



## GENERAL COMMITTEE MEETING

Tuesday, May 22, 2001  
7:30p.m.  
City Hall, Council Chambers

### MINUTES OF MEETING # G.C. 2001 - 07

**Members Present:** Mayor Cindy Forster

**Councillors:**

R. Alakas	D. Fortier
D. Beaudoin	M. Belcastro
J. Irvine	J. Mastroianni
M. Dzugan	S. O'Dell
T. Eybel	J. Spadafora (until 10:30 p.m.)

**Members of the Staff and Others Present:**

City Clerk C.A. Stirtzinger  
Director of Development Services T. Fitzpatrick  
Fire Chief P. Olah  
Director of Operational Services and Acting C.A.O. G. Marcello  
Community Services Director I. Smith  
Acting Deputy City Treasurer B. Silvestri  
Engineering Services Co-ordinator L. Ventresca  
Assistant Clerk D. Vettori  
Recording Secretary M. Hughes  
Development Planner D. Thorpe

**Others Present:** Mr. Vince Muratori, Solicitor for Gilmora Estates  
Mr. Anthony Valeriote  
Mr. John Van Kooten

1. (A) Mayor Forster called the General Committee Meeting to order at 7:15 p.m.
- (B) Mayor Forster recessed the General Committee Meeting to reconvene the Special Council meeting at 7:20 p.m. for a Statutory Public Hearing, chaired by Councillor Mastroianni, pursuant to The Planning Act.
- (C) The Special Council Meeting adjourned at 7:30 p.m. to re-convene the General Committee

Meeting. The Minutes of the Special Council Meeting are recorded separately and filed with the Clerk.



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**2. DISCLOSURE OF INTEREST: Nil**

**3. ADOPTION OF MINUTES OF GENERAL COMMITTEE MEETING OF May 8, 2001**

Councillor O'Dell informed Council of a correction to Minutes of General Committee Meeting of May 8, 2001 (page 5) that he did not move the motion. "Further that a General Committee Meeting be held every two months in various halls in the City." The Clerk advised that the correction would be made to the original minutes.

**4. BUSINESS ARISING FROM MINUTES OF PREVIOUS MEETINGS: NIL**

**5. DELEGATIONS:**

Mr. Stirtzinger announced additions to the Agenda:

**01-28** – Mr. John Van Kooten wishes to address Council regarding Planning Divisions Reports DSD-2001-42 and DSD-2001-43

**01-28** – Mr. Anthony Valeriote wishes to address Council regarding Planning Divisions Reports DSD-2001-42 and DSD-2001-43.

Petition to be presented by Councillor Mastroianni, signed by 39 Residents of Endicott Terrace expressing opposition to the installation of sidewalks on Endicott Terrace between Colbeck Drive and Willson Road.

**6. STAFF REPORTS:**

**(A) COMMUNITY SERVICES**

**Planning Division**

**01-107/01-107Z – Proposed Amendment to Zoning By-law Amendment – Donato Antonio and Lucia Colangelo, in Trust – 324 and 326 Kilgour Avenue (File 2001-06) (DSD 2001-41)**

**MOVED BY COUNCILLOR EYBEL:**

That Zoning By-law 2667, as amended, be further amended for 324-326 Kilgour Avenue (Lots 2068 and 2069, Plan 984) from the R2 Zone to a Site Specific R2 Zone to permit R2

uses as well as a Semi-Detached Dwelling, to provide Zone provisions for the existing Semi-Detached dwelling with minimum Lot Frontage of 15.2 metres (7.3 metres/unit); minimum Lot Area of 550 square metres (270 square metres/unit); minimum Front Yard setback of 5.6 metres; minimum Rear Yard setback of 7.5 metres; minimum Side Yard



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setback of 1.5 metres (1.5 metres exterior, 0 metre common wall); minimum Ground Floor Area of 50 square metres per unit; minimum Gross Floor Area of 80 square metres per unit; minimum Lot Coverage of 40% and to provide front yard parking with a parking stall length of 5.6 metres for 326 Kilgour Avenue.

**CARRIED**

**01-42/01-42Z – Proposed Plan of Subdivision and Zoning By-law Amendment – Gillmora Estates (26T-14-20002 and 2000-13) – Gillmora Corporation Limited – North Side of Webber Road, East Side of Unopened Clare Avenue (DSD-2001-42)**

**01-43/01-43Z – Proposed Plan of Subdivision and Zoning By-law Amendment – Harvest Estates (26T-14-20003 and 2000-14) – Harvest Investment Corp. – North Side of Colbeck Drive, East of Webber Road (DSD -2001-43)**

There was much discussion over the extension of Clare Avenue versus Aquador. Two entrances/exits into subdivisions are preferred so that emergency vehicles can get quick access. Also, two entrances/exits would streamline the anticipated increased traffic flow. Mr. Marcello, Director of Operational Services, made the following suggestions: Colbeck to exit at Street "E"; eliminate Street "C"; build only on Lots 1 to 6 in the cul-de-sac; extension of Aquador is not needed; extension of Clare is too costly; re-evaluate at a future date. Councillors Belcastro and Mastroianni will check with the residents who signed the petition for sidewalks on Endicott Terrace to inquire if they would still be opposed to a sidewalk (no curbs) if the City pays for one.

Mr. Marcello was directed to prepare a cost estimate for the installation of the sidewalks on Endicott Terrace and report back to the Committee.

**DIRECTION**

The Committee instructed Mr. Fitzpatrick to provide details for the June 12<sup>th</sup> General Committee Meeting on the traffic warrants; on the impact of not developing Street "C" in the Gillmora Estates Subdivision; red-lining Harvest Estates at Aquador Drive regarding the proposed extension and Mr. Valeriot's proposal F4 on the handout regarding the cut and fill plan for the flood plain and all environmental impact studies. Mr. Fitzpatrick advised that if it was the Committee's direction, the cash-in-lieu of parkland provision could be removed

from all three applications. The fee could be collected at the building permit issue stage instead.

**DIRECTION**



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**MOVED BY COUNCILLOR O'DELL:**

That the Draft Approval and Zoning By-law Amendment for Gillmora Estates Subdivision (File 26T-14-20002) be referred to the June 12, 2001 General Committee Meeting.

**MOVED BY COUNCILLOR O'DELL:**

That the Draft Approval and Zoning By-law Amendment for Harvest Estates Subdivision (File 26T-14-20003) be referred to the June 12, 2001 General Committee Meeting.

**CARRIED**

**01-44/01-44Z - Proposed Plan of Subdivision and Zoning By-law Amendment – Welland River Estates (26T-14-20004 and 2000-15) – 1372708 Ontario Inc. South Side of Colbeck Drive, East of Weber Road (DSD 2001-44)**

Mr. Fitzpatrick will red line this application for draft approval and issue a hold on building on Lots 16, 17 and 18 located at the end of Clare Avenue until such time that a decision be made as to what will happen to Clare Avenue.

**MOVED BY COUNCILLOR O'DELL:**

1. That the City of Welland hereby grants Draft Approval to the Welland River Estates Subdivision (File 26T-14-20004) developed by 1372708 Ontario Inc. being composed of Part of Lots 255, 256, 256 Broken Front and part of the road allowance between Lots 255 and 256 and between Lots 256 and Lot 256 Broken Front, part of Blocks A and B, Plan 648, former Township of Thorold now in the City of Welland based upon a Plan prepared by Suda & Maleszyk Surveying Inc. (File 2000-148) dated March 12, 2001, containing fifteen (15) single-detached residential lots, one (1) Block for future residential development, two (2) Blocks for 0.3 metre reserves and one Block for future roadway dedication as red-lined by City Council subject to the following Conditions:
  - a) that should the Harvest Estates Subdivision (26T-14-20003) and/or the Gillmora Estates Subdivision (26T-14-20002) be approved, the Owner, together with the Owners of the Harvest Estates and Gillmora Estates Subdivisions, enter into a joint Master Development Agreement with the City of Welland to ensure that a proper phasing program is put in place with respect to joint servicing issues;

- b) that the Owner enter into a Subdivider's Agreement with the City of Welland to be registered on Title;
- c) that no grading or construction work shall commence on the site until such time as the Master Development Agreement, if required, has been finalized, a Subdivider's Agreement has been entered into, all financial security is in place and the Plan and all documentation has been registered on Title;



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- d) that all necessary Easements required for utility and servicing purposes be granted to the appropriate authority free of all encumbrances;
- e) that Block 18 being a 0.3 metre reserve be deeded to the City of Welland free and clear of all encumbrances;
- f) that the Owner shall pay Cash-in-Lieu of Parkland Dedication based upon current City requirements;
- g) that a closed board decorative fence be erected, at the expense of the Owner, along the southerly property boundary adjacent to Webber Road;
- h) that the Owner be required to construct a concrete sidewalk, to City Standards, along the south side of Colbeck Drive from the easterly limit of the subject lands to the beginning of the bulb in the proposed cul-de-sac;
- i) that the Owner shall be responsible for one-half of the cost of the reconstruction of Colbeck Drive to an urban cross section roadway including the cul-de-sac;
- j) that a detailed geotechnical investigation, as completed by a qualified Soils Engineer, be required to be undertaken to examine the potential for deep seated failures and overall slope stability problems over the long term;
- k) that all lands located below the surveyed table top of the slope of the Welland River and the lands within the 7.5 metre setback from the surveyed stable top of slope be included with an Environmental Protection Zone where no structural development (e.g. sheds, gazebos, swimming pools) is permitted;
- l) that detailed lot grading and drainage plans, delineating both existing and proposed grades and the means whereby major system flows will be accommodated across the site, be submitted to the Niagara Peninsula Conservation Authority (NPCA) for review and approval. The lot grading and drainage plans will indicate that the Welland River valley slope will be maintained in its natural state and that the surface drainage will be directed away from the valley slope and towards Colbeck Drive;

- m) that detailed sedimentation and erosion control plans detailing methods proposed for the control of silt and erosion during the construction phase and restoration proposed for the site after construction be submitted to the NPCA for review and approval;
- n) that an Environmental Impact Study be prepared for the site which addresses the fish habitat requirements of the Provincial Policy Statement and that the Report be submitted to the NPCA for review and approval;



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- o) that a Stormwater Management Plan be prepared by a qualified Professional Engineer in compliance with the Ministry of Environment and Energy's "Stormwater Management Practices Planning and Design Manual", June 1994, and the "Stormwater Quality Guidelines for New Development", May 1991, be submitted to the NPCA for review and approval; and
- P) that the Owner agrees in the executed Subdivision Agreement to:
  - (i) include all lands located below the surveyed stable top of the slope of the Welland River and the lands within the 7.5 metre setback from the surveyed stable top of slope be included with an Environmental Protection Zone where no structural development (e.g. sheds, gazebos, swimming pools) is permitted;
  - (ii) implement the recommendations of the Geotechnical Report as noted in Condition j above;
  - (iii) implement the lot grading and drainage plans, sedimentation and erosion control plans, stormwater management plan and environmental impact assessment as noted in Conditions k to n above;
  - (iv) maintain a 7.5 metre setback from the surveyed stable top of bank of the Welland River for all structural development on Lots 1 to 15, inclusive and Block 16;
  - (v) not place or dump material of any kind, whether originating on-site or off-site on the Welland River valley slope, and to maintain the natural grade of this valley slope, and
  - (vi) during the construction phase, erect and maintain a sediment control fence 3.0 metres from the top of the stable slope of the Welland River; and
  - (vii) revegetate or otherwise stabilize all disturbed areas immediately following the completion of construction;
  - (viii) that the Owner agrees to provide notice in all Offers of Purchase and Sale for

all Lots and Blocks in the Plan indicating that any fill placement on these lots and/or recreational uses (.e.g docks) in the floodplain will require approval from the NPCA under provision of the Fill, Construction and Alteration to Waterways Regulation;

- q) that the Owner acknowledge promptly to the Regional Planning Department that the Draft Approval of this Subdivision does not include a commitment of servicing allocation by the Regional Municipality of Niagara. Servicing allocation will be assigned instead at the time of Final Approval of this Subdivision for registration purposes;



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- r) that immediately following Notice of Draft Plan Approval, the Owner shall provide the Regional Planning Department with a written undertaking that all Offers and Agreements of Purchase and Sale that may be negotiated prior to registration of the Subdivision shall contain a clause clearly indicating that a servicing allocation for the Subdivision will not be assigned until the Plan is granted Final Approval for registration;
- s) that the detailed design drawings for the watermain system, the sanitary sewer system and the stormwater drainage system required to service this proposal be submitted to the Regional Public Works Department for its review and approval. NOTE: For all three systems, it may be necessary to include the required downstream servicing improvements as part of the submission. In addition, the stormwater drainage system should be sized to accommodate a possible future storm sewer on Webber Road;
- t) that the Ministry of the Environment Certificates of Approval be obtained for the necessary servicing (water, sanitary sewer and stormwater drainage) for the development prior to Final Approval for registration. NOTE: Where a quality/quantity facility or a new outlet to a receiving stream is being proposed, the design for the stormwater management system should be submitted directly to the Ministry of the Environment (Attention: M. Dhalla, P. Eng.) for approval and the issuance of a Certificate of Approval;
- u) that the lot grading Block 16 that backs onto Regional Road 29 (Webber Road) be submitted to the Regional Public Works Department for its review;
- v) that a one-foot reserve along the flankage of Lot Block 16 with Regional Road 29 (Webber Road) (Block 19) be deeded to the Regional Municipality of Niagara free and clear of any mortgages, liens and encumbrances;
- w) that prior to Approval of the Final Plan, the Owner submit to the Niagara Peninsula Conservation Authority and the Regional Planning Department for review and approval a detailed Stormwater Management Plan for the Subdivision completed in accordance with the Ministry of the Environment documents entitled Stormwater Management Practices.

Planning and Design Manual June 1994 as revised, and Stormwater Quality Guidelines for New Development, May 1991, endorsed by a suitably qualified Professional Engineer. Furthermore, that the Owner agree in the Subdivision Agreement to implement the approved Stormwater Management Plan;

- x) that the Owner agree in the Subdivision Agreement to conduct soil analyses of the former roadbed on Lots 1 to 3 and to mitigate any hazardous material that might be found. The results of the soil analyses are to be submitted to the Regional Planning Department. Should it be determined that mitigation is required, both the City of Welland and the Regional Planning Department should be in possession of a Ministry of the Environment acknowledged Record of Site Condition (RSC) indicating that the site is suitable for residential use prior to the issuance of any Building Permits for the affected lots. If any mitigation that might be required should occur before the archaeological assessment, a



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qualified Archaeologist should be present on site during the work. Furthermore, that the Owner agree in the Subdivision Agreement to remove any domestic refuse dumped on the site and to rehabilitate the affected areas so that the ecological functions are not impaired;

- y) that prior to any disturbance of the site or Approval of the Final Plan, the Owner submit to the Regional Planning Department and the Niagara Peninsula Conservation Authority for review and approval a revised Environmental Impact Study (EIS) prepared by a qualified Consultant. Further, that the Owner agree to implement the recommendations of the Environmental Impact Study through the Subdivision Agreement, a Zoning By-law Amendment and/or other measures that might be recommended;
- z) that the Owner carry out an Archaeological Assessment of the subject property and mitigate any adverse impacts to any significant archaeological resources found through preservation or resource removal and documentation. Furthermore, that no grading or other soil disturbances take place on the subject property prior to Regional Planning Department and the Ministry of Tourism, Culture and Recreation confirming that all archaeological resource concerns have met licensing and resource conservation requirements;
- aa) that Block 17 be dedicated to the City of Welland, free and clear of all encumbrances for future roadway purposes;
- bb) that prior to the granting of Approval for the Final Plan, the City of Welland Development Services Department will require **written notice** from the following upon their respective Conditions having been met satisfactorily;

Regional Niagara Planning for Conditions q, r, w - z;

Regional Niagara Public Works for Conditions s - v;

Niagara Peninsula Conservation Authority for Conditions j - p, w, y;

Ministry of the Environment for Condition t;

Ministry of Tourism, Culture and Recreation for Condition z;

- cc) that if Final Approval is not given to this Plan within **three (3) years** of the approval date and no extensions have been given, Draft Approval shall lapse. If the Owner wishes to request an extension to Draft Approval, a written request, with reasons why the extension is required, must be received by the City prior to the lapsing date;
2. That the Mayor be authorized to sign Draft Approval and Final Approval Plans for the Welland River Estates Subdivision once all Conditions have been satisfied;



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**2000-101 – Status of Cleanup of CN Rail Lands  
(DSD 2001-45)**

Photographs were taken of the CN rail lands. The photos showed overgrown grass/weeds as well as litter, trash and rubbish (not in garbage bags) that was dumped in the more secluded areas. Councillor Fortier questioned whether the offices of the MP and MPP should be involved. Councillor Belcastro suggested calling the Region to send its “garbage police” (no cost to City). Mr. Cook, Environmental Services Engineer, is directed to check out what equipment is required for the cleanup; check into contracting out the cleanup work; estimate the cost if the City did the cleanup; and check with John Deere for a “bush hog” to assist with cleanup.

**(ACTION)**

**MOVED BY COUNCILLOR EYBEL:**

That the matter of the clean-up of the CN Rail lands be referred to the June 12<sup>th</sup>, 2001 General Committee Meeting.

**CARRIED**

**(B) OPERATIONAL SERVICES**

## **Engineering Division**

The following reports were pulled from the Agenda by Chair Beaudoin at the request of the Director of Operational Services Gus Marcello:

**01-26** - Sidewalk Repair Program.

**01-104** - Roadway Resurfacing Program 2001.

**2000-134** – Afton Avenue Combined Sewer – Replacement/Separation.

**01-105** – Lincoln Street Infrastructure Improvement.



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## **Public Works Division**

**01-106** – Authorization required to enter into an agreement with the Ministry of Transportation re: Licensing Administration.  
**(ENG 2001-25)**

Amendments was suggested to the recommendation to ensure that the privacy of all employees was protected. On the third line of the recommendation remove the word "all"; and at the end of the paragraph after "250.00" add the following sentence "A policy be developed to be approved by Council on access and use of 'Driver Abstract's'."

The motion was presented as amended:

### **MOVED BY MAYOR FORSTER:**

That the City enter into an agreement with the Ministry of Transportation of Ontario that will allow the Corporation direct access to their electronic database that provides information on driver licenses thus allowing the Corporation access to monitor "Driver Abstract's" of employees as legislated by the Highway Traffic Act at an annual cost of \$250.00; and That a policy be developed for the access and use of this information.

**CARRIED**

**(Councillors Alakas and O'Dell asked to be recorded as opposed)**

- 7. NEW BUSINESS: Nil**
8. The General Committee adjourned at 11:00 p.m.