

Council **rejects** King Street proposal

Evan Loree
Local Journalism Initiative
The Lake Report

Council has chosen to fight, not settle. Niagara-on-the-Lake's elected officials have voted to combat a developer's project application at an upcoming legal hearing, despite town staff recommending they settle.

"I think that this motion is telling a group of people what they want to hear, but I'm afraid that massive disappointment will hit them when the (Ontario Land Tribunal) hearing is concluded," Lord Mayor Gary Zalepa said during a special council meeting. Coun. Sandra O'Connor made the case that the town should reject staff recommendations that the town approve a three-storey, 17-unit condo proposal submitted by Bice Builders in July 2023.

"I do not feel that it follows our official plan," O'Connor said. "I do not feel that it is compatible with the neighbourhood," she said. When the vote was called, Counc. Tim Balasiuk, Gary Burroughs, Wendy Cheropita and Maria Mavridis all agreed with O'Connor to reject the condo proposal.

Coun. Adriana Vizzari and the lord mayor supported the project and the staff recommendation. Counc. Nick Ruller and Erwin Wiens were absent.

"I just wasn't happy with the process and how this all took place," said Balasiuk, though he worries about taking the project to the tribunal.

Residents have been concerned about the process behind the project since news first broke of it last July.

The land was consolidated from three lots into one by the committee of adjustment in October 2022, on the condition that future development on the lot not exceed 15 per cent coverage of the land.

Applicant Josh Bice, who owns Bice Builders, did not unveil the condominium plans at the time.

Those plans were brought to staff in a pre-consultation meeting in December 2022,



From left, Sullivan Mahoney lawyer Tom Richardson, NPG planner Aaron Butler and NPG founding partner John Henricks. Richardson and Butler represented Josh Bice of Bice Builders at the Jan. 24 meeting. EVAN LOREE

and then made public last July.

The developer also chose to appeal the project to the tribunal once council failed to make a decision on it within provincially prescribed deadlines.

The town was waiting on a resubmitted application from Bice when the deadline passed.

“We don't have an issue with meeting any provincial targets that are assigned to us. Why does it have to be there?”

COUN. GARY BURROUGHS

Asked to respond to concerns about the process, NPG planner Aaron Butler and Sullivan Mahoney lawyer Tom Richardson declined to comment.

To date, Bice has not spoken publicly about the project and has not responded to interview requests from The Lake Report.

Richardson told council on Jan. 24 the condition under which the consolidation occurred would not prevent the present application from moving forward.

Zalepa voted against the majority of his peers, saying staff had made a “very strong case” for why the application was consistent with provincial requirements.

He argued it's better to keep working toward a compromise with Bice.

Vizzari agreed staff made a strong case for why the project is consistent with

planning legislation and said she is concerned about spending public money on tribunal hearings.

Mavridis voted to fight the project at the tribunal, but in a follow-up interview said she also is worried about the cost of litigation.

She said the town is budgeting about \$500,000 for legal fees this year and most of it was spent in the first few weeks of January fighting projects at the tribunal.

Richardson noted there is a “crying need” for more homes in Ontario, but several councillors said Niagara-on-the-Lake is on track to hit the housing targets assigned by the upper levels of government.

“It does not rest on any of us to say, ‘We've done our bit,’ ” Richardson said in response.

The region mandates that 13.5 per cent of the town's units should be apartments, but only 5 to 6 per cent of the town's units were for apartments, Richardson said.

“There is, in short, an issue of housing mix or choice, which our client is attempting to address,” he said.

Zalepa said he had spoken to many people who were struggling to find a home in NOTL because the dominant form is out of their price range.

Cheropita also agreed there was a need for more apartments but, in relation to the Bice project, said, “This is really the wrong area for it.”

She and Burroughs both said King Street was not designated as an appropriate target for intensification.

“We don't have an issue

with meeting any provincial targets that are assigned to us. Why does it have to be there?” Burroughs asked of Butler during the planner's presentation.

Butler said the developer is primarily interested in providing people with additional housing choices. He did not say why it needs to be on King Street.

Though the urban design committee asked the developer and his team to decrease the height of the project to two floors, Butler said his team felt the current design — with its higher unit count — was “more in the public interest” given how few housing choices people have in NOTL.

He was interrupted by residents laughing at his use of “public interest.”

The seven residents who spoke at the meeting raised concerns similar to those aired at a public meeting in September, including building size and impact on storm infrastructure.

A few residents objected to the new orientation of the building, which repositions the entrance to face away from King Street, contrary to town policy.

The staff report said the repositioning is “appropriate” given the shape of the land.

In response, resident Erika Alexander said this is “nonsense” given the previous layout pointed the entrance toward King Street.

Resident Endre Mecs said the shape of the land had been configured by the developer through a series of purchases and lot consolidations.

Before that, Mecs said the land was made up of rectangular-shaped lots.

John Henricks, a founding partner of Niagara Planning Group who is now retired, was at the meeting with Butler and Richardson.

He said there is an ongoing narrative in NOTL that paints planners as hired advocates for developers.

“Our job is not to be advocates for a specific client,” Henricks said.

“That's unfair, given that our professional responsibility is to the broader public interest,” he added.

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Kudos to council for **rejecting** King St. plan

Dear editor:

The Town of Niagara-on-the-Lake staff's report to council regarding the proposed King Street apartment project strongly favoured supporting the proposed complex as submitted by the developer, Josh Bice of Butler's Gardens Development Inc., ("Staff supports King Street condo," The Lake Report, Jan. 25).

In response to the town's staff report, a special council meeting was held on Jan. 24.

First: kudos to council for having open public discussions and comments regarding the staff report before making the final decision to support the project or not.

In preparation for this meeting, a number of residents prepared a list of concerns to the staff response and my presentation focused on the four additional amendments to the proposed building plan – even though the developer constantly insisted that he was in compliance with the official plan with no need for additional amendments.

But on Dec. 21, 2023, he requested four additional



A 3D image of the King Street condominium project as it was initially proposed, shared at a council meeting by resident Kevin Van Niekerk in September. SOURCED

amendments to the official plan because he had now decided to change the orientation of the building.

New requests included access to a local street, parking on the front and side of the building, moving the main entrance to the side of the building and, lastly, to increase the rear setback.

All these requests legally require the town to hold a public meeting and therefore the full proposal should be halted until such a meeting is held.

But the staff report felt the requests were "appropriate" or just chose to not comment and thereby recommended that the proposal move forward with the proposed changes to the Ontario Land Tribunal.

Ultimately council voted in favour (5-2) of Coun. Sandra O'Connor's motion to NOT support the staff recommendation to accept the developer's proposal and NOT redesignate the lands from low density. (Couns. Erwin Wiens and Nick Ruller were absent.)

Lord Mayor Gary Zalepa indicated that the tribunal's impending decision will lead to massive disappointment.

I guess that could be interpreted to mean some town officials have already given up and now should just roll over to allow the developer to control our community growth at the expense of our heritage, official plan, tourism industry and whatever pleases the developer.

Congratulations to Couns. Tim Balasiuk, Gary Burroughs, Wendy Chero-pita, Maria Mavridis and O'Connor, who took a stand to promote, protect and preserve our town from those who lack the understanding, appreciation, insight and pride in our town being the first capital of Upper Canada and Canada's most unique and living heritage community.

I trust that notwithstanding the staff recommendation was not accepted by council, the town will now put its full efforts into winning in front of the land tribunal.

Erika Alexander
NOTL

Disappointed about planning process

Dear editor:

In reference to the Lake Report article "Staff supports King Street condo," (The Lake Report, Jan. 25), I am disappointed, but, if I'm honest, not surprised, that our town council does not truly understand or appreciate the quality of what Niagara-on-the-Lake has to offer as this has not just occurred by happenstance.

The quality of our town has been created by many years of planning, some good, some not so good,

but, always by standards set by the earnest planning endeavours of the council and NOT by amended planning laws crafted by developers.

I am in total agreement with letter writers Bill French, Judy McLeod and many others who are wondering: where is our town council when we need them?

This development needs to be brought back in line with current town planning requirements.

Ken O'Malley
NOTL

Is Niagara-on-the-Lake due for a **name change**?

Dear editor:

Now that the St. Catharines hospital has been renamed the Marotta Family Hospital, isn't it time for our town council to change the name of Niagara-on-the-Lake to

Marotta-on-the-Lake?

Of course, the idea would be voted on in camera, so none of the residents would know.

Elizabeth Masson
NOTL

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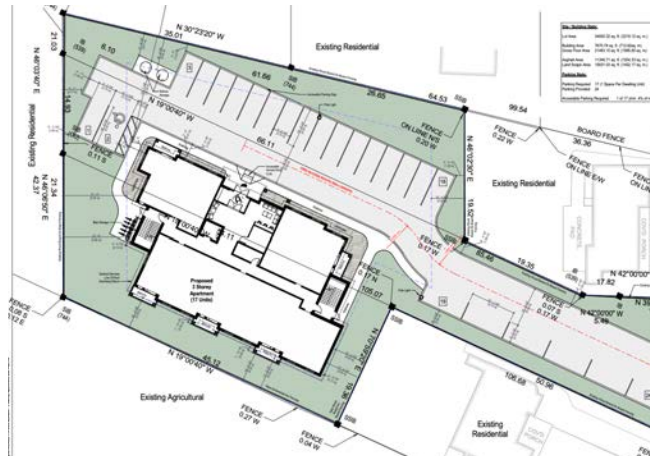


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Council steps up to **vote down** King St. condo

Dear editor:
Thank you to the “people’s” councillors (Tim Balasiuk, Gary Burroughs, Wendy Cheropita, Maria Mavridis and Sandra O’Connor), who passed a motion against the town staff’s recommendation to approve the King Street condo/apartment proposal.
The town planning department’s ill-advised recommendation made light of the developer’s request for a 277 per cent increase in density and failed to recognize that this gross over-development isn’t required to meet our intensification goals.
Councillor Burroughs established the fact that we are well-positioned to meet our intensification goals (population growth of 9,900 by 2051) based on the current proposed and known projects in the pipeline.



A new sketch of the proposed building shows the entrance will face into the side yard, and will back onto agricultural lands to the west. SOURCED

Lord Mayor Gary Zalepa opposed the motion. He demonstrated that his personal opinion supersedes the fact the community is adamantly opposed to the proposed development, which is wildly inconsistent with the official plan.
During Zalepa’s run for the leadership of council, he campaigned on adopting the

official plan and “listening more.”
In this instance, he failed on both accounts.
Our official plan has now established the accepted and reasonable plans for the future development of Niagara-on-the-Lake in a way that best serves the needs of its residents. It must be respected.

I would like to thank the councillors who had the courage and insight to support the motion by Councillor O’Connor.
The NOTL official plan was years in the making. It is a contract among the town, our represented officials and the residents.
I’d like to ask all our town council to respect the wishes of our community and the integrity of our official plan in the future to preserve the quality of life that our residents deserve.
I’d also like to thank those developers who work with the town and community in the context of the official plan.
Their projects get approved quickly with limited extra expenses, completed much faster and have solid community support.
Bill French
NOTL



Letter writer John McCallum says residents in his area are concerned about water and flooding problems worsening if the estate is developed as proposed. SUPPLIED

Rand Estate neighbours worry about **more flooding**

The following letter was sent to members of Niagara-on-the-Lake town council. A copy was submitted to The Lake Report for publication.
I am including photographs in the hope a picture is better than 1,000 words.
After last week’s rains, in talking to my neighbours on Weatherstone Court, none have previously had water in their backyards or in the easement around the development.
The inundation shown is after a not particularly bad rain storm, but the reality is the issue of standing water in the Rand Estate has been getting progressively worse.
All of the residents in this development are very concerned about the impact of a building proposal for 202

units, densely packed, with lots of hardscape in an area with known water issues.
Further, an emergency access road from 588 Charlotte St., with its attendant swales will simply ensure more water is pushed toward the Rand Estate’s heritage wall on one side and homes on the other.
In an era where governments are warning of the issues around climate change this kind of development is hard to comprehend.
Weatherstone Court residents will not be the only ones impacted as this significantly increased surface water seeks an outlet. Already parts of John Street East are regularly seeing water pooling.
John McCallum
NOTL

Sometimes trees just need to be **taken down**

Dear editor:
The fact that some people have nothing better to do with their time than complain about the removal of trees on other people’s property, just amazes me.
Look at town council’s time being wasted, when there are so many more serious issues they should be dealing with.
Every building, every orchard and vineyard is built on land where trees have been removed in this town.
Many of the trees were hundreds or even thousands of years old. There are more orchards and

vineyards in town than ever. Are these not trees?
We never had a problem with trees in this town until the tree huggers moved in. If they want to save a neighbour’s trees then, they should buy the adjoining lots or properties.
If a tree can lead to damaging a building or infrastructure in any way, it should come down. No one should have to pay to have someone make a report to say they can take down a tree.
There are trees along the Upper Canada Heritage Trail that need to come down because they are interfering with a main

hydro transmission line.
Do you wait until they take down the line in a storm and we are without power for days? You take them down and replace them where they do not interfere with anything.
The trees along the heritage trail from Charlotte Street south are almost all from natural regeneration.
When the railway was running along that route, all the ditches and the railroad right of way were kept clear of trees.
Trees growing in ditches and dead fall branches from them impede water flow and defeat the purpose of the ditches.

They have just planted replacement trees along this section of the trail. Some are planted under the hydro line again. What a waste of time and money.
Trees have been regenerating themselves for millions of years.
I do not know a farmer who does not like trees. They just have to be the right kind and in the right place.
No one understands the environmental issues and climate change better than most farmers, because they are dealing with them every day.
Kip Voegel
NOTL

Catholic board trustees **wrong** to suspend Benoit

Dear editor:
This is an open letter regarding the news story about Niagara Catholic school trustee Natalia Benoit, “NOTL Catholic trustee suspended for Nazi and Pride flag comparison,” (The Lake Report, Jan. 25).
I may find your positions absurd but I find it abhorrent that an elected body can suspend a member.
As S.G. Tallentyre wrote in “The Friends of Voltaire” in 1907: “I disapprove of what you say, but I will defend to the death your right to say it.”
Those who elected you should have their representative’s voice at the board.



Natalia Benoit.
You referenced authoritarianism. If member by member exclusion is passed by the majority, the strength of pluralism disappears into that hole. Shame on your fellow members.
Good of The Lake Report to report on it, reinforcing the importance of local media.
John MacBeth
NOTL

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