Food truck under fire for violating bylaw

Owner says he will not cease operations, is trying to survive during the pandemic

Richard Harley
Editor

Lorenzo Lucchetta doesn't want to break the law, he's just trying to make ends meet during a pandemic.

The food truck owner has been in a battle with Town of Niagara-on-the-Lake bylaw officers because he's been operating on the property where his breakfast restaurant, Lorenzo's Diner, is located. The diner has been closed during the pandemic.

Lucchetta said he's been visited by bylaw officers multiple times and has been given four notices of violation since the beginning of June.

During the first visit, he said an officer instructed him to cease operations of his two food trucks, located on Glendale Avenue.

"At that point, he advised me that I was going to receive a notice of violation in the mail. He was happy to work with me. He was going to let me work out the 30-day period, from the time of receiving the notice of violation — 30 days after that I had to be closed down."

But shortly afterward, Lucchetta says he started getting more violation notices — one for the food truck, two for his signage, and another for failure to maintain the property.

"So 30 days went by. In the meantime, they found other frivolous infractions that we had done," Lucchetta said in an interview.

Lorenzo Lucchetta next to one of his food trucks.
JESSICA MAXWELL

"They were looking to pick on us. So they found these four extra violations to send our way," he said.

He said after the notices, the town started sending enforcement officers to take photos of his operation.

"This guy pulled up into the parking lot like a private investigator," Lucchetta said.

"I approached the vehicle in a very kind, calm way. And I said, 'Hey, Hey you. Hey, dude, buddy. What are you doing here? Identify yourself.' He absolutely gave zero reply. He put the car into drive. He stepped on the gas and he skidded out of here."

At that point, Lucchetta wasn't happy — nor was one of his workers.

"My guy Paul, he's up on the roof right now. He drives that Joker truck. He got into the Joker truck and started following them all around. And then he was on this little goose chase because the guy knew he was being followed," Lucchetta said.

"The long and short of it now is they told us by Friday, which was yesterday, that we had to be shut down, that we cannot operate from the food truck any longer. And I said, 'Oh, yeah. Great. What happens if I tell you to go piss up a tree?' "

He said the bylaw officer told him he would end up being brought to court.

"I said, that's cool. Bring me the summons. Because I will go to court. One of two things is going to happen. By the time it gets to court, I will either be out of business, or I will go ahead with the court proceeding and fight it — and I'm banking on compassion of the court that I was just a businessman trying to put food on the table during the pandemic. And that supersedes any stupid old bylaw."

He said when he asked about what recourse he has to challenge the bylaw, the officer told him to apply for a site plan variance to change the zoning of the property.

"I said, 'So, you're going to shut me down anyhow, while that all happens, and then that all gets tied up in red tape and proceedings, which every town hall is so far behind right now because of COVID.'"

Lucchetta said bylaw officers have asked why he doesn't operate out of his restaurant.

"Why don't I just serve out of my restaurant? Well, you know what, I'm here on the very outskirts of town, around nobody and nothing. I have nobody to consider in terms of 'Am I going to be cutting your grass, am I stepping on your toes?' I don't have that concern out here. Because I'm by myself. I'm an island out here," he said.

He said while he recognizes bylaw officers are just doing their job, he isn't going to shut down his food trucks.

"He's here. He's doing his job. I get it. Well, you know what? I'm here. I'm doing my job too. And I'll be damned if I'm gonna let somebody cut off my lifeline."

Lucchetta added he is taking emergency measures seriously.

"We are also maintaining proper social distancing measures and all that goes along with it in today's pandemic days. In other words, we're practising proper food service handling, social distancing, the whole bit."

He said the food truck helps to attract people.

"If that gives me a little bit of an edge, as a business owner, where I'm not affecting anybody else's income, then let me use my edge during the time of a pandemic, because as I said, under normal circumstances, that truck would never be there. The restaurant would be open normal hours" and the trucks would be serving food at functions.

He said now he's going to keep the truck open to make ends meet, but also to make a point.

"Call it protest. This is not just about me. This is about the principle because I know the Blue Lady got shut down as well. And I might in fact invite the Blue Lady over here, because once they give us our summons, they are no longer allowed to harass us."

He said he's suffered as much as everybody else because of the pandemic.

He would like to see the bylaw changed for food trucks, adding that the bylaw was written after complaints from businesses that didn't want the competition.

He said there are rules of etiquette. "I would never go and park close to another restaurant, knowing that it's going to cause animosity."

Now Lucchetta isn't willing to stand for it, he said.

"It's not my interest to break bylaws," Lucchetta said.

"But as I asked the bylaw officer, 'Show me a bylaw that pertains to epidemics, pandemics and so on, and how those bylaws cover us residents, as business people.' There was no answer to that because nothing like that exists."

He said the only reason he's breaking the bylaw is "to stay alive during a time where we're all sinking,"

"So, at the end of the day, I mean, we're doing nothing wrong. We're surviving. And if that's wrong, then I'm happy to challenge any bylaw."

The Town of Niagara-on-the-Lake would not comment on the violations.

Developers Marotta, Hummel have no plans to settle lawsuits

Richard Harley
The Lake Report

At least two major land developers in Niagara-on-the-Lake say they have no plans to settle lawsuits with the town.

"I have not settled. I will not settle," Rainer Hummel said in response to questions from The Lake Report.

Hummel launched a lawsuit challenging NOTL's urban development freeze (officially called an interim control bylaw) in January, after the town extended the freeze for an additional year.

The town repealed that bylaw June 22.

Hummel, owner of Hummel Properties Inc., said he will continue to seek damages, as the revenue lost during the development freeze doesn't disappear with the bylaw.

His lawsuit claims the town's decision to put the bylaw in place was illegal for a number of reasons, including that there was already an interim control bylaw in place (provincial rules state only one can be in effect at a time) and that in 2018 the newly elected town council didn't have adequate time to discuss the bylaw before passing it.

The bylaw was passed just days after council took office.

Benny Marotta, owner of Solmar 2 Inc. and Two Sisters Resorts Corp., said he too has no plans to settle any lawsuits with the town.

"I'm not interested in any settlement unless the town comes through with common sense and starts to behave like a municipality, not a dictatorship," Marotta said, noting he thinks the town is purposely trying to target his developments.

Marotta wants to build a hotel and a subdivision on the former Rand Estate. The town created obstacles for that to happen with the development freeze.

Marotta said he put in an application for the subdivision a few weeks ago.

"We applied and then it's up to the town to work with us and process the application as other municipalities," he said.

"But based on experience, they're just gonna try to delay more and more and more. Which at the end of the day they're gonna lose anyway. So they're just wasting money, taxpayers' money, for no reason, because at the end the community will be built, the hotel will be built."

Lord Mayor Betty Disero said she's not aware of any lawsuits settled recently with developers, however she noted that if there were settlements, the documents would be available at the courthouse.

"If there were any settlements of anything they would all be public," Disero said in a reply to an email inquiry.

A false claim has been circulating on Niagara-on-the-Lake social media groups that after the town repealed the development freeze in Old Town, several lawsuits related to the issue have been settled.

The rumours, one of which was posted on Facebook by former town councillor Paolo Miele, are unfounded, Disero and Hummel both said.