
The meeting of the Committee of Adjustment was held on Wednesday, June 21st, 2017 at 9:30 a.m. in the Council Chambers at 395 Mulock Drive, Newmarket.

Members Present: Gino Vescio, Chair
Fred Stoneman, Member
Ken Smith, Member
Betty Dykstra, Alternate Member

Staff Present: Ted Horton, Planner
Matthew Peverini, Secretary Treasurer

The Meeting was called to order at 9:30 a.m. in the Council Chambers to consider items on the agenda.

Gino Vescio in the Chair.

The Chair called for conflicts of interest. No conflicts of interest were declared. Members were invited to declare a conflict of interest at any time during the meeting.

CONSENT APPLICATION

D10-B02-17 GREEN AND ROSE DEVELOPMENTS INC.
Part of Lot 4, Plan 32, Parts 1-4, Plan 65R-34936
212 Davis Drive
Town of Newmarket

Debra Kakaria of MHBC Planning at 7050 Weston Road, Suite 230, WOODBRIDGE, ON L4L 8G7, and Dan Berholz of Green and Rose Developments at 156 Duncan Mill Road, Unit 12, TORONTO, ON M3B 3N2 addressed the Committee.

Gino Vescio provided that the application was previously heard at the June 21, 2017 meeting and was deferred to this meeting (or earlier) for purposes of further discussion with Town staff.

Debra Kakaria acting as Agent on the application provided the following comments:

- Requested the matter be deferred to today's meeting (or earlier), as we anticipated we would be further along with the process
- Spent the last few months looking at options from an engineering perspective
- We have submitted the Zoning By-law Amendment application to the Planning Department yesterday, which provides a comprehensive review of the site access
- We are seeking further deferral to have discussion with staff. It may end up being a public easement, but if not the option for a private easement remains open

Gino Vescio asked whether the applicant had a time period. Debra Kakaria answered end of the year, and that they would bring it back to Committee sooner if resolved prior.

Gino Vescio asked Ted Horton to provide any comments. Ted Horton provided that if Committee feels there is a lack of information available, he has no objection to a deferral of the matter, however, the Secondary Plan provides for public easements that do not need to go through the consent process.

Debra Kakaria provided that the Secondary Plan does not require public easements, and read a passage from Chapter 8 of the Newmarket Urban Centres Secondary Plan to support the position of the applicant. This passage was intended by the applicant to highlight that the Secondary Plan does not require the easement to be a public easement - but rather it "may require".

Gino Vescio stated that the deferral right does not appear to benefit the situation in the long term, as the two sides are unable to come to a conclusion on the matter.

Dan Berholz provided the following comments:

- Our case appears to be better solved with Planning Staff, rather than the Committee
- We are asking for a deferral as there are items to be dealt with in the background
- We want public access
- There are 3 different owners, and this becomes an issue
- Deferring this application will provide us with flexibility
- The Town cannot require a public easement on 212 and 230 Davis Drive
- Will lose the opportunity to have a private easement, which is better than nothing should the public easement not come to fruition
- Have been working to get an engineering option prepared
- If the new owner of 212 Davis Drive opposes the public easement, this application if deferred keeps the option for a private easement open

Ted Horton provided the following comments:

- If Committee needs further information or wants to adjourn the matter *sine die*, there is no objection to a deferral
- Regarding whether a private easement is desirable, the private easement only provides access to residents of 175 Deerfield and 212 Davis Drive, not the public. This is contrary to the Secondary Plan objectives
- An ownership change is of importance, but the Town has tools to impose the public easement and bind future owners
- A public easement can be created within the timeline

Gino Vescio provided that the Committee will have to decide whether to further adjourn the matter, and stated that there does not appear to be agreement forthcoming.

There were no questions arising from other members of the Committee.

The following correspondence was received and considered by the Committee regarding the application:

1. Report from Ted Horton, Planner dated September 14, 2017;
2. Report from Ted Horton, Planner dated June 12, 2017;

3. Memorandum from Rick Bingham, Manager, Development Engineering dated June 8, 2017;
4. Memorandum from David Potter, Chief Building Official dated June 7, 2017;
5. E-mail from Gabrielle Hurst, Programs and Process Improvement Section of the Planning and Economic Development Branch, Corporate Services, The Regional Municipality of York dated June 6, 2017;
1. Letter from Melinda Bessey, Development Planner, Lake Simcoe Region Conservation Authority dated June 14, 2017
6. Email from Dan Della Mora, Corridor Management Planner, Ministry of Transportation, dated June 6, 2017
7. Letter from Lily Apa, Planning Coordinator, Rogers dated June 12, 2017;
8. Email from Jacqueline Moyle, External Liaison, Bell Canada Right of Way, dated June 12, 2017;
9. Letter from Peter M. Green, Director, Capital Development, Southlake Regional Health Centre, dated June 13, 2017; and
10. E-mail from Michelle Tien, Real Estate Co-op, Real Estate Department, Hydro One Networks Inc. dated June 5, 2017;

There were no comments from the public on this application.

Moved by Ken Smith
Seconded by Fred Stoneman

THAT Consent Application D10-B02-17 be deferred sine die.

CARRIED

The Minutes of the meeting held on Wednesday, August 16th, 2017 were placed before the Committee for consideration.

Moved by Fred Stoneman
Seconded by Ken Smith

THAT the Minutes of the Wednesday, August 16th, 2017 meeting be approved.

CARRIED

THAT the Meeting adjourn.

Moved by Betty Dykstra
Seconded by Fred Stoneman

CARRIED

The meeting adjourned at 9:58 a.m.

Nov. 15, 2017
Dated

Edmund Vesce
Chair