

Minutes of Town of Hampstead

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF HAMPSTEAD HELD ON MAY 3, 2010, AT THE COMMUNITY CENTER, 30 LYNCROFT ROAD, AT 8:00 P.M.

THOSE PRESENT WERE: Mayor William Steinberg, Councillors Abraham Gonshor, Jack Edery, Michael Goldwax and Bonnie Feigenbaum forming a quorum with Mayor Steinberg presiding.

ABSENT: Councillor Harvey Shaffer and Councillor Leon Elfassy

ALSO PRESENT: Mr. Richard Sun, Director General and Me Nathalie Lauzière, Town Clerk, acting as Secretary of the Meeting.

FIRST QUESTION PERIOD

The Mayor invited those persons in attendance to ask their questions.

2010-395

ADOPTION OF THE AGENDA

On motion of Councillor Michael Goldwax, seconded by Councillor Abraham Gonshor, it was UNANIMOUSLY RESOLVED:

- THAT the agenda of the regular meeting is hereby adopted with the addition of the following items:

4.3 Resolution submitted by Councillor Abraham Gonshor

9.2 Hiring of Mr. Romeo Riviera as Permanent “Building Inspector” for the Urban Planning Section

Adopted

2010-396

ADOPTION OF THE MINUTES

On motion of Councillor Michael Goldwax, seconded by Councillor Bonnie Feigenbaum, it was UNANIMOUSLY RESOLVED:

- THAT the Minutes of the Regular Council Meeting of April 7th, 2010 are hereby approved as submitted.

Adopted

2010-397

RESOLUTION CONCERNING BILL 104

WHEREAS in 1984, the Supreme Court of Canada (“the Court”) declared that certain portions of the Charter of the French Language (“the Language Charter”) were unconstitutional and that Canadians whose parents received the ‘major part’ of their education in English in Canada had a right to attend publicly-funded English language schools in Quebec pursuant to the Canadian Charter of Rights and Freedoms (“Canadian Charter”);

WHEREAS the Language Charter was later amended to comply with the Court’s decision;

WHEREAS in 2002 Paragraph 2 of Section 73 of the Language Charter was then amended by the Quebec National Assembly (“Legislature”) to state that education received by students at unsubsidized private schools in Quebec should be disregarded when determining whether a child is eligible to receive instruction in the publicly funded English language school system;

Minutes of Town of Hampstead

WHEREAS in 2002 Paragraph 3 Section 73 of the Language Charter was then amended by the Quebec National Assembly (“Legislature”) to establish the same rule with respect to instruction received pursuant to a special authorization granted under sections 81, 85 or 85.1 of the Language Charter in a case involving a serious learning disability, temporary residence in Quebec, or a serious family or humanitarian situation.

WHEREAS Section 73 of the Language Charter is inconsistent with the principle of preserving family unity provided for in the Canadian Charter said section rendering it impossible for children from the same family to receive instruction in the same school system.

WHEREAS the Canadian Charter protects the rights of parents to educate their children in English making no distinction concerning:

- the type of instruction received by the child,
- whether the educational institution is public or private, or
- the origin of the authorization pursuant to which instruction is provided in a given language,

WHEREAS in 2005, in the case of Solski (Tutor of) v. Quebec (Attorney General) the Court established that in determining the requirement of the “major part” of the instruction as stated in section 73 of the Language Charter calls for a global qualitative assessment of a child’s educational pathway which is based on factors that include:

- time spent in different programs of study,
- at what stage of the child’s education the choice of language of instruction was made,
- what programs are or were available, and
- whether learning disabilities or other difficulties exist.

WHEREAS the amendments to paragraphs 2 and 3 of Section 73 the Language Charter were inconsistent with the finding in Solski; and

WHEREAS on October 22, 2009, the Court declared those revised provisions of Paragraphs 2 and 3 of Section 73 of the Language Charter constitutionally invalid but suspended the effects of its decision for a one year period to give the Legislature time to redraft the amendment to the Language Charter so that it does not contravene the Canadian Charter; and

WHEREAS the decision to be made by the Legislature will affect children and families in the Town of Hampstead (“Town”) and the Town Council (“Council”) wishes to ask the Legislature to consider the needs of those of its residents impacted by the amendments to Paragraphs 2 and 3 of Section 73 of the Language Charter judged unconstitutional by the Court;

It was proposed by Councillor Bonnie Feigenbaum seconded by Councillor Jack Edery and UNANIMOUSLY RESOLVED;

“THAT the Council (“Council”) hereby requests that the Legislature carefully consider the historic rights and contributions of the English speaking communities of Quebec as it re-drafts its legislation.

That Council requests that the Legislature not amend the Language Charter to limit access to unsubsidized private schools in Quebec;

THAT Council requests that the Legislature ensures that its revisions to the Language Charter in response to the Court’s judgment respect the Canadian Charter and requests that the Legislature not invoke the notwithstanding clause when amending the Language Charter;

THAT Council further requests that the Legislature restore the situation which existed before the amendments to paragraphs 2 and 3 of Section 73 of the Language Charter were amended in 2002.”

Adopted

Minutes of Town of Hampstead

2010-398

RESOLUTION CONCERNING BILL 94

WHEREAS the government of Quebec has tabled Bill 94 whose purpose is to ban the wearing of face coverings in many situations including the giving and receiving of government services.

WHEREAS those services include health, education and many others which are of crucial importance in our society.

WHEREAS the legislation is targeted at those women who wear niqabs.

WHEREAS it is a serious infringement of those womens' religious freedom and violates Section 15 of the Canadian Charter of Rights and Freedoms as well as the Quebec Charter of Human Rights and Freedoms.

WHEREAS it also violates the sexual equality provisions of the Canadian and Quebec Charters as only women wear niqabs and therefore only women are being restricted in what they can wear.

WHEREAS there is no need for the legislation in terms of security, identification or communication as simple administrative rules and guidelines already deal with these issues and there is no law that allows anyone to hide his or her face when identification is reasonably required such as to vote or get a Medicare card.

WHEREAS the alleged goal of the legislation - to promote the integration of women who wear the niqab - will not be achieved by isolating these women and preventing them from giving or receiving government services.

WHEREAS discrimination against any minority inevitably leads to discrimination against other minorities and to an intolerant and racist society.

It was proposed by Mayor Steinberg and seconded by Councillor Bonnie Feigenbaum and UNANIMOUSLY RESOLVED;

THAT the Council requests that the Quebec legislature withdraw Bill 94.

THAT members of the Quebec legislature read and carefully reflect upon the poem written by Pastor Martin Niemoeller after he was released from a German concentration camp following WWII. The poem is attached to this resolution.

THAT copies of this resolution be sent to Premier Jean Charest, Minister Yolande James, Darcy McGee MNA Lawrence Bergman and to all municipalities on the island of Montreal.

Mayor William Steinberg called for a vote.

Voted in favour:

Mayor William Steinberg
Councillor Abe Gonshor
Councillor Jack Edery
Councillor Michael Goldwax
Councillor Bonnie Feigenbaum

Voted against:

In favour:5

Against: 0

Adopted

2010-399

RESOLUTION SUBMITTED BY COUNCILLOR ABRAHAM GONSHOR

WHEREAS on May 2, 2010 the Mayor sent an e-mail to all members of the Council and Richard Sun. He included me (obviously by mistake in such e-mail). It read as follows:

Minutes of Town of Hampstead

“As usual I left Abe off. Abe spoke to Richard Sun about this and more Friday morning. No one should respond to Abe’s e-mail, I will be calling all of you over the coming days to discuss Abe”.

(Signed) Bill

WHEREAS the *Cities and Towns Act*, at Section 47, clearly requires that the municipality shall be represented and its affairs administered by its Council.

WHEREAS Section 52 gives the Mayor the power to exercise the right of superintendence, investigation, and control over all the departments and officers or employees of the municipality, with the specific power of suspension of any of them after reporting to the Council who has the last word thereon. No such power is afforded to the Mayor with respect to elected members of the Council.

WHEREAS in attempting to coerce you as Councillors or myself in any way to influence our conduct or to withhold any information from us as elected representatives of the Citizens of Hampstead, the Mayor has clearly abused his powers and authority. Anyone else who condones or is complicit in such activity (including the withholding of information) is similarly in breach of her or his powers and authority.

Accordingly, I hereby present the following resolution to the Council at its meeting of May 3, 2010 and require that this resolution be reproduced in full in the official minutes of such meeting, and the vote thereon of each Councillor be recorded in such minutes.

It was proposed by Councillor Abe Gonshor and seconded by Councillor Michael Goldwax and RESOLVED;

THAT the Mayor’s actions in withholding or attempting to withhold any information from any Councilor be censured by this Council with the admonition that such action constitutes an abuse of the powers of the Mayor under the *Cities and Towns Act* and *is ultra vires*.

THAT the attempt by the Mayor to influence the decision of any Councillor be similarly deplored and censured.

THAT the Mayor be instructed and ordered to fully inform and keep informed each and every member of the Council of all activities of every department, officers or employees of the Town.

THAT the Minister of Municipal Affairs be sent a copy of the present resolution and the recorded vote thereon.

Mayor Steinberg called for a vote.

Voted in favour:

Councillor Abe Gonshor
Councillor Michael Goldwax

In favour: 2

Voted against:

Councillor Bonnie Feigenbaum
Councillor Jack Edery

Against: 2

Rejected due to lack of majority

2010-400

NOTICE OF MOTION – BY-LAW 705-4 FURTHER MODIFYING BY-LAW N^o 705 CONCERNING THE COLLECTION, REMOVAL AND DISPOSAL OF REFUSE

NOTICE OF MOTION was given by Councillor Bonnie Feigenbaum that, at a subsequent meeting of Council, By-law N^o 705-4 further modifying By-law N^o 705 concerning the collection, removal and disposal of refuse will be submitted to Council for adoption.

Minutes of Town of Hampstead

All Council members have received a draft copy of By-law N° 705-4 and a motion to dispense with the reading of the said By-law was made.

2010-401

ADOPTION – BY-LAW 543-2 TO REPEAL BY-LAW 543 ENTITLED “BY-LAW REGULATING ALARM SYSTEMS”

CONSIDERING THAT notice of motion was given the at the Regular Council meeting of April 7, 2010 and that Council members received a copy of the By-Law within the required delay and they declare to have read it and waive the reading thereof;

It was proposed by Councillor Jack Edery, seconded by Councillor Bonnie Feigenbaum and UNANIMOUSLY RESOLVED:

- TO approve By-law N° 543-2 entitled: “By-law regulating alarm systems”.

Adopted

2010-402

DEPOSIT OF THE MINUTES OF THE PAC MEETING HELD ON APRIL 12, 2010

Each member of the Council having received a copy, the Town Clerk deposits the minutes of the Planning Advisory Committee meeting held on April 12, 2010.

2010-403

REQUEST TO AUTHORIZE THE DEMOLITION AND THE CONSTRUCTION OF A DETACHED SINGLE FAMILY DWELLING AT 60 GRANVILLE ROAD, LOT NO.: 2 088 972, ZONE RA-1

On motion of Councillor Bonnie Feigenbaum, seconded by Councillor Michael Goldwax and unanimously resolved to defer this item to a subsequent meeting

Adopted

***Request for Minor Exemption – 79 Finchley Road
Intervention of Interested Persons***

Mrs. Rachel Genziuk is against the minor exemption: Articles of By-law are missing.

2010-404

RE: REQUEST TO APPROVE A MINOR EXEMPTION TO ZONING BY-LAW NUMBER 727 TO PERMIT THE EXPANSION OF VEHICULAR ACCESS TO 5.67 M (18.6 FEET) INSTEAD OF 3.8 M (12.5 FEET), AT 79 FINCHLEY ROAD, LOT NO.: 2 088 752, ZONE RA-1 AND TO PERMIT THE CONSTRUCTION OF A RETAINING WALL AT A DISTANCE OF 0.76 M (2.5 FEET) INSTEAD OF 1.0 M (3.3 FEET), AT 79 FINCHLEY ROAD, LOT NO.: 2 088 752, ZONE RA-1

It was proposed by Councillor Michael Goldwax, seconded by Councillor Bonnie Feigenbaum, and resolved to defer this item to a subsequent meeting;

Mayor William Steinberg called for a vote.

Voted in favour of deferring:

Councillor Bonnie Feigenbaum
Councillor Michael Goldwax
Councillor Jack Edery

In favour: 3

Voted against deferring:

Councillor Abe Gonshor

Against: 1

Deferred on Division

Minutes of Town of Hampstead

2010-405

REQUEST TO AUTHORIZE A MODIFICATION AND A RENOVATION TO A DETACHED SINGLE FAMILY DWELLING (PIIA), AT 27 ALBION ROAD, LOT NO.: 2 089 775, ZONE RA-2

On motion of Councillor Jack Edery, seconded by Councillor Bonnie Feigenbaum, it was UNANIMOUSLY RESOLVED:

- THAT the site planning and architectural integration programs showing **plans and elevations for an addition and renovation to a detached single family dwelling at 27 Albion Road**, submitted to the Planning Advisory Committee meeting of April 12, 2010 is **approved**, the whole in conformity with the provisions of By-law No. 775 Concerning the Site Planning & Architectural Integration Program (SPAIP) and as recommended by the PAC taking into account the following element:
 - To make sure that the brick that will be used be the same and/or similar to the existing one.

Adopted

***Request for Minor Exemption – 27 Albion Road
Intervention of Interested Persons***

Mrs. Rachel Genziuk is against the minor exemption: Articles of By-law are missing.

2010-406

REQUEST TO APPROVE A MINOR EXEMPTION TO ZONING BY-LAW NUMBER 727 TO PERMIT THE EXPANSION OF VEHICULAR ACCESS TO 7.5 M (24.5 FEET) INSTEAD OF 5.0 M (16.4 FEET) AT 27 ALBION ROAD, LOT NO.: 2 089 775, ZONE RA-2

WHEREAS the members of Council have reviewed the request for minor exemption to articles 7.6.3.1.1 & 7.6.3.2 of Zoning By-law No. 727 in order to authorize the expansion of vehicular access to 7.5 m (24.5 feet) instead of 5.0 m (16.4 feet) ;

WHEREAS the Planning Advisory Committee, at its meeting held on April 12, 2010, recommended to refuse the aforementioned request for minor exemption;

On motion of Councillor Bonnie Feigenbaum, seconded by Councillor Jack Edery, it was UNANIMOUSLY RESOLVED:

- THAT the aforementioned request for minor exemption for the property located at 27 Albion Road, on lot 2089775, Zone RA-2, is **refused**.

Adopted

2010-407

REQUEST TO AUTHORIZE AN ADDITION AND RENOVATION TO A DETACHED SINGLE FAMILY DWELLING (PIIA), AT 14 APPLEWOOD ROAD, LOT NO.: 2 089 872, ZONE RA-2

On motion of Councillor Abe Gonshor, seconded by Councillor Jack Edery, it was UNANIMOUSLY RESOLVED:

- THAT the site planning and architectural integration programs showing **plans and elevations for an addition and renovation to a detached single family dwelling at 14 Applewood Road**, submitted to the Planning Advisory Committee meeting of April 12, 2010 is **approved**, the whole in conformity with the provisions of By-law No. 775 Concerning the Site Planning & Architectural Integration Program (SPAIP) and as recommended by the PAC.

Adopted

2010-408

REQUEST TO AUTHORIZE THE DEMOLITION AND CONSTRUCTION OF A DETACHED SINGLE FAMILY DWELLING (PIIA), AT 39 HEATH ROAD, LOT NO.: 2 089 753, ZONE RA-1

On motion of Councillor Jack Edery, seconded by Councillor Michael Goldwax it was UNANIMOUSLY RESOLVED:

- THAT the site planning and architectural integration programs showing **plans and elevations for the demolition and construction of a detached single family dwelling at 39 Heath Road**, submitted to the Planning Advisory Committee meeting of April 12, 2010 is **refused**, considering that the modifications does not respect the dispositions of the Zoning By-law number 727 and of the Site Planning and Architectural Integration Program By-law number 775 and as recommended by the PAC considering the following elements:
 - The need to make sure to harmonize the building with the immediate surroundings;
 - The need to make sure to homogenize the style of the projected building.

Adopted

***Request for Minor Exemption – 39 Heath Road
Intervention of Interested Persons***

Mrs. Rachel Genziuk is against the minor exemption: Articles of By-law are missing.

Mr. Marc Hanstein

- He found that the percentage of open space ratio is too high.

2010-409

REQUEST TO APPROVE A MINOR EXEMPTION TO ZONING BY-LAW NUMBER 727 TO PERMIT A FLAT ROOF RATIO OF 30% INSTEAD OF 20%, TO PERMIT THE ELEVATION OF THE BUILDING TO A HEIGHT OF 10.67 M (35 FEET) INSTEAD OF 8.84 M (29 FEET) AND TO PERMIT A 65% OPEN SPACE RATIO (OSR) INSTEAD OF 52% AS REQUIRED AT 39 HEATH ROAD, LOT NO.: 2 089 753, ZONE RA-1

WHEREAS the members of Council have reviewed the request for minor request to Article 5.1 of Zoning By-law number 727-7 to permit a flat roof ratio of 30% instead of 20% as required and to permit the elevation of the building to a height of 10.67 m (35 feet) instead of 8.84 m (29 feet) and request for a Minor Exemption to Article 4.5 of Zoning By-law number 727-3C to permit a 65% open space ratio (OSR) instead of 52% as required;

WHEREAS the Planning Advisory Committee, at its meeting held on April 12, 2010, recommended **to refuse** the aforementioned request for minor exemption;

On motion of Councillor Jack Edery, seconded by Councillor Bonnie Feigenbaum, it was UNANIMOUSLY RESOLVED:

- THAT the aforementioned request for minor exemption for the property located at 39 Heath Road, on lot 2089753, Zone RA-1, **is refused** in view of the following elements:
 - The need to make sure to preserve the maximum flat roof ratio of 20%;

Minutes of Town of Hampstead

- The need to make sure to preserve the open space ratio of 52% for the building;
- The need to revise the projected height of the building in order to find a compromise between the maximum required by the by-law which is 8.84 metres (29 feet) and the projected height which is 10.67 metres (35 feet) (the possibility of raising the space in the attic would then have to be reconsidered).

Adopted

2010-410

APPROVAL OF THE DISBURSEMENTS FOR THE MONTH OF APRIL 2010

WHEREAS Council reviewed the list of payments for the month of April 2010;

On motion of Councillor Jack Edery, seconded by Councillor Bonnie Feigenbaum, it was UNANIMOUSLY RESOLVED:

- THAT the disbursements for the period from April 1, 2010 to April 28, 2010, in the amount of \$ 404,038.68, are hereby approved.

Adopted

2010-411

DEPOSIT OF THE FIRST COMPARATIVE STATEMENT OF REVENUES AND EXPENDITURES FOR THE FISCAL YEAR 2010

In accordance with Section 105.4 of the *Cities and Towns Act*, the Town Treasurer hereby deposited the statement of revenues and expenditures as at March 31, for the fiscal year 2010, compared with the same period for the fiscal year 2009.

2010-412

GRANTING OF CONTRACT – REHABILITATION OF AQUEDUCT & SEWER PIPES BY RELINING - 2010

WHEREAS there has been a call for tenders, by way of public tender, for the rehabilitation of aqueduct and sewer pipes by relining - 2010;

WHEREAS, after analysing the tenders opened on April 23rd, 2010, the lowest bidder conforming to the requirements of the public tender is Aqua Rehab;

On motion of Councillor Michael Goldwax, seconded by Councillor Bonnie Feigenbaum, it was UNANIMOUSLY RESOLVED:

- THAT, as recommended by Mr Riad Taouk, Engineer from the firm Roche Ingenieur Conseils Ltd, the following quotation for the following contract be and is hereby approved, the whole as more amply delineated hereunder:

AQUA REHAB

Rehabilitation of aqueduct and sewer pipes by relining:	\$ 156 256.10
Contingencies (10%):	\$ 15 625.62
G.S.T. 5%	\$ 8 594.08
Q.S.T. 7.5%	\$ 13 535.68
Grand total taxes included	\$ 194 011.48

Minutes of Town of Hampstead

- THAT Treasurer's Certificate N° 10-012, dated April 23, 2010, has been issued by the Town's Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

2010-413

GRANTING OF CONTRACT – INCREASE OF FENCE HEIGHT AROUND THE POOL IN HAMPSTEAD PARK

WHEREAS there has been a call for tenders by way of written invitation for the increase of the fence height around the pool in Hampstead Park;

WHEREAS, after analysing the tenders opened on April 22, 2010, the lowest bidder conforming to the requirements of the tender invitation is Les Clôtures Arboit.;

On motion of Councillor Bonnie Feigenbaum, seconded by Councillor Jack Edery, it was UNANIMOUSLY RESOLVED:

- THAT, the contract for the increase of the fence height around the pool in Hampstead Park; be and is hereby approved, the whole as more amply delineated hereunder:

LES CLÔTURES ARBOIT

Increase of fence height Hampstead Park pool (without top posts)	\$ 29.468.50
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G.S.T.. 5 % :	\$ 1.473.43
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Q.S.T.. 7,5 % :	\$ 2.320.64
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Total :	\$ 33.262.57
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- THAT Treasurer's Certificate N° 10-011, dated April 23, 2010, as been issued by the Town's Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

2010-414

APPROVAL OF LIST OF AUXILIARY EMPLOYEES FOR COMMUNITY SERVICES DEPARTMENT

CONSIDERING THAT Council members reviewed the report of the Director of the Community Services dated May 2010, with regard to hiring auxiliary employees;

It was proposed by Councillor Bonnie Feigenbaum, seconded by Councillor Jack Edery, and UNANIMOUSLY RESOLVED:

- THAT the Town Council approves the hiring of auxiliary employees with the hourly rates for the Community Services Department, such as enumerated in the list of May 2010, prepared by the Director of Community Services.

Adopted

2010-415

HIRING OF MR. ROMÉO RIVERA AS PERMANENT "Building Inspector" FOR THE URBAN PLANNING SECTION

It was proposed by Councillor Michael Goldwax, seconded by Councillor Bonnie Feigenbaum and UNANIMOUSLY RESOLVED:

Minutes of Town of Hampstead

- TO hire Mr. ROMÉO RIVERA as a permanent “**Building Inspector**” as of May 3, 2010, subject to the usual conditions and in accordance with the provisions of the collective agreement between CUPE Local 429 and the Town of Hampstead and;
- THAT Treasurer’s certificate no 010-013, dated May 1, 2010, has been issued by the Treasurer, attesting to the availability of funds to cover the described expenses.

Adopted

2010-416

IMPLEMENTATION OF ALTERNATE PARKING ON SOME PUBLIC STREETS

WHEREAS Granville, Stratford, Thurlow and Queen Mary Roads are very narrow and do not facilitate circulation if residents park on both sides of the street;

It was proposed by Councillor Bonnie Feigenbaum, seconded by Councillor Jack Edery and RESOLVED:

- THAT the Town Council is hereby authorized to implement ALTERNATE PARKING on Granville, Stratford, Thurlow and Queen Mary Roads, between Merton and Hampstead Roads;
- THAT the alternate parking will be seven days a week, from 9:00 a.m. to 7:00 p.m., as per the following schedule:
 - No parking on the East side of Granville, Stratford, Thurlow and Queen Mary Streets on Monday, Wednesday, Friday and Sunday.
 - No parking on the West side of Granville, Stratford, Thurlow and Queen Mary Streets on Tuesday, Thursday and Saturday.

Adopted

RECESS

At 9:45 p.m., it was proposed by Mayor William Steinberg and unanimously resolved, to recess the meeting.

At 9:55 p.m. the Mayor proposed and it was unanimously resolved to resume the Meeting, all Members of Council present at the beginning of the Meeting remaining to form a quorum.

2010-417

DEPOSIT OF BY-LAW 562 ‘FRENCH VERSION’ CONCERNING FIRE PREVENTION

Each member of the Council having received a copy, the Town Clerk deposits the French Version of the By-law 562 concerning Fire Prevention.

2010-418

APPROVAL OF THE ON-LINE DISBURSEMENTS FOR THE MONTH OF APRIL 2010

WHEREAS Council reviewed the list of payments for the month of April 2010;

On motion of Councillor Jack Edery, seconded by Councillor Bonnie Feigenbaum, it was UNANIMOUSLY RESOLVED:

- THAT the on-line disbursements for the period from April 1, 2010 to April 30, 2010, in the amount of \$ 1, 106,742.44, are hereby approved.

Adopted

Minutes of Town of Hampstead

Request for Minor Exemption – 79 Finchley Road Intervention of Interested Persons

Proprietor Mr. Backler Brahm is for the minor exemption.

2010-419

RE: REQUEST TO APPROVE A MINOR EXEMPTION TO ZONING BY-LAW NUMBER 727 TO PERMIT THE EXPANSION OF VEHICULAR ACCESS TO 5.67 M (18.6 FEET) INSTEAD OF 3.8 M (12.5 FEET), AT 79 FINCHLEY ROAD, LOT NO.: 2 088 752, ZONE RA-1 AND TO PERMIT THE CONSTRUCTION OF A RETAINING WALL AT A DISTANCE OF 0.76 M (2.5 FEET) INSTEAD OF 1.0 M (3.3 FEET), AT 79 FINCHLEY ROAD, LOT NO.: 2 088 752, ZONE RA-1

WHEREAS the members of Council have reviewed the request for approval for a minor exemption to Zoning By-law N^o 727 Articles 7.6.3.1.1 and 7.6.3.4.1 and to By-law N^o 728 Article 6.2.3 for the property located at 79 Finchley Road, lot 2088752, to authorize the expansion of the parking area located in the front yard thus going from 3.8 m (12.5 feet) to 5.67 m (18.6 feet) and to lay out a retaining wall at a distance of 0.76 m (2.5 feet) instead of 1.0 m (3.3 feet) from the property line;

WHEREAS the Planning Advisory Committee, at its meeting held on April 12, 2010, recommended **approving** the aforementioned request for minor exemption;

On motion of Councillor Abe Gonshor, seconded by Councillor Michael Goldwax, this item was reintroduced and it was UNANIMOUSLY RESOLVED:

- THAT the aforementioned request for minor exemption for the property located at 79 Finchley Road, lot 2088752, is **approved** under the **two (2)** following **conditions**:
 - To grant a servitude for a minimal distance of 1 metre from the projected retaining wall to his/her immediate neighbour, thus giving the latter access to the parking area;
 - To ensure that the design of the retaining wall structure is safe and meets construction regulations.

Adopted

At 10.05 p.m. Councillor Abe Gonshor left temporarily the meeting and came back at 10.10p.m.

SECOND QUESTION PERIOD

The Mayor invited those persons in attendance to ask their questions.

RECESS

At 10:20 p.m., it was proposed by Mayor William Steinberg and unanimously resolved, to recess the meeting.

At 10:22 p.m. the Mayor proposed and it was unanimously resolved to resume the Meeting, all Members of Council present at the beginning of the Meeting remaining to form a quorum.

Councillor Abe Gonshor temporarily left the meeting and returned back at 10 23p.m.

Minutes of Town of Hampstead

At 10.25 p.m. Councillor Jack Edery temporarily left the meeting and returned back at 10.26p.m.

2010-420

ADJOURNMENT

All the subjects of the Agenda having been discussed, it was proposed by Councillor Abe Gonshor, seconded by Councillor Michael Goldwax and unanimously resolved to declare the meeting closed.

Adopted

(s) William Steinberg
Dr. William Steinberg, Mayor

(s) Nathalie Lauzière
Me Nathalie Lauzière, Town Clerk