

SPECIAL EMERGENCY MEETING – BRANT COUNTY COUNCIL

RE: OMB HEARING – 22 AIRPORT ROAD

Council Chambers
7 Broadway Street West, Paris
Wednesday, May 12, 2010
8:00 p.m.

Present: Mayor Eddy, Councillors Wheat, Schmitt, Simons, Powell, Atfield, Coleman and Gatward.

Regrets: Councillors Haggart, Chambers and Hodge.

Others: Andrew Wright, Jean Monteith and Jay McGuffin

Staff: Glassford, Johnston and Carman.

Mayor Eddy in the Chair. He advised that this special emergency meeting had been called at the request of the County Solicitor to provide information on a proposal received from the appellants (1590361 Ontario Limited) in the Ontario Municipal Board appeal for approval of a brick factory at 22 Airport Road.

APPROVAL OF AGENDA

Moved by – Councillor Coleman
Seconded by – Councillor Powell

That the agenda for the meeting be approved, with an amendment to add a Committee of the Whole session following the in camera session to allow members of the public an opportunity to speak.

. Carried

IN CAMERA

Moved by – Councillor Simons
Seconded by – Councillor Wheat

That Council now go In Camera to receive Solicitor-Client advice.

. Carried

In Camera at 8:10 p.m.

This portion of the meeting is recorded in the In Camera – Confidential Brant County Council minutes dated May 12, 2010.

Open Session at 9:00 p.m., on motion of Councillors Coleman and Wheat.

Brant County Council
May 12, 2010

COMMITTEE OF THE WHOLE

Moved by – Councillor Coleman
Seconded by – Councillor Schmitt

That Council now move into Committee of the Whole on the matter of the OMB hearing regarding 22 Airport Road to allow the public an opportunity to speak.

. Carried

Andrew Wright, County Solicitor, distributed copies of the draft Minutes of Settlement with the Ontario Municipal Board. He explained that the County was in the midst of an OMB hearing, with three days of testimony completed and another day and one-half scheduled for this week. When the County refused the zoning application by 1590361 Ontario Limited to use the site for brick manufacturing storage, there were a number of outstanding environmental issues (e.g. noise, water recharge area, air emissions, traffic, etc.) based on the reports available at that time. 1590361 Ontario Limited appealed the County's denial of their zoning application, as well as their site plan because it was not approved by County staff within the 30-day time period.

Mr. Wright explained that at the OMB hearing, the appellants filed a number of expert reports prepared by professional engineers that addressed the environmental concerns and allowed their proposed use to be classified as light industrial. The County's other argument in relation to the open storage was not supported by the County's Official Plan which allows restricted or open storage for light industrial uses. On this basis, negotiations have been held with the appellant and Minutes of Settlement have been prepared to address the County's concerns. The proposed zoning by-law will require construction of a berm, fence and landscaping along Colborne Street West and Airport Road to visually screen the outside storage from view. In addition the height of the brick piles will be restricted and the loading docks will be limited to the north and west walls of the building. The principles approved in the zoning by-law will be set out in detail in the site plan agreement for the property. It is proposed that the zoning will include a "holding" provision until the site plan and site plan control agreements have been approved. In the event that the site plan agreements are not approved, the County would request the OMB to resume the hearing. He also noted that the site plan control agreement will include provisions requiring maintenance of the screening into the future.

Mr. Wright noted that the original zoning application had included lands at the Airport for storage purpose. These lands are not part of the current proposal.

In response to questions from members of Council, Jean Monteith advised that the trucks transporting the raw materials will unload inside the building. She noted that the County can only control the planning for the site, and any concern about material that will be tracked onto the roads from this site must be addressed from a roads perspective. The expert reports have shown that the scrubbers in the stack will remove the particulate matter so that it will not travel beyond their site, as required by the Certificate of Approval from the Ministry of the Environment. If there are concerns from residents, they need to contact the Ministry of the Environment to enforce the requirements of the Certificate of Approval. The solid wall and landscaping to be installed along Colborne Street West and Airport Road will screen the stored material and act as a noise barrier. Ms. Monteith noted that the back-up beepers on machinery cannot be stopped, as this would create a safety hazard. However, she noted that the screening of the property will help to soften these sounds.

Ms. Monteith advised that the screening around the brick storage and the planting strip in the area of the bus storage are a higher standard than the company was originally offering. The County must approve the screening proposal to ensure that it is visually pleasing. Ms. Monteith pointed out that if the bus storage area is used for brick storage in the future, the planting strip must be replaced with the proper screening as required by the site plan agreement. She noted that the site plan control agreement will set out how the screening wall is to be constructed and maintained, as well as enforcement mechanisms to ensure that it is done.

Councillor Coleman expressed his concerns with the effect of this operation on the County's Airport aquifer, as well as the effect that particulate matter may have on Ascoelectric which is located across the road, and has been an established company in the area for some time.

Questions from the Public

Steve Comisky noted that in the 1990 Brantford Township Official Plan, this area was restricted from manufacturing uses because of the Airport aquifer. Ms. Monteith responded that a light industrial use was already established on this site when the 1990 Official Plan was approved, and this use may continue as a legal non-conforming use as long as it remains as a light industrial use. The environmental reports filed by the appellant indicate that all issues have been addressed and that the brick manufacturing meets the light industrial criteria. The studies indicate that there will be no impact on the ground water or water taking as a result of this use. Mr. Comisky advised that there are issues with the water supply now, as some of the companies in the area are having difficulty with the water requirements for fire protection purposes. He expressed concern about the effect this use may have on the Airport aquifer and the amount of money the County is spending for water development through the County. He also noted that there will be increased costs to the County and its residents because of the extra expenses required to improve the roads to handle the large trucks travelling to and from this site.

Gloria Crawford expressed her concern that the appellant had implied that turning lanes already exist at the intersection of Colborne Street West and Airport Road, and noting that turning lanes should be required. Ms. Monteith agreed that there were no turning lanes, only aprons along the road at that location.

Gary Graham advised that this development would affect the quality of life in the area, noting that the truck traffic would increase substantially. He estimated that there would be a truck in or out of the site every six minutes and 25 seconds, and there is a need for turning lanes for safety reasons. Ms. Monteith responded that the traffic impact studies presented by the appellant indicate that turning lanes are not warranted at this time. However, if volumes increase, turning lanes can be installed at a later date.

Judy Comisky noted her safety concerns due to the slow-moving trucks that will be coming and going from the site, particularly due to their size and the fact that they will be making a left-hand turn from Colborne Street West to Airport Road. Ms. Monteith advised that the County can only regulate the land use, and the traffic concerns to be controlled by the Highway Traffic Act. Mrs. Comisky pointed out that they complained about the peat moss storage on the property, as this is not an accessory use to a manufacturing process, and no action was taken by County by-law enforcement staff. In response to a question regarding chemical emissions, Ms. Monteith advised that the latest report presented at the OMB hearing indicates that the 93% of the emission will be reduced by the smokestack scrubbers, which is below the Ministry of the Environment's standards.

Brant County Council
May 12, 2010

Bob Coyne expressed his concerns that the proponents for the brick factory have been deceitful, dishonest and misleading to the residents. He noted that the quality of life in the area has worsened, and requested that Council weigh the economic gains of this proposal against the effects it will have on area residents.

Councillor Gatward requested that the site plan control agreement include a provision for a left-hand turning lane on Colborne Street West for the safety of the residents at that intersection. Ms. Monteith advised that this cannot be demanded in a rezoning application. The County would require a traffic study showing that a turning lane and/or signalization is required. Ms. Monteith pointed out that the appellant has produced a traffic study that indicates that a left-hand turning lane is not required. She noted that this traffic study has been reviewed by County Public Works staff and they have signed off on it.

Gary Graham suggested that if a turning lane is not included, the County should consider reducing the speed limit to 50 km/hr for safety reasons.

Moved by – Councillor Coleman
Seconded by – Councillor Wheat

That the Committee of the Whole rise and resume in Open Session of Council.

. Carried

Moved by – Councillor Wheat
Seconded by – Councillor Atfield

That the Council of the County of Brant approve the proposed Minutes of Settlement for OMB Case No. PL090399 in respect to the proposed Zoning By-law amendment and the Site Plan (SP23/09/CJ) from 1590361 Ontario Limited for 22 Airport Road;

And that the County Solicitor be authorized to sign the Minutes of Settlement in this regard on behalf of the County of Brant.

	<u>Recorded Vote</u>	
	<u>Yes</u>	<u>No</u>
Councillor Coleman		1
Councillor Gatward		1
Mayor Eddy	1	
Councillor Wheat	1	
Councillor Schmitt		1
Councillor Simons	1	
Councillor Haggart		absent
Councillor Powell	1	
Councillor Atfield	1	
Councillor Chambers		absent
Councillor Hodge		absent
. Carried	<u>5</u>	<u>3</u>

In response to a question, the Clerk clarified that this decision would be presented to the OMB Chair on May 13, and as such the decision cannot be renewed at Council at a later date.

4256
Brant County Council
May 12, 2010

ADJOURNMENT

The meeting adjourned at 10:25 p.m. to meet again on **Tuesday, May 18, 2010 at 7:00 p.m.** in the Council Chambers.

Secretary