

Falls development appealed

Letters from ministry never reached council, says environmentalist
Allan Benner



This is an aerial view concept drawing showing the pedestrian lifestyle centre proposed for GR (CAN) Investment Co. Ltd.'s development adjacent to Thundering Waters Golf Club in Niagara Falls. - Special to The Niagara Falls Review

An environmentalist is appealing a decision by Niagara Falls city council in support of a controversial \$1.5-billion mixed-use development, while councillors who opposed the May 8 decision are crying foul — claiming information from the Ministry of Natural Resources and Forestry was withheld from them.

Longtime Niagara environmentalist John Bacher has filed an appeal with the Local Planning Appeal Tribunal, citing inconsistencies between the city's official plan amendments and provincial policies concerning provincially significant wetlands and wildlife habitat located at the site of the Riverfront Community development formerly known as Thunder Waters.

Despite the opposition to the official plan amendment, Niagara Falls planning director Alex Herlovitch said there's still a great deal to do before any work begins on the massive development.

He said the official plan amendment outlines the requirements for any future planning applications, such as rezoning, subdivision, condominium and site plan agreements.

"It's a policy document that they adopted, and whether it's this developer or any other developer working on plans in the Riverfront Community, they would have to abide by the rules," Herlovitch said. "There's a

whole series of further reports, applications and decisions that council will have to make before any shovel goes in the ground."

Meanwhile, he said the wetlands on the site will not be affected.

"There is no development in the wetlands. Those have all been protected by the amendment that council adopted in May."

Bacher, however, said official plans provide overall guidance for future development, and should protect environmentally sensitive areas from development rather than finding ways to permit it.

They are intended to address "big issues, like what should be safe for nature and what you can build on," he said.

"It should be addressed in the official plan stage."

He was also concerned that two letters regarding the development, sent from the Ministry of Natural Resources and Forestry to city planning staff on Dec. 11 and Jan. 15 were never provided to councillors.

Bacher said he provide councillors with copies of the letters himself, but that was on Aug. 7 — months after council voted 6-2 in favour of the official plan amendments to allow the project to move forward.

Herlovitch said a letter from the MNRF dated April 30 was provided to councillors at the meeting. But he said the previous correspondence was not provided to councillors because it included MNRF concerns about environmental impact studies that had already been addressed.

He said the letters from December and January were written in response to environmental impact studies, and "many of the concerns of those letters were already addressed."

Herlovitch said remaining concerns were addressed through 27 recommended changes to policies.

Nevertheless, learning about the missing documents came as a shock to Coun. Wayne Campbell, who joined Coun. Carolynn Ioannoni as the only two councillors who voted against the official plan amendment during the May 8 meeting.

"This was, I felt, very important information," Campbell said. "It's unbelievable. I was really taken aback."

Ioannoni said just the information in the MNRF's April 30 letter was enough for her to oppose the amendment.

Herlovitch dismissed the concerns as politicking.

"It sounds like grandstanding to me by people who wish to be re-elected in October," he said.

He said the letters from December and January were written in response to environmental impact studies, and "many of the concerns of those letters were already addressed."

Herlovitch said remaining concerns were addressed through 27 recommended changes to policies that were being presented by the developer.

He said he couldn't speculate on whether the vote might have been different if council had access to the earlier correspondence.

Coun. Joyce Morocco said the documents likely wouldn't have changed her mind.

"Based on the information, I don't believe it would have changed my decision. We can't land-lock all of that land," she said.

Morocco said she also made it clear to the developer that if all 27 recommendations are not met, "then don't bother coming back."

"It's really a tough balance when you have people coming in that have invested and bought private land — it's not that it was city-owned — it was private land and the intention was to develop," she said.

Environmentalist Owen Bjorgan said the letters list numerous concerns about the development, including the presence of provincially rare vegetation and threatened wildlife.

"The ministry is still saying, for a variety of scientific reasons and concerns, this development is not ready to go through," he said. "This is the province using real science, attempting to tell Niagara Falls city council about a major land use change."

Bjorgan, who has been publicly opposed to the project for the past several years, said the MNR letters point out discrepancies between scientific data and information provided within the developer's environmental impact study.

Some discrepancies have not been addressed.

For instance, he said the MNR pointed out that peer-reviewed scientific literature show bat species found in the area "have a very high level of specific site selection," which contradicts information in the study.

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