

**PLANNING ADVISORY COMMITTEE
MINUTES OF REGULAR MEETING
June 23, 2010**

The Planning Advisory Committee met in the Council Chambers with the following attendance:

Present: Chris Flemming (Chair), Mike Craig, Roger McNabb, Dareth Thorne, Paul Carson, Eric Drake and Jill Stewart.

Absent: Cyndy Parker.

Also present was the Development Officer, Tim Henderson, and Office Administrator, Joyce Thompson.

1. Call to Order

Chairman Chris Flemming called the meeting to order at 7:00 p.m.

2. Declarations of Conflict of Interest, if any

None.

3. Additions to and/or approval of Agenda

It was moved by Dareth Thorne, seconded by Jill Stewart and carried to approve the June 23rd, 2010 Agenda as presented.

4. Confirmation of Minutes

It was moved by Mike Craig, seconded by Paul Carson and carried to approve the previous committee minutes (May 26th, 2010).

5. Business Arising from the Minutes

None

6. Presentations / Delegations

None

7. Zoning Applications

None

8. Applications for Variances / Approval

- 8.1. Megan & Dan Burley – 158-160 Water Street, an application for an approval to sell liquor with or without food on an outside deck.

The Planning Advisory Committee granted approval in December, 2009, to Megan Burley to obtain a license to sell liquor without food and with live entertainment at her new restaurant located at 158-160 Water Street, St. Andrews, with the following conditions:

1) closing time is 11 p.m. each night, and the applicants must obtain permission from the Town Manager to remain open for any special events that may run later than this and,

2) this is a one-year, temporary approval.

Megan Burley and her brother Dan are now asking that they be granted an approval to extend their license to an outside deck built on town property on the William Street side of the building. The deck would be 24 foot x 8 foot and be accessed by a new doorway on the William Street side of the building.

The Burleys received approval from Town Council to encroach onto the William Street property with the following motion being carried: It was moved by Deputy Mayor McNabb and seconded by Councillor Craig that the Lobster Bay Eatery be granted the leased use of Town land on the William Street side 158-169 Water Street to construct an 8 ft x 24 temporary deck. Conditions of approval would include an 11 pm closing of the deck, the Fire Chief's approval and a one-year temporary approval. A lengthy discussion ensued and additional conditions were put forward and added to the original motion. It was moved by Councillor Myers and seconded by Councillor Choptiany that if the temporary approval is granted, it be subject to a condition that the deck be immediately removed if issues arise from violations of municipal bylaws or Liquor Act infractions. The amendment was passed unanimously and the original motion was then also passed unanimously.

The Committee reviewed the documentation provided which included the Development Officer's Planning Report, application form and accompanying information and pictures, and the polling letter. There were six letters of response from the 100 meter polling area, and all but one was opposed to the variance request. The applicants were present and Dan Burley informed the Committee that they were only seeking approval to serve liquor with or without food on their outside deck, and were not looking for approval to have live entertainment on the deck. He noted that all live entertainment would take place inside the restaurant. When the Chairman asked if there were any affected parties who wished to speak to the application, there was one. Mr. Ron Middleton, who owns the video shop next to the restaurant, voiced his concerns with regards to patrons leaving the restaurant who may have consumed too much liquor and how this might negatively affect his business. The applicants assured Mr. Middleton that they would be carefully monitoring the behaviour of their customers and reiterated that the nature of the business was that of a restaurant not a bar, and that they would do everything possible to make sure that their business didn't negatively impact any of their surrounding neighbours. The Development Officer noted that there were a number of objections from the residents of William Street to this approval and that Council has provided that their approval is temporary in nature and subject to a review after one year. As well, he noted that there is also a provision that the deck be removed if violations to the Liquor Act or municipal noise bylaw occur. He added that the Planning Advisory Committee must decide if there are reasonable provisions in place to ensure that the residential neighbours' rights to enjoyment of their property are in place to allow them to grant this approval and that the Committee also has the right to add additional conditions if they feel they would be appropriate.

It was moved by Roger McNabb, seconded by Jill Stewart and carried to grant approval to Megan & Dan Burley for a variance to sell liquor with or without food on an outside deck at their restaurant at 158-160 Water St., with the following condition:

1. there be no outside entertainment on the deck or audible music or noise coming from the restaurant onto the deck; i.e. all noise must be contained inside the restaurant.

Dareth Thorne registered a nay vote.

9. Sign Applications

None

10. Subdivision Applications

None.

12. Other Business

None

13. Question Period

None

14. Adjournment

It was moved by Paul Carson to adjourn the meeting at 7:46 PM.

The next scheduled regular meeting of the Committee will be August 18, 2010.

C.G. Flemming, Chairman