

The meeting of the Committee of the Whole was held on Monday, October 15, 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
Councillor Emanuel
Councillor Hempen
Councillor Sponga
Councillor Twinney
Councillor Vegh

Absent: Councillor Kerwin

Staff: R. Shelton, Chief Administrative Officer (7:00 to 9:04 p.m.)
R. Prentice, Commissioner of Development and Infrastructure Services
I. McDougall, Commissioner of Community Services
A. Moore, Commissioner of Corporate Services
E. Armchuk-Ball, Director of Legal Services/Municipal Solicitor
R. Nethery, Director of Planning and Building Services
A. Brouwer, Director of Legislative Services/Town Clerk
S. Niezen, Records and Projects Coordinator

The meeting was called to order at 1:33 p.m.

Mayor Van Bynen in the Chair.

Moved by Councillor Twinney
Seconded by Councillor Emanuel

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

ADDITIONS

- Item 1c) Correspondence on behalf of the Bully Free Community Alliance of York Region dated October 9, 2013 requesting proclamation of November 17 to 23, 2013 as 'Bullying Awareness Week' in the Town of Newmarket.
- Item 1d) Correspondence dated October 4, 2013 from Mr. George Habib, President and CEO, Ontario Lung Association requesting that November 2013 be proclaimed "Lung Month" in the Town of Newmarket.

- Item 1e) Correspondence dated October 9, 2013 from Ms. Erin Hoyos, Administration, DEBRA Canada requesting that October 25 to 31, 2013 be proclaimed 'International Epidermolysis Bullosa Awareness Week' in the Town of Newmarket.
- Item 18 Development and Infrastructure Services Report – Planning and Building Services 2013-49 dated October 10, 2013 regarding Application for Draft Plan of Subdivision and Zoning By-law Amendment - National Homes Inc.
- Item 19 Main Street District Business Improvement Area Board of Management Minutes of September 17, 2013.
- Item 20 Item 7 of the Main Street District Business Improvement Area Board of Management Minutes of September 17, 2013 – Membership Vacancy.

DEPUTATIONS

- Item 17 Mr. Nick McDonald, Meridian Planning, on behalf of the Glenway Preservation Association to address the Committee regarding the current Glenway application.
- Item 17 Ms. Christina Bisanz on behalf of the Glenway community to address the Committee regarding Development and Infrastructure Services Report – Planning and Building Services 2013-46 with respect to Marianneville Developments Limited.

ADDITION

- Item 18 Mr. Alan Heisey, Papazian, Heisey, Myers, Barristers & Solicitors to address the Committee regarding Development and Infrastructure Services Report – Planning and Building Services 2013-49 regarding Application for Draft Plan of Subdivision and Zoning By-law Amendment – National Homes Inc.
- Item 9 Mr. Robert Miller, Rueter Scargall Bennett, LLP, on behalf of York Region Rapid Transit Corporation to address the Committee regarding Development and Infrastructure Services Report – Planning and Building Services 2013-42 with respect to Non-Compliance as a Result of Public Land Acquisition. (Correspondence dated October 11, 2013 from Mr. Miller attached)

CARRIED

DECLARATIONS

Mayor Van Bynen vacated the Chair.

Regional Councillor Taylor assumed the Chair.

Councillor Di Muccio declared a pecuniary interest with respect to Item 13 of the agenda (Item 17 of the Committee of the Whole Minutes of October 15, 2013) with respect to a Notice of Motion by Mayor Van Bynen as an investigation by the Integrity Commissioner could potentially result in the cessation of her salary.

Regional Councillor Taylor vacated the Chair.

Mayor Van Bynen assumed the Chair.

Councillor Hempen declared a pecuniary interest in Item 11 of the agenda (Item 16 of the Committee of the Whole Minutes of October 15, 2013) with respect to the Heritage Conservation District as his mother owns property within the proposed area and could be eligible for the heritage tax rebate.

**Moved by Councillor Hempen
Seconded by Councillor Emanuel**

THAT the following items be adopted on consent:

- 1. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 1
REQUESTS FOR PROCLAMATIONS**
 - a) THAT the correspondence dated September 19, 2013 from Mr. Don Head, Commissioner, Correctional Services Canada be received and the following recommendations be adopted:**
 - 1. THAT the Town of Newmarket proclaim November 17 to 24, 2013 as “Restorative Justice Week”;**
 - 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 from Ms. Lynn Ziraldo, Executive Director, Learning Disabilities of York Region be received and the following recommendations be adopted:**
 - 1. THAT the Town of Newmarket proclaim October 2013 as “Learning Disabilities Awareness Month”;**
 - 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 October 9, 2013 on behalf of the Bully Free Community Alliance of York Region dated October 9, 2013 requesting proclamation of ‘Bullying Awareness Week’ be received and the following recommendations be adopted:**
 - 1. THAT the Town of Newmarket proclaim November 17 to 23, 2013 as ‘Bullying Awareness Week’ in the Town of Newmarket;**

2. AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca
- d) THAT the correspondence dated October 4, 2013 from Mr. George Habib, President and CEO, Ontario Lung Association be received and the following recommendations be adopted:
 1. THAT the Town of Newmarket proclaim November 2013 as 'Lung Month';
 2. AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca
- e) THAT the correspondence dated October 9, 2013 from Ms. Erin Hoyos, Administration, DEBRA Canada be received and the following recommendations be adopted:
 1. THAT the Town of Newmarket proclaim October 25 to 31, 2013 as 'International Epidermolysis Bullosa Awareness Week';
 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 – OCTOBER 15, 2013 – ITEM 2
NEWMARKET ENVIRONMENTAL ADVISORY COMMITTEE MINUTES**

THAT the Newmarket Environmental Advisory Committee Minutes of September 4, 2013 be received.

**3. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 3
ITEM 6 OF THE MAIN STREET DISTRICT BUSINESS IMPROVEMENT AREA
HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES**

THAT the Heritage Newmarket Advisory Committee Minutes of September 3, 2013 be received.

**4. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 4
ITEM 1C) OF THE HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES OF
SEPTEMBER 3, 2013 – HERITAGE CONSERVATION DISTRICT**

THAT this matter be referred to staff to be addressed when the Heritage Conservation District By-law comes forward for consideration.

**5. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 5
ITEM 9 OF THE HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES OF
SEPTEMBER 3, 2013 – NEW BUSINESS**

THAT the requirement for a Treasurer position on the Heritage Newmarket Advisory Committee be reviewed within the Boards and Committees review process in the new term of Council;

AND THAT in the interim, the Treasurer position on the Heritage Newmarket Advisory Committee remain.

6. **COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 6
NEWMARKET PUBLIC LIBRARY BOARD MINUTES**

THAT the Newmarket Public Library Board Minutes of June 19, 2013 be received.

7. **COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 7
CYFS – JOINT COUNCIL COMMITTEE**

THAT the CYFS – Joint Council Committee Minutes of April 2, 2013 be received.

8. **COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 8
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT
PLANNING AND BUILDING SERVICES 2013-42
NON-COMPLIANCE AS A RESULT OF PUBLIC LAND ACQUISITION**

THAT Development and Infrastructure Services Report – Planning and Building Services 2013-42 dated October 3, 2013 regarding Non-compliance as a Result of Public Land Acquisition be received and the following recommendations, as amended be adopted:

1. THAT the proposed technical amendment to Zoning By-law Number 2010-40 to recognize parking spaces, driveway widths and landscape buffers made non-complying by public land acquisitions be referred to a public meeting;
2. AND THAT following the public meeting, staff be directed to prepare the necessary Zoning By-law Amendment.
3. AND THAT the correspondence from Mr. Robert Miller, Rueter Scargall Bennett, LLP, on behalf of York Region Rapid Transit Corporation regarding Development and Infrastructure Services Report – Planning and Building Services 2013-42 with respect to Non-Compliance as a Result of Public Land Acquisition be received.

9. **COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 9
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT
PLANNING AND BUILDING SERVICES 2013-43
SERVICING ALLOCATION – SIX-MONTH ADMINISTRATIVE REVIEW**

THAT Development and Infrastructure Services Report – Planning and Building Services 2013-43 dated October 15, 2013 regarding the Servicing Allocation Six-Month Administrative Review be received and the following recommendations be adopted:

1. THAT servicing allocation for the Landmark Estates Phase 4 (Orsi) subdivision be reinstated subject to the following condition:

- a) The Owner be required to submit a Minor Variance application to the Committee of Adjustment reflecting the proposed revised built form prior to December 31, 2013;

2. AND THAT the following people be notified of this action:

- a) Frank Orsi, 1209104 Ontario Limited, P.O. Box 215, Newmarket, ON L3Y 4X1.

10. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 10
CORPORATE SERVICES REPORT – FINANCIAL SERVICES 2013-37
TAX WRITE-OFFS

THAT Corporate Services Report – Financial Services 2013-37 dated October 3, 2013 regarding Tax Write-Offs pursuant to the *Municipal Act, 2001* be received and the following recommendation be adopted:

THAT the tax adjustments outlined in Appendix 1 for application for the cancellation or refund of taxes, pursuant to Sections 357 and 358 of the *Municipal Act, 2001*, be approved.

11. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 11
LIST OF OUTSTANDING MATTERS

THAT the list of outstanding matters be received.

12. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 12
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – PLANNING AND
BUILDING SERVICES 2013-49 – APPLICATION FOR DRAFT PLAN OF SUBDIVISION
AND ZONING BY-LAW AMENDMENT - NATIONAL HOMES INC

THAT Development and Infrastructure Services Report – Planning and Building Services 2013-49 dated October 10, 2013 regarding Application for Zoning By-law Amendment and Draft Plan of Subdivision be received and the following recommendations be adopted:

1. THAT approval be given to Draft Plan of Subdivision 19TN-2005 004, Phase 1, subject to the schedule of conditions set out in Appendix “A” attached to and forming part of this Report;
2. AND THAT staff be directed to prepare the necessary Zoning By-law Amendment for Phase 1;
3. AND THAT servicing allocation for Phase 1 of this subdivision be granted in the amount of 131 single family units (429 population);
4. AND THAT Mark Pavkovic, 291 Edgeley Boulevard, Suite #1, Concord, ON L4K 3Z4 be notified of this action.

**13. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 13
MAIN STREET DISTRICT BUSINESS IMPROVEMENT AREA BOARD OF
MANAGEMENT MINUTES OF SEPTEMBER 17, 2013**

THAT the Main Street District Business Improvement Area Board of Management Minutes of September 17, 2013 be received.

**14. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – IETM 14
ITEM 7 OF THE MAIN STREET DISTRICT BUSINESS IMPROVEMENT AREA BOARD
OF MANAGEMENT MINUTES OF SEPTEMBER 17, 2013 – MEMBERSHIP VACANCY**

THAT Mr. Adrian Cammaert be appointed to replace Melissa Bennett on the Main Street District Business Improvement Area Board of Management;

AND THAT the necessary by-law be prepared and submitted to Council.

CARRIED

This concludes the consent portion of the agenda.

**15. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 15
CORRESPONDENCE – KIEWIT-ELLISDON
2014 VIVANEXT NOISE BY-LAW EXEMPTION REQUEST**

Correspondence – Kiewit-EllisDon regarding 2014 VivaNext Noise By-law Exemption.

An amendment was made to the request by replacing 'December 23, 2013' with 'December 27, 2013' and replacing 'December 26, 2014' with 'December 23, 2014' and inserting the words 'excluding statutory holidays'.

**Moved by Regional Councillor Taylor
Seconded by Councillor Sponga**

THAT the correspondence dated September 23, 2013 from Mr. Anthony Fanelli, Civil Field Engineer, Kiewit-EllisDon requesting an exemption from the Noise By-law to perform necessary work for the vivaNext D1 project be received and the timelines, as amended be approved.

CARRIED

**16. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 16
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – PLANNING AND
BUILDING SERVICES 2013-48 – HERITAGE CONSERVATION DISTRICT
LOWER MAIN STREET SOUTH ADVISORY COMMITTEE**

Development and Infrastructure Services Report – Planning and Building Services 2014-48 regarding the proposed Advisory Committee for the Lower Main Street South Heritage Conservation District.

An additional recommendation was added as follows:

"2. AND THAT the Main Street Business Improvement Area Board of Management and the Heritage Newmarket Advisory Committee provide a recommendation to Council for a member of each to join the proposed advisory group".

**Moved by Councillor Sponga
Seconded by Regional Councillor Taylor**

THAT Development and Infrastructure Services – Planning and Building Services Report 2013-48 dated October 3, 2013 regarding the proposed Advisory Committee for the Lower Main Street South Heritage Conservation District be received and the following recommendations be adopted:

1. **THAT Council support the proposed advisory group as outlined in the Council endorsed October 5, 2011 Lower Main Street South Heritage Conservation District Plan;**
2. **AND THAT the Main Street District Business Improvement Area Board of Management and the Heritage Newmarket Advisory Committee provide a recommendation to Council for a member of each to join the proposed advisory group.**

CARRIED

Mayor Van Bynen vacated the Chair.

Regional Councillor Taylor assumed the Chair.

Councillor Di Muccio left the dais.

**17. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 17
NOTICE OF MOTION BY MAYOR VAN BYNEN – INTEGRITY COMMISSIONER
INVESTIGATION**

Notice of Motion – Integrity Commissioner Investigation.

**Moved by Mayor Van Bynen
Seconded by Councillor Sponga**

THAT Council direct staff to request the Integrity Commissioner investigate statements directed at me as the Mayor by Councillor Di Muccio at the Committee of the Whole meeting on Monday, September 23, 2013 to determine if there was a breach of the Council Code of Conduct and /or the Town of Newmarket's Procedural By-law.

In the event Councillor Di Muccio provides a written apology to Council prior to the motion being adopted by Council – the motion will be withdrawn.

CARRIED

Discussion ensued regarding the costs associated with an investigation of the Integrity Commissioner and the mechanism that could be utilized to require the complainant to pay the associated costs. The Commissioner of Corporate Services stated that staff would provide a report at the Council meeting on October 21, 2013 related to this matter.

An amendment was made to the Notice of Motion by adding the following::

AND THAT including this complaint and all future complaints:

- a) where a Councillor is not found to be in contravention of the Council Code of Conduct by the Integrity Commissioner, the Councillor who filed the notice of motion for consideration by Council on the matter be requested by Council to pay costs associated with the Integrity Commissioner's investigation; or,
- b) where a Councillor is found to be in contravention of the Council Code of Conduct by the Integrity Commissioner, the contravening Councillor be requested by Council to pay the costs associated with the Integrity Commissioner's investigation from their salary.

**Moved by Councillor Vegh
Seconded by Councillor Twinney**

THAT the following amendment be included in the Notice of Motion regarding the Integrity Commissioner:

AND THAT including this complaint and all future complaints:

- a) **where a Councillor is not found to be in contravention of the Council Code of Conduct by the Integrity Commissioner, the Councillor who filed the notice of motion for consideration by Council on the matter be requested by Council to pay costs associated with the Integrity Commissioner's investigation; or,**
- b) **where a Councillor is found to be in contravention of the Council Code of Conduct by the Integrity Commissioner, the contravening Councillor be requested by Council to pay the costs associated with the Integrity Commissioner's investigation from their salary.**

CARRIED

Councillor Di Muccio took no part in the discussion or voting of the foregoing matter.

Councillor Di Muccio returned to the dais.

Regional Councillor Taylor vacated the Chair.

Mayor Van Bynen assumed the Chair.

**18. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 18
BANCROFT & HASTINGS HIGHLANDS DISASTER RELIEF COMMITTEE**

Correspondence dated September 2013 from Mr. Dennis Purcell, DRC Chair, requesting financial support for April 2013 flood damage.

**Moved by Councillor Emanuel
Seconded by Councillor Di Muccio**

THAT the correspondence dated September 2013 from Mr. Dennis Purcell, DRC Chair, requesting financial support for April 2013 flood damage be received.

CARRIED

**19. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 19
REPORTS BY REGIONAL REPRESENTATIVES**

None.

**20. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 20
NEW BUSINESS**

Councillor Twinney advised that she has received several e-mails and phone calls from residents requesting information about the status of repairs to the Seniors Meeting Place facility. She requested a meeting of the Seniors Meeting Place membership and Town staff to provide an update on the progress of the facility repairs and next steps. She also requested that an update on timelines of repairs be provided to all members of Council.

**Moved by Councillor Sponga
Seconded by Councillor Emanuel**

THAT Committee of the Whole resolve into a closed session for the purpose of discussing advice that is subject to Solicitor/Client privilege, litigation or potential litigation, including matters before an administrative tribunal and a proposed or pending acquisition of land by the municipality.

CARRIED

The Committee recessed at 2:14 p.m.

The Committee resolved into a Closed Session at 2:33 p.m.

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

The Committee resumed into public session at 5:14 p.m.

Correction was made to Item 20 at Council of October 21, 2013 – see Item 21 of those Minutes

**21. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 21
CORPORATE SERVICES (LEGAL SERVICES) (CLOSED SESSION) REPORT 2013-12
APPEAL TO THE ONTARIO MUNICIPAL BOARD – 390 ONTARIO STREET**

Corporate Services (Legal Services) (Closed Session) Report 2013-12 dated October 9, 2013 regarding an Appeal to the Ontario Municipal Board – 390 Ontario Street.

An amendment was made by removing the words “conditions as set out on page 2 of this report” and replacing them with “the conditions as follows be included”.

An additional recommendation was added as follows:

“AND THAT the full recommendations and conditions be made public.”

**Moved by Councillor Sponga
Seconded by Councillor Vegh**

THAT Corporate Services (Legal Services) Closed Session Report 2013-12 dated October 9, 2013 regarding the appeal to the Ontario Municipal Board by the Owner of 390 Ontario Street (“the lands”) from a decision of the Committee of Adjustment to deny an application for Consent and Minor Variance be received, and the following recommendations, as amended, be adopted:

- 1. THAT staff be directed to advise the Ontario Municipal Board that Council does not take a position either in support of or against the above-noted appeal of a Committee of Adjustment’s decision to deny an application for Consent and Minor Variance in connection with the lands;**
- 2. AND THAT the Town will not be appearing as Party or Participant at the OMB hearing in this matter; and**
- 3. AND THAT Staff advise the Ontario Municipal Board and the appellant that it is requesting the conditions as follows be included as part of any Order approving the Consent and Minor Variances.**
 - i. That Consent Application D10-B03-13 be approved subject to the following conditions:**
 - a) That the Owner enter into a leading site plan agreement with the Town for the future development of the subject lands dealing with all matters, financial and otherwise including the payment of a parkland contribution in accordance with the provisions of the *Planning Act, R.S.O. 1990*, to the satisfaction of the Town;**
 - b) That the Owner obtain relief from the provision of the Zoning By-law for reduced lot frontage; and**
 - c) That Minor Variance Applications D13-A20-13 and D13-A21-13 be approved to ensure that the created lots are in conformity with the Zoning By-law.**

- ii. **AND THAT the applicant be advised that prior to the issuance of any building permit involving the subject and remaining lands, compliance will be required with the provisions of the Town's Tree Preservation, Protection, Replacement and Enhancement Policy.**
- iii. **AND THAT Minor Variance Applications D13-A20-13 and D13-A21-13 be approved, subject to the following conditions:**
 - a) **That the variances pertain only to the requests as submitted with the application;**
 - b) **That the Owner entering into a leading site plan agreement with the Town for the future development of the subject lands dealing with all matters, financial and otherwise including the payment of a parkland contribution in accordance with the provisions of the *Planning Act, R.S.O. 1990*, to the satisfaction of the Town; and**
 - c) **That the developments be substantially in accordance with the Site Plans submitted with the applications.**

4. AND THAT the full recommendations and conditions be made public.

CARRIED

**Moved by Councillor Sponga
Seconded by Councillor Emanuel**

THAT the Committee of the Whole meeting recess until 7:00 p.m.

CARRIED

The Committee recessed at 5:16 p.m.

The Committee reconvened at 7:00 p.m. at Crosslands Church, 47 Millard Avenue.

Mayor Van Bynen advised that the continuation of the Committee of the Whole meeting is to receive the report of the Town's consultant regarding the Marianneville Developments Limited (Glenway) development proposal. He further advised that staff has recommended no decisions be made this evening, it is an opportunity to ask questions and better understand the report. The intent is not to debate the merits of the report but to provide an opportunity for members of the public and Council to seek clarification on matters contained in the report. Council is scheduled to consider and decide on the direction of the application on November 25, 2013 at 7:00 p.m. at the Newmarket Theatre.

**22. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 22
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – PLANNING AND
BUILDING SERVICES 2013-46
CONSULTANT REPORT REGARDING MARIANNEVILLE DEVELOPMENTS LIMITED
(GLENWAY)
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – PLANNING AND
BUILDING SERVICES 2013-47 – APPLICATION FOR OFFICIAL PLAN AMENDMENT,
ZONING BY-LAW AMENDMENT AND DRAFT PLAN OF SUBDIVISION**

Development and Infrastructure Services Report – Planning and Building Services 2013-46 dated October 1, 2013 regarding Consultant Report with respect to Marianneville Developments Limited (Glenway).

Deputations:

**Moved by Councillor Emanuel
Seconded by Councillor Hепен**

THAT Mr. Nick McDonald, Meridian Planning Consultants, on behalf of the Glenway Preservation Association be allotted fifteen minutes for his deputation.

CARRIED

Ms. Ruth Victor, Ruth Victor & Associates, Urban and Regional Planning

Ms. Ruth Victor addressed the Committee and provided an overview of the report and recommendations related to the Application submitted by Marianneville Developments Limited (Glenway).

Clarification was provided on the following matters:

- York Region District School Board position on school requirement and potential location in the northwest quadrant
- Proposed nine hole golf course criteria
- Mandated growth numbers from the Province of Ontario, current approved developments, pending developments and combined growth numbers
- Servicing allocation policy and the anticipated view by the Ontario Municipal Board regarding allocation
- Criteria in terms of priority servicing allocation in growth areas as required in the Official Plan

**Mr. Nick McDonald, Principal, Meridian Planning Consultants
on behalf of Glenway Preservation Association**

Mr. McDonald addressed the Committee with his professional opinion on the Marianneville Developments (Glenway) application. He provided his opinion related to the Town's Official Plan document, the Regional Official Plan, intensification statistics and the significant scale of the proposed development application. He suggested that the Town has the opportunity to provide a position before the matter proceeds to the Ontario Municipal Board hearing.

Mr. McDonald suggested that the Town consider a review of the Official Plan.

**Moved by Councillor Emanuel
Seconded by Councillor Sponga**

THAT the deputation by Mr. Nick McDonald, Meridian Planning Consultants regarding the Marianneville Developments (Glenway) application be received.

CARRIED

Ms. Christina Bisanz

Ms. Bisanz, on behalf of the Glenway community, addressed the Committee regarding the position and the rationale of the proposed Application, the broader discussion of the vision for the lands, the appropriate planning process and the continuing inclusion of the community in the decision making process. She advised she did not support Recommendation 3 contained within the report.

**Moved by Councillor Emanuel
Seconded by Councillor Vegh**

THAT the deputation by Ms. Christina Bisanz, on behalf of the Glenway community regarding the Marianneville Developments (Glenway) application be received.

CARRIED

Ms. Victor provided feedback regarding the process associated with the development application.

Dr. Michael Cairns

Dr. Cairns queried the Committee regarding the timing of the completed development application, non-conformity with the Town's Official Plan and the rights of the applicant to proceed to the Ontario Municipal Board.

Councillor Emanuel advised that he specifically requested inclusion of the Glenway community in any discussions associated with the "Without Prejudice" offer of settlement.

Discussion ensued regarding the 180 day time frame imposed by the Province of Ontario of submissions to the Ontario Municipal Board. Regional Councillor Taylor advised that the Province has been apprised many times of the time commitments required to process such a complex application. The Director of Planning and Building Services reiterated the comments related to the 180 day time frame and advised that the typical processing time for an Official Plan Amendment is eighteen months to two years.

Mr. Stuart Hoffman

Mr. Hoffman addressed the Committee and expressed his concerns with the substantial amount of outstanding issues contained within the development application; he expressed that he did not understand the process for continuation of talks with the developer for an application that had so many unresolved matters.

Ms. Victor provided her opinion regarding the rationale of ongoing talks with the developer being a normal process and the appellants may amend their application right up to the scheduled day of the Ontario Municipal Board hearing. The basis of such is to continue to try and resolve issues.

Ms. Tse

Ms. Tse addressed the Committee and queried the status of the Private Members' Bill submitted by MP Frank Klees related to proposed Ontario Municipal Board reform.

Ms. Tse further advised that stormwater floods those portions of land between herself and her neighbor each time it rains and she expressed concern that more building will cause increased damage to existing homes.

Mayor Van Bynen advised that MP Klees' Private Members' Bill related to OMB reform has passed second reading and is coming up for discussion at the Legislature's Committee level. Mayor Van Bynen further advised that stormwater management issues will be reviewed as part of the consideration of the application.

Mr. Andrew LaRue

Mr. LaRue addressed the Committee and queried staff regarding the Ontario Municipal Board's record of approval of applications.

Mr. Andy Betterton

Mr. Betterton addressed the Committee and expressed concerns related to the ongoing development of lands and the consistent lack of green space. He queried whether the developer could continue making repeated offers and, if so, could the Glenway community be privy to such information.

Ms. Victor provided feedback regarding the "without prejudice" offer currently being considered at this time.

Councillor Hempten inquired about the possibility of any further "Without Prejudice" offers being made available as information to the community. The Solicitor on behalf of the applicant advised that any other Without Prejudice offers would be made public.

Regional Councillor Taylor advised that the property is still privately owned and the owner of those lands can come forward with more applications should they choose to do so.

Mr. Jim Barker

Mr. Barker queried Ms. Victor about the potential of being in a series of never ending Ontario Municipal Board hearings related to this Application. Ms. Victor advised that under the *Planning Act*, the developer has the right to apply with further applications.

Mr. Brian Brymer

Mr. Brymer addressed the Committee regarding the servicing allocation resources and the likelihood that the Town of Newmarket Council could simply say 'no' to the allocations.

Ms. Brenda Sartor

Ms. Sartor addressed the Committee and expressed concerns about potentially losing her scenic backyard view. She advised that before she purchased the property three years ago, she called the Town of Newmarket and was assured that the green space behind her property would remain. Ms. Sartor requested a clear, concise plan instead of using words like "reasonable" in the Application.

Ms. Victor provided feedback regarding the Town's zoning by-law which sets out definitions of rear yard setback requirements.

Mr. David McLeod

Mr. McLeod addressed the Committee with specific concerns related to paying taxes to enjoy a certain lifestyle and, if this development proceeds, the lifestyle that he has become accustomed to will be compromised. He further advised that the developer is not providing opportunity for the surrounding residents to be involved in the application process and the Ontario Municipal Board members should be made aware of this.

Ms. Betty Ball

Ms. Ball addressed the Committee regarding the stormwater management ponds and the potential drainage impacts of the proposed development. Ms. Victor advised that the stormwater management ponds will need to be retrofitted to the Town's current standards at the developer's expense.

Ms. Rita Bondi

Ms. Bondi addressed the Committee and queried if there are any other areas where this particular developer has built homes that could be examined. Ms. Victor advised that she has dealt with similar scale applications in other municipalities however not with this developer.

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

THAT the Director of Planning and Building Services prepare an information report to Council that outlines the current growth mandates; status of approved developments with population counts; pending or anticipated applications; and population projections in the draft secondary plan;

AND THAT the report be provided in advance of the November 25, 2013 Committee of the Whole meeting.

CARRIED

Ms. Gillian Foster

Ms. Foster addressed the Committee regarding traffic concerns on Herbcairn Avenue and Marsden Court. She advised that with more homes being built in the same area, that the traffic issues will significantly increase.

**Moved by Councillor Sponga
Seconded by Councillor Emanuel**

THAT all deputations with respect to the Marianneville Developments (Glenway) development application be received.

CARRIED

Report:

**Moved by Councillor Emanuel
Seconded by Councillor Sponga**

THAT Development and Infrastructure Services Report – Planning and Building Services 2013-46 dated October 1, 2013 regarding the attached consultant report be received and the following recommendation be adopted:

THAT the attached report (Development and Infrastructure Services – Planning and Building Services Report 2013-47) prepared by Ruth Victor & Associates and iPlancorp regarding the Applications for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision – Marianneville Developments Limited (Glenway) be referred to the November 25, 2013 Committee of the Whole (evening session) meeting.

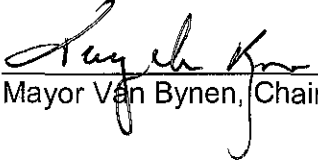
CARRIED

Moved by Councillor Sponga
Seconded by Regional Councillor Taylor

THAT the meeting adjourn.

CARRIED

There being no further business, the meeting adjourned at 9:04 p.m.



Mayor Van Bynen, Chair



Lisa Lyons, Deputy Town Clerk