

**TOWN OF AMHERSTBURG
SPECIAL COUNCIL MEETING – PUBLIC MEETING
THURSDAY, JUNE 7, 2012
6:00 PM**

Council Chambers – 271 Sandwich Street Amherstburg, Ontario N9V 2A5

MINUTES

PRESENT

Mayor Wayne Hurst
Councillor Carolyn Davies
Councillor Robert (Bob) Pillon
Councillor John Sutton
Councillor Diane Pouget
Councillor Bart DiPasquale

Kristina Pozar Di Paolo, Acting CAO
Paula Parker, Deputy Clerk
Lory Bratt, Planning Coordinator
Jean Monteith, Planning Consultant

ABSENT

Deputy Mayor Ron Sutherland

ALSO PRESENT

A record of members of the public who attended forms part of these minutes

CALL TO ORDER

The Mayor called the meeting to order at 6:04pm.

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

There were no disclosures of pecuniary interest.

REPORTS OF MUNICIPAL OFFICERS

Report #1

A report from Lory Bratt, Planning Coordinator and Jean Monteith, Planning Consultant, dated June 4, 2012 regarding the Proposed Zoning By-law Amendment for 7809 Howard Ave.

Lory Bratt, Planning Coordinator and Jean Monteith, Planning Consultant provided an overview of the report before Council.

Since the first public meeting held December 13, 2010 the Town has received a revised zoning by-law amendment application which reduced the area of the parcel from 14.9 hectares (36.8 acres) to 7.5 hectares (18.5 acres) and added scrap automobiles (metal shells only) to the application for the development of a waste disposal site (processing site and transfer facility) for non-hazardous solid construction and demolition (C & D) waste.

The property is currently zoned Agricultural (A) Zone in By-law 1999-52, as amended and designated Heavy Industrial in the Town's Official Plan

A waste disposal site is permitted by the Official Plan Policies, however, such a use is subject to site specific zoning in order to ensure adequate setbacks and to ensure appropriate approvals have been obtained from the Ministry of the Environment. The Zoning By-law also requires site specific zoning for waste disposal sites.

Application has also been made to the Ministry of the Environment to obtain Environmental Compliance Approval (ECA) for Air, Noise and Waste. There are various environmental and technical studies that the applicant's engineers will present tonight.

The proposed amendment to the Zoning By-law No. 1999-52 would change the zoning of the subject lands from "Agricultural (A) Zone" to "Special Provision Heavy Industrial with a Holding Provision (h-10 HI-4) Zone". The HI-4 zone will permit a Waste Disposal site restricted to a processing and transfer facility for non-hazardous solid construction and demolition waste and scrap metal shells of automobiles, a weigh station and offices for the permitted uses within the existing former dwelling unit. The HI-4 zone provides for a front yard setback of 300 metres (this in keeping with the MOE D6 guidelines for Class III industrial land use) and an interior and rear yard setback of 15 m (this in keeping with the HI Zone provisions of By-law 1999-52). No open storage will be permitted in the required setbacks. The weigh station is permitted within the required front yard. The office is permitted within the existing dwelling unit within the required front yard. All other provisions of the HI Zone apply. A definition for waste disposal site is also being added. The holding (h-10) Zone will require Environmental Compliance Approval and the execution of an approved site plan agreement prior to the removal of the (h) holding zone.

The proposed development is in conformity to the policies of the Town's Official Plan and is consistent with the policy directives of the Provincial Policy Statement. Both documents encourage and promote the development of employment lands as well as recycling of resources. The lands are designated

Heavy Industrial and are surrounded by lands with the same designation. Lands to the south and north have already been developed for industrial development.

The property is subject to Site Plan Control and will be subject to all of the considerations of Section 41 of the Planning Act

Notification was sent to all property owners within 120 metres of the subject property, to all persons who signed in at the public meeting held December 13, 2010, to all persons who provided a written request for notification, to all required Ministries and agencies, to agents of the application

The notice, application and all associated information were made available at the municipal office and on the Town website, as at May 9, 2012.

The correspondence received includes;

- a. Letter dated May 24, 2012 from the Essex Region Conservation Authority.
- b. Letter dated May 25, 2012 from the County of Essex
- c. Comments dated May 30, 2012 from Lou Zarlenga, Director of Engineering & Infrastructure
- d. Copy of email dated March 19, 2012 to MOE from Rose and Denis Girard and Marie Vieira together with a further email dated June 5, 2012.
- e. Email dated March 18, 2012 from Carrie and Dennis Ducharme
- f. Letter dated March 12, 2012 from Brian Taylor
- g. Petition titled Jones Group Petition received March 30, 2012
- h. Template letter received June 4th, 2012 from: Sue Chu- 7978 Howard Ave, Carol Renaud- 89 Rankin, The Rocheleau Family- 6179 Concession 6 N, Rebecca Rocheleau- 6179 Concession 6 N
- i. Letter from Gordon Renaud with attachments
- j. Comments from Brad Amlin, Assistant Deputy Fire Chief
- k. Registered letter dated June 1, 2012 from Kulke Family, Paul Sr., Jennifer, Paul Jr., Deborah and Christopher

Council also has copy of application for Zoning By-law Amendment, draft Zoning By-law Amendment with all of the associated technical reports being sent to Council on May 9, 2012.

The proposed development is in conformity to the Official Plan, consistent with the Provincial Policy Statement and represents good land use planning within the Town's industrially designated lands.

As noted in the recommendation there is an added modification to Zoning By-law Amendment as a result of comments from ERCA and Public Works department.

COMMENTS FROM THE PUBLIC

1. **Presentation on behalf of applicant by Dillon Consulting: Melanie Muir, MCIP, RPP, Project Planner, David Diemer, P. Eng. – Project Engineer Environmental Management & Atmospheric Services, Chris Patten, P. Eng. – Project Engineer- Municipal Engineering**

Melanie Muir, David Diemer and Chris Patten spoke on behalf of the applicant, The Jones Group, regarding the proposal.

Melanie Muir, MCIP, RPP – Project Planner

- Proposed uses in the ZBA are consistent with polices in Town Official Plan
- Propose to use the site for a waste processing facility to process asphalt, concrete and wood and temporarily store metal for future offsite recycling by others. The metal will include construction waste as well as the shells of automobiles
- ZBA originally applied for in December of 2010 and recently amended the application to reduce the size of the lot
- All reports that were requested by Council at December 2010 meeting have been completed, this includes stormwater management, transportation impact, and at the time certificates of approvals, now called environmental compliance approvals
- In the traffic impact statement there is a recommendation for a left turn slip-around lane to accommodate trucks turning in- this is a concern in the letters received- the report does not require this but the applicant is proposing it to assist in alleviating traffic issues on the roadway

David Diemer, P. Eng. – Project Engineer- Environmental Management & Atmospheric Services

- Spoke to compliance reports and requirements put forth through them
- Proposed operations require MOE approval, therefore prior to proceeding with operations application was prepared for multi compliance approval and submitted in January of 2012
- Application consists of an application form, application fee and supporting technical reports
- The Emissions Summary and Dispersion Modelling Report identifies sources of emissions from the proposed operations and quantifies the emissions using air dispersion model to predict what concentrations will be at the fence line and beyond and compare those concentrations with provincial air quality standards. The result is that mitigation is required for grinding operations, wood grinding and concrete crushing, mitigation in the form of water spray applied at various points on the crusher unit itself. With this mitigation the facility can achieve compliance with particulate matter air quality standards.
- Acoustic Report identifies potential sources of noise for the proposed operations, obtain noise emission data, either measured or from library of

- data, use acoustic computer model to predict noise concentrations at nearest receptors (residences) and compare predicted levels to background levels which define compliance. It was determined berming to a specific height was required to reduce noise levels effectively. All crushing and wood grinding and metal handling activity will be conducted in the bermed area.
- Design and Operation Report identifies waste disposal activities, describes site and operations, defines materials which would be accepted, defines storage and processing activities, maximum daily receiving rates and maximum storage capacities defined, report defines policies and procedures that will be in place before operations commence, eg. equipment maintenance, staff training, vehicle inspection of loads coming in, emergency contingency plans, routine site inspections, complaint response procedures and record keeping,
 - All reports were prepared in accordance with guidelines from MOE.
 - Reports show that with mitigation operation can proceed in compliance with MOE guidelines or limits

Chris Patten, P. Eng. – Project Engineer- Municipal Engineering

- spoke to stormwater management report
- it should be noted that the stormwater management report is just a preliminary report, a more detailed report and analysis is required to finalize the stormwater management for facility
- two municipal drains are subject to the site, the property fronting on Howard Ave drains to the Trembley drain- the only change to this portion of the site is the gravel parking lot is to be paved
- the remainder of the site drains to the Drouillard drain which bisects the remainder of the site, a series of swales and detention basins on either side of this drain are proposed to account for additional quantity and quality of run off from the site
- comments from ERCA and L. Zarlenga were received but no formal discussion have occurred, if the project proceeds there will progress with the stormwater management report to ensure both ERCA and the Town are satisfied

Pat Lucier has requested to address Council

Pat Lucier addressed Council regarding her concerns with the proposal from the applicant, The Jones Group.

- History of often filing complaints over the years

- Jones Group has shown no regard or respect for neighbours and through own doing the neighbours have lost faith and trust in them and doubt the Jones attitude will change
- Without permission hauled in garbage, construction material, etc, creating noise, dust and smells
- Concern with the devaluation of property
- Past hours of operation went from early in the morning to late at night
- Concern that predictions are low and will be exceeded
- Current experience with a berm is that it does not help with noise
- Concern with the impact of the noise created from grinder and crusher
- Concern with hours of operation being from 7am to 7 pm Monday to Saturday and that these are tentative hours
- Examples of similar businesses hours;
 - o Pillette Transfer station- Monday to Friday 8am- 4pm and closed Saturday
 - o Essex- Monday to Friday 8am- 5pm and Saturday 8am- 2pm
 - o Essex Landfill- Monday to Friday 8am- 4:45pm and Saturday 8am- 1:45pm
- Concern on who will enforce the hours of operation and how to contact the enforcement officer
- Concern that traffic data is low, judging from past operations
- Concern the cars will be crushed, creating more noise
- Concrete and asphalt crushing will happen 2 to 4 times per year- how long will the crushing last? For one week? Two weeks?
- Concern the estimate of 2 to 4 times per year is an estimate and with past operations this estimate is low
- Concern that the use of a sheer to reduce the size of scrap metal will create even more noise
- Concern that the estimate of 327 tonnes of construction material per day will be exceeded. And who will enforce this limit? What happens when maximum is reached?
- Concern there will be pest issues, rats, skunks, racoons, etc. and how will these animals be controlled when they wander onto neighbouring properties
- Concern the complaint procedure should include the Town of Amherstburg and agencies to receive complaints immediately
- If the zoning bylaw amendment is approved a lot should be readjusted for the neighbourhood

2. Any other comments and/or questions from members of the public

The following residents addressed Council:

- Marie Vieira, 7823 Howard Avenue
 - has the same concerns as Mrs. Lucier
 - concern with potential health issues to the residents in the area with the crushing and toxic materials (eg. asbestos, dust, petroleum, hydrocarbons, etc.). Concern that past behavior will be duplicated in future behavior.

- Larry Bergeron, 8733 Concession 8
 - has the same concerns as the previous speakers
 - in addition there is a concern with enforcement of the limits being set- who will enforce and how will they be enforced?
 - concern with the development being on a main thoroughfare
 - concern there will be lost revenue for the town due to this development and result in increased taxes
 - requested a copy of the noise report, ground, water, air quality report, fugitive dust management plan report, waste permit and report

- Gord Renaud, 8812 Concession 8
 - concern that the County was not involved with the traffic impact assessment
 - concern the berm will not surround the entire property
 - concern for the safety for animals who get into the property
 - concern the automobiles will still contain engines and antifreeze and will in turn cause environmental contamination
 - concern that administration denied requests to appear before council to speak to the Jones Group past operations

Councillor Pouget asked for clarification on the Zoning of the property currently. Lory Bratt provided clarification that the property is currently zoned Agricultural (A) Zone and designated Heavy Industrial in the Official Plan.

Councillor Pouget requested that Council be provided with the information regarding the infractions that were given to Jones Group while they were conducting business incorrectly.

OTHER COMMENTS/QUESTIONS FROM COUNCIL

- reference to the various technical reports prepared
- additional tools available through site plan control process
- note that area has been designated for industrial land use since 1999
- who does inspections of incoming materials at the site

- creation of much needed jobs
- proponent needs to be a responsible corporate neighbour

Jean Monteith, Town Planning Consultant

- ERCA & the Town's Director of Engineering and Infrastructure have been involved with both quality and quantity of stormwater on site
- Proper stormwater management controls are a condition of approval from the MOE
- ZBA is proposing placing the property in a holding zone to ensure compliances are in place
- To date this activity has not been conducted 300 metres from the front property line and without benefit of berms and landscaping
- Fencing can be addressed in the site plan control process under Section 41 of the Planning Act

David Diemer, P. Eng. – Project Engineer- Environmental Management & Atmospheric Services

- no hazardous materials are allowed on this site
- every load of materials coming onto the site will be inspected by Jones personnel, who have a level of training required for person working at the scale
- fuel tanks, batteries, etc. will be removed before the shells are transported to the site
- no processing of the metal will occur, just stockpiling which may include sorting and sheering to fit the material into a bin to be shipped off site
- absolutely no processing of the car shells will create air emissions or leaching into the ground of hazardous materials
- in regards to the berming being sufficient and being around the entire site-berms work more effectively when they are closer to the actual operation- if berm too far from crushing operation the noise can go up and over- this was incorporated into the design and layout of the site and incorporated into the acoustic model- MOE still reviewing the documents, so if there are any concerns/revisions will be made as requested and written into the final approvals

RECOMMENDATION

Councillor Sutton moved, Councillor Pillon seconded:

That the report by Lory Bratt and Jean Monteith dated June 4, 2012 regarding Proposed Zoning By-law Amendment for 7809 Howard Avenue be received;

That Administration be instructed to prepare a planning report summarizing written comments and oral comments received at this meeting;

That the draft Zoning By-law Amendment be modified to add additional holding conditions to address both on and off-site servicing items put forth by the Essex Region Conservation Authority and the Director of Engineering and Infrastructure;

And further that the planning report and draft Zoning By-law Amendment be scheduled for consideration by Council at the regular meeting scheduled for July 23, 2012.

The Mayor put the Motion.

Motion Carried

ADJOURNMENT

Councillor Sutton moved, Councillor Pouget seconded

That Council rise and adjourn at 7:14 p.m.

The Mayor put the Motion.

Motion Carried

MAYOR – WAYNE HURST

CLERK – BRENDA M. PERCY



PUBLIC MEETING ATTENDANCE RECORD

Date: June 7, 2012, 6:00 p.m.

**PROPOSED ZONING BY-LAW AMENDMENT
ZBA/4/12- 7809 HOWARD AVE (CTY RD 9)- JONES REALTY INC.**

NAME (please print clearly)	ADDRESS (please print clearly)	SIGNATURE
GORDON J RENAUD	8912 CON 8 M'GREGOR	Gordon Renaud
ROSE GIRARD	7823 Howard Ave Ambush	Rose Girard
DENIS GIRARD	7823 Howard Ave Ambush	Denis Girard
Frank Renaud	8832 Con 8 th A'burg	Frank Renaud
DENIS DROUILLARD	8842 Con 8 A'burg	Denis Drouillard
LARRY BERGERON	8733 CON B A'BURG	L. Bergeron
Kelly Price	400 JAK CRT A'BUERL	Kelly Price
Patricia Lucien	7836 Howard Ave. A'burg	Patricia Lucien
CARRIE Ducharme	7843 HOWARD	Carrie Ducharme
Fred Standish	7835 Howard	Fred Standish
Jayne Standish	7835 Howard	Jayne Standish
melanie muir	Dillon Consulting Ltd	Melanie Muir
Marie Vieira	7823 Howard Av	M. Vieira
Richard Priel	8968 8th Con 71 ABE	Richard Priel
Bonnie Rempel	8920 8th Con. A'burg	B. Rempel
Jerry Rempel	" " "	Jerry Rempel
Petar Chuk	8908 8th Concession	Petar Chuk
Natasa Chuk	8908 8th-Concession	Natasa Chuk
ROBBIE BRANT	7826 HOWARD	Robbie Brant
Dave Diemer	Dillon	Dave Diemer
CHRIS PATTEN	DILLON CON	Chris Patten