCHOOL PLAYGROUND**

- b) Regional Councillor Taylor provided a verbal update regarding the Maple Leaf Public School Playground construction project.

**Moved by Regional Councillor Taylor
Seconded by Councillor Emanuel**

THAT the Town of Newmarket Council waives the Site Plan Development Application Fees as well as the Cut and Fill Permit Fees associated with the Maple Leaf Public School Playground construction project.

CARRIED

The Committee recessed at 5:04 p.m.

The Committee reconvened at 7:01 p.m.

PUBLIC HEARING MATTER

The Deputy Clerk welcomed the public to the Committee of the Whole meeting. The Deputy Clerk advised that the *Planning Act* requires the Town to hold at least one Public Meeting on any proposed Draft Plan of Subdivision or Zoning By-law Amendment.

The Deputy Clerk advised that the purpose of the meeting was to hear from anyone who had an interest in specific applications. The Committee of the Whole would not be making a decision regarding the proposed application, but would refer all written and verbal comments to Planning staff to consider in a report that will be considered at a future meeting of the Committee of the Whole or Council.

The Deputy Clerk further advised that anyone who wished to be notified of subsequent meetings or if they are making a presentation today, please complete a form with their name and address and submit it to the Clerk's staff.

The Deputy Clerk further advised that in accordance with the *Planning Act*, the Ontario Municipal Board may dismiss an appeal without holding a hearing, if an appellant failed to make either oral submissions at the Public Meeting or written submissions to Council prior to adoption of the by-law.

The Deputy Clerk thanked everyone for their participation and interest in the meeting.

21. **COMMITTEE OF THE WHOLE MINUTES – APRIL 8, 2013 – ITEM 21
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – PLANNING AND
BUILDING SERVICES 2013-13 – APPLICATION FOR DRAFT PLAN OF SUBDIVISION
AND ZONING BY-LAW AMENDMENT – NATIONAL HOMES**

Public Meeting Notice, Development and Infrastructure Services Report – Planning and Building Services 2013-13 dated February 14, 2013 regarding Application for Zoning By-law Amendment and Draft Plan of Subdivision – National Homes and related Council Extract.

- a) Correspondence dated April 3, 2013 from Mr. Daniel McCurdy, President, Bodycote Thermal Processing regarding Development and Infrastructure Services Report – Planning and Building Services 2013-13 – Application for Draft Plan of Subdivision and Zoning By-law Amendment – National Homes.
- b) Correspondence dated April 5, 2013 from A. Milliken Heisey of Papazian, Heisey, Myers, Barristers & Solicitors regarding Development and Infrastructure Services Report – Planning and Building Services 2013-13 – Application for Draft Plan of Subdivision and Zoning By-law Amendment – National Homes.
- c) Correspondence dated April 8, 2013 from Mr. and Mrs. Robert and Bea Ozero regarding Development and Infrastructure Services Report – Planning and Building Services 2013-13 – Application for Draft Plan of Subdivision and Zoning By-law Amendment – National Homes.
- d) Correspondence dated January 14, 2013 from Mr. Joe Allison regarding Development and Infrastructure Services Report – Planning and Building Services 2013-13 – Application for Draft Plan of Subdivision and Zoning By-law Amendment – National Homes.

Presentation:

Mr. Brad Rogers of Groundswell Urban Planners on behalf of National Homes addressed the Committee with a presentation on the Application for Draft Plan of Subdivision and Zoning By-law Amendment.

Discussion ensued regarding options of entry points into the proposed subdivision and access for emergency vehicles.

Deputations:

Mr. L. McCarty

Mr. McCarty, resident, addressed the Committee with specific concerns related to emergency access for public facilities. He advised that the industrial lots 137 and 138 back onto his property and these lots are considered to be flood plain lands.

Mr. D. Elms

Mr. Elms, resident, addressed the Committee with specific concerns related to the increased traffic currently on Kingsmere Avenue and in the area of Stonehaven and Notre Dame Schools. He queried if some traffic control measures could be investigated.

Mr. G. Baxter

Mr. Baxter, on behalf of the Newmarket Soccer Club addressed the Committee with specific concerns related to a noise attenuation study once the proposed indoor soccer facility is developed. He further advised that security lighting on the proposed facility could affect neighbouring residents as well as ambient noise from heating and ventilation systems. Mr. Baxter suggested that purchasers be made aware of the soccer facility and the implications of its' operation. The Director of Planning and Building Services advised that a noise attenuation study is currently being peer reviewed by the Town's consultant.

Mr. A. Heisey

Mr. Heisey of Papazian, Heisey, Myers, Barristers & Solicitors on behalf of Granite Reit, the owner of the industrial lands addressed the Committee in relation to the correspondence submitted. He advised that the owner is currently in discussions with the developer regarding the industrial tenant being considered as part of the planning process.

Mr. S. Kelly

Mr. Kelly, resident, addressed the Committee with specific concerns related to traffic and interruption of quiet enjoyment of his property. He provided his opinion that more noise equals less property value.

Councillor Di Muccio joined the meeting at 7:35 p.m.

Mr. B. Oprea

Mr. Oprea, resident, addressed the Committee with concerns related to the timing associated with the final plan before construction and other public input opportunities. The Director of Planning and Building Services provided clarification regarding the evolving plan of subdivision and those recommendations will be forthcoming to a future Committee of the Whole and subsequent Council meeting within the next three to four month time frame.

Mr. A. Hanson

Mr. Hanson, resident, address the Committee with specific concerns related to Dillman Avenue being the only point of access to Puck's Place. He advised that Dillman Avenue is congested with cars as children are being dropped off and picked up from the area schools and with the addition of the extra vehicles funnelling out of the new subdivision this may pose a serious safety risk to the children. He further advised that currently vehicles travelling on Stonehaven Avenue are ignorant of the posted speed limits.

Councillor Kerwin queried the Director of Planning and Building Services regarding the width of Dillman Avenue from curb to curb and the configuration of the street when it was constructed built to serve infill or to serve residents at that time. The Director of Planning and Building Services responded to the query and advised that there is a 20 metre road allowance on Dillman Avenue and that there was an assumption at the time of construction that there would be future development. He further advised that these concerns have been identified by staff and the consultants and the matter is being investigated.

Mr. C. Barns

Mr. Barns, resident, addressed the Committee with specific concerns related to builder and agent assurances he received that no development would be occurring in the area when he purchased his home three years ago, only to find that a plan was already in place. He requested surety that there will not be a road adjoining Quaker Trail.

Mayor Van Bynen advised those present that the concerns provided at this meeting will be reviewed and addressed.

Councillor Kerwin advised those present that he was familiar with the area as the Bogart Creek Restoration Committee has planted trees along Quaker Trail and that it will be virtually impossible to access the new development from Quaker Trail in the north.

Mr. R. Paul

Mr. Paul, resident, addressed the Committee with specific concerns related to traffic near Dillman Avenue once the proposed subdivision is complete. He advised that if there was ever a house fire or other disaster on Dillman Avenue there is no access and it shouldn't take a child being hit by traffic on that street to concede there exists a problem. The development of the subdivision should have another point of access.

Mr. T. Dimese

Mr. Dimese, resident, addressed the Committee and concurred with the previous speakers comments related to traffic concerns, and extremely heavy vehicular traffic.

Mr. M. Dunn

Mr. Dunn, resident, addressed the Committee regarding the traffic studies conducted between the hours of 4:00 and 6:00 p.m. despite the fact that school is discharged at 3:00 p.m. He suggested that there exists a need for another entrance/exit from the proposed subdivision development.

**Moved by Councillor Vegh
Seconded by Councillor Kerwin**

THAT deputations and additional correspondence related to Development and Infrastructure Services Report – Planning and Building Services 2013-13 – Application for Draft Plan of Subdivision and Zoning By-law Amendment – National Homes be received.

CARRIED

The Director of Planning and Building Services outlined the next steps process associated with the application.

Mayor Van Bynen advised that any comments may be forwarded to the Planning or Legislative Services Department.

**Moved by Councillor Kerwin
Seconded by Councillor Twinney**

THAT the meeting adjourn.

CARRIED

There being no further business, the meeting adjourned at 7:58 p.m.



Mayor Van Bynen, Chair



Lisa Lyons, Deputy Clerk