

RIVER ROAD HEARING

DHO Tries To Lever City Into \$45 Million Scheme

By LOUIS GRIGOROFF

A Department of Highways solicitor asked the Ontario Municipal Board Wednesday to use a rezoning application as a cudgel over the head of City Council to get a firm commitment on the \$45,000,000 in expenditures over 20 years proposed in the Greater Niagara Traffic Survey.

Miss Sarah M. McLean, DHO counsel, made the request in a hearing at City Hall into an application for rezoning 12 lots to a special commercial category in a residential area bounded by River Road, Hiram St., Falls Avenue and John Street.

She asked the board to withhold action until the city

committed itself on the multi-million-dollar traffic pattern scheme, based on recommendations made in a survey by H. G. Acres and Co. Ltd.

The board, consisting of Armour L. McRae, chairman, and William Greenwood, member, reserved decision in the hearing.

Mr. McRae later told The Review the board's decision would not be contingent upon any action, or lack of it, on the traffic study. He said if council made any moves on the report the board would have an interest only in those areas concerned with the application.

The hearing, based on a proposal by John Gruyich to build a motel and restaurant on the southwest corner of Hiram and River Rd., marked the first time the highways department had opposed any zoning application in either the city or the former township.

Says Dept. Owns Adjacent Sites

A local merchant told an Ontario Municipal Board hearing Wednesday the provincial Department of Highways, opponents of a rezoning application, owns and operates a block of commercial enterprises almost immediately adjacent to the site of a proposed commercial development.

Herbert Hand, a gift and chinaware merchant who operates three stores here, made the disclosure at an OMB hearing dealing with an application to rezone for special commercial purposes a River Rd. block north of Hiram St.

Mr. Hand identified the Rainbow Bridge Plaza commercial complex as the property of the highways department, which

leases out retail and business space for commercial purposes.

Included in the block of storefronts are a number of gift shops, a penny arcade, book store, restaurant, radio station and service station, the southerly terminus being the Union Bus Terminal holdings adjacent to, Oakes Garden Theatre.

HE LEASES SPACE

The merchant said he, along with others, leases space from the department of highways for his operations.

All of Clifton Hill had been developed in regard to hotels, motels and other tourist establishments, yet there was still an overflow problem, Mr. Hand

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Won't Let Study Have Any Bearing

RIVER RD. EXPRESSWAY REJECTED

Niagara River Parkway will be retained as a scenic drive rather than chance its becoming an expressway, Mayor Franklin J. Miller disclosed Wednesday.

The mayor told an Ontario Municipal Board hearing the Niagara Parks Commission had considered widening the parkway but would not now widen any portion of it due to the prospects of its taking on the nature of a highspeed expressway.

It had been intended as a scenic artery and the NPC was now requiring land for an out-of-the-park parking scheme whereby a shuttle service would take visitors in and out of Queen Victoria Park to circumvent traffic congestion.

Gives Her Advice To Council

Miss McLean said the provincial agency was opposed, "but not for the purpose of interfering with the right of the municipality to determine what will be done with property within the municipality, with the approval of the board."

She then proceeded to tell City Council how they should have processed the Gruyich application.

Council should have firstly, in handling Mr. Gruyich's application for a commercial project there, studied the traffic study and its implications in respect to the area concerned, the woman solicitor continued.

"Why on earth did not the action in the traffic study precede the application," Miss McLean

asked? She said the proposed amendment to the official plan "could be a very improvident course of action."

The highways department representative indicated her displeasure with City Council not having returned a brief on the traffic study to the DHO. They had signed an agreement to reply within three months of receiving the report and had not done so, she added.

"They are going to start on it tomorrow or the next day," Miss McLean stated, referring to earlier testimony that the city had, in the highways department's opinion, taken too long in committing themselves on the traffic survey and the tremendous expenditure it entails.

Acted In Interests Of City

W. S. Martin, Q.C., counsel for Mr. Gruyich, told the OMB City Council had acted in the best interests of the entire community in his client's application but the matter was now before the board for the third time, having twice been rejected and a rejection appeal not being allowed by the Court of Appeal.

He noted that one of the objectors already was in a commercial area and the Ontario Department of Highways, another objector, had a block of stores only one block from the proposed commercial site.

There was vast commercial complex immediately to the south of the Gruyich property and extending to the border of Queen Victoria Park. It included a museum, stores, penny arcade, service station, hotels, motels and two factories. To the west was the Boyd enterprise, "practically a motel."

fic Study, researchers had found the Falls Ave.-River Rd. zone as prime tourist industry area. "The nature and trend of this area has changed—and certainly to a commercial character," Mr. Martin added.

The Gruyich property was now ringed by commercial holdings and operations, he said.

All the people in the immediate area, except for three or four, were in favor of rezoning the block to the special commercial category permitting a high class of development. His witnesses had been representative of the general feeling there.

Except for Ald. Ian McCallum, Mr. Martin continued, the four other announced objectors had "no more reason for being affected by the proposal than they are now by the museum and the vast commercial complex right to the park."

Study proposes demolition of stately River Road homes

Sept 18/80
BY LYNDA POWLESS
Review staff writer

One of several proposals revealed in the unveiling of the River Road Study Wednesday calls for turning the area into a scenic parkway.

The alternative, one of four presented to the planning and development committee, calls for demolishing the existing stately homes, turning the

area into a park, and widening River Road.

The Con Rail line would serve as a "defensive boundary" between residential and commercial development proposed to the west of River Road.

Senior planner Doug Darby said the proposal also called for construction of a new north-south road leading from the proposed Ministry of

Transportation and Communication (MTC) Highway 420 ramp, through the newly created commercial district (behind River Road) and funneling tourist traffic into the downtown area.

"It's an imaginative concept and cost of implementation is beyond us," he said.

"It isn't far fetched; there are ways of implementing it," he said.

But before any of the four redevelopment plans are undertaken the study indicates the need for a geological study of the area.

The 31-page report prepared by the city's planning department says problems of stresses and faulting should be investigated to determine areas more susceptible to faulting and what areas have the "load-bearing capacity to accommodate new development."

"There could be a problem with stress and faulting in the area," said Mr. Darbyson.

He told the committee should they select one of the four alternatives, the parkway theory could be implemented by interesting the Niagara Parks Commission (NPC) in the plan.

"The NPC has the power to expropriate and can create the park, enhancing their own roadway," said Alec Greaves planning director.

OTHER CHOICES

The "in-house" study includes choices of: preserving the neighborhood flavor now existing with low density hous-

ing, residential redevelopment or residential with limited commercial development.

The first alternative, preserving the existing neighborhood is the most obvious, the report says.

The report says 85 per cent of the area is single family housing, "houses that are in remarkably good condition considering the age of the buildings or are undergoing rehabilitation through the Residential Rehabilitation Assistance Program and private home improvements."

To preserve the residential character, Mr. Darbyson said the city should implement the property standards bylaw, "there are problems with property maintenance in the area particularly with rental units and absentee landlords," he said.

Allowing for residential redevelopment would switch the focus from preserving today's neighborhood to mixing the households by converting the stately homes to apartment units or tourist homes.

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Scenic parkway for River Road?

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Limited commercial development would allow tourist commercial development in the north and south quadrants he said.

He said the River Road area is a stable residential area undergoing rejuvenation. "Young families are moving into the area because of the modestly priced homes," he said.

PLANS DISCARDED

Two secondary alternatives studied by the planning department and discarded were commercialization of the River Road strip allowing strip commercial development, and total demolition turning the area into a park.

"The park concept would simply add to Queen Victoria Park," he said.

Committee members, excited with the idea of turning River Road into a scenic parkway, agreed before any decisions are made council must be made aware of the report.

The committee will hold a joint meeting with council Oct. 6.

Committee members zeroed in on the major stumbling block to any re-development plans of the area, "the key to the whole issue is what the MTC plans to do with its proposed Highway 420 ramp," said Ald. Brian Merrett.

"Until they get off the pot and do something we're going to sit on plans until doomsday. They have admitted they don't have the money for the ramp but say its the only plan they

do have so we have to wait," he argued.

He also said the ongoing traffic and parking study of the tourist commercial areas would have to be completed and the two reports jointly studied.

Ald. Mary Sobol said it was time for the city to proceed and forget the MTC's missing link. "The only way we'll get any action from the MTC is if we proceed, then they will take action."

Ald. Buck Hinsperger said the move would lessen the danger of a rock fall by moving the load further away from the gorge edge and help the downtown area by bringing the tourists there.

Ald. Dave MacKenzie agreed the idea was attractive but impractical. "Costs to acquire the lands would skyrocket as soon as you mention commercial zoning. Getting the people out of the area would be difficult, we'd end up with expropriating through a provincial body and services would have to go in for the new commercial area."

Ald. Mary Sobol suggested the report be sent to the NPC for their comments or the parking and traffic study advisory committee.

Ald. John Graaskamp said he wanted to hear what the residents had to say before any scheme was chosen. "We've gone against them too many times. With the expansion of Michael's Inn — the committee approved expanding the motel by allowing two storeys to be built on just a few weeks ago — and by allowing tourist commercial development north of Michael's Inn," he said.

He said River Road was not a major priority and downtown should come first. "They aren't in trouble. The downtown problems overshadow River Road."

Ald. Don Dilts said offers of redevelopment in the area make it a priority.

River Rd. property anguished man for more than 30 years

April 26/79

For Jack Brown the northwest corner of River Road and John Street has spelled frustration and unhappiness for 30 years.

"And that's long enough," Mr. Brown told the planning committee Wednesday.

The land is now being considered as a motel site.

In 1946 his father bought the land, zoned residential, to build a fine home among other "first class residences."

In 1948 the father died.

Since then Mr. Brown has tried five times to build on the land.

He has consulted with planners, and engineers, provincial, regional and city officials. He has been shunned by neighbors and completely frustrated.

"Let me do something with the land," he begged the committee.

His first development proposal was for a high rise apartment building. It was in the early days when high rise in Niagara Falls meant four storeys and he was turned down. He has tried various heights and numbers of units without success.

"Every time I came into this on with a plan I had consulted with every city official I could find and had their approval," he said.

He is equally tired of trying to answer from the Ministry of Transportation and Communications.

He has been told at various times that the new bridge approach on Highway 420 would go through his land — skirt his land — nowhere near the land.

Depending on who he spoke to he was told the road may be built within five years.

He said he has learned the 1981 budget for the Rainbow Bridge Commission includes money to remove toll booths at the Canadian end of the bridge, move them to the American end, and widen the exits.

"And MTC is working now to widen 420 west of Stanley," he said. "This was to be the first class residences."

step, followed by gradual grading east of Stanley and eventual work on the bridge plaza."

"I have spent months and years trying to build something on this land and I feel there has been discrimination," he said.

"Tell me what to do with the land," he begged.

The committee's only answer was to reject the current motel proposal.

NF Review

Future Of River Rd.

Jan. 12, 1962
HF REVIEW

A full-scale debate on the future of a considerable part of River Road developed yesterday before W. L. Greenwood of the Ontario Municipal Board at the hearing in the council chambers at the City Hall on the rezoning of two areas on that thoroughfare. One of the applications had been approved by both City Council and the Niagara Falls and Suburban Area Planning Board but the other had not. Against them were ranged many of the people who have lived for many years in that residential area.

Advocates of the rezoning argued that it is now necessary to have some commercial properties on River Road available for private business and that the area is losing its value as a residential area. Residents argued against the further encroachment of the tourist in-

dustry and pleaded that they want to remain in their own homes and not be surrounded by business establishments.

After hearing evidence and the arguments of counsel for three and a half hours, Mr. Greenwood announced that he will present it to the board for a decision. He also instructed W. J. McBurney, Q.C., city solicitor, to write to the Niagara Parks Commission at once and find out the attitude of the commissioners. Maxim T. Gray, general manager of the commission was present but explained that he could not oppose or support the applications because the commission had not given a decision on them. Mr. McBurney said that the commission had received two notices from the city on the subject.

Harold A. Logan appeared for John Gruyich in support of City Bylaw 6034 which would rezone the area between River Road and River Lane and between John and Hiram Streets from residential to Commercial 1A. The other application was from Mrs. Ella May Brown to rezone the lot on the northwest corner of River Road and John St. John J. Broderick appeared for her.

Mr. McBurney said that originally Mr. Gruyich had only applied for rezoning of the lot at River Road and Hiram St. so that it could be used as a drug store. The planning board had recommended that the part from River Lane to River Rd. should be made commercial and the bylaw had been registered on that basis. In that block, River Lane is a road allowance not an existing street.

Cites Logic For Business

Mr. Logan pointed out that the Niagara Falls Museum is across the street and west of this property is the Boyd property used practically as a motel. As need arises for more establishments to take care of the tourist business he said that it was logical for that block to become commercial. He added that the opening of the Queenston-Lewiston Bridge can be expected to greatly increase the traffic on River Rd.

Ian McCallum, 1563 River Road, argued that he wants to see the block remain residential. He admitted that he had voted for the change to commercial both as a city council member and as a planning board member last year because he believed that a small majority wanted it but that he was now stating his own case as a property owner.

He said that even the tourist homes on River Road are decreasing in number. He also added that he understands that only a pharmacist can open a drug store.

E. R. Blew, 1507 River Road, who lives in the adjoining block, said that he does not believe this kind of piecemeal planning to be healthy.

Mr. Greenwood asked if he would object to rezoning the corner lot for a drug store.

Mr. Blew said he would because the applicant is not a druggist. Mr. McBurney had already entered a long list of uses that are permitted under the classification Commercial 1A.

Fred Durdan, 1311 River Road, said that there is no need for a drug store at that

location and that it would spoil the appearance of the street. He stated that the residents of River Road prefer keeping their homes to selling them for commercial gain. He said the city hires an expert on zoning but that this can lead to haphazard development. Traffic today on River Road is only a fraction of what it once was, he said. He also argued that millions are being spent across the river to try to restore the river front there to what we already have.

He added that he understands River Road is to be widened and that it would be much cheaper to buy from the present owners than it would from the owners of commercial property. He maintained that rezoning is not in the public interest.

They Want It Commercial

James H. Fordham, 1578 Falls Ave., said that the area is now a tourist district bordered by tourist businesses and the Queen Elizabeth Way. His wife added that their property, which is back to back with the River Road property, would certainly lose value as residential. They favored commercialization.

After General Manager Gray of the Niagara Parks Commission had been heard as reported above, Mr. McBurney said that the commission has held the lots adjacent to Mr. McCallum's home for 15 or 20 years, has done nothing to develop them and pays no taxes on them.

Mr. Greenwood said it is not surprising the commission may want to keep some things considering all that it has done for Niagara Falls.

Mr. Durdan said that the

commission may want to keep the lots for the future widening of River Road.

PLANNING DIRECTOR

Conroy Dowson, planning board director, was called as a witness and questioned by Mr. McBurney and John J. Broderick, counsel for Mrs. Ella May Brown on the other application that was related to this one by the proximity of the sites.

He confirmed that all property owners within 300 feet of the properties affected had been notified by the board including the Parks Commission.

WHY HALF A BLOCK

Asked by Mr. McBurney why the planning board had favored commercializing half a block, he said that there was a certain hesitation about changing land uses in that area.

Mr. McBurney pointed out

that the museum is next to this property and, south of the museum, all of River Road is commercial or park development on property belonging to the Niagara Parks Commission, the Department of Highways and the Niagara Falls Bridge Commission.

Mr. Dowson agreed to that.

ENOUGH COMMERCIAL

Mr. Greenwood then asked him if there is enough land zoned for commercial use in the city. He said the board has noted a tendency across the province to zone too much property commercial.

Mr. Dowson replied that he is satisfied that there is enough land zoned commercial here.

"This is not just an ordinary city street. I wonder what danger there is of spoiling it?" said Mr. Greenwood.

Argues Residential Worth

Mr. Dowson said that he feels it will be many years before there is a real demand for a commercial development there. It is a fine residential area.

areas and roads not residences was it not.

Mr. Dowson agreed that it was.

NATURE OF AREA

"Are the houses around this

"Is the area south of Hiram St. not solidly commercial?" asked Mr. Broderick.

"There is one vacant lot next to the museum," Mr. Dowson replied.

PRICE IS \$30,000

Mr. McBurney asked her what her mother is asking for it.

Mr. Greenwood promptly ruled

Would Thwart Future Growth

Mr. Logan said that this application had been given very careful consideration by both the council and the planning board. He said that Mr. Broderick had well brought out that there is practically no commercial land in that area. "We would be thwarting development to keep it residential although I admit there are some fine residences there."

At that time, Mr. Greenwood instructed Mr. McBurney to write at once to the Parks Commission and ask for an immediate answer.

Mr. Broderick said he did not think it would sit well with the Parks Commission to object when it has control of the property from this area to the Falls and beyond them.

BROWN APPLICATION

In the application of Mrs. Ella May Brown for the rezoning of the lot at John St. and River Road, Mr. McBurney pointed out that it is a completely different case that was not approved by the planning board and that therefore was not approved by City Council.

Mr. Broderick said the lot has been owned by Mrs. Brown since 1947. Several offers have been made for it as a commercial site, but none for residential purposes. He called Mrs. Edward Mulligan, daughter of the owner to the witness stand. Mrs. Brown is presently in Texas.

Mrs. Mulligan corroborated what Mr. Broderick had told the board member. She said that the property had been in the hands of several real estate dealers.

PRICE IS \$30,000

Mr. McBurney asked her what her mother is asking for it.

Mr. Greenwood promptly ruled

ed that she need not answer that question unless she desired.

Mrs. Mulligan said she had no objection to answering it. She believed the price is \$30,000.

Edward Holt of McDonald and Holt, realtors, was then called. He testified that he has had no inquiries for River Road residential property for a long time.

Questioned by Mr. Broderick, he said that it is hard to find purchasers for residential property there. Asked for the reasons, he said that many of the homes are getting old. If there are children, there is no school unless they walk across the railway tracks. Some of the houses there are offered for sale but few are sold, he said. He thought it was uncertain what is going to happen to this area but that a change to commercial is inevitable in the long run and that will be the best use. He also testified that the Gruyich property had been offered to the Parks Commission who rejected it.

"I think you will agree that \$30,000 is not a fit price for residential property," said Mr. McBurney.

Mr. Holt agreed.

"Do you think that the reason you can not sell River Road lots is that people are seeking commercial prices?" Mr. McBurney asked.

"I think that the best use of property there is the use conforming to the area," said Mr. Holt.

"You mean the use that is best for the owner not the use that is best for the area, do you not," asked Mr. McBurney.

"No. Best for the area," said Mr. Holt.

"Do you not mean the use that will get the best price for

the owner?" persisted Mr. Burney.

"He has answered that. I object to repeating the question," said Mr. Broderick.

OTHER AREAS

"Are there general residential developments in this area?" Mr. Logan then asked Mr. F.

"Yes, but they are outside city."

"Are there any on River Road?"

"No."

"When was River Road developed?"

"I would say 30 or 40 years ago."

"Do you think its residential character can be maintained?" asked Mr. Logan.

"No," said Mr. Holt.

"Do you know how many vacant lots there are between area and the Lower Bridge?" asked Mr. McBurney.

"I believe five or six," Mr. Holt.

Mr. Greenwood pointed out Mr. Holt that the present residential development is beautiful.

Mr. Holt agreed but said big houses are getting hard to maintain.

PLANNERS' OBJECTIONS

Recalled to the stand, Conroy Dowson said that the planning board's objection to rezoning Mrs. Brown's lot were (1) zoning; (2) a bad precedent and (3) weakening the confidence of the other residential owners in their area.

Mr. Logan asked him if he would not agree that the character of River Road housing is changing and that much of it is becoming apartments or tourist homes.

Mr. Dowson agreed.