



Committee of the Whole Minutes

May 6, 2024, 7:00 p.m.
Council Chambers
Whitby Town Hall

Present: Mayor Roy
Councillor Bozinovski
Councillor Cardwell
Councillor Leahy
Councillor Lee (arrived at 7:03 p.m.)
Councillor Mulcahy
Councillor Shahid (Virtual Attendance)
Councillor Yamada (Virtual Attendance)

Regrets: Councillor Lundquist

Also Present: M. Gaskell, Chief Administrative Officer
M. Hickey, Fire Chief
S. Klein, Director of Strategic Initiatives
J. Romano, Commissioner of Community Services
F. Santaguida, Commissioner of Legal and Enforcement Services/Town Solicitor
R. Saunders, Commissioner of Planning and Development
F. Wong, Commissioner of Financial Services/Treasurer
M. Dodge, Executive Advisor to the Mayor
C. Harris, Town Clerk
K. Narraway, Sr. Manager of Legislative Services/Deputy Clerk
L. MacDougall, Council and Committee Coordinator (Recording Secretary)

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1. Call To Order: The Mayor
 2. Call of the Roll: The Clerk
 3. Declarations of Conflict of Interest

There were no declarations of conflict of interest.

4. Consent Agenda
5. Planning and Development

Councillor Mulcahy assumed the Chair.

5.1 Presentations

5.2 Delegations

5.2.1 Maureen Z. Moloney, Resident (In-Person Attendance)

Re: PDP 22-24, Planning and Development (Planning Services)
Department Report
Zoning By-law Amendment Application, 1000091294 Ontario Ltd.
and Fortress Management and Financial Corp., 700 Rossland
Road East and 3115 and 3125 Garden Street, File Number: DEV-
06-24 (Z-01-24)

Refer to Item 5.4.2, PDP 22-24

Maureen Z. Moloney, Resident, appeared before the Committee and requested confirmation that Members of Council received the correspondence submitted to the Town, noting that the condominium owners at 712 Rossland Road East who signed the submission were not represented by the condominium board and that they represented themselves as individuals. Ms. Maloney reaffirmed that the residents did not want any connection to the proposed development including sidewalks or laneways. She advised that the vacant site located at 700 Rossland Road East has been used as a disposal site. She noted that more than 35 trucks have disposed of fill at this site and inquired about plans to remove the fill from the site.

A brief question and answer period ensued between Members of Committee and Ms. Maloney regarding clarification about connections between 712 Rossland Road East and the proposed development and concerns about an increase in the volume of traffic from the proposed development.

5.2.2 Adam Layton representing 1000091294 Ontario Ltd. and Fortress Management and Financial Corp. (In-Person Attendance)

Re: PDP 22-24, Planning and Development (Planning Services)
Department Report
Zoning By-law Amendment Application, 1000091294 Ontario Ltd.
and Fortress Management and Financial Corp., 700 Rossland
Road East and 3115 and 3125 Garden Street, File Number: DEV-
06-24 (Z-01-24)

Refer to Item 5.4.2, PDP 22-24

Adam Layton, representing 1000091294 Ontario Ltd. and Fortress Management and Financial Corp., appeared before the Committee, and stated that the concerns about connections from 712 Rossland Road East to the proposed development would be addressed through the site plan review and approval process. He advised that measures were being taken to address illegal disposal of fill at 700 Rossland Road East, noting that there was a plan to install fencing and hoarding as soon as possible. Mr. Layton referenced correspondence received from the legal representative of the adjacent landowner located at 708 and 714 Rossland Road East regarding concerns about tower separation. He stated that the Town's Official Plan and Zoning By-law does not have tower separation requirements and that the location of the proposed tower was identical to what was adopted by Council through the Urban Design Plan. He stated that the rationale for the location of the proposed tower on the site was to offset a future tower on the adjacent lands to maintain a suitable distance as well as sightlines, and to minimize shadow impacts. Mr. Layton expressed his support of the Staff recommendation.

A question and answer period ensued between Members of Committee and Mr. Layton regarding:

- sending any future communication regarding the development directly to individual residents of 712 Rossland Road East and not through the condominium board;
- the rationale for the developer not being aware of the illegal disposal of fill at 700 Rossland Road East;
- the timeline for the removal of fill at 700 Rossland Road East and installation of fencing; and,
- whether the site would be monitored in the future.

5.2.3 Anthony Biglieri representing 1631057 Ontario Inc. (In-Person Attendance)

Re: PDP 24-24, Planning and Development (Planning Services)
Department Report

Draft Plan of Subdivision and Zoning By-law Amendment
Applications, 1631057 Ontario Inc., Northwest and Southwest
Corners of Conlin Road at Anderson Street, File Numbers: DEV-17-
21 (SW-2021-06, Z-11-21)

Refer to Item 5.4.4, PDP 24-24

Anthony Biglieri, representing 1631057 Ontario Inc., appeared before the Committee and stated that he had read and was in support of the Staff recommendation, and that he was available to answer questions.

A brief question and answer period ensued between Members of Committee and Mr. Biglieri regarding concerns from residents in the area about stormwater management, stormwater drainage into Lynde Creek, and the impact of water run off on wells and septic systems.

5.3 Correspondence

There was no correspondence.

5.4 Staff Reports

5.4.1 PDP 21-24, Planning and Development (Planning Services)
Department Report

Re: Extension of Draft Approved Plan of Subdivision, Brooklin
Development General Partner Limited / East Valley Farms Ltd.,
6605 Cochrane Street, Whitby, File Number: DEV-05-20 (SW-
2020-02)

A question and answer period ensued between Members of
Committee and Staff regarding:

- confirmation that the extension of the Draft Approved Plan of Subdivision was due to the lack of available hydro service in Brooklin preventing development in the area from moving forward;

- reimbursing the developer for the fee to extend the Draft Plan of Approval and sending a letter to Elexicon requesting reimbursement for the Town; and,
- whether refunding the extension fee due to the lack of hydro service would set a precedence for other developers to seek reimbursement of various other fees in the future.

Recommendation:

Moved by Councillor Yamada

That Council approve the extension of the Draft Approved Plan of Subdivision SW-2020-02 by an additional 5 years, to October 19, 2029.

Carried later in the meeting (See following motion)

Recommendation:

Moved by Councillor Leahy

That the main motion be amended by including Item 2 as follows:

2. That the Draft Plan Approval fee in the amount of \$3,479.10 be refunded to the proponent and that a letter be sent to Elexicon requesting they reimburse the Town for this cost.

Motion Lost

The main motion was then carried.

5.4.2 PDP 22-24, Planning and Development (Planning Services) Department Report

Re: Zoning By-law Amendment Application, 1000091294 Ontario Ltd. and Fortress Management and Financial Corp., 700 Rossland Road East and 3115 and 3125 Garden Street, File Number: DEV-06-24 (Z-01-24)

A question and answer period ensued between Members of Committee and Staff regarding:

- the possibility of By-law Enforcement issuing an Order to remove the fill from 700 Rossland Road East within a specified timeframe;

- the timeline for road improvements on Rossland Road East and Garden Street, and confirmation that the road improvements would begin prior to the construction of the proposed development;
- whether all concerns raised by residents pertaining to the proposed development including connections would be addressed through the site plan review and approval process; and,
- opportunities to require the property owner to monitor the site located at 700 Rossland Road East for illegal dumping.

Recommendation:

Moved by Mayor Roy

1. That Council approve the amendment to Zoning By-law #1784, (File No. Z-10-23), as outlined in Planning Report No. PDP 22-24; and,
2. That a by-law to amend Zoning By-law #1784 be brought forward for consideration by Council at such time as OPA 133 becomes final and binding and Site Plan Approval is issued by the Commissioner of Planning and Development.

Carried

5.4.3 PDP 23-24, Planning and Development (Planning Services) Department Report Staff Report

Re: Draft Plan of Condominium Application, 1606-1614 Charles Street East GP Inc., 1604 Charles Street, File Number: DEV-05-24 (CW-2024-01)

Recommendation:

Moved by Councillor Mulcahy

1. That Council approve the Draft Plan of Condominium (File Number: CW-2024-01) subject to the comments included in Planning Report PDP 23-24 and the Conditions of Approval, included in Attachment #4;

2. That the Mayor and Clerk be authorized to execute the Condominium Agreement and any other necessary documents; and,
3. That the Clerk advise the Commissioner of Planning and Economic Development at the Region of Durham, of Council's decision.

Carried

5.4.4 PDP 24-24, Planning and Development (Planning Services)
Department Report

Re: Draft Plan of Subdivision and Zoning By-law Amendment Applications, 1631057 Ontario Inc., Northwest and Southwest Corners of Conlin Road at Anderson Street, File Numbers: DEV-17-21 (SW-2021-06, Z-11-21)

A question and answer period ensued between Members of Committee and Staff regarding:

- whether concerns about stormwater flowing into Lynde Creek, flooding, and well and septic sewer system interference would all be addressed through the site plan review and approval process;
- how erosion and embankment damage to Lynde Creek due to development and re-routing of water would be addressed; and,
- who residents should contact for any future concerns that may arise.

Recommendation:

Moved by Councillor Leahy

1. That Council approve the Draft Plan of Subdivision (File No. SW-2021-06) and approve an amendment to Zoning By-law #1784 (Z-11-21) subject to the comments included in Planning Report PDP 24-24 and the conditions of draft plan approval included in Attachment #9;
2. That Staff be authorized to prepare a Subdivision Agreement;

3. That the Clerk forward a Notice to those parties and agencies who requested to be notified of Council's decision, including the Region of Durham's Commissioner of Planning and Economic Development;
4. That a by-law to amend Zoning By-law # 1784 be brought forward for consideration by Council at such time as the subdivision receives Draft Approval; and,
5. That Williams and Stewart Associates Ltd. be appointed as the Control Architect for the Draft Plan of Subdivision.

Carried

5.5 New and Unfinished Business - Planning and Development

There was no new and unfinished business.

6. Adjournment

Recommendation:

Moved by Councillor Cardwell

That the meeting adjourn.

Carried

The meeting adjourned at 7:50 p.m.