

Residents comment at OMB hearing

By Mark Pavilons

Does a banquet hall meet the definition of a recreational use?

That was one of the main talking points at the Ontario Municipal Board hearing last week, into the appeal by Peter Eliopoulos. Eliopoulos is proposing an outdoor banquet facility and children's camp on a 49-hectare (121-acre) parcel of land located at 3550 18th Sideroad.

That application was unanimously refused by King councillors back in August, leading to last week's appeal at the OMB.

The scope of the hearing was limited to whether an outdoor facility such as this is permitted under the Oak Ridges Moraine Conservation Plan, and whether it's considered 'recreational' in nature.

George Puccia, president of Stewards of the Moraine, said he's comfortable the residents, through their lawyer David Donnelly, presented the evidence and made some good points regarding their opposition to the proposal. They contended the facility is neither a permitted use nor a recreational use.

The Stewards are hoping for a 'fair decision,' one that may come as early as December, or mid-January.

While optimistic, Puccia admitted you never know 'what weighs heavy on the minds' of hearing officers.

Should the OMB officer agree with the Township regarding planning issues, then there would be no point in arguing use issues, and the matter (in its current form) would end.

The group, Puccia vows, will keep monitoring the issue and the property.

'It's critical we defend the intent of the (ORM) legislation,' he said.

Lay witnesses were heard early last week, including directly affected residents, a representative of Save the Oak Ridges Moraine (STORM) and Greg Locke, chair of Concerned Citizens of King Township (CCKT).

Locke said King Township, with 80% of its lands on the Moraine, is not a jurisdiction for a facility like this that will 'so blatantly violate the spirit, goals and dictates of the ORMCP.'

He also explained this proposal violates almost every aspect of the Township's Integrated Community Sustainability Plan.

'We are convinced that there are significant risks to the sensitive environment of the Oak Ridges Moraine and to the fabric of King Township's rural communities,' Locke said. 'Approval of this application, for the reasons stated above, would represent a harmful precedent to other sensitive lands on the Oak Ridges Moraine and violate the citizen-led values and planning goals within the Oak Ridges Moraine Conservation Plan.'

The closing arguments from both sides went back to how to define recreation - whether it should be activity based or based on land use.

The Township argued the purpose of Section 38 of the plan is physical activities, when it comes to 'recreation.' 'Community halls are not recreational in nature.

Donnelly said the ORMCP is not a development plan, but rather a conservation plan. Protection of the environment is paramount.

Both sides agreed the decision on how this is interpreted will affect how the ORMCP is interpreted in the future. It's a precedent-setting case.

Resident Susan Beharriell attended the proceedings and extended her thanks to the congregation of York Pines United Church and the Rev. Ross Parsons, Councillor Debbie Schaeffer and the several dozen other residents of King who came out to show their opposition to the application.

'While we in the audience could not participate, our mere presence spoke volumes to the board and will certainly be taken into consideration,' she said.

'The Stewards of the Moraine deserve the gratitude and support of every resident of King and, in fact, all Ontarians concerned about the health of the Moraine.'

Michael Melling, who represented the applicant at the hearing, had no comment on the process or particular arguments. He said typically, OMB decisions are rendered within 30 to