



The Municipal Corporation of the Town of Fort Erie

Regular Council Meeting Agenda

Monday, March 27, 2023 - 6:00 PM

Council Chambers

Meetings are being held in-person and via Video Teleconference as may be permitted. All meetings can be viewed at: Town's Website:

<https://www.forterie.ca/pages/CouncilAgendasandMinutes>

Town's YouTube Channel: www.youtube.com/townofforterie

or click on the YouTube icon on the home page of the Town's website (www.forterie.ca) or Cogeco "YourTV"

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- 1. Call to Order**
- 2. Invocation**
- 3. Roll Call**
- 4. Announcements/Addenda**
- 5. Declarations of Pecuniary Interest**
- 6. Notice of Upcoming Public Meetings**

- (a) Municipal Drain

Re: Frenchman's Creek Drain 2022 - Monday, April 3, 2023 - 6:00 p.m. - Council Chambers, Town Hall. The information report will be available by 5:00 p.m. on Wednesday, March 29, 2023.

- (b) Building Permit Fees

Re: Proposed Increase in Building Permit Fees - *Building Code Act, 1992* - Monday, April 3, 2023 - 6:00 p.m. - Council Chambers - Town Hall.

- (c) Proposed Zoning By-law Amendment

Re: 3624 Hazel Street - Applicant: Robert Martin Engineering Inc. (Robert Martin - Owner: S.R. Niagara Investments Inc. (Rita and Salvatore Visca) - Monday, April 3, 2023 - 6:00 p.m. - Council

Chambers, Town Hall. The information report will be available by 5:00 p.m. on Wednesday, March 29, 2023.

- (d) Proposed Official Plan and Zoning By-law Amendment

Re: 3011 Point Abino Road North - Owner: Matthew Erickson & Chris Erickson - Agent: Wellings Planning Consultants Inc. (Glenn Wellings) - Monday, April 3, 2023 - 6:00 p.m. - Council Chambers, Town Hall. The information report will be available by 5:00 p.m. on Wednesday, March 29, 2023.

7. Regional Councillor Report

8. Presentations and Delegations

13

- (a) Mark Schmitt, Fire Chief

Re: Camp Molly
(*Video Presentation*)

[MEMO-Presentation-Camp Molly](#)

- (b) Anthony Bovell, o/b 3692 Crystal Beach Drive

Re: Property Standards Charges

- (c) Kailie Pyott, Account Manager, Zone 2 - Niagara Region, Municipal Property Assessment Corporation

Re: MPAC 101
(*PowerPoint Presentation*)

- (d) Martha Mason and Monica Witvoet, Co-Directors, Fort Erie Multicultural Centre

Re: Safe Third Country Agreement (STCA) Update
(*PowerPoint Presentation*)

9. Consent Agenda Items

9.1 Request to Remove Consent Agenda Items

9.2 Consent Agenda Items for Approval

1. Minutes

- (a) Approve - Special Council Meeting - February 27, 2023

[02.27 Special Council](#)

14 - 15

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- | | | |
|----------|-----|--|
| 16 - 47 | (b) | Approve - Regular Council Meeting - February 27, 2023
02.27 Regular Council |
| 48 - 58 | (c) | Approve - Special Council-in-Committee Meeting - March 6, 2023
03.06 - Special Council-in-Committee |
| 59 - 122 | (d) | Approve - Council-in-Committee Meeting - March 20, 2023
03.20 - Council-in-Committee |

2. Correspondence

- | | | |
|-----------|-----|---|
| 123 - 126 | (a) | Receive - Niagara Region - Declarations of Emergency for Homelessness, Mental Health and Opioid Addiction
Comm(a)-Region-Homelessness Mental Health |
| 127 - 128 | (b) | Receive & Support - Town of Grimsby - Barriers for Women in Politics
Comm(b)-Grimsby-Women Politics |
| 129 - 131 | (c) | Receive - Town of Grimsby - Changes to the Municipal Heritage Register
Comm(c)-Grimsby-Heritage |
| 132 | (d) | Proclamation - Niagara Health System - Addiction Services - May 11, 2023 - Canadian Viral Hepatitis Elimination Day
Resolution:

That: Council proclaims May 11, 2023 as "Canadian Viral Hepatitis Elimination Day."
Comm(d)-Hepatitis |

3. Board/Committee Minutes

- | | | |
|-----------|-----|---|
| 133 - 139 | (a) | Receive - Mayor's Youth Advisory Committee - February 27, 2023
MYAC-Feb27 |
| 140 - 141 | (b) | Receive - Senior Citizen's Advisory Committee - February 1, 2023
SCAC-Feb1 |
| 142 - 149 | (c) | Receive - Accessibility Advisory Committee - February 28, 2023
AAC-Feb 28 |

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150 - 152	(d)	Receive - Bridgeburg Station Downtown Business Improvement Area Board of Management - February 27, 2023 BBIA-Feb27
153 - 154	(e)	Receive - Museum and Cultural Heritage Advisory Committee - December 14, 2022 MCHAC-Dec14
155 - 161	(f)	Receive - Municipal Heritage Standing Committee - December 14, 2022; February 8, 2023 MHSC-Dec14 MHSC-Feb8
162 - 192	(g)	Receive - Traffic Coordinating Committee Meeting Notes - February 22, 2023 TCC-Feb22
193 - 196	(h)	Receive - Crystal Beach Business Improvement Area Board of Management - March 8, 2023 CBBIA-March8
197 - 227	(i)	Receive - Ridgeway Business Improvement Area Board of Management - March 1, 2023 RBIA-March1
228 - 230	(j)	Receive & Approve Recommendations - Environmental Advisory Committee - February 26, 2023: regarding: (i) 0-10747 Kraft Road: That the EC Overlay Zone be removed from the subject property. (ii) 0-17100, 0-17101 & 0-17102 Schooley Road: That the EC Overlay Zone be removed from the subject properties. EAC-Feb26

4. Reports

231 - 238	PDS-26-2023	Harbourtown Village Draft Plan of Subdivision (3643 Dominion Road) Pre-Servicing Agreement Approval - Upper Canada Consultants (William Heekoop) - Agent/Consultant - 800460 Ontario Limited (Fred Costabile/Eric Henry) - Owner Resolution:
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That: Council permits the pre-servicing of the subdivision lands prior to registration of the Subdivision Agreement, subject to the receipts and approval of the Civil drawings, security deposits, cash payments, authoritative approvals, insurance certificates, and a letter of indemnification to the satisfaction of the Town, and further

That: Council authorizes the entry into a Pre-Servicing Agreement with 800460 Ontario Limited for the Harbourtown Village Plan of Subdivision.

[PDS-26-2023 - Harbourtown Pre-servicing Council Report FINAL](#)

239 - 241

CAO-08-2023

Request by the Boys and Girls Club of Niagara to Sub-Lease a Portion of the E.J. Freeland Community Centre to the Niagara Children's Centre

Resolution:

That: Council consents to the request by the Boys and Girls Club of Niagara to enter into a sub-lease agreement with the Niagara Children's Centre for a portion of the E.J. Freeland Community Centre.

[CAO-08-2023 BGCN request to sublease portion of EJ Freeland Community Centre](#)

242 - 246

CAO-09-2023

Natural Asset Inventory Proposal by the Niagara Peninsula Conservation Authority

Resolution:

That: Council approves the request in the amount of \$75,000 from the Climate Change Reserve for the

Niagara Peninsula Conservation Authority to prepare a Natural Asset Inventory; and further

That: Council amends the 2023 Operating Budget to provide funding to the Niagara Peninsula Conservation Authority in the amount of \$75,000 funded from the Climate Change Reserve.

[CAO-09-2023 - NPCA Agreement to conduct a Natural Asset Inventory FINAL](#)

247 - 255

FES-01-2023

2022 Year-End Report for the Fort Erie Fire Department, Including Emergency Management

Resolution:

That: Council receives the 2022 Year-End Report for the Fort Erie Fire Department, including Emergency Management, for information purposes.

[FES-01-2023 -2022 Year End - Fire Department](#)

5. Other Matters

Consent Agenda Resolution

Resolution:

That: Council approves the Consent Agenda Items as recommended.

9.3 Items Removed to be Dealt with Separately

10. Reports

256 - 274

CAO-07/LC-04-2023

Land Matters: March 16, 2023 Land Committee Meeting Minutes

Resolution:

That: Council receives the March 16, 2023, Land Committee meeting minutes attached as Appendix “1” to Report No. CAO-06/LC-03-2023, and further

That: Council approves the recommendations contained in Appendix “2”.

[CAO-07-LC-04-2023 Land Committee Meeting Minutes Mar 16, 2023](#)

275 - 299

COS-03-2023

Terms of Reference Update for Committees of Council

Resolution:

That: Council approves the Terms of Reference for the Accessibility Advisory Committee, and further

That: Council approves the Terms of Reference for the Committee of Adjustment, and further

That: Council approves the Terms of Reference for the Mayor's Youth Advisory Committee, and further

That: Council approves the Terms of Reference for the Museum and Cultural Heritage Advisory Committee, and further

That: Council approves the Terms of Reference for the Property Standards Committee, and further

That: Council approves the Terms of Reference for the Senior Citizens Advisory Committee, and further

That: Council directs Staff to submit by-laws to Council to repeal or amend necessary by-laws and adopt the new Terms of Reference, and further

That: Council directs that the Fort Erie Active Transportation Committee is dissolved and directs Staff to submit a by-law to Council to repeal By-law Nos. 44-2010, 96-2013 and 128-2014.

[COS-03-2023 Terms of Reference Update for Committees FINAL](#)

11. New Business/Enquiries

- (a) Notice of Resignation - Museum and Cultural Heritage Advisory Committee - June Chipp

Resolution:

That: Council accepts the resignation of June Chipp from the Museum and Cultural Heritage Advisory Committee, and further

That: Council directs staff to proceed with filling the vacancies in accordance with the Procedural By-law.

- (b) Notice of Resignation - Community Gaming Development Corporation - Stephen Passero
Resolution:

That: Council accepts the resignation of Stephen Passero from the Community Gaming Development Corporation, and further

That: Council directs staff to proceed with filling the vacancies in accordance with the Procedural By-law.

- (c) Notice of Resignation - Ridgeway Business Improvement Area Board of Management - Susan Atkinson and Jennifer Priestley
Resolution:

That: Council accepts the resignations of Susan Atkinson and Jennifer Priestley from the Ridgeway Business Improvement Area Board of Management, and further

That: Council directs staff to proceed with filling the vacancies in accordance with the Procedural By-law.

12. Closed Session

- (a) Pursuant to Section 239 (2) (b) of the *Municipal Act, 2001* (personal matters about an identifiable individual, including municipal or local board employees) **(CONFIDENTIAL MEMORANDUM)**

Re: Appointment to Boards and Committees: Accessibility Advisory Committee, Fort Erie Public Library Board, Community Gaming Development Corporation, Mayor's Youth Advisory Committee, Museum and Cultural Heritage Advisory Committee, Senior Citizens Advisory Committee

Resolution: To be presented.

13. Motions

- (a) Councillor Noyes

Re: Before and After School Programs in all Schools in Fort Erie

Resolution:

Whereas residents have raised concern regarding the lack of Before and After School Programs in some schools in Fort Erie, and

Whereas the Before and After School Programs provide necessary, safe and reliable care for our children, allowing parents to work, knowing that their children will be cared for in a safe and reliable setting, and

Whereas the lack of Before and After School Programs is a result of:

- Inadequate funding for the Programs;
- Lack of staffing (Registered Early Childhood Educator, (RECE));
- Lack of transportation to and from the schools that offer the program,

Now therefore be it resolved,

That: The Government of Ontario take the necessary steps to:

- Increase funding for Before and After School Programs including transportation costs;
- Increase the number of RECE graduates by creating more educational opportunities/spaces in the appropriate colleges, and
- Provide incentives to individuals to enroll and obtain their RECE designation, and further

That: This resolution be circulated to Premier Doug Ford, Minister of Education, MP and MPP's in Niagara, and the District School Board of Niagara (DSBN) and the Niagara Catholic District School Board (NCDSB).

14. Notice of Motion

15. Consideration of By-laws

300 - 301

37-2023

To Dissolve the Cemetery Advisory Committee, Communities-in-Bloom Committee, and Transit Advisory Committee (Repeal By-law Nos. 143-2016, 33-2017, 1-2019 and 24-2020)

[37-2023 To Dissolve the Cemetery Advisory Committee, Communities-in-Bloom Committee, and Transit Advisory Committee](#)

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302 - 305	38-2023	To Designate 546 Ridge Road North as Being of Architectural and Historical Value or Interest <u>38-2023 Designating By-law - 546 Ridge Road North</u>
306	39-2023	To Authorize the Entry into and Execution of a Letter of Agreement with His Majesty the King in right of Ontario Represented by the Minister of Transportation under the Dedicated Gas Tax Funds for Public Transportation Program <u>39-2023 MTO Agree Gas Tax Funds</u>
307 - 322	40-2023	To Establish a Designated Heritage Property Grant Program <u>40-2023 To Establish a Designated Heritage Property Grant Program</u>
323 - 326	41-2023	To Exempt a Certain Block in Plan 59M-506 from Part Lot Control, Royal Ridge Drive Block 1 (Royal Ridge Subdivision) - 2834127 Ontario Limited <u>41-2023 Part Lot Control - Block 1, 59M-506 - Royal Ridge Drive</u> <u>MEMO-By-law No. 41-2023- Part Lot Control - Block 1, 59M-506</u>
327 - 330	42-2023	To Exempt a Certain Block in Plan 59M-506 from Part Lot Control, Royal Ridge Drive Block 6 (Royal Ridge Subdivision) - 2834127 Ontario Limited <u>42-2023 Part Lot Control - Block 6, 59M-506 - Royal Ridge Drive</u> <u>MEMO-By-law No. 42-2023- Part Lot Control - Block 6, 59M-506</u>
331 - 333	43-2023	To Amend Zoning By-law No. 129-90, as amended – 0-17100, 0-17101 & 0-17102 Schooley Road - Marz Homes (Crystal Beach) Inc. (Dan Gabriele) - Owner <u>43-2023 0 Schooley Road ZBA</u>
334 - 336	44-2023	To Amend Zoning By-law No. 129-90, as amended - 316 Ridgeway Road - Kevin Ronald Reichel – Owner <u>44-2023 ZBA - 316 Ridgeway Road</u>
337 - 339	45-2023	To Amend Zoning By-law No. 129-90, as amended - 0-19302 Courtwright Street - David Zappone – Owner <u>45-2023 ZBA - 0-19302 Courtwright Street</u>

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340	46-2023	To Amend By-law No. 11-2023 (Name Change – Kennedy Lidstone to Kennedy DeGooyer) <u>46-2023 Amend By-law No. 11-2023 (Name Change - Kennedy Lidstone to Kennedy DeGooyer)</u>
341	47-2023	To Accept and Declare Lands as Public Highway on the West Side of Buffalo Road – 629 Buffalo Road – Cornelius Woelke <u>47-2023 To Accept and Declare Lands as Public Highway - 629 Buffalo RD</u>
342 - 367	48-2023	To Enact an Amendment to the Official Plan Adopted by By-law No. 150-06 for the Town of Fort Erie Planning Area - Amendment No. 69 – 214 Windmill Point Road South - Joseph Moore and Irene Moore - Owners <u>48-2023 - 214 Windmill Point Road South OPA</u>
368 - 371	49-2023	To Repeal Deeming By-law No. 131-2000 - 4110 Rebstock Road - Marz Homes (Rebstock) Inc. – Owner <u>49-2023 Repeal of Deeming - 4110 Rebstock Road MEMO-By-law No. 49-2023 - Repeal of Deeming By-law No. 131-2000</u>
372 - 375	50-2023	To Exempt Certain Lots in Plan 59M-65 from Part Lot Control, Lots 36, 37, 52 & 53 (Rebstock Road & Loganberry Court) - Jetmar Subdivision - Marz Homes (Rebstock) Inc. <u>50-2023 Part Lot Control - Lots 36, 37, 52 & 53, 59M65 - Rebstock Road & Loganberry MEMO-By-law No. 50-2023- Part Lot Control - Lots 36, 37, 52 & 53, 59M-65</u>
376 - 378	51-2023	To Amend Zoning By-law No. 129-90, as amended - 214 Windmill Point Road South - Joseph Moore and Irene Moore - Owners <u>51-2023 - 214 Windmill Point Road South ZBA</u>
379	52-2023	To Accept and Declare Lands as Public Highway on the West Side of Ridge Road North – 811 Ridge Road North - 5047104 Ontario Inc. & 2732440 Ontario Inc. <u>52-2023 To Accept and Declare Lands as Public Highway - 811 Ridge Road N</u>

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380 - 382 **53-2023** To Amend the Town of Fort Erie Investment Policy By-law No. 109-2015 (Increase Portfolio Limit of Schedule I Banks)
[53-2023 Investment Policy Amendment combined](#)

383 **54-2023** To Confirm the Actions of Council at its Special Council-in-Committee Meeting Held on March 6, 2023, Council-in-Committee Meeting Held on March 20, 2023 and its Council Meeting Held on March 27, 2023
[54-2023 Confirmatory](#)

16. Scheduling of Meetings

17. Adjournment

Interoffice Memorandum

March 15, 2023
File No. 3301

To: Mayor and Council
From: Fire Chief, Mark Schmitt
Subject: **Camp Molly Niagara**

Fort Erie Fire & Emergency Services cooperatively with the Niagara Falls Fire Department and Niagara West Fire and Emergency Services will launch Camp Molly Niagara. Several other Niagara Region Fire services will offer a supporting role in the camp. Camp Molly Niagara will be held in Niagara Falls at the Niagara Falls Fire Department training center on May 11-14, 2023. Camp Molly Niagara is one of seven camps scheduled for 2023. Camp Molly Niagara will be the kick-off camp for 2023.

The goal of Camp Molly is to show young females 15 to 18 years of age that a career in the fire service is a viable and rewarding option. Camp Molly pays tribute to the first female firefighter on record in North America, Molly Williams. In 2019, the fire departments of Halton Region hosted the inaugural Camp Molly, and with generous support and donations from many charities, clubs, and business owners, it was an overwhelming success.

Camp Molly's motto is:

- Be Prepared to Be Challenged.
- Be Prepared to Be Empowered.
- Be Prepared to Change the Way you See Yourself.

Fort Erie Fire & Emergency Services hopes that Camp Molly Niagara will help attract more female recruit candidates, increase recruitment, and help to maintain our vision and core values of inclusivity as part of the 2019 Strategic Plan.

Fort Erie Fire & Emergency Services will be providing support through volunteer staff, equipment/props for training, and assisting with the graduation ceremony.

I hope that you share my enthusiasm to help 35 young girls find their passion for the fire service.

Respectfully,

"Original signed"

Mark Schmitt
Fire Chief/CEMC
ms/rlk



The Municipal Corporation of the Town of Fort Erie

Special Council Meeting Minutes

Monday, February 27, 2023

Council Chambers

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1. Call to Order

Mayor Redekop called the meeting to order at 5:30 p.m.

Mayor Redekop acknowledged the land on which we gather is the traditional territory of the Haudenosaunee, Mississaugas of the Credit, and Anishinaabe people, many of whom continue to reside in this area.

2. Invocation

The Clerk read the Invocation.

3. Roll Call

Present: His Worship Mayor Redekop and Councillors Christensen, Dubanow, Lewis, McDermott, Noyes

Absent: Councillor Flagg

Staff: C. McQueen, C. Patton, C. Schofield

Also Present for Closed Session: P. Leigh Whyte, PLW Planning and Environmental Consulting

4. Announcements/Addenda

None.

5. Declarations of Pecuniary Interest

None.

6. Closed Session

Resolution No. 1

Moved by: Councillor Noyes

Seconded by: Councillor Dubanow

That: Council will now hold a Closed Session Meeting at 5:33 p.m. to consider the following:

- (a) Pursuant to Section 239 (e) of the *Municipal Act, 2001* (litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board)

Re: Proposed Zoning By-law Amendment - 0-1335 Pettit Road
(PDS-81-2022) - Second Planning Opinion **(Carried)**

Mr. McQueen provided a brief overview of the purpose of the meeting and invited Mr. Whyte to provide his planning opinion, followed by a question and answer period. Council gave direction to staff.

Resolution No. 2

Moved by: Councillor Lewis

Seconded by: Councillor Noyes

That: Council does now rise and reconvene from closed session at 5:55 p.m. that staff proceed as directed. **(Carried)**

7. Adjournment

Resolution No. 3

Moved by: Councillor Dubanow

Seconded by: Councillor Noyes

That: Council adjourns at 5:56 p.m. to reconvene into a Regular Meeting of Council on February 27, 2023. **(Carried)**

Mayor

Clerk



The Municipal Corporation of the Town of Fort Erie

Regular Council Meeting Minutes

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1. Call to Order

Mayor Redekop called the meeting to order at 6:00 p.m.

Mayor Redekop acknowledged the land on which we gather is the traditional territory of the Haudenosaunee, Mississaugas of the Credit, and Anishinaabe people, many of whom continue to reside in this area.

2. Invocation

The Clerk read the Invocation.

3. Roll Call

Present: His Worship Mayor Redekop and Councillors Christensen, Dubanow, Lewis, McDermott and Noyes

Regrets: Councillor Flagg; RC Insinna

Staff: A. Dilwaria, J. Janzen, C. McQueen, C. Patton, C. Schofield, Daryl Vander Veen and K. Walsh

4. Announcements/Addenda

There were two Addenda as follows:

- 1) Addition under Item No. 6. Notice of Upcoming Open Houses and Public Meetings of a Proposed Zoning By-law Amendment Re: 316 Ridgeway Road - Owner/Applicant: Kevin Ronald Reichel - Agent: Carolyn Murray (Crystal Wines Inc.) - Monday, March 20, 2023 - 6:00 p.m. - Council Chambers - Town Hall. The information report will be available by 5:00 p.m. on Wednesday, March 15, 2023, and under Item No.11.2.3 - Boards/Committee Minutes: Crystal Beach Business Improvement Area Board of Management - February 8, 2023
- 2) Deletion of Item No. 13 (c) Appointment – Accessibility Advisory Committee, and addition of Item No. 16 – Consideration of By-laws: 35-2023: To Authorize Entry into an Agreement with His Majesty the King in Right of Ontario as represented by the Minister of Transportation for the Province of Ontario for the Safe Restart Agreement Phase 4 Funding for Municipal Transit

Mayor Redekop made the following announcements:

- **Surfing Santa**

Surfing Santa was unable to do his thing on December 24, 2022 because of the weather, which is to get in to the Niagara River / Lake Erie (near the Peace Bridge) to raise awareness for the homeless. He not only generates news and information but also provides an opportunity for individuals to donate to those less fortunate and in need. So, he was unable to do this on the 24th of December; however, he did manage to do it on Saturday, February 25th, so he has brought a couple of bins here in the Atrium for those individuals who would like to leave donations for the homeless. He will then ensure that those donations are given to the people who organize the “Coldest Night of the Year” which was held Saturday night in St. Catharines. They had planned to have an event in the Town of Fort Erie; however, that had to be deferred to next year, when the Town of Fort Erie is hoping to participate to help to raise the profile of the homeless.

- **Annual Pow-Wow**

This Saturday, March 4, 2023 is the Annual Pow-Wow at the Fort Erie Native Friendship Centre, commencing at 10:00 a.m. I believe that everyone is welcome and if you’ve never attended one, you should go, as it is an extremely interesting and informative event. Not to mention its fun.

- **Happy 40th Birthday Councillor Dubanow**

Finally, I would like to congratulate one of our members of Council who has reached a milestone birthday, some of us around this Council will

have reached the 40-year decade plateau years ago and I can tell you, Councillor Dubanow, from my perspective "Life Begins at 40!". So, Happy Birthday and all the best and I know that you will continue with your new-found wisdom, you'll be able to make even better decisions. So Congratulations.

5. Declarations of Pecuniary Interest

None.

6. Notice of Upcoming Open Houses and Public Meetings

(a) Open House

Re: Proposed By-law Amendment - 3624 Hazel Street - Owner: S.R. Niagara Investments Inc. (Rita and Salvatore Visca) - Applicant: Robert Martin Engineering Inc. (Robert Martin) - Wednesday, March 8, 2023 - 5:00 p.m. - Town Hall Atrium.

(b) Open House

Re: Proposed Draft Plan of Subdivision - 0-11704, 0-11699, 0-11700 & 0-11702 Shayne Avenue - Applicant/Owner: 1956678 Ontario Inc. (Bridge and Quarry Ltd.) - Thursday, March 9, 2023 - 5:00 p.m. - Town Hall Atrium.

Public Meeting Notices

(a) Proposed Zoning By-law Amendment

Re: 229 Cherryhill Boulevard South - Owner: John Lally (1000112697 Ontario Inc.) - Agent: Cam Lang - Monday, March 6, 2023 - 6:00 p.m. - Council Chambers, Town Hall. The information report will be available by 5:00 p.m. on Wednesday, March 1, 2023.

(b) Proposed Zoning By-law Amendment

Re: 0-19302 Courtwright Street - Owner/Applicant: David Zappone - Monday, March 6, 2023 - 6:00 p.m. - Council Chambers, Town Hall. The information report will be available by 5:00 p.m. on Wednesday, March 1, 2023.

(c) Proposed Zoning By-law Amendment

Re: 0-17100, 0-17101 & 0-17102 Schooley Road - Applicant: A.J. Clarke and Associates Ltd. (Stephen Fraser) - Owner: Marz Homes (Crystal Beach) Inc - Monday, March 6, 2023 - 6:00 p.m.

- Council Chambers, Town Hall. The information report will be available by 5:00 p.m. on Wednesday, March 1, 2023.

(d) Proposed Zoning By-law Amendment

Re: 4409 Erie Road - Applicant: Mary Lou Tanner (NPG Planning Solutions) - Owner: Crystal Beach Cottages Inc. (Bryan Keenan) - Monday, March 6, 2023 - 6:00 p.m. - Council Chambers, Town Hall. The information report will be available by 5:00 p.m. on Wednesday, March 1, 2023.

(e) Proposed Official Plan and Zoning By-law Amendment

Re: 644 Garrison Road - Owner: 2350048 Ontario Ltd. (c/o Ben Kooh) - Agent: Antech Design and Engineering Group (Candice Micucci) - Monday, March 20, 2023 - 6:00 p.m. - Council Chambers - Town Hall. The information report will be available by 5:00 p.m. on Wednesday, March 15, 2023.

(f) Proposed Zoning By-law Amendment

Re: 525 Lake Avenue - Owner: Daniel John Read - Agent: A.J. Clarke & Associates Ltd. (Doug Giles) - Monday, March 20, 2023 - 6:00 p.m. - Council Chambers - Town Hall. The information report will be available by 5:00 p.m. on Wednesday, March 15, 2023.

(g) Proposed Plan of Condominium and Zoning By-law Amendment

Re: 272 Ridge Road South - Owners: Wendy McGaeghan & Patrick McGaeghan - Agent: Culture Developments Inc./5038257 Ontario Inc. (Craig DeVries) - Monday, March 20, 2023 - 6:00 p.m. - Council Chambers - Town Hall. The information report will be available by 5:00 p.m. on Wednesday, March 15, 2023.

(h) Municipal Drain

Re: Frenchman's Creek Drain 2022 - Monday, April 3, 2023 - 6:00 p.m. - Council Chambers, Town Hall. The information report will be available by 5:00 p.m. on Wednesday, March 29, 2023.

7. Presentations

The Heritage Plaque presentation to 657 Niagara Boulevard (Forysthe-Pattison-Kilbridge/Bertie Hall) was dealt with immediately following

Public meeting (a); however, the Minutes reflect the order of the Agenda.

- (a) Keith Ratcliffe, Chair of the Municipal Heritage Standing Committee, provided a brief introduction regarding “Heritage Week”.

Mr. Ratcliffe, along with Mayor Redekop and Fahima Begum, Junior Community Planner, recognized and presented Heritage Plaques to the following:

- (i) 657 Niagara Boulevard (The Forysthe-Pattison-Kilbridge/Bertie Hall) - April Jeffs, Niagara Parks Commission Chair and David Adames, Niagara Parks Commission, CEO
- (ii) 1025 Point Abino Road (Holloway Memorial Church) - Holloway Chapel Trustees: Jean Turner, President, Karen Johnson, Vice-President, Jack Turner, Grounds Trustee, Martha Rasmussen, Recording Secretary and Sheila Sanders, Board Member
- (iii) 1550 Point Abino Road South (Point Abino Lighthouse Keeper's Dwelling)
- (iv) 348 Ridge Road North (The Morin/Cutler House) - Robert Blazik and Genevieve Blazik
- (v) 1340 Ridge Road North - Marion Dunstan
- (vi) 2029 Ridge Road North - Larry Keith Miller

8. Public Meetings

- (a) Proposed Draft Plan of Subdivision and Zoning By-law Amendment

Re: Crescent Acres (0-10747 Kraft Road) - Owner: Crescent Acres Ltd. (Mark Basciano) - Agent: Upper Canada Consultants (Matt Kernahan). The Applicant is proposing to develop 67 lots for single detached dwellings, 4 blocks for a total of 8 semi-detached dwellings, 24 blocks for 145 street townhouse dwellings, 1 block for a stormwater management pond, 1 block for a future road connection and 1 block for a watercourse. The lands are located within the Urban Area and are currently designated Urban Residential and Environmental Conservation,

and zoned Residential 2 (R2) Zone, Residential Multiple 1 (RM1) Zone and Environmental Conservation (EC) Overlay Zone. The proposal seeks to change the zoning in order to implement the proposed plan of subdivision. The zoning is proposed to change to a site-specific Residential Multiple 1 (RM1) Zone to permit the single detached dwellings, semi-detached dwellings, townhouse dwellings and the stormwater management pond. The proposed RM1 zoning also contains special provisions to permit the following:

- Removal of the maximum lot coverage for single detached dwellings;
- Reduced lot frontage for semi-detached dwellings;
- Reduced minimum side yard setback requirement for semi-detached dwellings;
- Reduced minimum lot area for interior and exterior townhouse lots;
- Removal of the maximum lot coverage for interior and exterior street townhouse dwellings;
- Removal of the requirement for a planting strip 4.50 m in width where it abuts a street;
- In addition to the uses permitted by the base RM1 Zone, stormwater management ponds and open space uses shall be permitted uses.
- An Environmental Protection (EP) Zone is proposed for the block associated with the watercourse. The Zoning By-law Amendment also proposes to remove the Environmental Conservation (EC) Overlay Zone from the subject lands.

Mayor Redekop announced that this portion of the meeting would be devoted to the holding of the Public Meeting. Mayor Redekop also provided information on electronic participation for members of the public who wished to provide input relative to the Application.

Daryl Vander Veen, Intermediate Development Planner, delivered a PowerPoint Presentation which is available for viewing on the Town's website.

Mr. Vander Veen confirmed the statutory requirements for the Public Meeting were met, summarized the purpose of the Application, and public comments received.

Matt Kernahan, Agent, Upper Canada Consultants, provided a PowerPoint presentation, and summarized the Application.

Mayor Redekop enquired whether there were any members of the public present in the virtual waiting room or in the Chamber who wished to speak in favour of the Application.

No members of the public came forward.

Mayor Redekop enquired if any members of the public wished to speak in opposition to the Application or ask questions.

(a) Doug Sauer – 940 Crescent Road

Mr. Sauer spoke not in favour nor in opposition; however, about his concerns with the development.

(b) Steve Preece, 988 Crescent Road

Mr. Preece spoke in opposition of the development.

(c) Mark Charlong, 958 Crescent Road

Mr. Charlong spoke in opposition to the development.

(d) Jennifer D'Cruz, 1000 Crescent Road

Ms. D'Cruz spoke in opposition to the development.

All visual presentations and oral presentations of the members of the public who spoke can be viewed as recorded at: www.youtube.com/townofforterie

Mayor Redekop enquired whether the Clerk received any written submissions subsequent to the posting of the Report. The Clerk advised that she received a submission from:

(a) George Wiseman, 311 Helena Street, in opposition, which was circulated to members of Council and staff, and are appended to the Minutes.

Mayor Redekop declared the Public Meeting closed.

PDS-15-2023 Proposed Draft Plan of Subdivision and Zoning By-law Amendment - Crescent Acres - 0-10747 Kraft Road - Upper Canada Consultants (Matt Kernahan) - Agent - Crescent Acres Ltd. (Mark Basciano) – Owner

Resolution No. 1

Moved by: Councillor Dubanow

Seconded by: Councillor Noyes

That: Council receives for information purposes Report No. PDS-15-2023 regarding a proposed Draft Plan of Subdivision and Zoning By-law Amendment for Crescent Acres Subdivision (0-10747 Kraft Road).

(Carried)

(b) Proposed Combined Official Plan and Zoning By-law Amendment

Re: 214 Courtwright Street - Owner: 2550663 Ontario Inc. (Greg Walker) - Agent: NPG Planning Solutions (Jeremy Tran). The Applicant is proposing to bring an existing non-conforming two storey apartment building into conformity with the Bridgeburg Secondary Plan/Town Official Plan and the Zoning By-law. The existing building has five dwelling units and a home occupation (barber shop). The land use is proposed to change from Policy Area 4 - Bridgeburg Core Mixed-Use Area to a Site-Specific Policy Area (SSPA) that permits stand-alone residential use of the property. An Official Plan Amendment is required as the current Policy Area 4 - Bridgeburg Core Mixed-Use Area designation does not permit stand-alone residential uses and also does not permit residential dwellings on the ground floor. The zoning is proposed to change from General Commercial (C2-418) Zone to a site-specific Residential Multiple 2 (RM2) Zone that permits a residential apartment building. Further, the proposed RM2 zoning will contain special provisions to permit the existing setbacks, building footprint, a reduced number of parking spaces and the location and dimensions of the parking spaces on site.

Mayor Redekop announced that this portion of the meeting would be devoted to the holding of the Public Meeting. Mayor Redekop also provided information on electronic participation for members of the public who wished to provide input relative to the Application.

Daryl Vander Veen, Intermediate Development Planner, delivered a PowerPoint Presentation which is available for viewing on the Town's website.

Mr. Vander Veen confirmed the statutory requirements for the Public Meeting were met, summarized the purpose of the Application, and public comments received.

Jeremy Tran, NPG Planning Solutions, Agent for the applicant was unable to attend; however, colleagues, Jesse Auspitz and Max Fedchyshak, provided a PowerPoint presentation, and summarized the Application.

Mayor Redekop enquired whether there were any members of the public present in the virtual waiting room or in the Chamber who wished to speak in favour of the Application.

No members of the public came forward.

Mayor Redekop enquired if any members of the public wished to speak in opposition to the Application or ask questions.

No members of the public came forward.

All visual presentations and oral presentations of the members of the public who spoke can be viewed as recorded at: www.youtube.com/townofforterie

Mayor Redekop enquired whether the Clerk received any written submissions subsequent to the posting of the Report. The Clerk advised that she did not.

Mayor Redekop declared the Public Meeting closed.

PDS-16-2023

Proposed Combined Official Plan and Zoning By-law Amendment - 214 Courtwright Street - NPG Planning Solutions Ltd. - Jeremy Tran (Agent) - 2550663 Ontario Inc. - Greg Walker (Owner)

Resolution No. 2

Moved by: Councillor Christensen

Seconded by: Councillor McDermott

That: Council receives for information purposes Report No. PDS-16-2023 regarding a proposed Combined Official Plan and Zoning By-law Amendment for 214 Courtwright Street. **(Carried)**

9. Regional Councillor Report

None.

10. Delegations

All visual and oral presentations can be viewed as recorded at:
www.youtube.com/townofforterie

**Presenter's speaking notes retained in Clerk's office*

- (a) April Jeffs, Chair and David Adames, CEO, Niagara Parks Commission

Re: 2023 Updates and Initiatives

April Jeffs and David Adames provided a PowerPoint presentation regarding the Niagara Parks Commission 2023 Updates and Initiatives.

- (b) * Martine Esraelian, 159 York Street, St. Catharines

Re: By-law for Land Lease/Other Private Communities (Black Creek Leisure Homes)

Martine Esraelian referred to the effect of the Christmas Blizzard on the private Black Creek Leisure Homes community.

- (c) Anthony Bovell, o/b Gwendolyn Collins, 3692 Crystal Beach Drive

Re: Property Standards Charges (**Cancelled**)

- (d) Kailie Pyott, Account Manager, Zone 2 - Niagara Region, Municipal Property Assessment Corporation

Re: MPAC 101 (**Cancelled**)

Council recessed at 8:56 p.m. 10 minutes.

11. Consent Agenda Items

11.1 Request to Remove Consent Agenda Items

None.

11.2 Consent Agenda Items for Approval

1. Minutes

- (a) Approve - Regular Council Meeting - January 23, 2023
- (b) Approve - Special Council Meeting - February 13, 2023
- (c) Approve - Council-in-Committee Meeting - February 13, 2023
- (d) Approve - Council-in-Budget Committee Meeting No. 3 - February 15, 2023
- (e) Approve - Special Council-in-Committee Meeting - February 22, 2023

2. Correspondence

- (a) Proclamation - The Canadian Amyloidosis Support Network - March as Amyloidosis Awareness Month

That: Council proclaims March as "Amyloidosis Awareness Month" within the Town of Fort Erie.

(Carried)

- (b) Receive - Ontario Land Tribunal - Applicant/Appellant: Joseph Moore - 214 Windmill Point Road South - Variances Allowed Subject to the Condition Outlined in the Staff Report - Favour of the Appellant (Owner)
- (c) Receive & Support - Town of Niagara-on-the-Lake - Bill 23, *More Homes Built Faster Act, 2022 Act*

3. Board/Committee Minutes

- (a) Receive - Ridgeway Business Improvement Area Board of Management - January 4, 2023
- (b) Receive - Mayor's Youth Advisory Committee - December 12, 2022; January 23, 2023
- (c) Receive - Bridgeburg Station Downtown Business Improvement Area Board of Management - November 8, 2022; January 27, 2023
- (d) Receive - Community Gaming Development Corporation - November 30, 2022

- (e) Receive - Senior Citizens Advisory Committee - January 4, 2023
- (f) Receive - Accessibility Advisory Committee - January 31, 2023
- (g) Receive - Community Health Care Services Committee - December 6, 2022

4. Report

IS-05-2023 Award of Contract for the Supply and Installation of 2 New Receivers in the Leisureplex Refrigeration Plant - Contract No. ISF-22T-LPPR23

That: Council accepts and approves the proposal from Black & McDonald Ltd. to supply and install new refrigeration plant receivers at the Leisureplex (Contract No. ISF-22T-LPPR23) to the upset limit of \$130,684.50 (including 13% HST, and further

That: Council amends the 2023 Capital Budget to supplement the Leisureplex Plant Receiver Replacement capital project (LPPR23), by \$20,650 with funding from the Facilities Maintenance Reserve.

(Carried)

5. Other Matters

Consent Agenda Resolution

Resolution No. 3

Moved by: Councillor Christensen

Seconded by: Councillor McDermott

That: Council approves the Consent Agenda Items as recommended. **(Carried)**

11.3 Items Removed to be Dealt with Separately

None.

12. Reports

PDS-81-2022 Proposed Zoning By-law Amendment - 0-13365 Pettit Road - D.C. McCloskey Engineering Ltd. - Mark McCloskey (Agent) - KRS Holdings Inc. - Gary Singh (Owner) ***(Postponed from the December 12, 2022 Regular Council Meeting to consider the matter following receipt of a second planning opinion - Previously Moved by Councillor Flagg and Seconded by Councillor Lewis as Resolution No. 4)***

That: Council approves the amendments to the Town's Zoning By-law as detailed in Report No. PDS-81-2022 for the lands known as 0-13365 Pettit Road, and further

That: Council directs staff to submit the necessary by-law. **(Lost)**

CAO-05-2023 2022 Storm Elliott Report

Resolution No. 4

Moved by: Councillor McDermott

Seconded by: Councillor Christensen

That: Council receives this report for information purposes. **(Carried)**

13. New Business/Enquiries

(a) Notice of Resignation - Bridgeburg Station Downtown Business Improvement Area Board of Management - Brandon Flannigan

Resolution No. 5

Moved by: Councillor McDermott

Seconded by Councillor Christensen

That: Council accepts the resignation of Brandon Flannigan from the Bridgeburg Station Downtown Business Improvement Area Board of Management, and further

That: Council directs staff to proceed with filling the vacancies in accordance with the Procedural By-law. **(Carried)**

(b) Appointment - Environmental Advisory Committee – Councillor

Resolution No. 6

Moved by: Councillor Dubanow

Seconded by Councillor Noyes

That: Council appoints Councillor Lewis to the Environmental Advisory Committee. **(Carried)**

(d) Appointment - Committee of Adjustment

Resolution No. 7

Moved by: Councillor Lewis

Seconded by Councillor Christensen

That: Council appoints the following applicants to the Committee of Adjustment for the term ending November 14, 2026, or until their successors are appointed:

1. Marie Alexander
2. Kenneth Burden
3. David Gianfrancesco
4. John (Terry) Moore
5. Pamela Bunnin
6. Sam Pascia
7. Michael Reles

(Carried)

(e) Appointment - Community Gaming Development Corporation

Resolution No. 8

Moved by: Councillor Dubanow

Seconded by: Councillor Noyes

That: Council appoints the following applicants to the Community Gaming Development Corporation for the term ending November 14, 2026, or until their successors are appointed:

1. Rayomand Darukhanawalla
2. Mike Foster
3. Larry Graber
4. Stephen Passero
5. Margo Pinder
6. Mark Lacasse
7. (vacancy)
8. (vacancy), and further

That: Council appoints Councillor McDermott to the Community Gaming Development Corporation. **(Carried)**

(f) Appointment - Fort Erie Public Library Board

Resolution No. 9

Moved by: Councillor Noyes

Seconded by Councillor Dubanow

That: Council appoints the following applicants to the Fort Erie Public Library Board for the term ending November 14, 2026, or until their successors are appointed:

1. Kenneth Burden
2. Larry Graber
3. Jerry McCutcheon
4. John (Terry) Moore
5. Barbara Ruegg
6. Tricia-Lynn Pascia
7. (vacancy)
8. (vacancy), and further

That: Council appoints Councillor Dubanow to the Fort Erie Public Library Board. **(Carried)**

(g) Appointment - Mayor's Youth Advisory Committee
(Composition: Minimum 11, Maximum 19 – 3 previously appointed)

Resolution No. 10

Moved by: Councillor Christensen

Seconded by Councillor McDermott

That: Council appoints the following applicants to the Mayor's Youth Advisory Committee for the term ending November 14, 2026, or until their successors are appointed:

1. Giulia Piazza
2. Devlin Knutt
3. Sydney Steele
4. MacKenzie Arts
5. Hailey Hudson
6. Migel Angel Plata Torres
7. Laura Stephany Plata Torres
8. Queen Ndibwami
9. King Ndibwami

10. (vacancy)
11. (vacancy)
12. (vacancy)
13. (vacancy)
14. (vacancy)
15. (vacancy)
16. (vacancy)

(Carried)

- (h) Appointment - Museum and Cultural Heritage Advisory Committee (Consists of Two Standing Committees - Museum Services and Municipal Heritage (minimum 5, maximum 9)

Resolution No. 11

Moved by: Councillor McDermott

Seconded by Councillor Christensen

That: Council appoints the following applicants to the Museum and Cultural Heritage Advisory Committee for the term ending November 14, 2026, or until their successors are appointed:

1. Keith Ratcliffe
2. Elizabeth Szockyj
3. Carole Walpole
4. Carlene Ann Nigh
5. Mary McLelland-Papp
6. David Ellsworth
7. June Chipp
8. Roxann MacKay Burton, and further

That: Council appoints Councillor Dubanow to the Museum and Cultural Heritage Advisory Committee. **(Carried)**

- (i) Appointment - Property Standards Committee

Resolution No. 12

Moved by: Councillor Christensen

Seconded by Councillor McDermott

That: Council appoints the following applicants to the Property Standards Advisory Committee for the term ending November 14, 2026, or until their successors are appointed:

1. Mike Foster
2. Larry Graber
3. Terry Norman Woodland
4. Tricia-Lynn Pascia
5. Tammy O'Neil

(Carried)

- (j) Appointment - Senior Citizens Advisory Committee
(Eighteen (18) citizens comprised of:
One (1) representative Dandi-Lions;
Three (3) representatives of Black Creek Leisure Homes Seniors Group;
One (1) representative of Harmony Hill of Fort Erie;
Two (2) representatives of Italo Canadian Seniors Club;
One (1) representative 96'ers of Fort Erie;
Three (3) representatives Beachcombers of Ridgeway;
One (1) representative Royal Canadian Legion, Branch 71;
One (1) representative Royal Canadian Legion, Branch 230;
One (1) representative Fort Erie Native Friendship Centre Seniors;
Four (4) Community Representatives (at large)

The recommendations were dealt with separately.

That: Council appoints the following applicants to the Senior Citizens Advisory Committee for the term ending November 14, 2026, or until their successors are appointed:

1. _____ (Beachcomber)
2. _____ (Beachcomber)
3. (vacancy - Beachcombers)
4. _____ (Black Creek Leisure Homes)
5. (vacancy - Black Creek Leisure Homes)
6. (vacancy - Black Creek Leisure Homes)
7. _____ (Harmony Hill)
8. _____ (96'ers of Fort Erie)
9. _____ (Royal Canadian Legion #71)
10. _____ (Royal Canadian Legion, #230)
11. _____ (Community at Large)
12. _____ (Community at Large)
13. _____ (Community at Large)
14. _____ (Community at Large)
15. _____ (Community at Large)
16. _____ (Community at Large)
17. _____ (Community at Large)
18. _____ (Community at Large), and further

Resolution No. 13

Moved by: Councillor Dubanow

Seconded by Councillor McDermott

That: The appointment of applicants to the Senior Citizen's Advisory Committee be postponed to the Regular Council Meeting on March 27, 2023, to allow staff to communicate with the organizations that have vacancies. **(Carried)**

Resolution No. 13A

Moved by: Councillor Noyes

Seconded by Councillor Dubanow

That: Council appoints Councillor Christensen to the Senior Citizens Advisory Committee. **(Carried)**

(k) Councillor Lewis

Councillor Lewis made an enquiry regarding the most recent ice storm, stating that he had received a number of phone-calls over the weekend from residents, and was wondering what the process for reviewing the Winter Control Plan after bad weather events is, and will this past storm be part of the review or discussion?

Mr. Walsh responded that following every major winter event, he, along with the Manager of Roads and Fleet, key supervisors and the crew leaders get together to review what went right and what went wrong on every event. Winter control is a high priority for the Town, obviously from a legal point of view, but also from a customer service point of view. It's top of the list on what we get phone calls for these days, so we do a review after every major event what went right and what went wrong.

(l) Councillor Lewis

Councillor Lewis enquired about changes to the Winter Control By-law, specifically, if changes had been made and if so, what were the differences between the last Winters Control Plan and the one that we're currently operating under?

Mr. Walsh responded that the last Winter Control Plan was developed two years ago, it's a four-year plan, and will be brought before Council in another two years. Staff would like to have the new Council live with the plan for two years, figure out what works, and what doesn't work for them and then when it's time for renewal, we will solicit suggestions from Council and go out to the public through our "Let's Talk" venue to see what works and what doesn't.

(m) Councillor Lewis

Councillor Lewis enquired with respect to last year's snow removal budget if it was over or under in terms of the previous year.

Mr. Walsh responded that was kind of tricky because our fiscal year runs January to December, so it incorporates portions of two winters. We were tracking under until we had a heavy hit on November 22 and that brought us pretty close to our budgeted figures. So, early 22' and late 22' would be an average winter.

(n) Councillor Lewis

Councillor Lewis enquired whether for next season we take a little bit of a more proactive approach in terms of communicating with our residents. The service levels that they should expect, maybe some info graphs and some social media communications that may help better manage expectations.

Mr. Walsh responded that the Town could do that, currently we already do some minor publicity through our social media early in the year; however, perhaps we could do some mid-winter as well.

(o) Mayor Redekop

Mayor Redekop made an enquiry regarding where the Town was with respect to Speed Limit signage, and specifically, about obtaining and deploying some speed signs. He further stated that there are a number of neighbourhoods that are quite anxious to have speed signs erected at least for a period of time before they're rotated out.

Mr. Walsh responded that the Town has one in stock right now and five have been ordered. They were ordered last October or early November; however, have not been received as of yet. Staff does have a plan in place to roll those out primarily through our high complaint areas initially.

14. Motions

None.

15. Notice of Motion

Councillor Noyes gave notice of motion with respect to identifying the need for before and after school programs in all of the schools in Fort Erie and that this Council encourage a funding source to fund these programs.

(Returnable March 27, 2023)

16. Consideration of By-laws

Resolution No. 14

Moved by: Councillor Lewis

Seconded by: Councillor Christensen

That: The by-law package containing:

18-2023: To Deem Part of a Certain Registered Plan of Subdivision Not to be a Registered Plan of Subdivision – 63 Idylewylde Street - Frank Anthony Alessio - Owner

19-2023: To Authorize the Entry into a Grant Funding Agreement for Physician Recruitment with Dr. Magdy Hanna

20-2023: To Authorize the Entry into a Lease Agreement with Down the Rabbit Hole Theatre Co. (Crystal Ridge Arena)

21-2023: To Deem Part of a Certain Registered Plan of Subdivision not to be a Registered Plan of Subdivision – 241 Derby Road - Doreen Martin Ferber - Owner

22-2023: To Accept and Declare Lands as Public Highway on the North-East Corner of Parkside Avenue and Buffalo Road 589 Scott Avenue - Michel Courchesne & Marilyn Atherton

23-2023: To Amend Zoning By-law No. 129-90, as amended - 63 Idylewylde Street - Frank Anthony Alessio - Owner

24-2023: To Amend Zoning By-law No. 129-90, as amended - 533 & 549 Ridge Road North - 1855838 Ontario Inc. and Richard James Dekorte - Owners

25-2023: To Enact an Amendment to the Official Plan Adopted by By-law No. 150-06 for the Town of Fort Erie Planning Area - Amendment No. 67 – 97 Gorham Road - Bomofive Inc. (Ross Boncore and Kam Mofid) - Owner

26-2023: To Amend Zoning By-law No. 129-90, as amended - 97
Gorham Road- Bomofive Inc. - (Ross Boncore and Kam Mofid) – Owner

27-2023: To Enact an Amendment to the Official Plan Adopted by By-law No. 150-06 for the Town of Fort Erie Planning Area - Amendment No. 68 - 271 Ridgeway Road - DCS Niagara Developments Inc. (Rick Boivin) - Owner

28-2023: To Amend Zoning By-law No. 129-90, as amended - 271
Ridgeway Road - DCS Niagara Developments Inc. (Rick Boivin) – Owner

29-2023: To Amend Zoning By-law No. 129-90, as amended - 92
Adelaide Street - Niagara Pines Developments Ltd. (Paul Savoia) – Owner

30-2023: To Amend the Preliminary Capital Budget for the Town of Fort Erie for the Year 2023

31-2023: To Adopt the General Capital Budget and the General Levy Operating Budget for the Town of Fort Erie for the year 2023

32-2023: To Re-appoint Edward T. McDermott of ADR Chambers Inc. as Integrity Commissioner for the Town of Fort Erie and Authorize the Renewal of the Current Contract with ADR Chambers Inc.

33-2023: To Stop Up and Close Part of the Sixth Street Road Allowance and Part of the Abutting Lane on Plan 519

34-2023: To Authorize the Sale of Part of the Sixth Street Road Allowance and Part of the Abutting Lane on Plan 519 to 2717041 Ontario Inc.

35-2023: To Authorize Entry into an Agreement with His Majesty the King in Right of Ontario as represented by the Minister of Transportation

for the Province of Ontario for the Safe Restart Agreement Phase 4
Funding for Municipal Transit

is given first and second reading.

(Carried)

Resolution No. 15

Moved by: Councillor Dubanow

Seconded by: Councillor Noyes

That: By-laws:

18-2023
19-2023
20-2023
21-2023
22-2023
23-2023
24-2023
25-2023
26-2023
27-2023
28-2023
29-2023
30-2023
31-2023
32-2023
33-2023
34-2023
35-2023

are given third and final reading to be signed by the Mayor and Clerk
under the corporate seal. **(Carried)**

Resolution No.16

Moved by: Councillor McDermott

Seconded by: Councillor Christensen

That: By-law 36-2023: To Confirm the Actions of Council at its Council-in-Committee Meeting Held on February 13, 2023, Council-in-Budget Committee Meeting No. 3 Held on February 15, 2023, Special Council-in-Committee Meeting Held on February 22, 2023, Special Council Meeting Held on February 27, 2023 and its Council Meeting Held on February 27, 2023, is given first and second reading. **(Carried)**

Resolution No. 17

Moved by: Councillor Christensen

Seconded by: Councillor McDermott

That: By-law No. 36-2023 is given third and final reading to be signed by the Mayor and Clerk under the corporate seal. **(Carried)**

17. Scheduling of Meetings

- Accessibility Advisory Committee, Tuesday, February 28, 2023, 4:00 p.m., Conference Room No. 1, Town Hall

- Planning Development Services Business Sub-Committee, Tuesday, March 7, 2023, 3:00 p.m., meeting room to be determined
- Senior Citizens Advisory Committee, Wednesday, March 1, 2023, 10:00 a.m., Douglas Heights Seniors

18. Adjournment

Resolution No. 18

Moved by: Councillor Dubanow

Seconded by: Councillor Noyes

That: Council adjourns at 10:11 p.m. to reconvene into a Regular Meeting of Council on March 27, 2023. **(Carried)**

Mayor

Clerk

February 27, 2023

To be attached to the official meeting notes for the 10747 Kraft Road Public Meeting to be held on February 27 in Fort Erie Town Hall.

VIA EMAIL

Mayor Redekop and Members of Town Council
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Your Worship and Members of Council:

RE: Planning in Fort Erie...

AKA... HERE WE GO AGAIN (another example of illegal activity by Fort Erie Town Staff, brought forward this time by a previous Town Staff Planner now working in the private sector.

My name is George Wiseman and I live at 311 Helena Street located within the Lakeshore Neighbourhood in the Town of Fort Erie. I am President of the Fort Erie Lakeshore Neighbourhood Association.

Over the past several years I have found myself drawn into a series of growth-related planning issues, both in my local neighbourhood and in the broader community. I have found these experiences extremely frustrating, as on more than one occasion it has appeared that the requirements of the Town of Fort Erie Official Plan (Official Plan) and Zoning By-law were not followed, initially by Town Planning Staff and subsequently by Town Council.

Neighbourhood Planning

We live in a uniquely heritage town in Canada. One with several unique neighbourhoods whose characters have been established over the past century. People come here to live largely based on the character of our Town.

One of the keys to ensuring the creation of livable, walkable neighbourhoods meeting the needs of residents is proactive comprehensive planning. Establishing a vision for our neighbourhoods along with clear goals, objectives and policies that implement this vision are critical to creating an appropriate context within which future development applications are considered.

To achieve this goal, in 2004 Council initiated the Neighbourhood Plan program and ratified it, in its present form, into the Official Plan in 2011. The program's process, which includes a broad public consultation component, specifically provides the opportunity for all the neighbourhood residents to participate in determination of how future growth will be accommodated in their neighbourhood.

This process acknowledges that no one knows the neighbourhoods like the residents do. Neighbourhood participation in such exercises creates community cohesion, establishes an officially recognized identity for the neighbourhood and helps to streamline the processing of future development applications (as the rules under which such applications can be considered are defined and understood by all).

The main issue I'm discussing today is the Town of Fort Erie Official Plan (Official Plan) Policy 4.7.4.1 (I) **requires Neighbourhood Plans to be prepared** for each of the Neighbourhoods identified on Schedule A of the Official Plan:

... **prior** to **considering** large scale development applications that may have significant impact on the Neighbourhood in which it is intended to develop.

The creation of a Neighbourhood Plan is the first step in a multi-step process. As noted by Town of Fort Erie staff in a report (CDS-15-12) presented to Council on April 3, 2017, the process is as follows:

The Town's Official Plan [Official Policies 5.5.1 (I) and 13.3 (I)] directs that all Neighbourhood Plans are to be incorporated into the Official Plan to provide formal status under the Planning Act. The Official Plan Amendment that accomplishes this is known as a "Secondary Plan" (consistent with the nomenclature used throughout the province).

Neighbourhood planning as provided for in the Official Plan **is not discretionary** within the Neighbourhoods identified on Schedule A.

Neighbourhood Plans *must be completed before consideration* of large-scale developments in the affected Neighbourhoods, yet time and time again Town staff seem to ignore this requirement. In some cases, like the processing of the Harbourtown development application in the Lakeshore Neighbourhood, nothing is done. In other cases, the Town staff chooses to use a Secondary Planning process rather than appropriately creating a Neighbourhood Plan.

As noted above, **creating the Fort Erie Neighbourhood Plans and implementing Official Plan amendment is a separate and mandatory process... BEFORE large developments can even be 'considered'.**

Pre-submission meetings should include identification of whether a development is 'large'. If it is and is located in a neighbourhood whose Neighbourhood Plan has NOT been completed, the development should be considered premature as it does not conform to the Official Plan. How

can you evaluate an application when the neighbourhood specific rules you will be using to evaluate it against DON'T YET EXIST!

Town staff often argues that a Secondary Plan serves a similar purpose to a Neighbourhood Plan. That argument is incorrect. The Fort Erie Official Plan provides additional detailed policies relating to how Neighbourhood Plans are to be completed and what should be considered, including public consultation requirements for the ENTIRE neighbourhood not just those people a few meters around a localized development.

There are no policies or references relating to the Provincial Secondary Planning process in the Official Plan, and the list of required contents of Secondary Plans provided on the City's website is not as comprehensive in nature as the required scope of Neighbourhood Plans provided for in the Official Plan.

The Town of Fort Erie Official Plan policies belong to all of us. **Residents have the right** to depend on the appropriate implementation of these policies to protect their interests.

Where Neighbourhood planning is required, individual developments with the potential to cause significant impacts to the neighbourhood **should not be permitted to proceed past the pre-submission stage until the Neighbourhood planning is done**. Such developments should NEVER make it to Town Council for consideration, let alone then continuing to a Public Meeting.

10747 Kraft Road compared to 613 Helena Street

Which brings us to the proposed development at 10747 Kraft Road. It shares ALL the issues that 613 Helena Street does.

1. The proposed development is LARGE
2. The proposed development is in the Kraft Neighbourhood.
3. The Kraft Neighbourhood does NOT yet have a Fort Erie Official Plan compliant Kraft Neighbourhood Plan.

Those three FACTS are enough to appropriately **put this application on HOLD** as per Official Plan section 4.7.4.1. It should not be processed until the Kraft Neighbourhood Plan is completed and the rules against which the application is to be considered actually exist.

The Town planning staff contends that Official Plan section 4.7.4.1 doesn't apply to this development because it is isolated and it won't "affect the neighbourhood".

The first point isn't if any particular development will affect the neighbourhood, it's how the Neighbourhood Plan will affect the development. With no Neighbourhood Plan in place how do you KNOW what the residents would consider important?

However, I contend the 10747 Kraft Road development MAY affect the Kraft Neighbourhood **directly**, it's adjoining neighbourhoods indirectly and has other Official Plan ramifications to be considered. Not the least of which will be setting precedents instead of community sanctioned guidelines.

What are some examples of considerations that MAY affect the neighbourhood?

10747 Kraft Road is adjacent to swamp, otherwise known as environmentally sensitive wetlands. These wetlands cover a large area of the Kraft Neighbourhood and MUST be considered in 'neighbourhood' context *with ALL the residents having a say*. The development is NOT 'isolated' from the wetlands nor are the wetlands isolated from the neighbourhood. Because of section 4.7.4.1, issues relating to the wetlands are Neighbourhood issues, not just a development specific consideration.

Has there been a Neighbourhood level hydrological and sub-hydrological study done? Is there any data to gauge what adding basement sump pumps will do to the wetlands or the neighbourhood as a whole

Will decisions made on this subdivision affect future development or redevelopment in the neighbourhood? Of course they will.

In fact, the Official Plan policy 4.14.5 specifically mentions that the Kraft Drain Area Environmental Protection Study 'should be completed' in association with the Kraft Neighbourhood Plan (which would involve ALL the Kraft Neighbourhood residents as per Official Plan section 5.5).

And how is 10747 Kraft Road 'isolated' or uniquely separated from Kraft Road? It fronts Kraft Road, a road that connects North to Garrison Road and connects South to Dominion Road. This development is not 'isolated'... It is 'connected' to everything via Kraft Road.

A main consideration of the Neighbourhood Plans (Official Plan 2.3.12) is:

"To ensure communities and neighbourhoods function, and are properly connected to each other ... & The Town considers bicycling and walking essential components of a balanced, multimodal transportation network..., etc.

The point is that the Town planning staff is allowing HUNDREDS of residences (in large developments) to be considered in the Lakeshore and Kraft Neighbourhoods without the Neighbourhood residents having their rightful, lawful input into items like SAFE transportation considered through the Neighbourhood Plan process BEFORE a large development plan is approved.

It's a Farm

10747 Kraft Road is a FARM. Yes I know that it's not zoned as farmland but it is farmland and the Official Plan does not say it will protect 'zoned' farmland, **it says it will protect farmland** as

per Official Plan section 2.3.9 (a).

Protection of farmland is also addressed in Official Plan sections 3.4 and 3.5.

There are several farms or farmable land in the Kraft Neighbourhood and so farming is a vital consideration that would be addressed by ALL residents in the Kraft Neighbourhood planning process, once the Town gets around to it.

I believe this farmland protection requirement of the Official Plan is going to be PARTICULARLY important to the well-being of Fort Erie residents in the near future; with predicted and already happening supply chain and food shortages and good planning for the centuries to come.

So, if Official Plan section 4.7.4.1 has any meaning, why are we here today?

Why is this development application even being considered **before** the Kraft Neighbourhood Plan is in place?

I believe if the laws governing our Town are followed, this Feb 27, 2023 meeting is premature. According to the research I've done, the 10747 Kraft Road development application should NOT be further considered and should be put on HOLD until the Kraft Neighbourhood Plan is complete. It is only after this has occurred that developments such as this can be properly informed by the Neighbourhood Plan rules as per Official Plan section 13.5.

The Official Plan section 4.7.4.1 makes it clear that large developments **must NOT be considered** until the Neighbourhood rules are complete. How can you consider or comply with rules that don't yet 'officially' exist?

I pointed all this out at the 613 Helena development public meeting February 4th 2019 and at the June 13, 2022 and for the February 13th 2023 meeting.

Why are we continuing to have public meetings when the FOUNDATIONAL ISSUES have not been resolved? It appears to me that the Town STAFF is running this Town, NOT our elected representatives who should be insisting that the STAFF follow the LAWS guiding the development decisions. Otherwise, WHY BOTHER to have LAWS?

Further Examples:

At the February 4th 2019 Public meeting, I was asked by a Council member if there were other examples of Town staff not paying appropriate attention to Official Plan policy 4.7.4.1. In response to his query, I replied that the only two I was specifically conversant about were the Harbourside Development and the 672 Edgemere Road development. But that I had heard rumors of others and I recommended to Council that they investigate to find them. Obviously such an investigation should not be done by existing Town staff...

Since that time, in my opinion Town staff has continued to ignore the full requirements of the Neighbourhood Plan portion of the Official Plan and further consideration of the development proposal at 10747 Kraft Road is yet another example.

644 Garrison Road

Another recent example is the proposed 644 Garrison Road development in the Walden Neighbourhood. The Walden Neighbourhood does not have a Neighbourhood Plan in place and when I pointed this out in the ZOOM Open House, I was incorrectly informed that the word 'will' in Official Plan 4.7.4.1 wording does not mean 'mandatory'. I admit to being stunned by this statement, so I checked with my lawyer and got a legal opinion that in Ontario the use of the word 'will' in planning documents is 'mandatory' with the same impact as the use of the word 'shall'.

I do not know why the Town planning staff isn't simply concentrating on getting the Neighbourhood Plans done, so the Town can appropriately proceed with large developments.

Example of possible inappropriate building permit Approval by Town staff

I have been monitoring and participating in the processing of a development application at 672 Edgemere Road. This is an example of a violation of section 4.7.4.1 leading to an inappropriately large development on a small property in the Lakeshore Neighbourhood.

672 Edgemere Road is located directly across the street from my residence and during review of the proposed site plan, legitimate questions arose as to compliance of the site plan with the zoning by-law. In good faith I hired a professional urban planner to review the site plan application provided to me by Town staff and it was his professional opinion that the site plan failed to comply with the Zoning By-law.

To be certain, I hired a **second** planner who independently confirmed this conclusion so I cannot understand how a building permit can LEGALLY be issued for the 672 Edgemere Road development.

I then contacted the Town through my municipal lawyer who carefully outlined my concerns. The response I got back from Town staff was simply a statement that the site plan complies with the Zoning By-law and a building permit would be issued.

No explanation was provided as to how compliance was achieved or where the planners I had hired erred in their conclusions.

Worse yet... When I previously tried to explain the situation to my Ward Councilor (Kimberley Zanko), in a meeting including Rick Brady, they didn't allow me to speak freely or consider my evidence at our meeting. Councilor Zanko then told me that she believed the Town staff over me and to not contact her anymore.

And then, ALL my eMails to ANY of the Town staff bounce back "unaccepted"!

Where do I go if my elected representative won't communicate with me?

I acted in good faith, hired multiple experts to properly advise me on technical matters, employed a lawyer to ensure the process was done properly and was simply blown off by Town staff and my Councilor.

I believe that is no way to treat any resident and particularly one that has made large investments to do his rightful and legal due diligence for his neighbourhood.

In this case I ask Town Council to examine my evidence and take appropriate action to make the 672 Edgemere Road site plan compliant with the LAW.

I would also appreciate Council further examining what has happened to that property since 2004 and doing a 'pause' on the development until the appropriate Lakeshore Neighbourhood Plan is in place, then re-evaluate the Site Plan from scratch to assure compliance.

Conclusions

Like many other communities in southern Ontario, the Town of Fort Erie is facing significant growth pressures. Residents are depending on Town staff and Council to ensure our community addresses these growth pressures in a manner that ensures new developments are sensitively designed to complement the existing character of neighbourhoods within which the development is to occur. The Neighbourhood Plan requirements in the Official Plan were specifically designed to address these challenges. Ignoring them or paying them 'lip service' negates the rights of the residents.

The Official Plan and Zoning By-Laws aren't 'suggestions', they are laws that Town planning staff and bylaw officers enforce. For example, I know an elderly woman (widow of a police officer) who was forced to remove one and a half (1.5) inches from the top of her long existing perimeter fence by unrelenting bylaw officers, yet I can't even get an explanation of how a development directly affecting me complies to the Zoning By-law.

It APPEARS to me, that the Town staff has 'gotten away with' ignoring Official Plan policy 4.7.4.1 and section 13.3, requiring the Neighbourhood Plans to be in place BEFORE large developments can be considered, for years...

I believe they depend on residents' ignorance of the laws, their rights and the resources they can use to object to such applications.

I believe the Town Council is not protecting the residents' rights.

I ask... Why are the RULES that are there to protect the interests of residents not being enforced on Town staff?

I ask... Who is actually in charge at Town Hall? Aren't the Town staff the employees of Town Council?

I ask... Why does it seem that developers get preferential treatment over residents?

I ask... Why does it seem that most of the Neighbourhood Plans have been stopped?

Does the Town not have the resources or the will to proceed with the legally required Neighbourhood Plans?

I feel we, the Residents of the Town of Fort Erie, have Rights under the Official Plan and that those rights are being violated to the detriment of ourselves personally, our Neighbourhood characters, streetscapes, and our Town.

We have the right to insist and require that the Neighbourhood Plans be completed appropriately before any large developments are considered.

In my opinion, the Town needs to do better.

George Wiseman
311 Helena Street
Fort Erie, Ontario

References available upon request wiseman@felna.ca :
Harbourtown submission
Kimberley Zanko rejection
eMail to Town “not accepted”
672 Edgemere Road Non-Compliance Letter to Town
The word “Will” means Mandatory
Building Permit letter
Defining ‘large’

Appendix A
Additional Policies Applicable to Neighbourhood Planning

Official Plan 4.8.1 II & III
Official Plan 4.8.2 V
Official Plan 4.9.3 III(c)
Official Plan 4.12.1 V
Official Plan 4.13.2 III (f) & (h)
Official Plan 4.13.3 II (b) and incidentally Official Plan 4.13.3 V
Official Plan 5.5.1 V (a)
Official Plan 5.5.2 IV and X
Official Plan 5.6.1 IV and VI
Official Plan 5.6.3 VIII
Official Plan 9.1 I (b)
Official Plan 12.7.2 I & II & III & V & VII
Official Plan 12.11 I & II & IV
Official Plan 13.5 II (b)



The Municipal Corporation of the Town of Fort Erie

Special Council-in-Committee Meeting Minutes

Monday, March 6, 2023

Council Chambers

Meetings are being held in-person and via Video Teleconference as may be permitted. All meetings can be viewed at: Town's Website:

<https://www.forterie.ca/pages/CouncilAgendasandMinutes>

Town's YouTube Channel: www.youtube.com/townofforterie
or click on the YouTube icon on the home page of the Town's website (www.forterie.ca) or Cogeco "YourTV"

1. Call to Order

Councillor McDermott, Acting Mayor, chaired the meeting in the absence of Mayor Redekop.

Councillor McDermott called the meeting to order at 6:00 p.m.

Councillor McDermott acknowledged the land on which we gather is the traditional territory of the Haudenosaunee, Mississaugas of the Credit, and Anishinaabe people, many of whom continue to reside in this area.

2. Roll Call

Present: Councillors Christensen, Dubanow, Flagg, Lewis, McDermott (Acting Mayor), and Noyes

Absent: His Worship, Mayor Redekop

Staff: A. Dilwaria, C. McQueen, C. Patton, and C. Schofield

3. Announcements/Addenda

There was no Addendum.

Councillor McDermott, made the following announcement:

- **Fort Erie Native Friendship Centre - Pow Wow**

Councillors Christensen and Lewis joined me at the Fort Erie Native Friendship Centre on Saturday, March 4th for the Pow Wow. It was very well attended and it was a good way of finally getting back together, following COVID, and also celebrating their 40th Anniversary as a group here in Town.

4. Declarations of Pecuniary Interest

Councillor Flagg declared the following pecuniary interests:

- 1) PDS-19-2023 – Proposed Zoning By-law Amendment 0-17100 0-17101 0-17102 0 Schooley Road ZBA – Recommendation Report as his son works for Marz Homes; and
- 2) PDS-20-2023 – Proposed By-law Amendment 4409 Erie Road as he is represented by NPG Planning Solutions in another land matter.

He abstained from discussing and voting on the matters.

5. Notice of Upcoming Open Houses and Public Meetings

(a) Open House

Re: Proposed By-law Amendment - 3624 Hazel Street - Owner: S.R. Niagara Investments Inc. (Rita and Salvatore Visca) - Applicant: Robert Martin Engineering Inc. (Robert Martin) - Wednesday, March 8, 2023 - 5:00 p.m. - Town Hall Atrium.

(b) Open House

Re: Proposed Draft Plan of Subdivision - 0-11704, 0-11699, 0-11700 & 0-11702 Shayne Avenue - Applicant/Owner: 1956678 Ontario Inc. (Bridge and Quarry Ltd.) - Thursday, March 9, 2023 - 5:00 p.m. - Town Hall Atrium.

Public Meeting Notices

(a) Proposed Official Plan and Zoning By-law Amendment

Re: 644 Garrison Road - Owner: 2350048 Ontario Ltd. (c/o Ben Kooh) - Agent: Antech Design and Engineering Group (Candice Micucci) - Monday, March 20, 2023 - 6:00 p.m. - Council Chambers - Town Hall. The information report will be available by 5:00 p.m. on Wednesday, March 15, 2023.

(b) Proposed Zoning By-law Amendment

Re: 525 Lake Avenue - Owner: Daniel John Read - Agent: A.J. Clarke & Associates Ltd. (Doug Giles) - Monday, March 20, 2023 - 6:00 p.m. - Council Chambers - Town Hall. The information report will be available by 5:00 p.m. on Wednesday, March 15, 2023.

- (c) Proposed Plan of Condominium and Zoning By-law Amendment

Re: 272 Ridge Road South - Owners: Wendy McGaeghan & Patrick McGaeghan - Agent: Culture Developments Inc./5038257 Ontario Inc. (Craig DeVries) - Monday, March 20, 2023 - 6:00 p.m. - Council Chambers - Town Hall. The information report will be available by 5:00 p.m. on Wednesday, March 15, 2023.

- (d) Municipal Drain

Re: Frenchman's Creek Drain 2022 - Monday, April 3, 2023 - 6:00 p.m. - Council Chambers, Town Hall. The information report will be available by 5:00 p.m. on Wednesday, March 29, 2023.

- (e) Building Permit Fees

Re: Proposed Increase in Building Permit Fees - *Building Code Act, 1992* - Monday, April 3, 2023 - 6:00 p.m. - Council Chambers - Town Hall.

6. Public Meetings

****Presenter's speaking notes (if any) retained in Clerk's office***

- (a) Proposed Zoning By-law Amendment

Re: 229 Cherryhill Boulevard South - Owner: John Lally (1000112697 Ontario Inc.) - Agent: Cam Lang. The Applicant is proposing to rezone the property to facilitate the construction of four single detached dwellings. The lands are located on the North-East corner of Willowood Avenue and Smalls Road and designated as Urban Residential, which allows for a variety of housing including single-detached and semi-detached dwellings. The Applicant is proposing to rezone the lands from Residential 1 (R1) Zone, which permits single detached and accessory apartment dwellings to Residential 2A (R2A) Zone, as the proposed lots do not meet the minimum lot frontage of 20 meters and lot area of 600 square meters in the R1 Zone.

Councillor McDermott announced that this portion of the meeting would be devoted to the holding of the Public Meeting.

Councillor McDermott also provided information on electronic participation for members of the public who wished to provide input relative to the Application.

Samantha Yeung, Junior Development Planner delivered a PowerPoint Presentation which is available for viewing on the Town's website.

Ms. Yeung confirmed the statutory requirements for the Public Meeting were met, summarized the purpose of the Application, and public comments received.

Cam Lang, Agent, (1000112697 Ontario Inc.), provided a PowerPoint Presentation, and summarized the Application.

Councillor McDermott enquired whether there were any members of the public present in the virtual waiting room or in the Chamber who wished to speak in favour of the Application.

- (a) Mr. John Lally, 1120 Hay Street, Fonthill (Owner) spoke in favour of the development.

Councillor McDermott enquired if any members of the public wished to speak in opposition regarding the Application.

The following members of the public spoke in opposition to the Application:

- (a) Richard Binkman, 255 Willowwood Avenue
- (b) Ray Kohler, 221 Willowwood Avenue
- (c) Veronica Binka, 350 Willowwood Avenue
- (d) John D'Onofrio, 238 Cherryhill Boulevard South
- (e) Don Lubberts, 80 Robinson Street, Fort Erie, and
- (f) Tim Fredette, 314 Willowwood Avenue.

All visual and oral presentations can be viewed as recorded at: www.youtube.com/townofforterie

Councillor McDermott enquired whether the Clerk received any written submissions subsequent to the posting of the Report. The Clerk advised that she did not.

Councillor McDermott declared the Public Meeting closed.

PDS-17-2023 Proposed Zoning By-law Amendment - 229
Cherryhill Boulevard South - John Lally -
1000112697 Ontario Inc. (Owner) - Cam Lang
(Agent)

Recommendation No. 1
Moved by: Councillor Dubanow

That: Council receives for information purposes Report No. PDS-17-2023 regarding a proposed Zoning By-law Amendment for 229 Cherryhill Boulevard South. **(Carried)**

(b) Proposed Zoning By-law Amendment

Re: 0-19302 Courtwright Street - Owner/Applicant: David Zappone. The Applicant is proposing to remove the existing detached garage and rezone the subject property to facilitate the construction of a semi-detached dwelling. The subject lands are located within the Urban Area and designated Low Density Residential in the Bridgeburg Secondary Plan, which is reserved for single detached, semi-detached, and duplex dwellings, and uses accessory thereto. The Applicant is proposing to rezone the lands from Residential 2 (R2) Zone to Residential 3 (R3) Zone, to permit a semi-detached dwelling, and is requesting site-specific relief, as the proposed lot frontage for each unit (7.62 m) is less than what is required (9.50 m).

Councillor McDermott announced that this portion of the meeting would be devoted to the holding of the Public Meeting.

Samantha Yeung, Junior Development Planner, delivered a PowerPoint Presentation which is available for viewing on the Town's website.

Ms. Yeung confirmed the statutory requirements for the Public Meeting were met, summarized the purpose of the Application, and public comments received.

David Zappone, Owner/Applicant, advised he was available to answer questions. There were none.

Councillor McDermott enquired whether there were any members of the public present in the virtual waiting room or in the Chamber who wished to speak in favour of the Application.

No members of the public came forward.

Councillor McDermott enquired if any members of the public wished to speak in opposition regarding of the Application .

All visual and oral presentations can be viewed as recorded at: www.youtube.com/townofforterie

Councillor McDermott enquired whether the Clerk received any written submissions subsequent to the posting of the Report. The Clerk advised that she did not.

Councillor McDermott declared the Public Meeting closed.

PDS-18-2023 Proposed Zoning By-law Amendment - 0-19302
Courtwright Street - David Zappone (Owner)

Recommendation No. 2
Moved by: Councillor Flagg

That: Council approves the amendments to the Town's Zoning By-law No. 129-90 as detailed in Report No. PDS-18-2023 for the lands known as 0-19302 Courtwright Street, and further

That: Council directs staff to submit the necessary by-law. **(Carried)**

(c) Proposed Zoning By-law Amendment

Re: 0-17100, 0-17101 & 0-17102 Schooley Road - Applicant: A.J. Clarke and Associates Ltd. (Stephen Fraser) - Owner: Marz Homes (Crystal Beach) Inc. The Applicant is proposing to create an additional residential lot located within the urban boundary designated Urban Residential and Environmental Conservation, and zoned Residential 2 (R2) Zone, Residential 2 (R2-637) Zone, and Environmental Conservation (EC) Overlay Zone. The Applicant is proposing to rezone to a site-specific R2 Zone, and reconfigure the lot lines to facilitate the creation of an additional residential lot. Site-specific zoning relief is requested to address the deficient lot frontages and areas, and permit the proposed lot coverages, building heights, interior side yard

setbacks, rear yard setbacks, and setbacks to ornamental structures. Future Consent Applications will be required to facilitate the proposed lot creation.

Councillor McDermott announced that this portion of the meeting would be devoted to the holding of the Public Meeting.

Councillor McDermott also provided information on electronic participation for members of the public who wished to provide input relative to the Application.

MacKenzie Ceci, Senior Development Planner, delivered a PowerPoint Presentation which is available for viewing on the Town's website.

Ms. Ceci confirmed the statutory requirements for the Public Meeting were met, summarized the purpose of the Application, and public comments received.

Stephen Fraser, of A.J. Clarke and Associates Ltd., Applicant, summarized the Application.

Councillor McDermott enquired whether there were any members of the public present in the virtual waiting room or in the Chamber who wished to speak in favour of the Application.

(a) Jim Puhl, 3811 Rebstock Road asked a question of Council.

Councillor McDermott enquired if any members of the public wished to speak in opposition regarding the Application.

No members of the public came forward.

All visual and oral presentations can be viewed as recorded at: www.youtube.com/townofforterie

Councillor McDermott enquired whether the Clerk received any written submissions subsequent to the posting of the Report. The Clerk advised that she did not.

Councillor McDermott declared the Public Meeting closed.

PDS-19-2023 Proposed Zoning By-law Amendment - 0-17100, 0-17101 & 0-17102 Schooley Road - Marz Homes (Crystal Beach) Inc. - Dan Gabriele (Owner) - A.J. Clarke and Associates Ltd. - Stephen Fraser (Agent)

Recommendation No. 3
Moved by: Councillor Lewis

That: Council approves the amendment to the Town's Zoning By-law No. 129-90 as detailed in Report No. PDS-19-2023 for the lands known as 0-17100, 0-17101 and 0-17102 Schooley Road, and further

That: Council directs staff to submit the necessary by-law. **(Carried)**

Council recessed at 8:24 p.m. for 10 minutes.

(d) Proposed Zoning By-law Amendment

Re: 4409 Erie Road - Applicant: Mary Lou Tanner (NPG Planning Solutions) - Owner: Crystal Beach Cottages Inc. (Bryan Keenan). The Applicant is proposing to demolish the one-storey single detached dwelling, retain the two-storey single detached dwelling, and construct eight new dwelling units. The subject property is designated Urban Residential in part, and Environmental Protection in part. As the Urban Residential designation permits a variety of housing, including single detached and townhouse dwellings, an amendment to the Official Plan is not being requested to facilitate the proposal. The Environmental Protection designation is associated with the Lake Erie Shoreline. The property is zoned Waterfront Residential (WR) Zone in part, and Hazard (H) Zone in part, which is associated with the Lake Erie Shoreline, and located within Floodproofing Area No. 1 in accordance with Subsection 6.49 of the Zoning By-law. The Waterfront Residential (WR) Zone only permits one single detached dwelling, uses, buildings and structures accessory thereto and home occupations. The Applicant is requesting to rezone the property to a site-specific Residential Multiple 1 (RM1) Zone to address the minimum lot frontage, minimum landscaped area, and minimum landscaping and planting strip width abutting a Residential Zone. As a portion of the retained dwelling is located within the Hazard (H) Zone, the Applicant is requesting to adjust the Hazard Zone boundary line, such that it is setback 1.50 m from the south face of the existing dwelling. The Applicant is proposing a future Consent Application to facilitate the severance of the existing two-storey

single detached dwelling from the remainder of the subject property. As the proposed lot will only have partial frontage on a private street, the Applicant is also requesting relief from Subsection 6.5 of the Zoning By-law. A future Draft Plan of Condominium Application will be required to facilitate the proposed development.

Councillor McDermott announced that this portion of the meeting would be devoted to the holding of the Public Meeting.

Councillor McDermott also provided information on electronic participation for members of the public who wished to provide input relative to the Application.

MacKenzie Ceci, Senior Development Planner, delivered a PowerPoint Presentation which is available for viewing on the Town's website.

Ms. Ceci confirmed the statutory requirements for the Public Meeting were met, summarized the purpose of the Application, and public comments received.

Sara Premi, of Sullivan Mahoney, Rhea Davis of NPG Planning Solutions, and Jason Schooley of Upper Canada Consultants, representing the Applicant, provided a PowerPoint presentation, and summarized the Application.

Councillor McDermott enquired whether there were any members of the public present in the virtual waiting room or in the Chamber who wished to speak in favour of the Application.

No members of the public came forward.

Councillor McDermott enquired if any members of the public wished to speak in opposition regarding of the Application.

The following members of the public spoke in opposition to the Application:

- (a) Robin Bronstein, 4407 Erie Road (provided a PowerPoint)
- (b) *Kathryn Moloney, 4413 Erie Road
- (c) *Cheryl Schonewille, 4214 Glenspring Road
- (d) Don Lubberts, 80 Robinson Street, Fort Erie,

Recommendation No. 4
Moved by: Councillor Lewis

That: The hour of adjournment be extended to 10:45 p.m.
(Carried)

- (e) *Bill Heussler, 4414 Erie Road
- (f) *Susan Priebe, 4427 Erie Road
- (g) *Mike Eagan, 3763 Crystal Beach Drive
- (h) *Julie-Marie Innes, 4369 Erie Road, and
- (i) *John Moloney, 4413 Erie Road.

All visual and oral presentations can be viewed as recorded at: www.youtube.com/townofforterie

Councillor McDermott enquired whether the Clerk received any written submissions subsequent to the posting of the Report. The Clerk advised that she received 60 written submissions between the time the Report was posted on the Agenda and 6:00 p.m. this evening when the meeting was called to order. The submissions were circulated to members of Council and staff, and are appended to the Minutes.

Councillor McDermott declared the Public Meeting closed.

Recommendation No. 6
Moved by: Councillor Lewis

That: The hour of adjournment be extended to 11:00 p.m.
(Carried)

PDS-20-2023 Proposed Zoning By-law Amendment - 4409 Erie Road - NPG Planning Solutions Inc. - Mary Lou Tanner (Applicant) - Crystal Beach Cottages Inc. - Bryan Keenan (Owner)

Recommendation No. 7
Moved by: Councillor Dubanow

That: Council receives for information purposes Report No. PDS-20-2023 regarding a proposed Zoning By-law Amendment for 4409 Erie Road.
(Carried)

7. **Adjournment**

Recommendation No. 8

Moved by: Councillor Dubanow

That: Council adjourns Council-in-Committee at 10:45 p.m. **(Carried)**

Councillor McDermott, Acting Mayor

Clerk



The Municipal Corporation of the Town of Fort Erie

Council-in-Committee Meeting Minutes

Monday, March 20, 2023

Council Chambers

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<https://www.forterie.ca/pages/CouncilAgendasandMinutes>

Town's YouTube Channel: www.youtube.com/townofforterie

or click on the YouTube icon on the home page of the Town's website (www.forterie.ca) or Cogeco "YourTV"

1. Call to Order

Mayor Redekop called the meeting to order at 6:01 p.m.

Mayor Redekop acknowledged the land on which we gather is the traditional territory of the Haudenosaunee, Mississaugas of the New Credit, and Anishinaabe people, many of whom continue to reside in this area.

2. Roll Call

Present: His Worship Mayor Redekop and Councillors Christensen, Dubanow, Flagg, Lewis, McDermott, and Noyes

Staff: A. Herlovitch, J. Janzen, C. Patton, C. Schofield, D. Vander Veen, K. Walsh, and S. Yeung

3. Announcements/Addenda

There was one Addendum as follows:

- 1) Addition under Item No.8. Planning and Development Services, 8.2 – Reports; PDS-25-2023: Proposed Zoning By-law Amendment – 4409 Erie Road – NPG Planning Solutions Inc. – Mary Lou Tanner (Applicant) – Crystal Beach Cottages Inc. – Bryan Keenan (Owner)

There were no announcements.

4. Declarations of Pecuniary Interest

Councillor Christensen declared a pecuniary interest with respect to Item No. 6 - Report No. PDS-21-2023 - Proposed Draft Plan of Condominium and Zoning By-law Amendment - Canadian Condominium - 272 Ridge Road South, as she lives within 120 metres of the subject property. She abstained from discussing and voting on the matter.

Councillor Flagg declared a pecuniary interest with respect to Item No. 8.2 – Report No. PDS-25-2023 - Proposed Zoning By-law Amendment – 4409 Erie Road as the Applicant represents him in a land matter as well. He abstained from discussing and voting on the matter.

5. Notice of Upcoming Public Meetings

(a) Municipal Drain

Re: Frenchman's Creek Drain 2022 - Monday, April 3, 2023 - 6:00 p.m. - Council Chambers, Town Hall. The information report will be available by 5:00 p.m. on Wednesday, March 29, 2023.

(b) Building Permit Fees

Re: Proposed Increase in Building Permit Fees - *Building Code Act, 1992* - Monday, April 3, 2023 - 6:00 p.m. - Council Chambers - Town Hall.

(c) Proposed Zoning By-law Amendment

Re: 3624 Hazel Street - Applicant: Robert Martin Engineering Inc. (Robert Martin - Owner: S.R. Niagara Investments Inc. (Rita and Salvatore Visca) - Monday, April 3, 2023 - 6:00 p.m. - Council Chambers, Town Hall. The information report will be available by 5:00 p.m. on Wednesday, March 29, 2023.

(d) Proposed Official Plan and Zoning By-law Amendment

Re: 3011 Point Abino Road North - Owner: Matthew Erickson & Chris Erickson - Agent: Wellings Planning Consultants Inc. (Glenn Wellings) - Monday, April 3, 2023 - 6:00 p.m. - Council Chambers, Town Hall. The information report will be available by 5:00 p.m. on Wednesday, March 29, 2023.

6. Public Meetings

****Presenter's speaking notes (if any) retained in Clerk's office***

(a) Proposed Zoning By-law Amendment and Plan of Condominium

Re: 272 Ridge Road South - Owners: Wendy McGaeghan & Patrick McGaeghan - Agent: Culture Developments Inc./5038257 Ontario Inc. (Craig DeVries). The Applicant has submitted a Plan of Vacant land Condominium and Zoning By-law Amendment on 272 Ridge Road South. The development is proposing 18 block townhouse dwellings contained within three blocks. The lands are located within the Urban Area and are currently designated Urban Residential and Environmental Conservation in the Town's Official Plan. The lands are currently zoned Residential 1 (R1) Zone and Environmental Conservation (EC) Overlay Zone in accordance with the Town's Comprehensive Zoning By-law No. 129-1990. This proposal seeks to change the zoning of the site in order to implement the proposed Plan of Condominium. The zoning is proposed to change to a site-specific Residential Multiple 1 (RM1) Zone to permit the block townhouse dwellings. The proposed RM1 zoning also contains special provisions to permit the following:

- Reduced minimum landscaped area;
- Reduced width for the access driveway from Ridge Road South into the development;
- Reduced planting strip width abutting a residential zone;
- Reduced minimum lot frontage.

The Zoning By-law Amendment also proposes to remove the Environmental Conservation (EC) Overlay Zone from the subject lands.

Mayor Redekop announced that this portion of the meeting would be devoted to the holding of the Public Meeting.

Mayor Redekop also provided information on electronic participation for members of the public who wished to provide input relative to the Application.

Daryl Vander Veen, Intermediate Development Planner delivered a PowerPoint Presentation which is available for viewing on the Town's website.

Mr. Vander Veen confirmed the statutory requirements for the Public Meeting were met, summarized the purpose of the Application, and public comments received.

Craig DeVries, Agent, Culture Developments Inc./5038257 Ontario Inc., provided a PowerPoint Presentation, and summarized the Application.

Mayor Redekop enquired whether there were any members of the public present in the virtual waiting room or in the Chamber who wished to speak in favour of the Application.

No members of the public came forward.

Mayor Redekop enquired if any members of the public wished to speak in opposition or ask questions regarding the Application.

The following member of the public spoke in opposition to the Application:

(a) Geoffrey Aldridge, 3765 Rebstock Road. He also provided a PowerPoint Presentation.

All visual and oral presentations can be viewed as recorded at: www.youtube.com/townofforterie

Mayor Redekop enquired whether the Clerk received any written submissions subsequent to the posting of the Report.

The Clerk advised that she received 3 written submissions between the time the Report was posted on the Agenda and 6:00 p.m. this evening when the meeting was called to order. The submissions were circulated to members of Council and staff, and are appended to the Minutes.

Mayor Redekop declared the Public Meeting closed.

PDS-21-2023	Proposed Draft Plan of Condominium and Zoning By-law Amendment - Canadian Condominium - 272 Ridge Road South - Wendy McGaeghan & Patrick McGaeghan - Owners - Culture Developments Inc. / 5038257 Ontario Inc. (Craig Devries) - Agent
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Recommendation No. 1
Moved by: Councillor Lewis

That: Council receives for information purposes Report No. PDS-21-2023 regarding a proposed Draft Plan of Condominium and Zoning By-law Amendment for Canadiana Condominium (272 Ridge Road South).

Mayor Redekop gave the Chair to Councillor McDermott in order to speak to the matter.

That: Council receives for information purposes Report No. PDS-21-2023 regarding a proposed Draft Plan of Condominium and Zoning By-law Amendment for Canadiana Condominium (272 Ridge Road South).
(Carried)

Councillor McDermott returned the Chair to Mayor Redekop.

(b) Proposed Zoning By-law Amendment

Re: 525 Lake Avenue - Owner: Daniel John Read - Agent: A.J. Clarke & Associates Ltd. (Doug Giles). The Applicant is proposing to rezone the property to permit development of a three-storey semi-detached dwelling. The Applicant is proposed to change the zoning from Residential 2B (R2B) Zone to a site-specific Residential 3 (R3) Zone that permits semi-detached dwellings. The site-specific zoning also proposes special provisions to permit reduced lot frontage, reduced lot area, reduced interior side yard setbacks and an increased maximum building height of three storeys.

Mayor Redekop announced that this portion of the meeting would be devoted to the holding of the Public Meeting.

Mayor Redekop also provided information on electronic participation for members of the public who wished to provide input relative to the Application.

Daryl Vander Veen, Intermediate Development Planner delivered a PowerPoint Presentation which is available for viewing on the Town's website.

Mr. Vander Veen confirmed the statutory requirements for the Public Meeting were met, summarized the purpose of the Application, and public comments received.

Council recessed for 5 minutes at 7:41 p.m.

Doug Giles, Agent, A.J. Clarke & Associates Ltd., provided a PowerPoint Presentation, and summarized the Application.

Mayor Redekop enquired whether there were any members of the public present in the virtual waiting room or in the Chamber who wished to speak in favour of the Application.

No members of the public came forward.

Mayor Redekop enquired if any members of the public wished to speak in opposition or ask questions regarding the Application.

The following member of the public spoke in opposition to the Application:

- (a) Geoffrey Aldridge, 3765 Rebstock Road. He also provided a PowerPoint Presentation.

All visual and oral presentations can be viewed as recorded at: www.youtube.com/townofforterie

Mayor Redekop enquired whether the Clerk received any written submissions subsequent to the posting of the Report.

The Clerk advised that she received 1 written submission between the time the Report was posted on the Agenda and 6:00 p.m. this evening when the meeting was called to order. The submission was circulated to members of Council and staff, and is appended to the Minutes.

Mayor Redekop declared the Public Meeting closed.

PDS-22-2023 Information Report - Proposed Zoning By-law Amendment - 525 Lake Avenue - Daniel John Read (Owner) - A.J. Clarke & Associates Ltd. - Doug Giles (Agent)

Recommendation No. 2
Moved by: Councillor Lewis

That: Council receives for information purposes Report No. PDS-22-2023 regarding a proposed Zoning By-law Amendment for 525 Lake Avenue. **(Carried)**

- (c) Proposed Zoning By-law Amendment

Re: 316 Ridgeway Road - Owner/Applicant: Kevin Ronald Reichel - Agent: Carolyn Murray (Crystal Wines Inc.). The Applicant is proposing to rezone to allow the conversion of the

existing building into a craft wine-making shop. The property is designated as Urban Residential and zoned Neighbourhood Development (ND). Additionally, designated as Low-Density Residential and is a site-specific Residential 2B (R2B-714) Zone, in the Crystal Beach Secondary Plan (CBSP), which permit retail uses, in addition to residential uses. As the CBSP is under appeal the Low-Density designation and the site-specific R2B-714 Zoning are not in effect. A zoning amendment is requested to rezone the property from Neighbourhood Development (ND) Zone to a site-specific Residential 2B (R2B) Zone to allow retail uses in addition to residential uses.

Mayor Redekop announced that this portion of the meeting would be devoted to the holding of the Public Meeting.

Mayor Redekop also provided information on electronic participation for members of the public who wished to provide input relative to the Application.

Samantha Yeung, Junior Development Planner delivered a PowerPoint Presentation which is available for viewing on the Town's website.

Ms. Yeung confirmed the statutory requirements for the Public Meeting were met, summarized the purpose of the Application, and public comments received.

Mayor Redekop enquired whether there were any members of the public present in the virtual waiting room or in the Chamber who wished to speak in favour or ask questions of the Application.

No members of the public came forward.

Mayor Redekop enquired if any members of the public wished to speak in opposition or ask questions regarding the Application. The following member of the public spoke in opposition to the Application:

- (a) Geoffrey Aldridge, 3765 Rebstock Road. He also provided a PowerPoint Presentation.

All visual oral presentations can be viewed as recorded at:
www.youtube.com/townofforterie

Mayor Redekop enquired whether the Clerk received any written submissions subsequent to the posting of the Report. The Clerk advised that she did not.

Mayor Redekop declared the Public Meeting closed.

PDS-23-2023 Proposed Zoning By-law Amendment - 316
Ridgeway Road - Kevin Ronald Reichel (Owner)

Recommendation No. 3
Moved by: Councillor Dubanow

That: Council approves the amendments to the Town's Zoning By-law No. 129-90 as detailed in Report No. PDS-23-2023 for the lands known as 316 Ridgeway Road, and further

That: Council directs staff to submit the necessary by-law. **(Carried)**

(d) Proposed Official Plan and Zoning By-law Amendment

Re: 644 Garrison Road - Owner: 2350048 Ontario Ltd. (c/o Ben Kooh) - Agent: Antech Design and Engineering Group (Candice Micucci). The Applicant has submitted a combined Official Plan and Zoning By-law Amendment to permit the construction of a 6 storey, 190-unit residential building at the rear portion of lands known as 644 Garrison Road. Following the previous Public Meeting on August 8, 2022 the proposal has been redesigned to shift the apartment building westward and to have a second access from Sims Avenue to the north. The Town is holding another Public Meeting to obtain feedback on the revised proposal. The subject property is located within the Urban Boundary and is currently designated Commercial in the Town's Official Plan. An Official Plan Amendment is required as this application is proposing to change the land use designation of the rear portion of the subject property to Urban Residential to permit the proposed apartment building. The lands are currently zoned Highway Commercial (C3) Zone, in part, and Residential 2 (R2) Zone, in part, in accordance with Zoning By-law No. 129-90. This application proposes to rezone the rear portion of the subject property to a new site-specific Residential Multiple 2 (RM2) Zone. The site-specific RM2 zoning proposes special provisions to permit reduced lot area for the amount of residential dwelling units, a reduced setback from a parking area to the westerly property line, a reduced planting strip width adjacent to a residential zone and a reduced number of parking spaces.

Mayor Redekop announced that this portion of the meeting would be devoted to the holding of the Public Meeting.

Mayor Redekop also provided information on electronic participation for members of the public who wished to provide input relative to the Application.

Daryl Vander Veen, Intermediate Development Planner delivered a PowerPoint Presentation which is available for viewing on the Town's website.

Mr. Vander Veen confirmed the statutory requirements for the Public Meeting were met, summarized the purpose of the Application, and public comments received.

Candice Micucci, Agent, Antech Design and Engineering Group, was present to answer questions from members of Council.

Mayor Redekop enquired whether there were any members of the public present in the virtual waiting room or in the Chamber who wished to speak in favour of the Application.

No members of the public came forward

Mayor Redekop enquired if any members of the public wished to speak in opposition regarding the Application.

The following members of the public spoke in opposition to the Application:

- (a) Hugh Buchanan, 1146 Tenth Street,
- (b) Michael Beauchamp, 623 Oakes Drive,
- (c) Keith Glaves, 611 Sims Avenue,
- (d) Sheryl Hobart, 643 Sims Avenue,
- (e) Carol Clausen, 661 Sims Avenue, and
- (f) Daniel Lillie, 615 Oakes Drive.

All visual and oral presentations can be viewed as recorded at: www.youtube.com/townofforterie

Mayor Redekop enquired whether the Clerk received any written submissions subsequent to the posting of the Report.

The Clerk advised that she received 3 written submissions between the time the Report was posted on the Agenda and 6:00 p.m. this evening when the meeting was called to order.

The submissions were circulated to members of Council and staff, and are appended to the Minutes.

Mayor Redekop declared the Public Meeting closed.

PDS-24-2023 Proposed Official Plan and Zoning By-law
Amendment - 644 Garrison Road - Antech Design
and Engineering Group (Candice Micucci) - Agent
- 2350048 Ontario Limited (c/o Ben Kooh) - Owner

Recommendation No. 4
Moved by: Councillor Lewis

That: Council approves the amendments to the Town's Official Plan and Zoning By-law as detailed in Report No. PDS-24-2023 for the lands known as 644 Garrison Road, and further

That: Council directs staff to prepare the necessary by-laws. **(Carried)**

Council recessed for 5 minutes at 9:49 p.m.

Recommendation No. 5
Moved by: Councillor Lewis

That: Council extends the hour of adjournment to 11:00 p.m. **(Carried)**

7. Consent Agenda Items

7.1 Request to Remove Consent Agenda Items

None.

7.2 Consent Agenda Items for Approval

IS-06-2023 Single Source Design for Reconstruction of
Thunder Bay Road

That: Council approves the single source award for the Class Environmental Assessment and detailed design for Reconstruction of Thunder Bay Road from Burleigh Road to Prospect Point Road to Upper Canada Planning & Engineering Ltd., at an upset limit of \$133,828.73 (including 13% HST).

(Carried)

IS-07-2023 Townline Road Servicing Study

That: Council receives the Townline Road Servicing Report for information; and further

That: Council authorizes a budget amendment in the amount of \$70,000 sourced from the Development Charges Reserve and directs staff to proceed with a Municipal Class Environmental Assessment to gain full approval to determine and proceed with the preferred alternative for the servicing strategy through project TRSS22; and further

That: Council authorizes the extension of engineering services to WT Infrastructure to complete the Municipal Class Environmental Assessment. **(Carried)**

IS-08-2023 2022 Road Condition Assessment &
Proposed Three-Year Resurfacing Plan

That: Council receives Report No. IS-08-2023 regarding the 2022 Road Condition Assessment and Proposed Three-Year Resurfacing Plan for information purposes. **(Carried)**

CAO-06/LC-03-2023 Land Matters: February 16, 2023 Land
Committee Meeting Minutes

That: Council receives the February 16, 2023, Land Committee meeting minutes attached as Appendix “1” to Report No. CAO-06/LC-03-2023, and further

That: Council approves the recommendations contained in Appendix “2”. **(Carried)**

CS-01-2023 2022 Annual Investment Review

That: Council receives for information purposes Report No. CS-01-2023 regarding the 2022 annual investment, and further

That: Council directs that Investment Policy By-law No. 109-2015, as amended, be further amended to increase the Portfolio Limit of Schedule I Banks in Appendix “B” from 75% to 80% and the Portfolio Limit of Total Banks from 80% to 85%. **(Carried)**

CS-02-2023 2022 Statement of Remuneration and
Expenses for Mayor, Council and Persons
Appointed by Council

That: Council receives Report No. CS-02-2023 regarding the Statement of Remuneration and Expenses for Mayor, Council and persons appointed by Council for information purposes. **(Carried)**

Consent Agenda Recommendation

Recommendation No. 6

Moved by: Councillor McDermott

That: Council approves the Consent Agenda Items as recommended.

(Carried)

7.3 Items Removed to be Dealt with Separately

None.

8. Planning and Development Services

Chaired by: Councillor Dubanow

8.1 Presentations and Delegations

None.

8.2 Reports

PDS-25-2023 Proposed Zoning By-law Amendment –
4409 Erie Road – NPG Planning Solutions
Inc. – Mary Lou Tanner (Applicant) –
Crystal Beach Cottages Inc. – Bryan
Keenan (Owner)

Recommendation No. 7

Moved by: Mayor Redekop

That: Council denies the amendment to the Town's Zoning By-law No. 129-90, as detailed in Report No. PDS-25-2023 for the lands known as 4409 Erie Road.

(Carried)

8.3 New Business/Enquiries

None.

8.4 Business Status Report

None.

9. Infrastructure Services

Chaired by Councillor Noyes

9.1 Presentations and Delegations

None.

9.2 Reports

None.

9.3 New Business/Enquiries

None.

9.4 Business Status Report

None.

10. Corporate and Community Services

Chaired by Councillor McDermott

10.1 Presentations and Delegations

None.

10.2 Reports

None.

10.3 New Business/Enquiries

None.

10.4 Business Status Report

None.

11. Scheduling of Meetings

- Community Health Services Committee, Tuesday, March 21, 2023, 2:00 p.m., Conference Room No. 1, Town Hall
- Niagara Transit Commission, Tuesday, March 21, 2023, 3:00 p.m., Council Chamber, Region of Niagara

- Museum & Cultural Heritage Advisory Committee, Wednesday, March 22, 2023, Conference Room No. 3, Town Hall
- Accessibility Advisory Committee, Tuesday, March 28, 2023, 3:30 p.m., Conference Room No. 1, Town Hall
- Infrastructure Committee, Wednesday, March 29, 2023, 3:00 p.m., Conference Room No. 1, Town Hall

12. Adjournment

Recommendation No. 8

Moved by: Councillor Dubanow

That: Council adjourns Council-in-Committee at 10:13 p.m. **(Carried)**

Mayor

Clerk



Fw: 272 Ridge road South

Daryl Vander Veen to: Mayor and Council

03/20/2023 09:34 AM

Cc: Carol Schofield, Chris McQueen, Alex Herlovitch, Kelly Walsh,
Jonathan Janzen, Mark Schmitt

From: Daryl Vander Veen/FortErie

To: Mayor and Council

Cc: Carol Schofield/FortErie@TownOfFortErie, Chris McQueen/FortErie@TownOfFortErie, Alex Herlovitch/FortErie@TownOfFortErie, Kelly Walsh/FortErie@TownOfFortErie, Jonathan Janzen/FortErie@TownOfFortErie, Mark Schmitt/FortErie@TownOfFortErie

Good morning everyone,

Attached are public comments that were received over the weekend in regard to the 272 Ridge Road South application.

Regards,

Daryl

Daryl Vander Veen, BES
Intermediate Development Planner

Planning & Development Services
The Corporation of the Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario, L2A 2S6
Phone: 905-871-1600 ext. 2509
Email: dvanderveen@forterie.ca

----- Forwarded by Daryl Vander Veen/FortErie on 2023-03-20 09:30 AM -----

From: "Bruce Waddell" [REDACTED] >
To: "Daryl Vander Veen" <DVanderVeen@forterie.ca>
Date: 2023-03-19 03:15 PM
Subject: 272 Ridge road South

Bruce Waddell

283 Prospect Point Rd. S.

Ridgeway, ON L0S 1N0

Town of Fort Erie

Planning Services

1 Municipal Dr.

Fort Erie, ON L2A 2S6

Attn: Daryl Vander Veen

Via electronic mail to: DVanderVeen@forterie.ca

March 19, 2023

Dear Daryl,

Re: 272 Ridge Road South

I have reviewed various documents related to the re-zoning request at 272 Ridge Road South, Crystal Beach, ON. I have concerns.

The environmental assessment process that you have described does not provide the information required for a thorough evaluation. I believe a full, independent and transparent review be conducted prior to the removal of any conservation overlay. Biodiverse shelterbelts are important features in ecosystems. Ground water which flows from Brunswick Avenue through PIN 0161(R) (right-of-way) flows mostly in a southern and easterly direction. This water flows through our property, known as "O Brunswick" and continues through our property at 283 Prospect Point Road South. The subject property currently absorbs a portion of this water flow at its southern boundary. The change in grade that has been proposed will alter this water flow and provide hydraulic head pressure altering drainage patterns. This alteration could be detrimental to adjoining properties.

Another concern is the height and composition of these proposed structures. These buildings will tower above the existing bungalows in the neighbourhood. Coupled with the proposed

elevation change, this problem will be exasperated. This design is not homogenous or complimentary to the surrounding neighbourhood. The roof top living area, that is proposed, will remove any privacy in the neighbouring backyards. I am sure that these decks will be equipped with various pieces of outdoor furnishings to enhance their utility, including semi permanent roofed structures, umbrellas, chairs, tables etc. These items will become projectiles, endangering surrounding neighbours, when high winds are present. There appears to be no effort to mitigate the expected noise and light pollution that these elevated structures will produce.

I would suggest a height limit to this application of nine metres from the current grade, with no elevated decks. This could be a fair compromise for some of the amendments that have been asked for. Hopefully this could be a more palatable neighbourhood fit.

Thank you for your consideration in this matter,

Bruce Waddell

March 20, 2023

To be attached to the official meeting notes for the 644 Garrison Road Public Meeting to be held on March 20 in Fort Erie Town Hall.

VIA EMAIL

Mayor Redekop and Members of Town Council
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Your Worship and Members of Council:

RE: Planning in Fort Erie...

AKA... HERE WE GO AGAIN (another example of illegal activity by Fort Erie Town Staff, again brought forward from previous Public Meetings WITHOUT RESOLVING a BASIC legal requirement!

My name is George Wiseman and I live at 311 Helena Street located within the Lakeshore Neighbourhood in the Town of Fort Erie. I am President of the Fort Erie Lakeshore Neighbourhood Association.

Over the past several years I have found myself drawn into a series of growth-related planning issues, both in my local neighbourhood and in the broader community. I have found these experiences extremely frustrating, as on more than one occasion it has appeared that the requirements of the Town of Fort Erie Official Plan (Official Plan) and Zoning By-law were not followed, initially by Town Planning Staff and subsequently by Town Council.

Neighbourhood Planning

We live in a uniquely heritage town in Canada. One with several unique neighbourhoods whose characters have been established over the past century. People come here to live largely based on the character of our Town.

One of the keys to ensuring the creation of livable, walkable neighbourhoods meeting the needs of residents is proactive comprehensive planning. Establishing a vision for our neighbourhoods along with clear goals, objectives and policies that implement this vision are critical to creating an appropriate context within which future development applications are considered.

To achieve this goal, in 2004 Council initiated the Neighbourhood Plan program and ratified it, in its present form, into the Official Plan in 2011. The program's process, which includes a broad public consultation component, specifically provides the opportunity for all the neighbourhood residents to participate in determination of how future growth will be accommodated in their neighbourhood.

This process acknowledges that no one knows the neighbourhoods like the residents do. Neighbourhood participation in such exercises creates community cohesion, establishes an officially recognized identity for the neighbourhood and helps to streamline the processing of future development applications (as the rules under which such applications can be considered are defined and understood by all).

The main issue I'm discussing today is the Town of Fort Erie Official Plan (Official Plan) Policy 4.7.4.1 (I) requires Neighbourhood Plans to be prepared for each of the Neighbourhoods identified on Schedule A of the Official Plan:

... prior to **considering** large scale development applications that may have significant impact on the Neighbourhood in which it is intended to develop.

The creation of a Neighbourhood Plan is the first step in a multi-step process. As noted by Town of Fort Erie staff in a report (CDS-15-12) presented to Council on April 3, 2017, the process is as follows:

The Town's Official Plan [Official Policies 5.5.1 (I) and 13.3 (I)] directs that all Neighbourhood Plans are to be incorporated into the Official Plan to provide formal status under the Planning Act. The Official Plan Amendment that accomplishes this is known as a "Secondary Plan" (consistent with the nomenclature used throughout the province).

Neighbourhood planning as provided for in the Official Plan is not discretionary within the Neighbourhoods identified on Schedule A.

Neighbourhood Plans *must be completed before consideration* of large-scale developments in the affected Neighbourhoods, yet time and time again Town staff seem to ignore this requirement. In some cases, like the processing of the Harbortown development application in the Lakeshore Neighbourhood, nothing is done. In other cases, the Town staff chooses to use a Secondary Planning process rather than appropriately creating a Neighbourhood Plan.

As noted above, creating the Fort Erie Neighbourhood Plans and implementing Official Plan amendment is a separate and mandatory process... BEFORE large developments can even be 'considered'.

Pre-submission meetings should include identification of whether a development is 'large'. If it is and is located in a neighbourhood whose Neighbourhood Plan has NOT been completed, the development should be considered premature as it does not conform to the Official Plan. How

can you evaluate an application when the neighbourhood specific rules you will be using to evaluate it against DON'T YET EXIST!

Town staff often argues that a Secondary Plan serves a similar purpose to a Neighbourhood Plan. That argument is incorrect. The Fort Erie Official Plan provides additional detailed policies relating to how Neighbourhood Plans are to be completed and what should be considered, including public consultation requirements for the ENTIRE neighbourhood not just those people a few meters around a localized development.

There are no policies or references relating to the Provincial Secondary Planning process in the Official Plan, and the list of required contents of Secondary Plans provided on the City's website is not as comprehensive in nature as the required scope of Neighbourhood Plans provided for in the Official Plan.

The Town of Fort Erie Official Plan policies belong to all of us. Residents have the right to depend on the appropriate implementation of these policies to protect their interests.

Where Neighbourhood planning is required, individual developments with the potential to cause significant impacts to the neighbourhood should not be permitted to proceed past the pre-submission stage until the Neighbourhood planning is done. Such developments should NEVER make it to Town Council for consideration, let alone then continuing to a Public Meeting.

644 Garrison Road compared to 10747 Kraft Road and to 613 Helena Street

Which brings us to the proposed development at 644 Garrison Road. It shares the issues of the 10747 Kraft Road and 613 Helena Street development applications.

1. The proposed development is LARGE
2. The proposed development is in a Neighbourhood WITHOUT a required Neighbourhood Plan.
3. The Walden Neighbourhood does NOT yet have a Fort Erie Official Plan compliant Walden Neighbourhood Plan and NO IDEA when such a Plan will be started or completed...

Those three FACTS are enough to appropriately **put this application on HOLD** as per Official Plan section 4.7.4.1. It should not be processed until the Walden Neighbourhood Plan is completed and the rules against which the application is to be considered actually exist.

The Town planning staff contends that Official Plan section 4.7.4.1 doesn't apply to this development approval because "the Walden Neighbourhood Plan will be completed before the development starts"

The first point isn't if any particular development will affect the neighbourhood, it's how the Neighbourhood Plan will affect the development. With no Neighbourhood Plan in place how do you KNOW what the residents would consider important? How can you make a Development Plan without knowing the RULES that the Development MUST FOLLOW? This is really 'cart before the horse' thinking which either wastes time and money (mostly the Developers) and/or ILLEGAL with potential liability that will not protect Town Staff or Councilors if they are INFORMED of the liability.

However, I contend the **644 Garrison Road development MAY affect the Walden Neighbourhood directly**, it's adjoining neighbourhoods indirectly and has other Official Plan ramifications to be considered. Not the least of which will be setting precedents instead of community sanctioned guidelines.

Why are we continuing to have public meetings when the FOUNDATIONAL ISSUES have not been resolved? It appears to me that the Town STAFF is running this Town, NOT our elected representatives who should be insisting that the STAFF follow the LAWS guiding the development decisions. Otherwise, WHY BOTHER to have LAWS?

Further Examples:

At the February 4th 2019 Public meeting, I was asked by a Council member if there were other examples of Town staff not paying appropriate attention to Official Plan policy 4.7.4.1. In response to his query, I replied that the only two I was specifically conversant about were the Harbourn Development and the 672 Edgemere Road development. But that I had heard rumors of others and I recommended to Council that they investigate to find them. Obviously such an investigation should not be done by existing Town staff...

Since that time, in my opinion Town staff has continued to ignore the full requirements of the Neighbourhood Plan portion of the Official Plan and further consideration of the development proposal at 644 Garrison Road and 10747 Kraft Road or yet more examples.

644 Garrison Road

At a previous Public Meeting for the proposed 644 Garrison Road development in the Walden Neighbourhood. The Walden Neighbourhood does not have a Neighbourhood Plan in place and when I pointed this out in the ZOOM Open House, I was incorrectly informed that the word 'will' in Official Plan 4.7.4.1 wording does not mean 'mandatory'. I admit to being stunned by this statement, so I checked with my lawyer and got a legal opinion that in Ontario the use of the word 'will' in planning documents is 'mandatory' with the same impact as the use of the word 'shall'.

I do not know why the Town planning staff isn't simply concentrating on getting the Neighbourhood Plans done, so the Town can appropriately proceed with large developments. Is it lack of funding or lack of consequences or lack of oversight by Council or is Council complicit in this illegal activity?

Example of possible inappropriate building permit Approval by Town staff

I have been monitoring and participating in the processing of a development application at 672 Edgemere Road. This is an example of a violation of section 4.7.4.1 leading to an inappropriately large development on a small property in the Lakeshore Neighbourhood.

672 Edgemere Road is located directly across the street from my residence and during review of the proposed site plan, legitimate questions arose as to compliance of the site plan with the zoning by-law. In good faith I hired a professional urban planner to review the site plan application provided to me by Town staff and it was his professional opinion that the site plan failed to comply with the Zoning By-law.

To be certain, I hired a **second** planner who independently confirmed this conclusion so I cannot understand how a building permit can LEGALLY be issued for the 672 Edgemere Road development.

I then contacted the Town through my municipal lawyer who carefully outlined my concerns. The response I got back from Town staff was simply a statement that the site plan complies with the Zoning By-law and a building permit would be issued.

No explanation was provided as to how compliance was achieved or where the planners I had hired erred in their conclusions.

Worse yet... When I tried to explain the situation to my Ward Councilor (Kimberley Zanko), in a meeting including Rick Brady, they didn't allow me to speak freely or consider my evidence at our meeting. Councilor Zanko then told me that she believed the Town staff over me and to not contact her anymore.

And then, ALL my eMails to ANY of the Town staff bounce back "unaccepted"!

Where do I go if my elected representative won't communicate with me?

I acted in good faith, hired multiple experts to properly advise me on technical matters, employed a lawyer to ensure the process was done properly and was simply blown off by Town staff and my Councilor.

I believe that is no way to treat any resident and particularly one that has made large investments to do his rightful and legal due diligence for his neighbourhood.

In this case I ask Town Council to examine my evidence and take appropriate action to make the 672 Edgemere Road site plan compliant with the LAW.

I would also appreciate Council further examining what has happened to that property since 2004 and doing a 'pause' on the development until the appropriate Lakeshore Neighbourhood Plan is in place, then re-evaluate the Site Plan from scratch to assure compliance.

Conclusions

Like many other communities in southern Ontario, the Town of Fort Erie is facing significant growth pressures. Residents are depending on Town staff and Council to ensure our community addresses these growth pressures in a manner that ensures new developments are sensitively designed to complement the existing character of neighbourhoods within which the development is to occur. The Neighbourhood Plan requirements in the Official Plan were specifically designed to address these challenges. Ignoring them or paying them 'lip service' negates the rights of the residents.

The Official Plan and Zoning By-Laws aren't 'suggestions', they are laws that Town planning staff and bylaw officers enforce. For example, I know an elderly woman (widow of a police officer) who was forced to remove one and a half (1.5) inches from the top of her long existing perimeter fence by unrelenting bylaw officers, yet I can't even get an explanation of how a development directly affecting me complies to the Zoning By-law.

Recently I personally had an EMERGENCY as the 2022 Superstorm brought down a huge Maple beside my home and compromised my foundation (literally a portion of my house was hanging in midair). My neighbour is a contractor and sprang to my rescue. The Town IMMEDIATELY put a CEASE AND DESIST order on the project, requiring that I get an engineer to draw up a plan and get a building permit before my foundation can be rebuilt. They are being kind and fast tracking it, and my foundation is rebuilt enough to prevent my house from falling further as I await the permit. But the POINT IS that I (and EVERY resident are REQUIRED to follow the laws in place!

It APPEARS to me, that the Town staff has 'gotten away with' ignoring Official Plan policy 4.7.4.1 and section 13.3, requiring the Neighbourhood Plans to be in place BEFORE large developments can be considered, for years...

I believe they depend on residents' ignorance of the laws, ignorance their rights and the limited resources they can use to object to such applications. So there are NO CONSEQUENCES (so far) to their ignoring fundamental LAWS. That may change soon. Many residents are getting fed up, organizing and considering legal liabilities.

I believe the Town Council is not protecting the residents' rights.

I ask... Why are the RULES that are there to protect the interests of residents not being enforced on Town staff?

I ask... Who is in actually in charge at Town Hall? Aren't the Town staff the employees of Town Council?

I ask... Why does it seem that developers get preferential treatment over residents?

I ask... Why does it seem that most of the Neighbourhood Plans have been stopped?

Does the Town not have the resources or the will to proceed with the legally required Neighbourhood Plans?

I feel we, the Residents of the Town of Fort Erie, have Rights under the Official Plan and that those rights are being violated to the detriment of ourselves personally, our Neighbourhood characters, streetscapes, and our Town.

We have the right to insist and require that the Neighbourhood Plans be completed appropriately before any large developments are considered.

In my opinion, the Town needs to do better.

George Wiseman
311 Helena Street
Fort Erie, Ontario

References available upon request wiseman@felna.ca :
Harbourtown submission
Kimberley Zanko rejection
eMail to Town "not accepted"
672 Edgemere Road Non-Compliance Letter to Town
The word "Will" means Mandatory
Building Permit letter
Defining 'large'

Appendix A
Additional Policies Applicable to Neighbourhood Planning

Official Plan 4.8.1 II & III
Official Plan 4.8.2 V
Official Plan 4.9.3 III(c)
Official Plan 4.12.1 V
Official Plan 4.13.2 III (f) & (h)
Official Plan 4.13.3 II (b) and incidentally Official Plan 4.13.3 V
Official Plan 5.5.1 V (a)
Official Plan 5.5.2 IV and X
Official Plan 5.6.1 IV and VI
Official Plan 5.6.3 VIII
Official Plan 9.1 I (b)
Official Plan 12.7.2 I & II & III & V & VII
Official Plan 12.11 I & II & IV
Official Plan 13.5 II (b)

March 20, 2023
To Town of Fort Erie Council and Planning department.
In response to Report No. PDS-56-2022

Notes compiled by George Wiseman,
I request that they be added to the official record / file for the development on 644 Garrison Road
350302-0125
350309-0514
and presented to the Town Council for tonight's meeting.

This is a **LARGE development** for the Walden Neighbourhood and thus contravenes the TOFE OP.
Our objection is **applicable** because **NO By-Law VARIANCES should be considered!** ... *Until the Walden Neighbourhood Plan is complete...* as per:



4.7.4.1 POLICIES

I. The Town will develop a Neighbourhood Plan for each neighbourhood **prior to considering large scale development applications that may have a significant impact on the neighbourhood in which it is intended to develop.**

(a) The height, bulk and arrangement of buildings and structures to achieve a harmonious design, compatible integration with the surrounding area and **not negatively impact on lower density residential uses;**

(c) **Parking areas that are sufficient size**

to satisfy the need of the development and **are well designed** and properly related to buildings and landscaped areas;

(d) **The design and location of refuse pick-up and recycling service areas** meets Regional Waste Collection design requirements;

(e) **Driveway access, internal roadways and pedestrian walkways that are safe and properly designed;**

Niagara Region Definitions

Development means the creation of a new lot, a change in land use, or the construction of a building or structure, requiring approval under the Planning Act. It includes the construction of new, or significant expansion of existing, public utilities or infrastructure but does not include works subject to the Drainage Act.

Significant means:

1. e) in regard to **cultural heritage and archaeology, resources that are valued for the important contribution they make to our understanding of the history of a place, an event or a person/people.**

Upon reading the Town of Fort Erie (TOFE) Official Plan (OP), I discover that NO large developments should be approved (**or even considered**) in any area that does not have a completed Neighbourhood Plan, in this case, the Walden Neighbourhood Plan.

We aren't trying to STOP the development.

We want to **stop the INAPPROPRIATE due process** / aspects / attributes of the development and by extension INAPPROPRIATE development.

We want the development application process to follow the RULE OF LAW already ESTABLISHED!

We want the development to FIT into the streetscape, which includes the Neighbourhood.

We want the future residents (our future neighbours) to enjoy their residences as much as we enjoy ours.

We have ALREADY visited this issue with the August 8, 2022 Public meeting and NOTHING HAS CHANGED!

Because of Town of Fort Erie Official Plan 4.7.4.1 The development application **should have been** (and still should be) put on HOLD, (NO further consideration) as soon as it was seen to be a LARGE development in a Fort Erie Neighbourhood without a completed Neighbourhood Plan.

This realization SHOULD have occurred when the application was **initially** presented to the Town Planning Staff, and certainly at the application meeting, between the developer and the Town Planning Staff.

In any case I (George Wiseman) pointed it out publicly at the ZOOM Meeting On July 14th, 2021 and at that time, the development should have IMMEDIATELY been put on hold, until the Walden Neighbourhood Plan is completed... **If there is ANY effort to follow the Town of Fort Erie's Official Plan.**

It appears that the Town Planning Staff has NO intention to follow the Official Plan in this regard so I implore you, our Town Councilors and elected representatives to INSIST that YOUR employees follow the Official Plan... COMPLETE the Neighbourhood plans or change the Official Plan to eliminate that REQUIREMENT.

So the current Town of Fort Erie SENIOR Development Planner City Planner (Anamika Diwaria), in a 'public Zoom Meeting (July 14, 2021) said...

1.

(and I paraphrase) "We do not need to have a Walden Neighbourhood Plan in place before CONSIDERING the development because it'll be so long before development starts that the Plan will be done."

2.

And (again paraphrasing) she said "Will is not "Shall"..."

3.

And (to summarize) Anamika said "We are doing everything a Neighbourhood Plan would require anyway, so no need to wait"... Which incidentally the 'logic' that Rick Brady made to me regarding the Harbourtown Development and I've since proven false. That development was ILLEGAL, yet they 'got away with it' so are emboldened to continue their officially sanctioned (if Town Council approves it) illegal activities. There are now residents in the Town of Fort Erie who are organizing and considering legal liabilities for these illegal activities!

ALL of Anamika's 'arguments' are incorrect justifications of their inappropriate and frankly ILLEGAL actions. She has absolutely NO IDEA when the Neighbourhood Plan will be done. As far as I can see, the whole Neighbourhood Plan progress has been defunded and halted because the Town Planning Staff sees no reason to continue... There has been ZERO consequences for ignoring it.

First and Third,

How do you know what to CONSIDER until you HAVE the Neighbourhood Plan done? The Neighbourhood Plan requires the input of ALL the neighbourhood's residents... Which (in part) requires the specific INDIVIDUAL notification (by letter) to every person in the WALDEN Neighbourhood (notification in the paper is not sufficient)...

Was that done? No? Then how can you know that you have the input of every neighbour as required by the Official Plan to do a Neighbourhood Plan?

I gave the example of Toronto apartments being of COVID death traps due to general building air circulation and lack of adequate outdoor SPACE being one REASON that many people are moving to Fort Erie, to get AWAY from in the metropolitan areas. Fort Erie is not Toronto and does NOT NEED to turn itself into Toronto. We live here BECAUSE it is not Toronto.

If apartments are built here, it's VERY LIKELY that they will be designed DIFFERENTLY than in Toronto and THAT would be part of a Neighbourhood Plan.

So the first 'excuse' is invalid because you cannot 'consider' something that REQUIRES rules to be in place BEFORE those rules are even decided upon.

Second,

"WILL" and "SHALL" are BOTH mandatory statements under law (in the context of the Town of Fort Erie Official Plan). I checked with multiple legal council. The only difference is that SHALL is immediate mandate (not time related) and "WILL" is a future mandate (SHALL at a future time) and 'later' is in context of the OFFICIAL PLAN, not the Neighbourhood Plan.

These words have different meanings but both can be used effectively in contract drafting as long as you're careful about your usage.

Shall

Did you know that "shall" is the most misused word in all of legal language? It is. In the current edition of *Words and Phrases*, "shall" alone is followed by 109 pages of case squibs, and "shall" phrases cover 45 more pages. Yet its misuse is one of the most heavily repeated errors in all of law.

Here's where lawyers go wrong: When "shall" is used to describe a status, to describe future actions, or to seemingly impose an obligation on an inanimate object, it's being used incorrectly. For example, all of these are wrong:

- Status: "Full capacity" shall have the following meaning . . .
- Future action: If . . . then the contract price shall be increased . . .
- Faulty imposing of obligation: The remaining oil shall be sold by lessee . . .

To correctly use "shall," confine it to the meaning "has a duty to" and use it to impose a duty on a capable actor. Bryan A. Garner, *A Dictionary of Modern Legal Usage* 940–941 (2d ed., Oxford U. Press 1995). Here's how:

- Lessee shall sell the remaining oil . . .

In other words--

- Lessee [an actor capable of carrying out an obligation] shall [has a duty to] sell the remaining oil . . .

Some suggest that lawyers are incapable of using "shall" correctly, so we ought to banish it entirely. Michèle M. Asprey, *Shall Must Go*, 3 Scribes J. Leg. Writing 79 (1992). One recommendation is to use "must" instead. Of course, you cannot search and replace every "shall" with "must." Scrutinize each use carefully.

Will

You can use "will" to create a promise--a contractual obligation. See Bryan A. Garner, *A Dictionary of Modern Legal Usage* 941-942 (2d ed., Oxford U. Press 1995). When used in this way, "will" is not merely stating a future event, it is creating a promise to perform:

- Landlord will clean and maintain all common areas.

You could use "shall" for the other party's obligations and "will" for your client's obligations, though the effect of these words should be the same. The difference reflects only the impact on the reader.

Recommendation

In most basic contracts, I recommend using "will" to create obligations, as long as you are careful to be sure any given usage can't be read as merely describing future events. I'm generally against "shall" because it is harder to use correctly and it is archaic. But not everyone agrees with me. Kenneth A. Adams, *A Manual of Style for Contract Drafting* 24-25 (ABA 2004). Adams prefers using "shall" as long as it's used correctly.

Ontario Lawyer's Opinion

On Jul 26, 2021, at 5:56 PM, George Wiseman <wiseman@eagle-research.com> wrote:

Brian,

On Jul 26, 2021, at 4:12 PM, Brian Duxbury <brian@duxburylaw.ca> wrote:

Hi George, I had my colleague Josh Perell do some research on this and here is his report.

I do NOT want to take on the Town for every perceived violation, but I do intend to make a point of this to Town Council when they make a meeting for this 644 Garrison... Because it needs to be PUBLICALLY (for the record) pointed out to our ELECTED representatives that their STAFF is playing fast and loose with the 'rules'.

Thus they'll have been given fair warning and information that they MAY not have had... A Town Councilor is not a City Planner. But they ARE supposed to represent their constituents AND follow the Official Plan.

If they don't like the Official Plan, they can CHANGE IT... But until then, they should require their STAFF to follow the same rules that the rest of us are required to.

At least that is MY opinion...

In the Meantime, Kevin, since I will be standing up and Speaking at Council on this, it would be great if you could point out anything you see (without a deep dive) that should be considered with such an

apartment building.

First, it obviously shouldn't be placed there, in a commercial zone. There are MANY places where such housing would be more appropriate.

Second, besides the arbitrary housing and density 'targets', is there really any need for more apartments in Fort Erie? Isn't the reason people move here BECAUSE there aren't high rises all around?

Third, in this Age of Covid, it appears that apartments are death traps... And alternative types of housing and/or designs should be being considered.

Anyway, some more of your thoughts would be deeply appreciated.

May the blessings be
George

Begin forwarded message:

From: Joshua Perell joshua@duxburylaw.ca
<https://iso.ca/public-resources/finding-a-lawyer-or-paralegal/directory-search/members/lawyer/027/joshua-jonathan-perell>

Date: July 26, 2021 at 3:23:46 PM EDT
To: Brian Duxbury <brian@duxburylaw.ca>
Subject: FW: Will vs Shall

Good afternoon Brian,

This email is further to Mr. Wiseman's query about the possible legal significance of the use of the word "will" or "shall" in section 4.7.4.1 of the TOFE Official Plan.

It does not appear that there is a functional difference between "will" and "shall". As a matter of legal drafting, "will" and "shall" (and "must") are described as "imperatives" because they create obligations. "Will" and "shall" are regularly contrasted in analyses of legal drafting with words such as "may," which are part of a category of terms called "permissives" because the language confers greater discretion.

The Federal Government has release an explanatory guide on the drafting of legislation that urges the use of the word "must" to create obligations. (Legistics - Expressing Obligations and Prohibitions (justice.gc.ca) While this document is interesting, it is not binding.

I found some discussion in the literature on the proper grammatical uses of "will" and "shall." Shall is supposed to be used with first person pronouns (I and we), while, generally speaking, "will" is used with second and third person pronouns (you, he, she, it, they). Putting aside the question of proper grammatical use, the most important question is whether the application of the modern approach to statutory interpretation would result in the conclusion that section 4.7.4.1 of the TOFE Official Plan imposes some kind of obligation on the Town.

In the case of section 4.7.4.1 of the TOFE Official Plan, the use of the word "will" establishes an imperative. The substitution of "shall" or "must" into section 4.7.4.1 would not change the nature of the obligation imposed on the Town.

Best,
Josh

Joshua J. Perell
DUXBURY LAW
TRIAL & TRIBUNAL LAWYERS
T 905-570-1242 F 905-570-1955
1 King St. W., Suite 500, Hamilton, ON L8P 1A4
durburylaw.ca

From: George Wiseman <wiseman@eagle-research.com>
Date: July 18, 2021 at 8:31:20 AM EDT
To: DUXBURY Brian <brian@durburylaw.ca>
Cc: Kevin Eby <kevineby@rogers.com>
Subject: Re: Will vs Shall

Brian,

Can you give me an opinion on the 'mandatory' nature of "Will" vs "Shall" in Ontario Law?
References?

...
This is in relationship to TOFE Official Plan 4.7.4.1

<image002.jpg>4.7.4.1 POLICIES

I. The Town will develop a Neighbourhood Plan for each neighbourhood prior to considering large scale development applications that may have a significant impact on the neighbourhood in which it is intended to develop.

(a) The height, bulk and arrangement of buildings and structures to achieve a harmonious design, compatible integration with the surrounding area and not negatively impact on lower density residential uses;

(c) Parking areas that are sufficient size to satisfy the need of the development and are well designed and properly related to buildings and landscaped areas;

(d) The design and location of refuse pick-up and recycling service areas meets Regional Waste Collection design requirements;

(e) Driveway access, internal roadways and pedestrian walkways that are safe and properly designed;

May the blessings be
George

Another Developer's Lawyer asked "What is the Definition of Large Development"?

First... I wonder, why he (a lawyer) doesn't know the definitions of the words in the laws we are supposed to follow?

Or is he just depending on our ignorance to get INAPPROPRIATE by-laws passed for his client?

Second... I'm very confused as to why the current TOFE staff and Council doesn't seem to be familiar with this provision in the TOFE Official Plan; particularly since they are supposedly diligently making the Neighbourhood Plans.

Third, I'm from the bush, where we use common sense instead of laws. I'm still getting used to this 'city folk' way of dealing with things where everybody follows rules and the rules are interpreted, ignored and/or changed at the whim of those with the reins, usually in coordination with MONEY. It's a sad state of affairs.

So... To help all of you find something approaching common sense, I look in the Town of Fort Erie Official Plan (TOFE OP) and I find the word 'large' used 38 times and 'development' (often in italics) mentioned 584 times; *but no definition*. So I look in Provincial level laws and find...

ONTARIO REGULATION 332/12

BUILDING CODE

Consolidation Period: From July 20, 2018 to the [e-Laws currency date](#).

Last amendment: 388/18.

Legislative History: 151/13, 360/13, 361/13, 368/13, 191/14, 139/17, 462/17, 563/17, 79/18, 388/18.

Section 1.4. Terms and Abbreviations

1.4.1. Definitions of Words and Phrases

1.4.1.1. Non-defined Terms

(1) Definitions of words and phrases used in this Code that are not included in the list of definitions in Articles 1.4.1.2., 1.4.1.3. and 1.4.1.4. and are not defined in another provision of this Code shall have the meanings that are commonly assigned to them in the context in which they are used, taking into account the specialized use of terms by the various trades and professions to which the terminology applies.

Large \ˈlɑːrj\ **adjective** ; is commonly defined as:

1. Having more than usual capacity or scope
~ Cambridge English Dictionary
2. Exceeding most other things of like kind especially in quantity or size : **BIG**
~ Merriam-Webster Dictionary

However, I note that LARGE is also 'relative' to the context, so I look at the ACTUAL APPLICATION relative to the 'context' of the property size and the existing infrastructure in the neighbourhood.

I point out that the REASON for over a dozen bylaw amendments / variances is to FIT a 'LARGER' structure onto the property than the previous bylaws allowed... A building that is TOO LARGE for the property.

So 'in context' LARGE by definition.

So, by inference, even the TOFE-OP (and it's existing bylaws) would 'define by context' the development as LARGE, compared (in context) to the existing bylaws and the neighbourhood streetscape.

FURTHER, The TOFE OP Section 4.7.4.1 POLICES recognizes the Ontario Building Code as applicable Law, specifically:

4.7.4.1 (III) (b) “The building age and condition are capable of supporting the intensified use and the building code requirements as well as health and safety requirements, can be satisfied;”

4.7.5.3 (I) (b) (ii) “The existing structure can be brought into conformity with the Ontario Building Code;”

4.16.16 (e) “Lands identified by the Town and/or Region as being required for road widening purposes shall be transferred to the respective Municipality for nominal consideration, as a condition of any development or redevelopment requiring approvals under The Planning Act or the Building Code Act as amended from time to time.”

13.11 (I) “This policy is intended to secure the health, safety, convenience and welfare of the present and future inhabitants of the Town. To this end Council has enacted a By-law 186-08, passed under the authority of Section 15.1.3 of the Building Code Act, to prescribe standards for the maintenance and occupancy of property. This By-law and any amendments thereto, will help to maintain a reasonable standard of building and property maintenance within the Town, and as a result, should assist in maintaining a satisfactory level of assessment and property taxes”

13.11 (III) “The Council of the Town of Fort Erie shall appoint a Property Standards Committee and shall name a Property Standards Officer. The Committee shall hear and decide on appeals pursuant to orders issued under the By-law by a Property Standards Officer. The Property Standards Officer shall be assigned the responsibility of administering the Maintenance and Occupancy By-law passed pursuant to Section 15.1.3 of the Building Code Act....”

13.12 “The Planning Act R.S.O. 1990, the Municipal Act R.S.O. 2001, Building Code Act R.S.O. 1992 and other relevant statutes governing such uses as waste disposal sites, automobile wrecking yards, trailers and signs shall be reviewed. Where appropriate, present by-laws will be amended and new by-laws enacted to ensure that such uses are properly regulated and controlled according to the policies of this Plan. Nothing in this plan shall be interpreted to mean that an undertaking which is subject to the Environmental Assessment Act may proceed except in compliance with the Act.”

However, in case the dictionary description and TOFE OP + bylaws is insufficient. I look further and find...

Note that the Ontario **Building Code recognizes specifically the Planning Act Section 34 as applicable law** and we are appealing under section 34. So either way, an applicable definition (to the building and development) PROVINCIAL Code defines ‘Large’.

Large Building is SPECIFICALLY defined in the Ontario Building Code as:

PART 1 COMPLIANCE AND GENERAL

1.1.2. Application of Division B

1.1.2.1. Application of Parts 1, 7 and 12

(1) Part 1 of Division B applies to all *buildings*.

1.1.2.2. Application of Parts 3, 4, 5 and 6

(1) Subject to Articles 1.1.2.6. and 1.3.1.2., Parts 3, 5 and 6 of Division B apply to all *buildings*,

(b) exceeding 600 m² in *building area* or exceeding three storeys in *building height* and used for *major occupancies* classified as,

(i) Group C, *residential occupancies*,

Table 3.5.2.1.
Classes of Registration and Categories of Qualifications for Inspectors and Persons Who Carry out Design Activities^{(1) (2)}

Forming Part of Sentence 3.5.2.1.(1)

3.	Large Buildings	Large Buildings	(a) Buildings described in Sentence 1.1.2.2.(1), (3) or (4) of Division A and the building systems, works, fixtures and service systems appurtenant to these buildings, excluding: (b) buildings and parts of buildings described in Column 3 of any of Items 4 to 11 of this Table, and (c) signs described in Clause 1.3.1.1.(1)(e) of Division A.
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3.5.2.2. Registered Code Agencies

(1) Table 3.5.2.2. sets out the classes of registration for *registered code agencies* and the categories of qualifications for persons described in Clauses 3.4.3.2.(1)(a) to (c).

Table 3.5.2.2.
Classes of Registration and Categories of Qualifications for Registered Code Agencies

Forming Part of Sentence 3.5.2.2.(1)

3.	Large Buildings	Large Buildings	Column 3 of Item 3
		Plumbing - All Buildings	Column 3 of Item 6
		Building Services	Column 3 of Item 8
		Building Structural	Column 3 of Item 9
		On-site Sewage Systems	Column 3 of Item 10

I also find that the **Ontario Building Code** references the **Planning Act** several times as ‘applicable law’ and SPECIFICALLY references Section 34.

Personally I think that since the building MUST MEET the requirements of the Ontario Building Code, that the definition of ‘large’ in the Ontario Building Code is DIRECTLY applicable to the development, therefor applicable to the TOFE OP, particularly since the TOFE, (while it mentions the word ‘large’ a couple of dozen times) doesn’t DEFINE large.

So next we’ll look at DEVELOPMENT

Development de·vel·op·ment /də'veləpmənt/

Noun

1. The process of developing or being developed.
~ Cambridge English Dictionary
2. The state of being developed // a project in *development*
~ Merriam-Webster Dictionary
3. Generally a *development* (is commonly used in the context of a building a building)

Further (looking elsewhere for definitions):

“Development” as used in the **Ontario Planning and Development Act, 1994** is defined as:

Site plan control area

41 (1) In this section,

“development” means the construction, erection or placing of one or more buildings or structures on land

or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out

and establishment of a commercial parking lot or of sites for the location of three or more trailers as defined in subsection 164 (4)

of the Municipal Act, 2001 or subsection 3 (1) of the City of Toronto Act, 2006, as the case may be, or of sites for the location of

three or more mobile homes as defined in subsection 46 (1) of this Act or of sites for the construction, erection or location of three

or more land lease community homes as defined in subsection 46 (1) of this Act. R.S.O. 1990, c. P.13, s. 41 (1); 1994, c. 4, s. 14;

2002, c. 17, Sched. B, s. 14 (1); 2006, c. 32, Sched. C, s. 47 (8).

As per the 2414 Provincial Policy Statement, definitions:

Development: means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the *Planning Act*,

So we’ve established that the Province of Ontario would consider that the development at 672 Edgemere is **LARGE** and that it’s a ‘development’ (which can consist of one building) therefor a **LARGE DEVELOPMENT**.

Notes from **Ontario Planning and Development Act, 1994**

(4) No person shall undertake any development in an area designated under subsection (2) unless the council of the municipality or, where a referral has been made under subsection (12), the Municipal Board has approved one or both, as the council may determine, of the following:

1. Plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under clause (7) (a), including facilities designed to have regard for accessibility for persons with disabilities.

2. Drawings showing plan, elevation and cross-section views for each building to be erected, except a building to be used for residential purposes containing less than twenty-five dwelling units, which drawings are sufficient to display,

(a) the massing and conceptual design of the proposed building;

(b) the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access;

(c) the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings;

(d) matters relating to exterior design, including without limitation the character, scale, appearance and design features of

buildings, and their sustainable design, but only to the extent that it is a matter of exterior design, if an official plan and a by-law passed under subsection (2) that both contain provisions relating to such matters are in effect in the municipality;

Deemed conformity with official plan

(6) If a development permit by-law is passed under this section by the council of a municipality in which an official plan is in effect, subsection 24 (4) applies to the by-law in the same manner as if it were a by-law passed under section 34. 1994, c. 23, s. 46.

Conformity with upper tier plans

(7) If an approval authority has approved an official plan adopted by an upper-tier municipality, every development permit by-law that is then in effect in the area affected by the plan shall be amended to conform with the plan and subsections 27 (2) to (4) apply, with necessary modifications, to the amendment. 1994, c. 23, s. 46; 2002, c. 17, Sched. B, s. 27.

Section Amendments with date in force (d/m/y) [+]

Use of alternate terminology

70.2.1 (1) A regulation made under subsection 70.2 (1), an order made under section 70.2.2 or a by-law passed under section 70.2 or

70.2.2 may refer to development permits as community planning permits. 2015, c. 26, s. 37.

Same

(2) When a regulation, order or by-law refers to development permits as community planning permits, as described in subsection (1),

(a) the effect of the regulation, order or by-law is the same for all purposes as if the expression “development permit” were used;

and

(b) a permit that is referred to as a community planning permit is a development permit for all purposes. 2015, c. 26, s. 37.

Same

(3) Subsections (1) and (2) also apply with respect to combined expressions such as “development permit system” and “development permit by-law”. 2015, c. 26, s. 37.

The project being considered at 644 Garrison IS greater than 600m² (it's over 1200m²), is 4 stories in height, is considered for residential occupancy and has more than 25 dwelling units, therefor IS a Large Building according to the Ontario Building Code... And therefor a large building according to the TOFE OP.

The process of a building being built is a common definition of ‘development’.

Next we'll explore the meaning of the words “prior to”

1.7.4.1 POLICIES

The Town will develop a Neighbourhood Plan for each neighbourhood *prior to considering large scale development applications that may have a significant impact on the neighbourhood in which it is intended to develop*

prior1

[prior1-ent]

[Synonyms](#)[Examples](#)[Word Origin](#)

See more synonyms for *prior* on [Thesaurus.com](https://www.thesaurus.com)

adjective

- 1 preceding in time or in order; earlier or former; previous: *A prior agreement prevents me from accepting this.*
- 2 preceding in importance or privilege.

3  Idioms

prior to, preceding; before: *Prior to this time buffalo had roamed the Great Plains in tremendous numbers.*

Next let's address the meaning of the word '**consider**', because the TOFE OP SPECIFICALLY says

4.7.4.1 POLICIES

The Town will develop a Neighbourhood Plan for each neighbourhood ***prior to considering large scale development applications that may have a significant impact on the neighbourhood in which it is intended to develop***

consider

verb (used with object)

1. to think carefully about, especially in order to make a decision; contemplate; reflect on: *She considered the offer for several days.*
5. to pay attention to; regard: *He considered the situation carefully.*
7. to think about (something that one might do, accept, buy, etc.): *He considered buying a new car.*
8. to think deliberately or carefully; reflect.
11. to view carefully or thoughtfully.

So it'd be fair to say that 'considering' means **TO THINK ABOUT**. *It does NOT mean, to IGNORE.*

In context it means to put the Walden Neighbourhood Plan **IN PLACE BEFORE** even **THINKING ABOUT** large developments!

The TOFE has **SERIOUSLY** miss-stepped here. They should **NOT** have allowed the developer to even **PRESENT** an application to be considered, let alone rubber-stamped ByLaw variances that **MAY** contravene the Future Neighbourhood Plan.

Next we'll explore the meaning of the word **APPLICATION**

4.7.4.1 POLICIES

The Town will develop a Neighbourhood Plan for each neighbourhood ***prior to considering large scale development applications that may have a significant impact on the neighbourhood in which it is intended to develop***

application

[ap-li-key-shuhn]

noun

4 the act of requesting.

5 a form to be filled out by an applicant, as for a job or a driver's license.

Next we'll explore the meaning of the words "that may have a significant impact on the neighbourhood in which it is intended to develop"

4.7.4.1 POLICIES

The Town will develop a Neighbourhood Plan for each neighbourhood **prior to considering large scale development applications that may have a significant impact on the neighbourhood in which it is intended to develop**

644 Garrison is located in an area DESIGNATED by the TOFE OP as the WALDEN NEIGHBOURHOOD and is a LARGE DEVELOPMENT.

This development Will have a SIGNIFICANT IMPACT on the neighbourhood in which it is intended to develop.

It is (or will be) **TOO LARGE and has an inappropriate façade to be allowed once the Walden Neighbourhood Plan is developed and in place.**

As it stands now, I'm told by a TOFE secretary, that the Walsen Neighbourhood Plan is estimated 5 years before it will even come up for consideration and at least a year to complete.

Do I really need to define the words "may have" and "significant impact" or will common sense prevail here?

I'm thinking that lawyers don't live in a world of common sense, so for them the use of the word "may" means:

4.7.4.1 POLICIES

The Town will develop a Neighbourhood Plan for each neighbourhood **prior to considering large scale development applications that may have a significant impact on the neighbourhood in which it is intended to develop**

may

1

[may]

auxiliary verb, **present singular 1st**

person may, 2nd may or (Archaic) may·est or mayst, 3rd may; present plural may; past might.

1. (used to express possibility): *It may rain*

I'm thinking that lawyers don't live in a world of common sense, so for them the use of the words "significant and impact" means in context of this application:

4.7.4.1 POLICIES

The Town will develop a Neighbourhood Plan for each neighbourhood *prior to considering large scale development applications that may have a significant impact on the neighbourhood in which it is intended to develop*

significant

(significant adjective)

adjective

1. important; of consequence.

The Official Plan defines many considerations ‘of SIGNIFICANCE’ that should be considered and detailed IN A NEIGHBOURHOOD PLAN before large developments can legally be considered.

impact

(impact noun and verb)

noun

3. influence; effect: The impact of the new law was significant.

It occurs to me that the Lawyer may not have read the TOFE OP and therefore may not know WHY this LARGE DEVELOPMENT will ‘significantly impact’ this particular Neighborhood:

4.7.4.1 POLICIES

The Town will develop a Neighbourhood Plan for each neighbourhood *prior to considering large scale development applications that may have a significant impact on the neighbourhood in which it is intended to develop*

First

TOFE Official Plan 2.1 PURPOSE OF THE PLAN

I. The general purpose of this Plan is to provide the Town of Fort Erie with a general policy designed to secure the health, safety, **convenience** and welfare of the present and future inhabitants of the Planning Area. ... fostering distinctive, attractive communities with a strong sense of place;

Part of the TOFE ‘strong sense of place’ is it’s cultural heritage. Heritage is IMPORTANT to the TOFE
Heritage is mentioned in the TOFE Official Plan 274 times.

The proposed development façade does not represent the existing (and future) Neighbourhood residents “attractive community with strong sense of place”.

Also as per the Provincial Policy Statement

1.1.3.4 **Appropriate development standards should be promoted** which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

1.1.3.5 Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, **based on local conditions.**

Appropriate local development standards ARE TO BE defined by the Town of Fort Erie Official Plan and it's (not yet completed) Walden Neighborhood Plan.

The development is UNLIKELY to conform to the area's heritage and mass architectural norms that would be in place once the Walden Neighbourhood Plan is in place.

1.7.1 Long-term economic prosperity should be supported by:

d) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;

i) promoting energy conservation and providing opportunities for development of renewable energy systems and alternative energy

f) promote design and orientation which:

2. maximizes opportunities for the use of renewable energy systems and alternative energy systems;

2.0 Wise Use and Management of Resources

Ontario's long-term prosperity, environmental health, and social well-being depend on conserving biodiversity, protecting the health of the Great Lakes, and protecting natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits.

3.2.2 Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.

4.7 The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans. Official plans shall identify provincial interests and set out appropriate land use designations and policies. To determine the significance of some natural heritage features and other resources, evaluation may be required.

4.11 In addition to land use approvals under the Planning Act, infrastructure may also require approval under other legislation and regulations. An environmental assessment process may be applied to new infrastructure and modifications to existing infrastructure under applicable legislation. There may be circumstances where land use approvals under the Planning Act may be integrated with approvals under other legislation, for example, integrating the planning processes and approvals under the Environmental Assessment Act and the Planning Act, provided the intent and requirements of both Acts are met.

4.2 GENERAL POLICIES RELATING TO EXISTING USES

“(a) The zoning will not permit any significant change of use or performance standard that will aggravate any situation detrimental to adjacent complying uses;”

“(d) There is no interference with the desirable development or enjoyment of the adjacent area; ”

How do you KNOW that Fort Erie residents in general and the Walden Neighbourhood in specific is in agreement with 4.2 (a) and (d) unless you DO the Neighbourhood Plan?

We aren't looking to STOP the development.

We want to **stop the INAPPROPRIATE aspects** / attributes of the development.

We want the development application process to follow the **RULE OF LAWS** already **ESTABLISHED!**

We want the development to **FIT** into the streetscape and the Town's residents 'enjoyment'.

4.7.4.1 POLICIES

4.7.4.1.II

" • In considering medium density and high density residential uses, redevelopment and infill residential intensification on vacant land, regard shall be given to the following:

- (a) The height, bulk and arrangement of buildings and structures to achieve a harmonious design, compatible integration with the surrounding area and not negatively impact on lower density residential uses;
- (c) Parking areas that are sufficient size to satisfy the need of the development and are well designed and properly related to buildings and landscaped areas;"

The height, bulk and arrangement of the proposed apartment building (requiring the height, setback and parking variances) may NOT achieve a "harmonious design" with the surrounding area and the parking may not be "well designed" for the convenience of the Neighbourhood and the future residents of the apartments.

HOW DO YOU KNOW; until you do the REQUIRED Neighbourhood Plan?

4.7.4.1.III

" • (a) The lot size and configuration are sufficient to accommodate adequate parking, green space and amenity areas;

- (b) The building age and condition are capable of supporting the intensified use and the building code requirements as well as health and safety requirements, can be satisfied;
- (c) The development shall be compatible with its surroundings and buffering measures may be required. Building additions may be limited in terms of height, mass, orientation and setbacks to achieve compatibility;"

The TOFE Official Plan *Neighbourhood Objectives* specifically says

2.3.3 Neighbourhood Objectives

(b) Neighbourhood Plans will enhance the quality of life through excellence in design of the built environment, and through the conservation and integration of natural areas and heritage resources; and

(c) Neighbourhood Plans will ensure that neighbourhood design provides for the needs of all users, develops safe neighbourhoods, and to use the elements of traditional neighbourhood design and other design techniques to foster and promote a sense of community identity and reduce car dependence.

2.3.8 OPEN SPACE - RECREATION

Goal:

(d) To preserve scenic views, important natural heritage features and functions, scenic routes and unique historic features in the Town.

2.3.9 ENVIRONMENT

(a) To provide present and future residents of the Town with a high quality living environment that protects and enhances natural heritage features, minimizes pollution of water, air and land resources and ensures good community planning and design;

(b) To protect and conserve significant natural heritage features and areas for the long term; and

(c) To maintain, and where possible restore or improve, diversity and connectivity of natural heritage features.

2.3.9 Objectives:

- (c) To ensure urban development is attractive and appropriately considers the protection of natural heritage features and functions from the site specific to watershed levels;
- (e) To ensure the preservation of Lake Erie, the Niagara River and their shorelines as major environmental resources, consistent with the recreational potential and the needs of the resident and tourist population; and
- (f) To recognize the importance of the Niagara River as one of forty-three Areas of Concern in the Great Lakes Basin identified by the federal and provincial governments in cooperation with the International Joint Commission.

2.3.10 CULTURAL HERITAGE

Goal:

- (a) To preserve and/or rehabilitate, research, interpret and promote, where feasible, those resources of built historic and architectural merit, archaeological significance, and movable and intangible heritage importance for the enhancement of community life and contribution to economic health.

Objectives:

- (a) To designate individual properties of heritage value or areas of similar value, and to identify sites of architectural, historical or archaeological potential;
- (b) To encourage the owners of heritage properties to conserve those aspects of their property deemed to be of heritage value;
- (c) To encourage new development to be sympathetic to existing heritage, particularly on lands adjacent to property of heritage value;
- (d) To encourage the retention or inclusion of heritage property in new development;
- (e) To support the collection, preservation, research and interpretation of cultural heritage through artifacts, archives, and intangible resources;
- (f) To encourage the promotion and participation in cultural heritage activities as a means to enhancing the quality of life for Town residents; and
- (g) To celebrate the diversity of our cultural heritage and recognize the contributions of First Nations people.

4. The proposed large building with an inappropriate façade would NOT conform with the Neighbourhood 'surroundings', because it is a large building (in comparison with the Neighbourhood), and because the building's facade is entirely out of character with the existing buildings in this Neighbourhood.

The TOFE should require the developer to put a Neighbourhood compliant (historical / heritage) façade on the building,

4.1.6.8 MEDIUM DENSITY RESIDENTIAL AREA POLICIES

- e) Building heights shall be no greater than three (3) stories, except as otherwise noted in the applicable zoning by-law. Additional building height may be considered without an amendment to this Plan, if it is demonstrated through a Planning Act approval process that additional height is compatible with surrounding land uses. Approval for additional height above three (3) stories may be subject to an agreement pursuant to Section 37 of the Planning Act.

4.7.4.1 POLICIES

I. The Town will develop a Neighbourhood Plan for each neighbourhood **prior to considering large scale development applications** that may have a significant impact on the neighbourhood in which it is intended to develop.

- (a) The height, bulk and arrangement of buildings and structures to achieve a harmonious design, compatible integration with the surrounding area and not negatively impact on lower density residential uses;
- (c) Parking areas that are sufficient size to satisfy the need of the development and are well designed and properly related to buildings and landscaped areas;
- (d) The design and location of refuse pick-up and recycling service areas meets Regional Waste Collection design requirements;
- (e) Driveway access, internal roadways and pedestrian walkways that are safe and properly designed;
- (g) Location in regard to the **elements of traditional neighbourhood design** and within convenient walking distance of the central focus of the neighbourhood;

III. Residential intensification, by the redevelopment of an existing building shall be subject to the following:

- (a) The lot size and configuration are sufficient to accommodate adequate parking, green space and amenity areas;
- (b) The building age and condition are capable of supporting the intensified use and the building code requirements as well as health and safety requirements, can be satisfied;
- (c) The development shall be compatible with its surroundings and buffering measures may be required. Building additions may be limited in terms of height, mass, orientation and setbacks to achieve compatibility;
- (d) The availability and adequacy of municipal services to accommodate the increased density; and
- (e) The development shall be subject to a site specific zoning by-law amendment unless identified by a Neighbourhood Plan.

The TOFE OP *intends* to **preserve heritage and established streetscapes**.

This development CONTRAVINES the TOFE OP because the Plan SPECIFICALLY says (4.7.4.1 (I) POLICIES)

I. The Town will develop a Neighbourhood Plan for each neighbourhood **PRIOR to considering LARGE SCALE development applications** that may have a significant impact on the neighbourhood in which it is intended to develop.

This development **IS 'large scale' for this Neighbourhood**. So the development SHOULD be delayed (maintaining the original 'zone holding' status) until the Neighbourhood Plan is done, so that the development will then comply with the Neighbourhood Plan.

Let's look at EXAMPLES of considerations that the TOFE HAS DONE for previously completed Neighbourhood Plans:

The TOFE acknowledges historic areas and as an example:

4.15.19 CULTURAL HERITAGE POLICIES

- (a) The Policies of Section 2.3.10 shall apply to Cultural Heritage matters within the Bridgeburg Secondary Plan Area.
- (b) The Town will seek to protect and conserve the character of Bridgeburg, particularly with respect to those buildings and areas representative of formative settlement from the

late-eighteenth, nineteenth and twentieth centuries. Buildings, structures, open spaces and streetscapes from this period contribute to the special historical character of the Town and Council may designate properties either individually or collectively as heritage conservation districts under the Ontario Heritage Act.

Examples of TOFE streetscape policies...

4.1.6.8 MEDIUM DENSITY RESIDENTIAL AREA POLICIES

e) Building heights shall be no greater than three (3) stories, except as otherwise noted in the applicable zoning by-law. Additional building height may be considered without an amendment to this Plan, if it is demonstrated through a Planning Act approval process that additional height is compatible with surrounding land uses. Approval for additional height above three (3) stories may be subject to an agreement pursuant to Section 37 of the Planning Act.

4.16.6 RESIDENTIAL AREAS – GENERAL POLICIES

d) An appropriate level of affordable housing and senior citizen's housing shall be considered by the Town when reviewing development applications in the Gateway Neighbourhood, in keeping with Provincial Policy. Such developments shall be integrated with other forms of housing rather than segregated and isolated, in order to provide a more cohesive and inclusive neighbourhood and environment.

Examples of Streetscape policies...

4.16.16 TRANSPORTATION POLICIES

a) The Town and/or Region shall strongly consider the character of the neighbourhood and the objectives of the Gateway Urban Design Strategy when making road improvement decisions.

Examples of recognition of Waverly Beach and associated Friendship Trail...

4.16.17 PUBLIC TRANSIT POLICIES

b) Any study undertaken by the Town or Region respecting the provision of municipal and inter/intra-municipal transit services shall examine the Gateway Secondary Plan Area, in order to determine possible system improvements to increase convenience to riders, increase access to key neighbourhood focal points and important points outside the Neighbourhood and Town, and to ensure that transit vehicles can accommodate the physically challenged.

Examples of Heritage Policies...

4.16.14 NATURAL HERITAGE AREA POLICIES

All of the policies of Section 8 of this Plan shall apply to natural heritage resources within the Gateway Secondary Plan Area. The following additional policies also apply:

4.16.20 CULTURAL HERITAGE POLICIES

a) The Policies of Section 2.3.10 and Section 11 of this Plan shall apply to Cultural Heritage matters within the Gateway Secondary Plan Area.

b) The Town will seek to protect and conserve the character of the Gateway Secondary Plan Area, particularly with respect to those buildings and areas representative of formative settlement from the late-eighteenth, nineteenth and twentieth centuries. Buildings, structures, open spaces and streetscapes from this period contribute to the special historical character of the Town, and Council may designate properties either individually or collectively as heritage conservation districts under the Ontario Heritage Act.

5.5 NEIGHBOURHOOD PLANNING

I. In order to address the Niagara Region Growth Management Strategy and the Provincial Growth Plan for the Greater Golden Horseshoe, portions of this Section will be amended in accordance with Policy 4.1.III of this Plan.

II. **A Neighbourhood Plan is a general guide for the development and redevelopment of a neighbourhood** or part thereof. It reflects Council's intention regarding the ultimate development of the neighbourhood and implements the policies of the Official Plan **in more detail at the neighbourhood level**. Neighbourhoods identified for planning in the Town are denoted in Schedule "A1" of this Plan.

5.5.1 GENERAL POLICIES

I. Neighbourhood Plans shall be implemented by amendment to this Plan. **These plans shall be adopted by bylaw after consultation with neighbourhood residents, property owners and stakeholders.**

II. Planning decisions not consistent with the goals, objectives, and policies of the Neighbourhood Plan require a modification to the Neighbourhood Plan. **Council will seek public and agency input prior to making any significant modifications to the Plan.**

III. The Neighbourhood Plan process will provide for **collaborative preparation of the Plan** between the Town, Region and NPCA, as well as review and comment of the Plan by relevant agencies to ensure it adequately addresses agency requirements and Provincial Policy objectives. Areas identified for residential intensification or site specific urban design matters by amendment will be reflected in the Zoning By-law.

IV. **Council shall identify 2 to 3 priority Neighbourhood Plan Areas each year for development of a Neighbourhood Plan.**

V. A Neighbourhood Plan indicates:

- (a) The location and pattern of existing and proposed roads, as well as cycling and walking infrastructure;
- (b) The ultimate population and number of dwellings to be expected in the neighbourhood;
- (c) The location and extent of land required for community facilities, open space, natural areas, schools, institutional, commercial, residential and industrial uses as well as mixed use areas combining some of these land uses;
- (d) The distribution and mix of housing of various types, densities and lot sizes, including appropriate areas and opportunities for accessory apartments;
- (e) **The location of major redevelopment and intensification areas;** and
- (f) The location, design and possible staging of basic engineering services and public utilities.

5.5.2 POLICIES

I. **New residential development should be sensitively designed to complement the existing character of the area,** but not required to replicate the existing neighbourhood.

II. **A distinct identity for each local neighbourhood and/or community will be maintained** by encouraging common design themes in the built environment while accommodating individual architectural highlights.

VI. **Encouraging energy efficient designs;**

X. **Streetscapes** will produce a varied but cohesive landscaped image that provides public amenities and spaces, safety, comfort, and encourages the use of pedestrian and cycling activities where appropriate.

XI. **Open Spaces** will be arranged so that they complement the streetscape and the built form, and provide high quality, aesthetically pleasing, usable public environment enhancing a sense of place.

XII. **The preservation, enhancement, remediation, and restoration of the Town's Natural Areas** will be

identified and promoted in Neighbourhood Plans by:

- (a) Incorporating Natural Areas into Open Space, Parklands, and amenity areas where possible;
- (b) Ensuring that development proposals recognize and enhance the viability of natural areas;
- and
- (c) Incorporate important findings of other studies completed by the Town, Region, or private sector, as well as watershed plans or sub-watershed plans completed by the Niagara Peninsula Conservation Authority that may have land use implications.

XIII. Neighbourhood Plans will incorporate design features to protect sensitive land uses from areas that constitute Natural Constraints such as flooding, erosion, and unstable soil conditions, as well as nuisances related to railway and motor vehicular traffic and industrial operations.

5.6.1 GENERAL POLICIES

I. **Urban character will be achieved within the Town's neighbourhoods**, along major roads and significant public spaces, and elsewhere as identified by this Plan or subsequent Planning Documents.

II. **A distinct character for each neighbourhood will be established** through the road pattern, building height and massing, streetscape elements, preservation and incorporation of heritage features and buildings, and prominent placement of institutional and open space uses.

III. Road and lotting patterns will respect the established development patterns and heritage resources of each community and where possible facilitate active transportation.

IV. Residential development will be planned to preserve privacy, comfort, and amenity spaces while providing easy and safe pedestrian and cycling movement to commercial and community facilities.

V. Heritage resources will be conserved and incorporated into new development in a manner that enhances the resource and makes them focal points for the community or neighbourhood.

VI. Proposed development patterns will encourage open space connections that link public parks and community facilities through the use of pedestrian and cycling walkways, trails, and other such connections.

VII. Generous planting of native species will be provided appropriate to the circumstances and location, and existing vegetation will be preserved to compliment the built form and to create an established appearance.

IX. Consideration will be given to matters relating to exterior design in terms of character, scale, appearance, sustainability and design through site plan control for areas in accordance with urban design guidelines developed as part of the Neighbourhood Plan process.

5.6.2 STREETSCAPES

I. The streetscape is the character of the street space as determined by the design of the street right-of-way

and the portion of abutting lands from the street edge out to and including building facades.

II. The design of major roads and their streetscapes will create a safe, enjoyable, and attractive environment for pedestrians, cyclists, and other non-motorized users through, where appropriate, the use of reduced street width, buffering sidewalks and bikeways, and minimizing the distance of road crossings for sidewalks and bikeways.

III. Streetscapes will incorporate visually important vistas and views with particular emphasis placed on Lake Erie and the Niagara River. Such vistas and views shall be maintained and enhanced where appropriate.

IV. *Where appropriate with the existing urban character* new development should be sited close to the street and aligned with it to enclose the street space.

V. Streetscapes adjacent to natural areas and the Lake Erie and Niagara River shorelines should be designed or enhanced in a harmonious fashion that extends the visual effect of the naturalized area by the location of streets and height and spacing of buildings.

VI. Special attention will be given to major intersections to create sense of identity and heightened architectural interest. For the purpose of this subsection, major intersections means arterial intersections and other significant intersections which, due to their location and function, serve as an entry point or other high profile feature of the community.

VII. Buildings and streetscapes will be designed to create a sense of identity through rational and sensitive treatment of architectural features, forms, massing, layout, and landscaping.

VIII. Signage and utilities shall be designed to minimize visual clutter and shall be integrated into the landscape and designed to achieve scale mass and height relationships.

IX. It is Council's preference that utilities will be located and relocated underground and where this is not practical utilities shall be designed, clustered or grouped to minimize visual clutter. Utility providers shall consider innovative methods to contain utilities and determine appropriate locations for large equipment and cluster sites subject to Town approval.

5.6.3 BUILDINGS AND PUBLIC SPACES

I. The effect of buildings and spaces on the surrounding environment will be considered equally with the function and aesthetics of the site to complement surrounding site conditions, including heritage elements, and the intended character of the area.

II. Building and site design will:

- (a) Be compatible with surrounding site conditions including heritage elements, and the intended character of the area;
- (b) Respect adjacent buildings and the street setting in scale, proportion, continuity, and texture;
- (c) Incorporate personal safety measures and provide comfort and amenity space both on the site and on the abutting streetscape;
- (d) Facilitate the preservation and where appropriate, the enhancement of natural features found on the site;
- (e) Locate parking, loading, and storage areas to minimize their presence from the street having regard for personal safety;
- (f) Minimize the overall effects of noise and other negative impacts; and
- (g) Provide for appropriate bicycle parking.

III. Landscaping and planting will:

- (a) Integrate with the landscaping of adjacent sites and the streetscape;
- (b) Enhance personal safety both on site and on the streetscape;
- (c) Define and enhance pedestrian and bicycle routes and accent entrances;
- (d) Screen and buffer parking, loading, and storage areas;
- (e) Screen unattractive views and buffer adjacent land uses;
- (f) Promote a diversity of native plant materials; and
- (g) Where appropriate enhance and buffer adjacent natural areas.

IV. In order to encourage the efficient shared use of parking, loading and storage areas for commercial and industrial uses on adjacent lots, landscaping and buffering requirements between adjacent lots should be applied to perimeter locations where appropriate.

V. Where employment, industrial, and commercial uses are located adjacent to noise sensitive uses, adequate acoustic protection and buffering shall be employed at or near the source of the noise to ensure compatibility and acceptability of adjacent land uses.

VI. Measures will be incorporated into new residential development to buffer the dwelling units from incompatible traffic noise. Such measures will be incorporated into specific development applications.

VII. Building and site designs that conserve energy and water will be encouraged. Energy conservation will be addressed at the development application stage and during the preparation of detailed building and site design. Buildings should, wherever possible, be designed to minimize interior heat loss and to capture and retain solar heat energy during the winter and to minimize solar heat penetration during the summer.

VIII. The interconnection and integration of pedestrian, cycling and vehicular access is encouraged on abutting lands to facilitate safe and efficient movement to and from the public road network.

IX. Development should be orientated to ensure that main entrances face the streetscape with strong pedestrian connections and landscape treatments that connect the buildings to the street.

5.6.2.V

" • Streetscapes adjacent to natural areas and the Lake Erie and Niagara River shorelines should be designed or enhanced in a harmonious fashion that extends the visual effect of the naturalized area by the location of streets and height and spacing of buildings."

5.6.2.VII

" • Buildings and streetscapes will be designed to create a sense of identity through rational and sensitive treatment of architectural features, forms, massing, layout, and landscaping."

5.6.2 STREETSCAPES

I. **The streetscape is the character of the street space** as determined by the design of the street right-of-way

and the portion of abutting lands from the street edge out to and **including building facades**.

II. The design of major roads and their streetscapes will create a safe, enjoyable, and attractive environment for pedestrians, cyclists, and other non-motorized users through, where appropriate, the use of reduced street width, buffering sidewalks and bikeways, and minimizing the distance of road crossings for sidewalks and bikeways.

III. **Streetscapes will incorporate visually important vistas** and views with **particular emphasis placed**

on Lake Erie and the Niagara River. Such vistas and views shall be maintained and enhanced where appropriate.

IV. *Where appropriate with the existing urban character* new development should be sited close to the street and aligned with it to enclose the street space.

V. Streetscapes adjacent to natural areas and the Lake Erie and Niagara River shorelines should be designed or enhanced in a harmonious fashion that extends the visual effect of the naturalized area by the location of streets and height and spacing of buildings.

VI. Special attention will be given to major intersections to create sense of identity and heightened architectural interest. For the purpose of this subsection, major intersections means arterial intersections and other significant intersections which, due to their location and function, serve as an entry point or other high profile feature of the community.

VII. **Buildings and streetscapes will be designed to create a sense of identity** through rational and sensitive treatment of architectural features, forms, massing, layout, and landscaping.

VIII. Signage and utilities shall be designed to minimize visual clutter and shall be integrated into the landscape and designed to achieve scale mass and height relationships.

IX. It is Council's preference that utilities will **be located and relocated underground** and where this is

not practical utilities shall be designed, clustered or grouped to minimize visual clutter. Utility providers shall consider innovative methods to contain utilities and determine appropriate locations for large equipment and cluster sites subject to Town approval.

5.6.3.II.(b)

" • Building and site design will:

(b) **Respect adjacent buildings and the street setting in scale, proportion, continuity, and texture;**"

5.6.3.II.(e)

"• (e) Locate parking, loading, and storage areas to minimize their presence from the street having regard for personal safety;"

5.6.3.VI

"• Measures will be incorporated into new residential development to buffer the dwelling units from incompatible traffic noise. Such measures will be incorporated into specific development applications."

5.6.3 BUILDINGS AND PUBLIC SPACES

I. The effect of buildings and spaces on the surrounding environment will be considered equally with the function and aesthetics of the site to complement surrounding site conditions, including heritage elements, and the intended character of the area.

II. Building and site design will:

- (a) Be compatible with surrounding site conditions including heritage elements, and the intended character of the area;
- (b) Respect adjacent buildings and the street setting in scale, proportion, continuity, and texture;
- (c) Incorporate personal safety measures and provide comfort and amenity space both on the site and on the abutting streetscape;
- (d) Facilitate the preservation and where appropriate, the enhancement of natural features found on the site;
- (e) Locate parking, loading, and storage areas to minimize their presence from the street having regard for personal safety;
- (f) Minimize the overall effects of noise and other negative impacts; and
- (g) Provide for appropriate bicycle parking.

III. Landscaping and planting will:

- (a) Integrate with the landscaping of adjacent sites and the streetscape;
- (b) Enhance personal safety both on site and on the streetscape;
- (c) Define and enhance pedestrian and bicycle routes and accent entrances;
- (d) Screen and buffer parking, loading, and storage areas;
- (e) Screen unattractive views and buffer adjacent land uses;
- (f) Promote a diversity of native plant materials; and
- (g) Where appropriate enhance and buffer adjacent natural areas.

IV. In order to encourage the efficient shared use of parking, loading and storage areas for commercial and industrial uses on adjacent lots, landscaping and buffering requirements between adjacent lots should be applied to perimeter locations where appropriate.

V. Where employment, industrial, and commercial uses are located adjacent to noise sensitive uses, adequate acoustic protection and buffering shall be employed at or near the source of the noise to ensure compatibility and acceptability of adjacent land uses.

VI. Measures will be incorporated into new residential development to buffer the dwelling units from incompatible traffic noise. Such measures will be incorporated into specific development applications.

VII. Building and site designs that conserve energy and water will be encouraged. Energy conservation will be addressed at the development application stage and during the preparation of detailed building and site design. Buildings should, wherever possible, be designed to minimize interior heat loss and to capture and retain solar heat energy during the winter and to minimize solar heat penetration during the summer.

VIII. The interconnection and integration of pedestrian, cycling and vehicular access is encouraged on abutting lands to facilitate safe and efficient movement to and from the public road network.

IX. Development should be orientated to ensure that main entrances face the streetscape with strong

pedestrian connections and landscape treatments that connect the buildings to the street.

12.0 SERVICING AND UTILITIES

The systems for water distribution and treatment, wastewater collection and treatment, and storm water collection and release and essential public utilities will be designed, built and operated in a manner which

protects public health and safety, minimizes negative impacts on the natural environment and supports development in accordance with the policies of this Plan.

12.1 GENERAL POLICIES

I. All development applications will be evaluated to determine whether the water, wastewater and storm water services are or will be capable of supporting the proposed development at acceptable levels of service as generally described in the Town's and Region's Master Servicing Plans.

VI. All future service installations will be required to comply with Town and Regional Niagara Municipal Servicing standards, as amended from time to time to address local and regional circumstances and Ministry of Environment Guidelines.

12.3 MUNICIPAL SANITARY SEWERS

Improvements to the existing sanitary sewer system and the reduction of extraneous flows shall be a priority for Council.

I. Appropriate sanitary sewerage treatment and trunk sewer facilities will be installed and maintained to adequately serve the developed areas, with due regard for the protection of water quality in the streams, Lake Erie and the Niagara River.

II. Development shall be phased in accordance with improvements to the sewershed area and the reduction of extraneous flows as recommended in the Sewer Master Plan and as approved by Town Council.

III. The sizing of sanitary sewerage facilities will be based on the monitoring of anticipated density and pattern of development, including the potential for infill/redevelopment and intensification, within the various sewershed areas.

IV. Where two or more buildings are on one connection to the municipal sewer, if any sewer reconstruction or major building reconstruction takes place, such buildings are to be provided with individual sewer connections.

V. All new development other than minor infilling development which is proposed to be connected to existing combined sewer facilities shall be served with separated systems within the property limits of the development. The continued separation of storm and sanitary flows beyond the boundaries of the development will be dependent upon the available capacity within the existing sewer system, the treatment plant and the proximity of suitable storm outlets to the development

12.5 STORM WATER MANAGEMENT

I. Appropriate storm sewer facilities will be installed and maintained to serve the developed areas, with due regard to the need to protect creek and river areas and adjacent land uses from any possible destructive effects of storm water runoff.

II. The staging of construction of storm sewer facilities will be based on the staging of development and the sizing of storm sewer facilities will be based on the approved development pattern within the various drainage areas.

III. Storm Water Management Studies will be carried out in consultation with the Niagara Peninsula Conservation Authority, Niagara Parks Commission, Ministry of Transportation, and the Regional Municipality of Niagara to:

- (a) Assess downstream constraints (e.g. flooding, erosion, and environmental) and determine how these constraints will be addressed;
- (b) Indicate the conveyance of storm water runoff from the site by the major and minor systems;
- (c) Indicate adequate erosion and sedimentation control techniques which will be utilized during and after construction, where necessary;
- (d) Consider identifying areas of constraint with regard to combined sewers and old or outdated infrastructure; and
- (e) Storm drainage facilities will be constructed completely separate from sanitary sewer facilities and separation of existing combined systems will be encouraged.

12.7.2 GENERAL ROAD POLICIES

VII. The design, layout and orientation of local roads will be considered through the Neighbourhood Plan and Urban Design process.

VIII. The full costs of road improvements on a roadway established by the public road authority, deemed necessary because of proposed development, shall be paid for by the developer unless otherwise identified in the Development Charges Background Study.

IX. It is not intended that all road proposals will be undertaken in the immediate future, but Council may prepare a detailed road improvement program and establish an order of priorities for improvements.

12.9 PARKING

I. Off-street parking standards for all land uses and loading facilities standards for industrial and commercial uses will be established in the implementing Zoning By-law, and adequate off-street vehicular and bicycle parking shall be provided for all development or redevelopment pursuant to such standards.

IV. Council shall ensure as a condition of development or redevelopment appropriate parking for persons with disabilities is provided in an accessible location.

12.10 PEDESTRIAN PATHS & TRAILS

I. Virtually all modes of travel require some pedestrian linkages. The Town will actively encourage and investigate opportunities to create and maintain pedestrian paths within and through the built environment by:

- (a) Pedestrian paths will be designed and provided as part of new development in order to link centres of activity such as parks, shopping areas and schools;
- (b) Pedestrian paths will also be provided in parks and open space areas where appropriate;
- (c) Sidewalks will be provided within public road rights-of-way where appropriate; and
- (d) When reviewing site plans, neighbourhood plans and large development proposals, particular attention will be paid to efficient, safe and pleasant pedestrian movement through the development or neighbourhood.

12.11 BIKEWAYS AND SUPPORT FACILITIES

I. The Town recognizes that utilitarian and recreational bicycling is a legitimate means of sustainable transportation and is part of a healthy lifestyle contributing to personal wellbeing and environmental sustainability. Cycling considerations will be incorporated at key stages in the Town's land use and transportation planning activities.

II. Bikeways and support facilities, where appropriate, will be designed and provided as a part of new development. Throughout the Town a combination of on-road and off-road bicycle paths will be considered in the overall planning. Such paths are considered part of the transportation system and

will be dedicated as public rights-of-way. The bicycle network will be designed to minimize potential danger from other forms of transportation and conflict with pedestrians.

VI. Bicycle supportive facilities, such as secure bicycle parking, will be considered at public buildings and places as a model for the private sector.

13.0 IMPLEMENTATION

13.1 GENERAL

IV. This Official Plan will be implemented by means conferred upon Council by the Planning Act, the Municipal Act and such other statutes as may be applicable. In particular, this Plan shall be implemented by the Zoning By-law, neighbourhood plans, site plan control, subdivision and part lot control, consents to severances, the property standards by-law, demolition control, provision of municipal services, public works, energy conservation and other legislation.

13.2 THE ZONING BY-LAW

II. Following approval of this Plan, it is intended that the existing comprehensive Zoning By-law be amended to establish development standards in conformity with the policies of the Official Plan.

V. Although it is intended that all lands will eventually be zoned in the Zoning By-law to conform with the main permitted uses on Schedule "A" it is not intended that all lands be zoned for their ultimate use immediately. Vacant lands designated for specific uses in the Plan, particularly those areas that may be the subject of a Neighbourhood Plan, may be zoned in an Implementing Zoning By-law in a 'Neighbourhood Development' zone as an interim measure. When such areas are deemed necessary for development, they will be rezoned to an appropriate category to permit the uses set forth in this Plan. Environmental Conservation area designations will be identified in the implementing zoning by-law with the use of either Holding zones or zones that limit the permitted uses to existing uses, conservation uses, forestry and wildlife management, as well as passive recreational pursuits. Development on lands adjacent to Environmental Conservation areas could be subject to Site Plan Control in accordance with Policy 13.4.II of this Section.

VI. Detailed Zoning By-laws incorporating specific plans and conditions for medium and high density residential or non-residential uses may be adopted as an adjunct to Subdivision Agreements or Site Plan Agreements, to achieve good individual site and neighbourhood development and to help achieve the policy intent of this Plan.

13.3 NEIGHBOURHOOD PLANS

I. Neighbourhood Plans do not form part of the Official Plan but are considered Council policy as they are adopted by resolution of Council after consultation with neighbourhood residents and property owners as well as relevant technical agencies and bodies having an interest.

Planning decisions contrary to the goals and objectives of the Plan should not be made without first modifying the Plan. The Neighbourhood Plan process will provide for review and comment of the Plan by relevant agencies to ensure the Plan adequately addresses any technical requirements and provincial policy objectives. Key land use elements of the Neighbourhood Plan will be incorporated by amendment into the Official Plan and implementing Zoning By-law where appropriate. Council will seek public and agency input prior to making any significant modifications to the Plan.

II. Neighbourhood Plans will be prepared for areas of the Town to provide a basis for more detailed planning and to indicate how the goals and policies of the Official Plan are to be implemented prior to development proceeding. Neighbourhood Plans also form a basis for the maintenance of relevant statistical data.

III. The Neighbourhood Plan policies of Section 5 of this Plan should be considered in implementing the policy objectives for Neighbourhood Plans.

13.4 SITE PLAN CONTROL

I. All of the Town of Fort Erie, being the total area within this Plan, shall be a proposed Site Plan Control area. The actual areas and uses to which site plan control shall apply will be established by By-law in accordance with Section 41 of the Planning Act, 1990.

III. The implementation of Site Plan Control shall ensure that a safe and attractive site environment is provided, by ensuring that Town and Regional standards are implemented and ensuring that any project is developed and maintained as approved.

IV. It shall be the policy of the Town to establish uniform Site Plan Control policies which shall be applied to the development and redevelopment of land within the established site plan control area.

13.8 PUBLIC MEETINGS

From time to time it will be necessary to amend the Official Plan and Zoning By-law in order to reflect changing conditions, priorities and needs of the community, as well as conform with Provincial and Regional Policy requirements. Any amendments to either document will require that an opportunity be given to inform and obtain input from the public in order to ensure that the Official Plan and the implementing Zoning By-law reflect the goals and objectives of the community.

13.8.2 ZONING BY-LAW AMENDMENTS

I. The procedure to be followed in amending the Fort Erie Zoning By-law shall include a minimum of 20 days notice for public meetings as required by the Planning Act R.S.O. 1990 and shall include the following measures:

- (a) Adequate information shall be made available to the public, including all boards, commissions and agencies having an interest in the matter as required by the Planning Act R.S.O. 1990, including Regional Niagara and any affected municipality;
- (b) At least one public meeting shall be held by the Council or Committee of Council to inform and obtain input from the public regarding an application to amend the Zoning By-law;
- (c) In the case of site specific amendments every person or owner assessed in respect of land within 120 metres of the subject area shall be notified by first class prepaid mail or personal service; and

13.9 LAND FOR PARK PURPOSES

Public Open Space shall generally be acquired through dedication, grants or the use of funds for park or other public recreational purposes pursuant to the Planning Act R.S.O. 1990 based on the following criteria:

I. As a condition of residential development or redevelopment, conveyance of land to the Town for park purposes shall be required at a rate of:

- (a) 5 percent of the land proposed for development

III. In lieu of the conveyance of land for park purposes, a cash payment equal to the value of any land required to be conveyed may be required.

IV. Land to be dedicated for park purposes shall only be accepted when minimum site and location standards and site preparation are deemed acceptable by the Town.

V. Council shall use the lands conveyed to the Town for public park or recreational uses, but may sell such lands at any time.

4.8.2 POLICIES

- The Neighbourhood Plan exercise will identify the appropriateness of permitting stand alone dwelling units, the appropriateness of bed and breakfast establishments, as well as small scale hotels. The Neighbourhood Plan exercise will also address the appropriate height of buildings.

- Development in the Core Mixed Use area shall be in accordance with approved urban design guidelines. Unless specified otherwise in the Neighbourhood Plan, buildings shall be orientated towards the street front and parking is to be provided to the rear of buildings and accessed from side streets where possible.

12.9 Parking

12.9.III• Council will require as a condition of development or redevelopment that entrance and exit points of parking areas will be limited in number and designed to acceptable standards for traffic safety. Sharing of access points by similar adjoining land uses, where practicable, will be encouraged to minimize hazards.

12.10 PEDESTRIAN PATHS & TRAILS

" • (d) When reviewing site plans, neighbourhood plans and large development proposals, particular attention will be paid to efficient, safe and pleasant pedestrian movement through the development or neighbourhood."

May the blessings be
George Wiseman



OPPOSITION to Zoning By-Law Amendment (File # 350309-0558)

len84 to: dvanderveen@forterie.ca, cschofield@forterie.ca

03/20/2023 10:04 AM

From:

To:

"dvanderveen@forterie.ca" <dvanderveen@forterie.ca>, "cschofield@forterie.ca" <cschofield@forterie.ca>

Please respond to

History:

This message has been replied to and forwarded.

Dear Mr. Daryl Vander Veen and Ms. Carol Schofield,

We wish to state our OPPOSITION to the Zoning By-Law Amendment (File # 350309-0558) to be discussed at today's Public Town Meeting.

Here are our comments and questions:

- 1) Is this *only* 2 units? The town's notice doesn't specify how many units are proposed, although the very fine print of the diagram seems to ambiguously indicate 2 units.
- 2) Will it be owner-occupied? The notice omits this information.
- 3) Will it have adequate parking? The town's notice doesn't specify this, however scrutinizing the extremely small print in the notice seems to indicate a parking area of *only* about 6'x16'. That's only enough for 1 vehicle! Any occupant of higher-cost housing like this will very likely have more than one vehicle. Where is the town expecting high-end residents to park, as well as their guests? Note that there is no street parking allowed on that side of the street, and the town has created a heavily used traffic pattern on Lake Avenue for very large boat trailers along with other users of the waterfront park.
- 4) Why allow 3 stories? The neighborhood structures are 2 or less, except for the mistake of The Palmwood, which doesn't belong here and should have never been approved for this quaint community. These 3+ story buildings belong in Niagara Falls, Mississauga, Hamilton, Toronto, etc., NOT here.
- 5) With the push for affordable housing, why allow non-owner-occupied, high-cost housing? This proposed structure only benefits the investors, NOT potential home owners looking for affordable housing.
- 6) The proposed reduced lot frontage, reduced lot area, reduced interior side yard setbacks and the increased maximum building height diminishes and takes away from the historic and natural beauty of our community. Why destroy the good we have in this great area?

We have owned the property at 528 Lake Avenue, across the street from this proposal, for over 50 years. We have carried and supported the Crystal Beach community throughout the lean years, and continue to do so despite this type of

destruction of the community character.

Please **DENY** this proposal.


Please provide us with any additional information on this proposal, including it's outcome, when it becomes available.

Sincerely,

Len and Mary Ann Przewozny

528 Lake Avenue

Crystal Beach



SULLIVAN | MAHONEY
LAWYERS

March 20, 2023

Please reply to St. Catharines Office
J. PATRICK MALONEY
(905) 688-5403 (Direct Line)
pmaloney@sullivanmahoney.com

Via email to: cschofield@forterie.ca

The Corporation of the Town of Fort Erie
1 Municipal Centre Dr.
Fort Erie, ON L2A 2S6
Attn.: Carol Schofield, Manager, Legislative Services/Clerk

Dear Ms. Schofield:

**Re: Application for Plan of Condominium and Zoning By-law Amendment
272 Ridge Road South, Town of Fort Erie
Culture Developments Inc/5038257 Ontario Inc.
Our File No. 136713**

We are the lawyers for William and Dorothy Kromkamp, who live at 3633 Brunswick Ave, which is immediately adjacent to the proposed development noted above. We thank the Town for the opportunity to make written submissions on our client's behalf and ask that you provide this letter to Town Council.

Other than living at 3633 Brunswick Avenue, Mr. Kromkamp in his personal capacity also owns an additional "L" shaped parcel of land ("Kromkamp Lands") that surrounds the lands proposed to be developed at 272 Ridge Road South ("Subject Lands"). The Kromkamp Lands were purchased from the Town and have a width of 66 feet, with frontage along both Brunswick Ave and Ridge Road South. Attached is an aerial photo showing the Kromkamp Lands highlighted.

On behalf of our client, we are asking that Council defer consideration of the Applications for Plan of Condominium and Zoning By-law Amendment until such time as our client's can fully exhaust further development opportunities with the owners of the Subject Lands. If Council wishes not to defer consideration of these applications, then we are left with no choice but to ask that the applications be refused.

While our client's have no intention of stifling development on the Subject Lands, approval of the proposed development would have a considerable negative impact on the development capability of our client's lands. In other words, approval of the proposed development will result in the stagnation of lands within the urban boundary that have been planned by the Town for more dense residential development. We wish to explain this below.

Under the current Official Plan for the Town, both parcels are designated Urban Residential, which include redevelopment policies recommending compatible integration with the surrounding area. Moreover, Town Council approved the Crystal Beach Secondary Plan (with an associated zoning by-law amendment) that

Client Committed. Community Minded.

40 Queen Street, P.O. Box 1360, St. Catharines, ON L2R 6Z2 t: 905.688.6655 f: 905.688.5814
4781 Portage Road, Niagara Falls, ON L2E 6B1 t: 905.357-3334 f: 905.357.3336
sullivanmahoney.com

would redesignate these same two parcels for Medium Density development. These lands were some of the very few that Town Council approved to have a higher density in the Crystal Beach area. Effectively, the Town's planning documents contemplated the two parcels being developed jointly.

With the zoning amendments, the Town specifically rezoned the Kromkamp Lands and the Subject Lands together as one "Residential Multiple 1(RM1-685)" Zone and contemplates medium density development at a minimum site density of 25 units per hectare. While the Crystal Beach Secondary Plan is still under appeal in relation to unrelated matters, the decision of Town Council to approve the Secondary Plan and Zoning By-law amendment were a clear direction that the Kromkamp Lands and Subject Lands were to be developed together. The problem is that if the development proposal is approved on its own, it would remove the opportunity to developed the Kromkamp Lands as the Town had planned. With the proposed zoning in place, our clients wouldn't even have the opportunity to put a single detached dwelling on these lands and it would be difficult for the Kromkamp Lands to be developed with a minimum site density of 25 units per hectare.

Provincial, Region and Town Policy all promote opportunities for intensification and development of the Subject Lands would no doubt achieve those policies and assist the Town in meeting intensification targets. However, at the same time, approval without the Kromkamp Lands would have the reverse effect, namely that it would stagnate intensification of valuable urban lands which the Town has planned for denser development. We feel that the opportunity to develop the two parcels together would best achieve these policies.

We wish to be clear. There is an opportunity to develop both parcels in an efficient manner that benefits all parties, including the Town. At this point, we are simply suggesting that these applications be deferred to allow additional time for the Kromkamps to discuss this with the Applicant to address issues of collective development, including addressing some dated easements registered on the Kromkamp Lands. We and our clients have had some communication with the owner and their solicitor, but at a preliminary level. We only learned of these planning applications after we reached out to the Applicants, but either way, we wish to explore this further with the Applicants. The Applicant appears to accepting of this.

In terms of timing, we are aware that Council has discussed changes made by the Province regarding the need to consider planning applications more expeditiously. However, we understand those legislative amendments would not apply to these applications, so deferral of this application would not subject the Town to any penalty. In such case, deferral is the most prudent option.

We thank you for the opportunity to provide these submissions.

Yours very truly

Sullivan Mahoney LLP

Per:



J. Patrick Maloney

JPM:sb

Encl.

c.c. clients, Daryl Vander Veen



Legend

- Provincial
- Municipal/Private
- Future/Planned
- Address Points
- Regional
- Unimproved
- <all other values>
- Assessment Parcels

Date: 2023-03-20 Time: 9:31 AM

0 0.010.01 0.03 0.04 0.06 km

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Bruce Waddell
283 Prospect Point Rd. S.
Ridgeway, ON L0S 1N0

Town of Fort Erie
Town Council
1 Municipal Dr.
Fort Erie, ON L2A 2S6

Via electronic mail to: cschofield@forterie.ca

March 19, 2023

Mayor Redekop, Council Members, Town Staff and Neighbours

Re: 272 Ridge Road South application file # 350309-0554

Upon review of information supplied by Town Staff regarding the application for re-development of 272 Ridge Road South, Crystal Beach, ON. I have concerns.

The environmental assessment process, as described, does not provide the information required for a thorough evaluation. I believe a full, independent and transparent review should be conducted prior to the removal of any conservation overlay. Biodiverse shelterbelts, especially those attached to a beach area are especially important to ecosystems. It was my belief from consultation with Pieter Wasserman during the Crystal Beach Secondary Plan discussions, that this type of assessment would take place.

Ground water, which flows from Brunswick Avenue through PIN 0161(R) (right-of-way) flows mostly in a southern and easterly direction. This water flows through our property, known as "O Brunswick" and continues through our adjoining property at 283 Prospect Point Road South. The subject property currently absorbs a portion of this water flow at its southern boundary. The change in grade that the applicant has proposed, including a retaining wall, will alter this water flow and provide hydraulic head pressure changing drainage patterns in the area. This alteration could be detrimental to properties downstream.

Another concern is the height and composition of these proposed structures. These buildings will tower above the existing bungalows in the neighbourhood. Coupled with the proposed elevation change, this problem will be exasperated. This design is not homogenous or complimentary to the surrounding neighbourhood. The roof top living area, that is proposed, will remove any privacy in the neighbouring backyards. I am sure that these decks will be equipped with various pieces of outdoor furnishings to enhance their utility, including semi permanent roofed structures, umbrellas, chairs, tables etc. These items may become projectiles, endangering surrounding neighbours, when high winds are present. The appearance of said furnishings could dominate the horizon view. There appears to be no effort to mitigate the expected noise and light pollution that these elevated structures will produce.

The proposed development will negatively impact more people than it will benefit. It is doubtful that this project will be considered affordable. It is not senior or mobility-challenged friendly. There are no

real places for children to play and the suggested recreation areas require navigation of busy roadways and roads without sidewalks. I would question where snow would be piled.

I would suggest that a height limit of nine metres from the current grade be applied to this application and elevated decks not be allowed. This could be a fair compromise for some of the amendments that have been asked for. Hopefully, this along with thoughtful environmental and drainage solutions could provide a more palatable neighbourhood fit.

Thank you for your consideration in this matter,

Bruce Waddell



Planned Condominium & Zoning By-law Amendment Applications 350309-0554 & 350303-0037

Peter Logan to: cschofield@forterie.ca

03/20/2023 04:49 PM

From:

"Peter Logan" <[REDACTED]>

To:

"cschofield@forterie.ca" <cschofield@forterie.ca>

History:

This message has been replied to and forwarded.

TRAFFIC CONCERNS:

We believe reducing the number of units is fair and reasonable in terms of the impact imposed on existing neighborhood homes and yards, particularly along Brunswick Avenue and Prospect Point Rd South. This project, as proposed, undermines safety on two lane roads, especially those without sidewalks. Examples: Brunswick Ave between Ridge Road South and Prospect Point Road South. Basic speed laws, meant to provide safety to pedestrians, is currently ignored on the portion of Prospect Road South from Thunderbay Road. Same goes for Brunswick Ave.

For the approximately 36 vehicles wishing to go North, and avoid the business district and schools, it means drivers will use Brunswick Ave to get to Prospect Point Road to head North. Port of Brunswick is overused with patrons anxious to get to Tim Hortons, and also vehicles towing boats on trailers. Think of all the dog walkers and families with children that take daily walks towards Prospect Road South - heading to the Lake Shore.

The volume of increased traffic is going to have a negative impact - guaranteed.

Thank you for taking our concerns into consideration.

Sincerely,

Peter & Cherie Logan

241 Prospect Road South

Ringway, ON L0S1N0

RECEIVED

MAR 20 2023

CLERK'S OFFICE
TOWN OF FORT ERIE

MARCH 20, 2023

I, John Krzys, owner of 660 GARRISON ROAD, 5017018 Ontario Inc. am in favour of the proposed amendment re: 1) 6 storey, 190 unit Residential building to a new location 2) possible second access from Sims Avenue.

Both proposals are on 644 GARRISON ROAD.

As mentioned previously, we all acknowledge the heightened traffic from the 3 fast food outlets on 644 GARRISON ROAD going thru my parking lot to Thompson Road and vice versa. Now with the addition of a 190 unit Residential

building plus the extra vehicles from that building, there needs to be an alternative entrance/exit. The Sims Ave. access, in my opinion, is a common sense solution.

Thank you. Stay safe

John Krzysz
owner
660 GARRISON Rd.
Fort Erie

February 24, 2023

CL 3-2023, February 23, 2023
PHSSC 2-2023, February 14, 2023
COM-C 14-2023, February 14, 2023

DISTRIBUTION LIST

SENT ELECTRONICALLY

Motion Respecting Declarations of Emergency for Homelessness, Mental Health and Opioid Addiction

COM-C 14-2023

Regional Council, at its meeting held on February 23, 2023, passed the following recommendation, as amended, of its Public Health and Social Services Committee:

Whereas Niagara Regional Council acknowledges that the challenges of homelessness, mental health and the opioid crisis are exceptionally complex issues that have a measurable and significantly detrimental impact on the residents of the Niagara region, including the loss of life;

Whereas addressing these issues places extreme stress on upper and lower-tier municipal programs and services, the Niagara Regional Police, Niagara Health, Emergency Medical Services and various non-profit service providers across the region;

Whereas the challenges of homelessness, mental health and opioids have seen a trend of becoming more prevalent in recent years and continue to have a significant impact on the Niagara community;

Whereas Niagara Region, through the staff in Community Services and Public Health, has taken many steps to address these issues with the development and provision of best-practice programming designed to mitigate their impact on the community;

Whereas Niagara Regional Council acknowledges that the challenges of homelessness, mental health and the opioid crisis are intrinsically diverse and should not be viewed as a single monolithic problem;

Whereas addressing these challenges will require strategies and tactics that are specifically designed for each of the unique issues;

Whereas Niagara Region accepts that the responsibility to address these challenges rests with multiple stakeholders, including the provincial government and its agencies;

RECEIVED

MAR 27 2022

BY COUNCIL

Whereas 26 Niagara agencies within the Region, including Public Health and Emergency Medical Services, have collaboratively developed a Substance Use Prevention Strategy known as the Opioid Prevention and Education Network of Niagara, and are actively implementing it;

Whereas Niagara Region is a “Built for Zero” community that has accurate and timely data regarding its homeless population and delivers programs and services targeted for strategically helping those individuals experiencing homelessness;

Whereas the challenges of homelessness, mental health and opioid addiction are found throughout the entire province of Ontario and are not unique to Niagara;

Whereas Niagara Regional Council recognizes that municipal emergencies in Ontario are declared by the head of council as per the process detailed in the Emergency Management and Civil Protections Act; and

Whereas Niagara Regional Council acknowledges that the declaration of an emergency does not immediately result in a municipality receiving any additional funds or resources from senior levels of government.

NOW THEREFORE BE IT RESOLVED:

1. That the Regional Chair **BE DIRECTED** to formally issue three separate declarations of emergency, in the areas of homelessness, mental health and opioid addiction, as per the procedure outlined in the Emergency Management and Civil Protection Act;
2. That the Regional Chair **BE DIRECTED** to send correspondence to the Provincial Government requesting that action be taken on the eight measures proposed by the Association of Local Public Health Agencies (as previously endorsed by Regional Council on June 23, 2022), including:
 - a. Creation of a multi-sectoral task force to guide the development of a robust provincial opioid response plan that will ensure necessary resourcing, policy change, and health and social system coordination;
 - b. Expanding access to evidence informed harm reduction programs and practices including lifting the provincial cap of 21 Consumption and Treatment Service (CTS) Sites, funding Urgent Public Health Needs Sites (UPHNS) and scaling up safer supply options;
 - c. Revision of the current CTS model to address the growing trends of opioid poisoning amongst those who are using inhalation methods;
 - d. Expanding access to opioid agonist therapy for opioid use disorder through a range of settings (e.g. mobile outreach, primary care, emergency departments, Rapid Access to Addiction Medicine Clinics), and a variety of medication options;

- e. Providing a long-term financial commitment to create more affordable and supportive housing for people in need, including people with substance use disorders;
 - f. Addressing the structural stigma and harms that discriminate against people who use drugs, through provincial support and advocacy to the Federal government to decriminalize personal use and possession of substances and ensure increased investments in health and social services at all levels;
 - g. Increasing investments in evidence-informed substance use prevention and mental health promotion initiatives that provide foundational support for the health, safety and well-being of individuals, families, and neighbourhoods, beginning from early childhood; and
 - h. Funding additional and dedicated positions for public health to support the critical coordination and leadership of local opioid and substance abuse strategies;
- 3. That the Regional Chair **BE DIRECTED** to send correspondence to the Minister of Municipal Affairs and Housing requesting action be taken to correct the funding allocation model for homelessness based on the results of Auditor General's 2021 report which found that provincial funding in this area is incorrect;
 - 4. That the Regional Chair **BE DIRECTED** to send correspondence to the Ministry of Health and the CEO of Ontario Health requesting that the province immediately commit to fully funding gaps in mental health service as have been identified in the Needs Based Planning project by Niagara Ontario Health Team's Mental Health and Addictions Working Group, as well as funding ongoing annual increases as required by inflation and population need;
 - 5. That the Regional Chair **BE DIRECTED** to send correspondence to Federal Minister of Justice and Attorney General, David Lametti, and Federal Minister of Health, Jean-Yves Duclos, reaffirming Regional Council's October 22, 2020 motion urging the Federal government convene a task force to explore the legal regulation and decriminalization of all drugs in Canada;
 - 6. That the Regional Chair **BE DIRECTED** to send correspondence to the Association of Municipalities of Ontario (AMO) requesting that targeted advocacy be conducted in these areas, including the development of a singular motion that can be ratified by municipal councils across Ontario calling on the province to take immediate action;
 - 7. That Niagara Region, through its Public Health and Social Services Committee, **URGE** the federal government to declare homelessness as a humanitarian crisis; and

8. That this motion **BE CIRCULATED** to the local area municipalities, all municipalities in Ontario, the Federation of Canadian Municipalities (FCM), and local MPs and MPPs.

Yours truly,



Ann-Marie Norio
Regional Clerk
:kl

CLK-C 2023-019

Distribution List:

Local Area Municipalities
All Ontario Municipalities
Federation of Canadian Municipalities
Chris Bittle, Member of Parliament, St. Catharines
Vance Badawey, Member of Parliament, Niagara Centre
Tony Baldinelli, Member of Parliament, Niagara Falls
Dean Allison, Member of Parliament, Niagara West
Jennie Stevens, Member of Provincial Parliament, St. Catharines
Jeff Burch, Member of Provincial Parliament, Niagara Centre
Wayne Gates, Member of Provincial Parliament, Niagara Falls
Sam Oosterhoff, Member of Provincial Parliament, Niagara West



**The Corporation of the Town of Grimsby
Administration**

Office of the Town Clerk

160 Livingston Avenue, Grimsby, ON L3M 0J5

Phone: 905-945-9634 Ext. 2171 | **Fax:** 905-945-5010

Email: bdunk@grimsby.ca

February 24, 2023

SENT VIA E-MAIL

Premier of Ontario
Legislative Building
Queen's Park
Toronto ON M7A 1A1

Attention: Doug Ford, Premier

Dear Mr. Ford

RE: Barriers for Women in Politics

Please be advised that the Council of the Corporation of the Town of Grimsby at its meeting held on February 21, 2023 passed the following resolution:

C-23-055

Moved by: Councillor DiFlavio; Seconded by: Councillor Freake

WHEREAS, the Town of Grimsby values equality and inclusivity in all areas of life, including politics;

WHEREAS, women have historically been underrepresented in politics, and continue to face barriers and discrimination in their pursuit of elected office;

WHEREAS, misogyny and harassment have been identified as significant challenges for women in politics, both in Canada and around the world;

WHEREAS, the Town of Grimsby believes that all individuals have the right to participate in a political environment that is free from discrimination, harassment, and misogyny;

THEREFORE, BE IT RESOLVED, that the Town of Grimsby expresses its support for women in politics and their right to participate in a political environment that is free from misogyny and harassment, and where everyone feels equal.

RECEIVED

MAR 27 2022

BY COUNCIL

BE IT FURTHER RESOLVED, that the Town of Grimsby commits to taking steps to ensure that our political environment is inclusive and welcoming to all individuals, regardless of gender, race, ethnicity, religion, sexual orientation, or other identity factors.

BE IT FURTHER RESOLVED, that the Town of Grimsby encourages other municipalities in Ontario and across Canada to join us in supporting women in politics and promoting gender equality in all areas of society.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to all Ontario Municipalities for endorsement, the Premier of Ontario, the Minister of Municipal Affairs and Housing, Grimsby's MP and MPP, and the Association of Municipalities of Ontario to express the Town of Grimsby's commitment to this issue and encourage action at the provincial level to create legislation to ensure equality, safety, and security.

UNANIMOUSLY CARRIED

If you require any additional information, please let me know.

Regards,



Bonnie Nistico-Dunk
Town Clerk

cc.

All Ontario Municipalities
Steve Clark, Minister of Municipal Affairs and Housing
Dean Allison, MP – Niagara West
Sam Oosterhoff, MPP – Niagara West
Association of Municipalities of Ontario



**The Corporation of the Town of Grimsby
Administration**

Office of the Town Clerk

160 Livingston Avenue, Grimsby, ON L3M 0J5

Phone: 905-945-9634 Ext. 2171 | **Fax:** 905-945-5010

Email: bdunk@grimsby.ca

February 27, 2023

438 University Ave
6th Floor
Toronto, ON
M7A 1N3

SENT VIA E-MAIL

Attention: Hon. Neil Lumsden, Minister of Tourism, Culture and Sport

RE: Changes to the Municipal Heritage Register

Please be advised that the Council of the Corporation of the Town of Grimsby at its meeting held on February 6, 2023 passed the following resolution:

WHEREAS the Municipal Heritage Register is an important tool for the preservation and protection of cultural heritage properties within the Town of Grimsby and throughout the province of Ontario;

WHEREAS cultural heritage properties are those which have potential cultural heritage value or interest but have yet to been formally evaluated as per the process prescribed in the Ontario Heritage Act;

WHEREAS listed properties are labelled as such as they are 'listed' in the Town of Grimsby's Municipal Heritage Register, which identifies all municipally-recognized cultural heritage resources;

WHEREAS the Municipal Heritage Register allows municipalities to regulate demolition on properties protected under section 27 of the Ontario Heritage Act, ensuring that their cultural heritage value is preserved for future generations;

WHEREAS "listing" a property on the municipal heritage register recognizes a property's cultural heritage value, and is generally less complex, time-consuming, and

RECEIVED

MAR 27 2022

economically burdensome to local municipalities than pursuing the designation of a property as outlined within the existing process, which requires extensive research and documentation;

WHEREAS the “listing” of properties on the Municipal Heritage Register provides a measure of protection, ensuring that these properties cannot be demolished without the approval of the municipality;

WHEREAS it is important to list properties of cultural heritage value or interest, including those that are not currently designated, in order to ensure their preservation for future generations;

WHEREAS the 60-day demolition provision in the Ontario Heritage Act provides a short time frame for the municipality to consider the heritage value of a property before it may be demolished;

WHEREAS the new requirements of the Ontario Heritage Act mandate the assessment of an unreasonable amount of resources for a local municipality within a 2-year timeline;

WHEREAS the new requirement of removal after the 2-year anniversary leaves resources exposed, and unprotected for up to 5 years;

WHEREAS the new requirements do not allow the municipality to further assess our nationally significant resources, more specifically resources connected to the War of 1812, our indigenous communities and culture, people of colour, LGBTQ+, and impacts our community’s commitment to ensure preservation of our inclusive history.

THEREFORE, BE IT RESOLVED that the Council of the Town of Grimsby addresses this resolution to the government of the Province of Ontario, affirming the importance of the Municipal Heritage Register and its role in preserving the cultural heritage of municipalities throughout the province;

BE IT FURTHER RESOLVED that this Council of the Town of Grimsby encourages the government of the Province of Ontario to make changes to the Ontario Heritage Act which promote the retention and expansion of the Municipal Heritage Register, including

the listing of properties of cultural heritage value or interest that are not currently designated;

BE IT FURTHER RESOLVED that this Council of the Town of Grimsby encourages the government of the Province of Ontario to change the Ontario Heritage Act to protect the 60-day demolition provision indefinitely, rather than for a maximum of 2 years in order to provide adequate time for the municipality to consider the heritage value of properties before they may be demolished;

BE IT FURTHER RESOLVED that this Council of the Town of Grimsby circulate this notice of motion to the municipalities of Ontario for endorsement and circulation to the Province.

If you require any additional information, please let me know.

Regards,

A handwritten signature in cursive script, appearing to read 'Bonnie Nistico-Dunk', written in dark ink.

Bonnie Nistico-Dunk
Town Clerk

cc. All Ontario Municipalities

Greetings everyone

March 17, 2023

I am touching base on behalf of the Niagara Health System's – Hepatitis C Care Clinic to share with you about how we will be joining our national partners to raise awareness of viral hepatitis. In May 2016, Canada signed on to the World Health Organization (WHO)'s first ever Global Viral Hepatitis Strategy, with the goal of eliminating viral hepatitis as a public health threat by 2030. On Wednesday May 11, 2022, Action Hepatitis Canada was joined by CanHepC, CanHepB, the Canadian Liver Foundation . . . and the Canadian Association for the Study of the Liver to mark the inaugural "Canadian Viral Hepatitis Elimination Day / Can Hep Day" in Ottawa. To support the global strategy, all provinces and communities across Canada are working together to raise awareness. On May 11, 2023, The Hepatitis C Care Clinic will be joining our national partners to raise awareness of "Can Hep Day" here in Niagara. Our program will be hosting our inaugural Canadian Viral Hepatitis Elimination Day (Can Hep Day) to raise awareness of hepatitis and liver health. The Hepatitis C Care Clinic community awareness event will encourage individuals to learn about hepatitis, liver health, how to receive hepatitis C testing, hepatitis C treatment . . . and the care and services of our program. In addition, our community partners will be joining us at our street-based health and social services fair, which take place at St. Andrews United Church-5645 Morrison Street, Niagara Falls from 11:00 am. To 3:00 pm. Event attendees will learn about the care and services of the Hepatitis C Care Clinic . . . and the care and services of our community partners.

Are you wondering how you can help! We are inviting you to join with our awareness campaign and national partners to proclaim Thursday May 11, 2023, as Canadian Viral Hepatitis Elimination Day throughout the 12 municipalities of Niagara. Together we are strong . . . we can join together to raise awareness and to help the residents throughout Niagara. If you have any questions, or require further information, please do not hesitate to contact me!

Hope you have a lovely afternoon and a wonderful weekend!

Take care and stay safe!

Karen

Karen Usick – Reg. N

Hepatitis C Care Clinic | Community Coordinator
Niagara Health System | Addiction Services

Karen.Usick@NiagaraHealth.on.ca

W: 905-378-4647 x32555 | C: 289-696-2523

260 Sugarloaf Street, Port Colborne, ON L3K 2N7

HCCC Website Address - www.niagarahealth.on.ca/site/hepatitis-c-care

NHS Addiction Services - www.niagarahealth.on.ca/services/addiction-recovery

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MAR 27 2022

BY COUNCIL



Meeting Date, Time, and Location

Monday February 27th, 2023. Conference Room 1. 4:30pm

Members

PRESENT

Mackenzie Arts, Sydney Steele, Paige Gismondi, Grace Gismondi, William Macquarie,
Tristain Jagiello, Guilia Piazza
GUEST; Natalie Woehl, Nicholas Mete

ABSENT

Hailey Hudson, Sawyer Smith, Mason Smith,

STAFF

Fran Vella, Adult Advisor
Kevin Beauchamp Communications Advisor representative
Mayor Wayne Redekop

1) **Call to Order**

The meeting was called to order by Secretary, Mackenzie Arts at 4:36p.m.

2) **Approve Agenda**

The Secretary asked if the members were in agreement with the Agenda or if there are any changes/additions.

Moved by: Paige Gismondi

Seconded by: Tristan Jagiello

That: The MYAC Agenda for February 27th, 2023 meeting be accepted. **(CARRIED)**

3) **Declaration of Conflict of Interest**

None.

4) **Adoption of Minutes**

Committee to pass a motion to adopt the minutes of the previous meeting:

Moved by: Tristan Jagiello

Seconded by: Sydney Steele

That: The minutes of the MYAC meeting January 23rd, 2023 be approved.

(CARRIED)

5) **Mayor Redekop Report/Announcements**

- Mr Mayor announced a new acquired wooded area as well as additional lands in the area. MYAC members are encouraged to check out the site (prospect point road, near burleigh)
- MYAC members may have opportunities for community hours relating to new land area
- Possibly bringing in a member of FENFC to one of our meetings to discuss what we can do/ be involved in
- Never hesitate to email Mayor Redekop with any questions or concerns
- Reaching out to Niagara Chapter of Native Women to involve Indigenous youth in our committee as well

6) **Delegations**

7) **Business Arising from Minutes**

1. New Executive: Chair (vacant), Vice Chair (presently Sawyer Smith) and Secretary (presently Mackenzie Arts), Treasurer (vacant).
 - note positions are only 2 years
 - the following have put their names forward
 - vote needed
 - a. Chair- Paige
 - b. Vice Chair - Mackenzie
 - c. Secretary - Giulia
 - d. Treasurer - Sydney
2. Hailey to take on position of creating some promotional material

Committee to pass a motion to adopt the new executive:

Moved by: William Macquarrie

Seconded by: Sydney Steele

That: MYAC executive accepted. **(CARRIED)**

3. Review Terms of Reference Attached is the new terms of reference
 - a. Change the year to school calendar instead
 - b. Change so it's not Elementary/High School separate
 - c. up to 19 members
 - d. Re-applying to MYAC is no longer in place
 - e. Up to 19, quorum has to be half plus one of the membership

4. Application process and update the application
 - a. Re-applying to MYAC : Mason, Sawyer, Paige, and Tristain have to reapply.
The new application link is here and can also be found on the town website:

<https://www.forterie.ca/resource/files/6E9928AE8573A49D8525803700574993/%24File/Application%20Form%20-%20MYAC%202022.11.28%20Fillable.pdf>

5. March Break Skate: March 14 2-4 \$176.69 - Leisureplex
 - a. In charge - Mackenzie
 - b. Hailey for flyer (adapt from last year)
 - c. Mackenzie, Paige, Grace
 - d. Wear MYAC gear

8) **New Business**

1. **Sub committees:**
 - a. Promotions - **Hailey, Sydney**
 - b. workshop and development - **Mackenzie, Paige**
 - c. promoting/encouragement safe community Fort Erie - **Tristan, Will**
 - d. Events: - **Natalie, Giulia, Grace**
 - e. other?
2. Presentation to Parent Council/this to Town Council as well?: PPT presentation names/pics and what we want to do (Who wants to head, help...form committee and present to MYAC March 27 and present to Town council April 24th
3. Mackenzie will send presentation to everyone
4. Send presentation to guidance counsellors for putting in D2L grade shells
5. *Spring/Easter Events?*
6. *Outdoor skating rink - look into and propose to council (sub committee can work towards that)*
7. *Making group chats and connect with other members of your group*

9) **Enquiries by Members**

None.

10) **Next Meeting**

The next meeting of MYAC will be held on March 27, 2023 in Conference room #1.

11) **Adjournment**

Secretary (position) Mackenzie Arts (name) called to adjourn at 5:07 p.m.
Moved by: William Macquarrie
Seconded by: Grace Gismondi
That: The meeting be adjourned

(CARRIED)

Minutes recorded by:
Mackenzie Arts

Minutes approved by:
Paige Gismondi

Mayor's Youth Advisory Committee Terms of Reference

1. Mandate and Objectives

1.1. The Committee's mandate is to discuss, plan, and advise about issues concerning the youth of Greater Fort Erie

1.2. The Committee's objectives include:

- a) To keep Town Council informed about important issues affecting youth
- b) To occasionally host youth workshops and forums, conduct surveys, and address concerns and needs that affect youth
- c) To be positive advocates for youth so that youth are valued and seen as contributors to the community
- d) To support events that relate to the mandate
- e) To provide leadership experience for youth

2. Membership

2.1. Qualifications

- a) Members shall have access to a computer and an email address to receive meeting invitations and agenda packages with large files
- b) Members shall be at least twelve (12) years of age

2.2. Composition

- a) The Committee shall be comprised of a maximum of 19 youth members:
 - i. Nineteen (19) Elementary and High School Students
 - ii. Adult Advisor (1)
 - iii. Mayor, Ex-Officio

2.3. Term

- a) Committee members shall hold office concurrent with the term of Council, and shall continue until a new Council appoints new Committee members following an election

3. Roles and Responsibilities

- 3.1. At the first meeting of the school year, Committee members shall appoint the executive positions of Chair, Vice-Chair, Secretary and Treasurer
- a) Executive positions shall be for a maximum of 2 years
- 3.2. Chair and Vice-Chair
- a) Chair all regular meetings of the Committee and exercise authority, and perform duties as required
 - b) Maintain decorum at each meeting and ensure that the Rules of Procedure are observed under By-law No. 36-2016 (Council Rules of Procedure), as amended or replaced
 - c) Ensure that all committee members are provided with an opportunity to comment
 - d) Provide guidance and leadership to the Committee in the completion of its mandate
 - e) Vice-Chair shall assume all functions of the Chair in the Chair's absence
- 3.3. Secretary
- a) Record and prepare minutes of Committee meetings
- 3.4. Committee Members
- a) Attend meetings of the Committee (if unable to attend, notification should be sent to the Secretary and Staff Liaison as soon as possible before the meeting)
 - b) Review agendas and materials before the meeting
 - c) Contribute time, knowledge, skill and expertise to the fulfillment of the committee mandate
- 3.5. Adult Advisor
- a) Attends all meetings
 - b) Prepare and distribute agendas to the Committee
 - c) Provide guidance and advice to the Committee in fulfillment of its mandate
 - d) Assists with developing and monitoring policy, procedure, and budgets
 - e) Administer and manage the financial assets of the Committee
 - f) Prepare budgetary documents as required by the Town Treasurer
- 3.6. Mayor
- a) Assists Committee in reviewing applicants and Adult Advisor
 - b) Communicates regularly and works with the Chair, acting as Liaison between the Committee and Council
 - c) Attends at least every other meeting
- 3.7. Parliamentarian
- a) Maintains Committee Terms of Reference and educates Committee on Rules of Procedure
- 3.8. Historian
- a) Records, updates and maintains Committee scrapbook
- 3.9. Resignations and Vacancies
- a) Resignations during the Term shall be made in writing to the Committee and the Town Clerk
 - b) Vacancies during the Term shall be solicited by the Committee

- c) Applications to fill vacancies during the Term shall be forwarded to the Clerk for consideration and appointment by Council

4. Reporting

- 4.1. The Committee reports to Town Council through their minutes
- 4.2. Matters requiring approval by Town Council shall be approved by motion

5. Meetings

5.1. Meeting Schedule

- a) Generally, the Committee will meet monthly or as required to conduct business to carry out its mandate
- b) Meetings will not be held in July and August (Summer Break)
- c) The Chair may call special meetings

5.2. Rules of Procedure

- a) The Committee shall follow the Council's Rules of Procedure By-law, as amended or replaced, with modifications as necessary
- b) In the event of a conflict between the Terms of Reference and any by-law of the Town of Fort Erie, the Terms of Reference shall prevail
- c) Quorum shall consist of a majority of the current number of appointed members

5.3. Agendas and Minutes

- a) The format of agendas and minutes shall be in a form approved by the Clerk
- b) Agendas and Minutes shall be forwarded to the Clerk's Office as soon as available

6. Resources

- 6.1. The Committee will have access to Town Conference Rooms for meetings
 - a) Reservations of Conference Rooms are facilitated through the Executive Assistant to the Mayor/Clerk

7. Remuneration

- 7.1. This Committee operates on a volunteer basis only

8. Amendments to the Terms of Reference

- 8.1. The Committee shall review the Terms of Reference on a bi-annual basis and make recommendations to Council through their minutes, as needed

Permit Contract

Town of Fort Erie

3 Municipal Centre Drive
 Fort Erie, ON L2A 2S6
 Phone: (905) 871-1600x2431
 FAX: (905) 871-6100
 Email: sheise@forterie.ca

Permit #5582, Approved

Jan 31, 2023 8:52 AM



Company: Mayor's Youth Advisory Committee
 1 Municipal Centre Drive
 Fort Erie, ON L2A 2S6

Agent: Fran Vella
 Email: franvella@mete@gmail.com

Customer Type: Regular
 Prepared By: Tammy Horinga

Home: (905) 871-1600

Charges	Taxes	Discounts	Total Charges	Deposits	Deposit Taxes	Total Payments	Refunds	Balance
\$156.68	\$20.01	\$0	\$176.69	\$0	\$0	\$0	\$0	\$176.69

▼ RESERVATIONS

Event	Resource	Center	Notes		
MYAC Public Skate Type: Ice Rental/Adult/Non-Prime Attend/Qty: 0	Leisureplex Jaycee Rink	Leisureplex Rinks 3 Municipal Centre Drive Fort Erie, ON, CA L2A2S6 (905) 871-1600x2431	Hockey Event - 150 Figure Skating Event - 150 Public Skating - 200 Hockey School - 50		
Days Requested		Event Begins	Duration	Event Ends	
Day	Date			Date	Time
Tuesday	Feb 14, 2023	2:00 PM	1½ hours	Feb 14, 2023	3:30 PM
Summary				Notes	
Total Number of Dates: 1				--	
Total Time: 1½ hours					

▼ CHARGES

Description	Event / Resource	Unit Fee	Units	Tax	Charge
Ice Adult (Leisureplex Non-prime)	MYAC Public Skate #5582 Leisureplex Jaycee Rink	\$112.50	1.50	GST: \$7.47 PST: \$11.95	\$168.75
Lia Ins Recreational Skating - 1-25 people	MYAC Public Skate #5582 Leisureplex Jaycee Rink	\$7.94	1.00	PST: \$0.59	\$7.94

MINUTES

Meeting Date, Time, and Location

Wednesday February 1, 2023

10:00 am

Fort Erie Lions' Seniors Centre

Members

Barbara Hopkins, Bill Doyle, Maria Scott, Eleanor Hurst, Fran Hill, Deborah Fairlie, Lida Greenaway, Jayne Cruikshank, Joan Christensen, Councillor Noyes

Regrets: Rosalie Snyder, Graham Rignall, Helen Rignall, Noreen Smith, Wyndmill Hoskin, Sandra Peitsch

1) **Welcome & Announcements**

- Bill Doyle chairing - Meeting was called to order at 10:02, everyone was welcomed

2) **Introduction of Special Guests**

- None

3) **Minutes of Previous Meeting**

- Meeting of January 4, 2023 was reviewed with no errors or omissions.
Motion to accept minutes was made by Fairlie, 2nd by Christensen... carried

4) **Treasurer's Report**

- Report submitted by Treasurer Doyle indicating SCAC is currently in a \$5,699 deficit based on the Happy Jack's event because the January payment comes out of the 2022 budget not 2023
Motion to accept Treasurer's report made by Hill, 2nd by Greenaway... carried

5) **Business Arising from Previous Minutes**

Review of January event(s)

- There were 210 people in attendance each day
- January is now out of the current year budget
- Total cost was approximately \$8,000 working out to approximately \$39 per person
- Stressed again that tickets should not be sold before the ad goes in the paper
- Accessibility was not up to standard
- Further discussion was deferred until the coordinators are present

Update on the March event

- Building is accessible
- Advertising will be going in the Observer
- Emcee for Karaoke will be Mark Anthony King at a cost of \$150

Review of Calendar for 2023

- Further discussion tabled to the March 1st meeting

Follow up on committee members for “Connecting our Community”

- Barb & Joan are already on the committee
- Two more members are required – Asked if this would be a sub-committee of the SCAC

Educational Sessions

- After open discussion the committee recommended the first 10 to 15 minutes of every meeting be set aside for an educational speaker.

Motion to proceed with this new procedure made by Christensen, 2nd by Hill... carried

- Intention is to arrange for an educational session in April or whenever the Policeman is available. Items to be checked on are the cost of venue, the advertising, and the speaker

6) Correspondence

- Ann Marie noted correspondence regarding ensuring accessibility when planning events and recommended SCAC invite Bev Bradman of the Town Accessibility Committee

7) Other Business

- Deborah indicated the revamping of the event record is a work in progress and she hopes to have more of an update at the March meeting.
- New applications are coming but applications are being accepted now. All persons have to reapply if they have not applied in 2023
- Discussion on the “On Demand Transit” – Fort Erie is not changing anything. There are two services “FAST” the accessibility program which comes right to your door – “On Demand” you can give them a heads up and they try to accommodate.

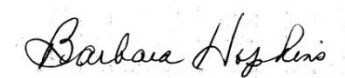
8) Next Meeting Date and Adjournment

The next meeting date has been scheduled for Wed. March 1st, 2023 at 10:00 am

Motion for adjournment Hurst, 2nd Greenaway

Feb. 1, 2023 meeting adjourned at 11:07 am

Minutes prepared by



Minutes approved by

Meeting Date, Time, and Location	
Tuesday, February 28, 2023 at 4:00 p.m. at the Town Hall – Conference Room #1	
Members	Staff Resources
Dennis Hernandez-Galeano, Chair (at 4:45 p.m.) Bev Ferris, Vice-Chair * Gary Kooistra Adam McLeod (at 4:45 p.m.) Barbara McLeod (regrets) Lori Brant Veronica (Faith) Sparling (regrets) Councillor Ann-Marie Noyes (regrets) Ashley Greaves * Bev Ferris chaired the meeting	Keegan Gennings, Chief Building Official Sean Hutton, Facilities Supervisor (regrets) Bev Bradnam, Manager, Strategic Initiatives Guest: Ryan Lemay, Project Manager, Engineering (to 4:26 p.m.) Joe Kissman Lauren, PSW

1) **Call to Order**

The meeting was called to order at 4:09 p.m. The Committee acknowledged the important input provided by two members that will no longer be serving on the AAC, noting that their participation has been invaluable. Barb McLeod has been a member since September 29, 2009 and Faith Sparling since February 26, 2019. Letters will be provided to both, thanking them for their dedication and commitment to making Fort Erie a more accessible community.

2) **Approval of Minutes**

Recommendation No. 1:

Moved by: Lori Brant
Seconded by: Gary Kooistra

THAT: The January 31, 2023 Minutes of the Fort Erie Accessibility Advisory Committee meeting be approved as printed.

(CARRIED)

3) **Accessible Parking Spaces in Ridgeway**

Ryan LeMay, Project Manager, Engineering Division, presented designs for the two accessible parking spaces in downtown Ridgeway that Council approved as part of the Multi-Year Accessibility Plan, which are attached as Appendix “3” to the Minutes.

The spaces will be located at 310 Ridge Road North (in front of the CIBC building) and 295 Ridge Road North (in front of the Post Office). Ryan explained that some trees will have to be removed and he will follow-up with Sean Hutton.

Ryan explained that they will be pouring concrete and creating an accessible aisle at the CIBC location and the design is similar to that done on Jarvis Street and based on best practices. Ryan asked if it was felt that lines should also be painted on the sidewalk for those utilizing a side lift. AAC members agreed that it would be beneficial to have lines painted and to also deter shops from placing goods in that area during sidewalk sales/Ridgefest.

Joe noted that people do not pay attention to the ramp painting and never leave enough room. Bev B. explained that there is a “Respect the Space” campaign that the Committee was going to consider and it is something that can be revisited using social media to raise awareness and educate people.

Lori questioned the bump outs along Ridge Road and was advised that they are a form of traffic calming. Lori suggested that the bump out by the Post Office be shortened so that perhaps a parking space will not be lost and Ryan will look at the design to determine if that could be done and provide additional details to Bev to pass on to the Committee.

Ryan was asked about the timeline for construction as it was noted that the spaces were approved by Council in 2019. Ryan advised that it is hoped to be included in the sidewalk contract in 2023. The Committee thanked Ryan for providing an update and consulting with the AAC.

Ryan left the meeting at 4:26 p.m.

4) **Nomination of Chair and Vice Chair**

Bev B. advised that the Committee appointments for the AAC will take place at the March 27, 2023 Regular Council meeting. The Nomination of Chair and Vice Chair has been deferred until the March AAC meeting when new Committee members are in place.

5) **Outstanding Matters**

1) Regional Accessibility Advisory Committee

Bev B. advised that she called the Region of Niagara to follow-up on the appointments to boards and committees as there was nothing on the Region's web-site. She was advised by a staff member in the Clerk's office that the Region had a report go to Council last week to revisit all Committees to determine which ones were no longer required. Within the next two weeks they will be seeking applications for their committees. Bev will watch the website for the details and provide them to Committee members.

2) Parking Concerns

See Item 3. Bev B. also advised that parking in Crystal Beach is still being discussed at Land Committee, especially accommodating those in apartments above commercial properties that need overnight parking. Improvements of lots are also planned.

3) Fort Erie Active Transportation Committee (FEAT)

No updates.

4) Stevensville Garden Gallery

Bev B. advised that she followed up with the Stevensville Garden Gallery following the January meeting and received the following response, "We are still waiting to see if we received the grant. They will let us know by March 1".

5) Adult size Change Table at Bay Beach

Awaiting details from Planning, once the position is filled.

Dennis and Adam joined the meeting at 4:45 p.m.

6) Stop Gap Ramp Project

Once new Committee members are confirmed, a sub-committee will be struck to move forward with this project. The funds have been secured for 2023 in the amount of \$7,200.00. Discussion took place about next steps and Bev B. confirmed that the Town has not yet hired a Solicitor. It was felt that the Town Solicitor should accompany members to the BIA meetings to explain the lengthy agreement between Stop Gap and businesses, which is a requirement. Bev will follow-up with Luke Anderson regarding the Brampton Agreement that was being developed. Bev will also follow-up with the Clerk's office to obtain up-to-date contact information for the BIAs so that some initial discussions can take place before attending a BIA meeting. It was also noted that some businesses along Garrison Road that are interested do not belong to a BIA and it was suggested that the Chamber of Commerce also be included in future discussions.

6) **Site Plans**

1) 0-13459 North Service Road

Keegan provided the site plan for the development at 0-13459 North Service Road, explaining that the proposed development is located in the Truck and Travel Centre area, with the former Esso Station to the west. The plan consists of a drive-thru restaurant and two hotels, one with 25 suites and the other with 27 suites. Both hotel buildings are 2.5 storeys. It was noted that there is only one accessible parking space shown for each building. The plan shows landscaping in front of the hotels and Keegan will make sure that this does not conflict with a sidewalk. The larger hotel shows two accessible suites on the second and third floors, which does not reflect 10% of the units as per the Ontario Building Code, and the smaller hotel shows one accessible suite. Members also asked what would happen for those staying in accessible suites on the higher floors if there was a fire and the elevator was not in service. Keegan advised that the stairwells are designated as areas of refuge and are fire-rated for 45 minutes to one hour. Members felt that one of the accessible suites should be located on the lower floor.

Lori noted that the accessible suites look like they have baths and should have wheel-in showers. Keegan will check the barrier free requirements related to the bathrooms. Members noted that it looked like rooms had balconies but Keegan advised that it is actually a hallway with the suite doors located off of the hallways. Keegan will also check on the number of accessible parking spaces required in the Zoning By-law. Keegan advised that sidewalks will also be required to have tactile warning surfaces.

7) **Multi-Year Accessibility Plan 2019-2023**

Bev advised that she has to submit an Accessibility Compliance Report to the Province every two years. Several years ago, the Town was audited and issues with the transit services had to be rectified. 283 pages had to be submitted in order to obtain compliance, including training modules, policies, etc. The last compliance report was submitted in 2021 and as noted in the Annual Accessibility Status Report, the Town was not compliant in relation to the Town's web-site and the requirements of the Information and Communications Standard under the *Accessibility for Ontarians with Disabilities Act (AODA)*. As such, Bev had to state that we were not compliant with only this requirement but provided comment that the Town was working with a new web provider that ensured the new website would be AODA compliant. In February, Bev received a "First Notice: Non-Compliance" from the Ministry for Seniors and Accessibility. Bev advised that a large majority of the provincial network of Accessibility Professionals (ONAP), reported that they also received a notice of non-compliance. Bev advised that she responded to the contact provided that the Town is working with E-Solutions on the new website and that the Town would be ready to go live with the new website near the end of April 2023. An extension to June 1, 2023 was provided on February 15, 2023 together with a WCAG Compliance Plan.

8)

Other Matters

1) Review of Draft Terms of Reference for AAC

Bev B. advised that the Accessibility Advisory Committee was first established by By-law in 2002 as a Provincially-mandated Committee. No formal Terms of Reference were created at the time. The Deputy Clerk provided the draft Terms of Reference for the Committee's review and comment. The AAC had no changes to the draft.

2) Barrel Restaurant

Joe advised that the barrel has two heavy doors to enter and there is no button. Lauren noted that there is also a gap at the door and recently Joe's back wheels of his chair got stuck and were spinning out and she had to lift the chair. The AAC will send a letter asking the restaurant to consider making their entranceway more accessible.

9)

Date for Next Meeting

The next AAC meeting has been scheduled for Tuesday, March 28, 2023 at 4:00 p.m. in Conference #1. Bev advised that she will not be available for the April or May meeting due to prior commitments and was hoping that Keegan and Sean could take over the planning of the meetings on her behalf. Gary suggested moving the April meeting until July, which was agreeable to all. Bev Ferris offered to take minutes for the May meeting and Bev B. advised that she would still prepare the agenda for Sean and Keegan.

The following dates will be agreed to at the March AAC meeting with the new Committee:

- Tuesday, May 30, 2023 at 4:00 p.m. in Conference Room #1
- Tuesday, June 27, 2023 at 4:00 p.m. in Conference Room #1
- Tuesday, July 25, 2023 at 4:00 p.m. in Conference Room #1 (Adam will be away)
- Tuesday, September 26, 2023 at 4:00 p.m. in Conference Room #1
- Tuesday, October 24, 2023 at 4:00 p.m. in Conference Room #1 (moved back one week because of Hallowe'en)
- Tuesday, November 28 or Tuesday, December 5 for Christmas Meeting (to be confirmed in October)

10)

Adjournment

Recommendation No. 2:

Moved by: Gary Kooistra
Seconded by: Dennis Hernandez-Galeano

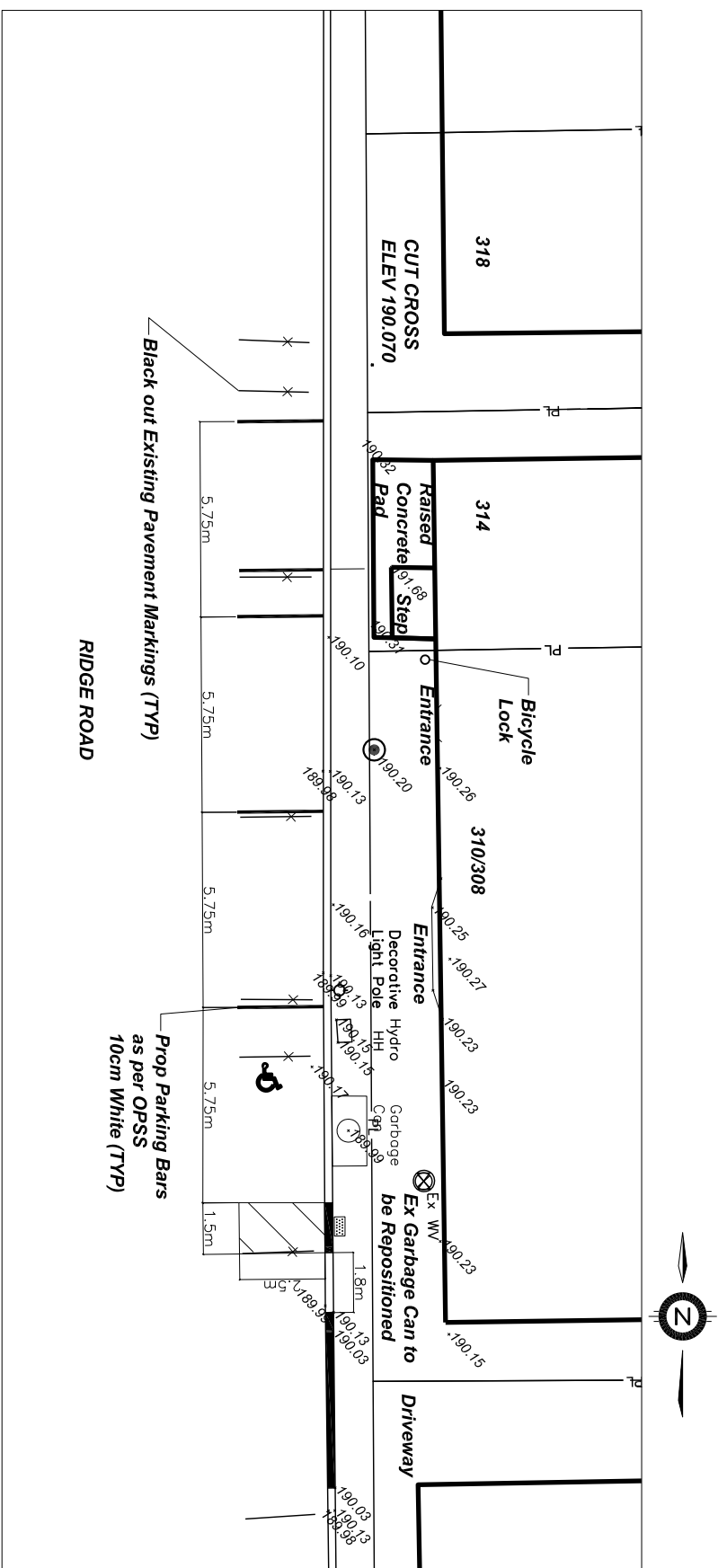
**THAT: The February 28, 2023 meeting of the Fort Erie Accessibility
Advisory Committee does now hereby adjourn at 5:26 p.m.
(CARRIED)**

Meeting minutes recorded and prepared by:

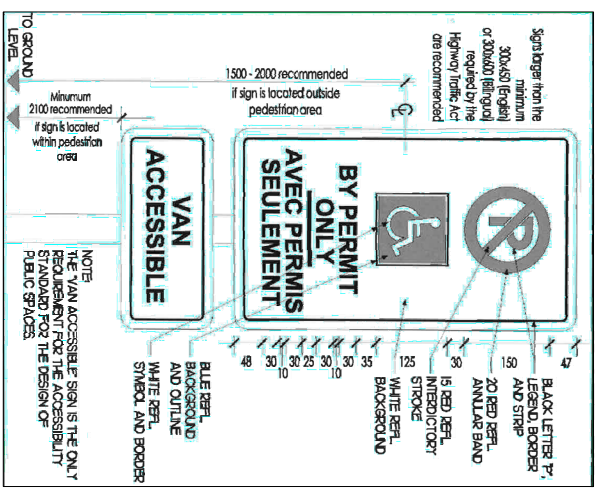
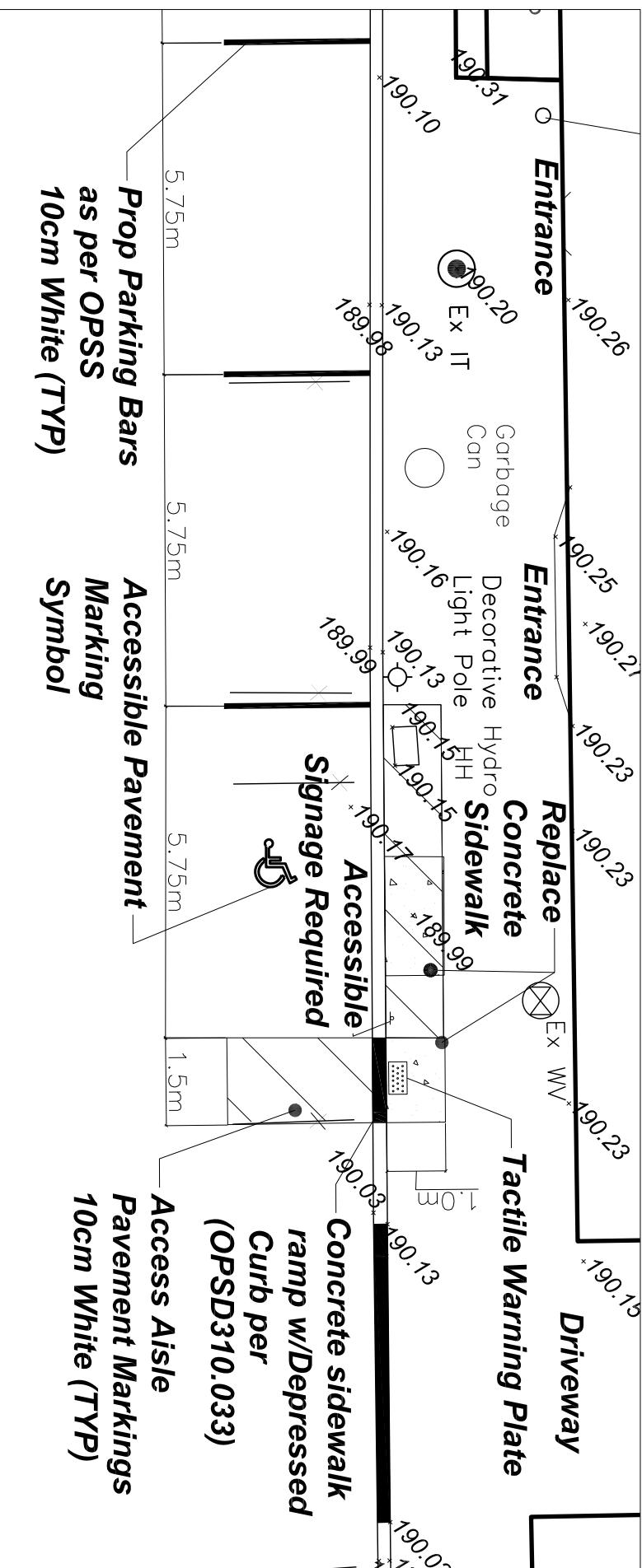
Meeting minutes approved by:

Bev Bradnam, DPA, CMM III
Manager, Strategic Initiatives

Bev Ferris
Vice-Chair (Acting Chair)



ACCESSIBLE PARKING RIDGE ROAD-CIBC



REFER TO SECTION 11,
REGULATION 581
OF
THE HIGHWAY TRAFFIC
ACT

[illegible]



Bridgeburg Station Downtown Business Improvement Area

Tuesday February 27th, 2023

6:00 pm 26 Jarvis St.

Minutes

1. Call to Order

Jesse Boles called the meeting to order at 6:07 pm.

2. Roll Call

Present - Vince Salvatori, Stacie VanKralingen, Todd Bews, Jesse Boles, , Anne Vella,

Absent – William (Bill) Thomas, Dr. Venu Katta, Councillor George McDermott

Guests – Brad Brunton (Brunton Properties Inc.), Victoria (on behalf of Bill Thomas), Nichole Hirondele (The Barn Swallow), Lesley North (Venus Jewelry Store)

Welcome and Introductions

Jesse Boles welcomed everyone in attendance.

3. Adoption of Minutes

That: January 29th, 2023, Bridgeburg Station Downtown Business Improvement Area Board of Management minutes be approved as presented.

Moved by: Todd Bews

Seconded by: Vince Salvatori **(Carried)**

4. Board of Directors Vacancy

That: Current Board to pick from applicants for vacant position – Nichole L'Hirontelle (The Barn Swallow) and Walter Deveau (Left on Central) have submitted applications for positions on the board. Motion to defer to double check that all applicants are in before voting.

Moved by: Vince Salvatori

Seconded by: Jesse Boles **(Carried)**

5. Business Items

BBIA District contacts - Vince updated and provided property and business owner contact list updates for the BBIA District as well as updated and can now access the BBIA Gmail

Streetscape update – No need to order new snowflakes as there are less lamp posts. Vince to discuss placement of planters with Kurtis Brottell. Follow up from Quartek is still needed in regard to the archway. The entrance of Jarvis from Niagara Boulevard has been discussed and hoping for a change to remove the bump-outs out.

Group Marketing – Vince emailed the information for Digital Main Street grant, 4.0 branding as per email shared by Fort Erie EDTC

Jesse – made great suggestions to support our BBIA. Discussion in regard to hiring staff for digital/web/marketing/admin. A part-time Executive Director position in the range of \$20-\$22/hr to work about 25hrs/week. They would manage social media, researching and applying for grants and assist with events. Grant money could go towards events, marketing and supporting the business district in many ways, etc. Marylou and Victoria were both mentioned as valuable candidates for the position as they are well known from other BIA Boards. Is there money in our budget for such hires.

Brad Brunton-Volunteered to assist with the costs for the two new potential hires for our BBIA administration staff.

Jesse-A thought to share the potential hires between Bridgeburg BIA with Port Colborne BIA?

Vince and Venu to follow up with budget/reserve numbers. Jesse to follow up with Marylou and Victoria.

Farmers Market – Jesse, Discussion to bring it back to Bridgeburg. Board to discuss further and confirm day of the week and vendors to attend as it is not desirable to schedule on the same as other Farmers Markets in the area. A Farmers Market on a Sat in Bridgeburg may be an ideal day of the week.

Vince- Asked Leslie North to share her plan for the proposed Bunny Hop. Leslie confirmed 15 business participants for the Bunny Hop. No additional event preparation was presented for the Bunny Hop.

Vince shared a concern that additional attractions must be planned for the Bunny Hop and not just handing out chocolates from the businesses. Families will not be interested or be impressed with small hand out unless there is greater attractions for the kids. At this point it is not in the best interest for the BBIA to support an event without the proper planning and execution of the Bunny Hop. It is not a good idea to continue with the planning of the event with a short deadline. Vince suggested to cancel the Bunny Hop.

Annie- has volunteered to lead the planning of the Santa Clause Parade. Annie will present a date (avoid conflicting dates in Niagara), research a list of participants and possible route options. Annie suggested Courtwright up/down Jarvis street.

Vince- The route must be long enough for all residence to watch the parade, similar routes from the past parades should be considered. Possibility to share in the cost of entertainment, bands etc. for the parade

Vince-contact the previous Santa Parade committee for all the information and contacts to share with Annie.

Vince-Car show on Jarvis street, a few volunteers have approach me to consider a car show on Jarvis. Vince to follow up with the interest of creating a car show weekly event.

6. Upcoming Events

That: Bunny Hop to be cancelled this year as there is not enough time to properly plan and execute

Moved by: Vince Salvatori

Seconded by: Jesse Boles **(Carried)**

The Santa Clause parade to be discussed further

Sip and Shop is on the horizon. Possible date in May

Farmers Market on Saturdays

Weekly Car Show on Jarvis street

All events to be discussed at the next meeting, to include budgets, committees and initiatives to support events throughout the year

7. Scheduling of Meetings

Next meeting to be held on March 28th, 2023 at 26 Jarvis St (The Green Apple) at 6:00pm

8. Adjournment

That: The Bridgeburg Station Downtown Business Improvement Area Board of Management adjourns at 7:23 pm.

Moved by: Stacie VanKralingen

Seconded by: Jesse Boles **(Carried)**

MINUTES

Museum and Cultural Heritage Advisory Committee

Meeting Date, Time, and Location
December 14, 2022 – 3:44 pm Conference Room 1

Committee Members	Council/Staff Support
David Ellsworth, <i>regrets</i> Roxann MacKay Burton, <i>regrets</i> Mary McLelland-Papp Charlene Nigh Keith Ratcliffe Sandra Vilchez, <i>regrets</i> Carol Walpole Christopher Riou	Signe Hansen, Manager, Community Planning Fahima Begum, Junior Community Planner

1) **Call to Order**

The meeting was called to order by the Chair at 3:44 pm.

It is noted that a quorum was achieved.

2) **Declaration of Conflicts of Interest**

There were no declarations of Conflicts of Interest.

3) **Agreement or Additions on Agenda**

There were no additions to the Agenda.

3) **Meeting Minutes- October 19, 2022**

The Committee reviewed the minutes of October 19, 2022 and there were no changes, and it was then

Moved By: Carol Walpole

Seconded By: Keith Ratcliffe

That the meeting minutes of October 19, 2022, be approved.

Carried

4) **2022 Budget**

Staff confirmed that the cost of a plaque is currently around \$900, and Committee members discussed using the remaining operating budget for *Many Voices* books instead. Keith suggested a portion of the budget could be used to purchase a *Many Voices* book for each public school in the Town. Mary also suggested a book could be presented with each plaque to designated heritage property owners.

It was determined by the Committee that 20 copies could be purchased each for \$34.99 plus tax, for six schools, 12 plaque owners, and two for new Committee members. Altogether, it was determined that this would cost \$700 plus tax.

It was then

Moved By: Christopher Riou

Seconded By: Carol Walpole

That the remaining operating budget for 2022 be used to purchase 20 *Many Voices* books from Fort Erie Museum Services, for distribution to Town of Fort Erie schools, plaque recipients, and any new Committee members.

Carried

5) **Next meeting**

January 11, 2023

6) **Adjournment**

The Meeting was adjourned at 3:52 pm.

Moved By: Carol Walpole

Seconded By: Christopher Riou

Carried

Meeting Date, Time, and Location
December 14, 2022 – 2:00 pm, Conference Room 1

Committee Members	Council/Staff Support
David Ellsworth, <i>regrets</i> Roxann MacKay Burton, <i>regrets</i> Mary McLelland-Papp Charlene Nigh Keith Ratcliffe Sandra Vilchez Carol Walpole Christopher Riou	Signe Hansen, Manager, Community Planning Fahima Begum, Junior Community Planner

1) Call to Order/Quorum

The meeting was called to order by the Chair at 2:05 pm.
It is noted that a quorum was achieved.

2) Declaration of Conflicts of Interest

There were no declarations of Conflicts of Interest.

3) Agreement or Additions to the Agenda

There were no additions to the Agenda.

4) Meeting Minutes – October 19, 2022

The Committee reviewed the minutes of October 19, 2022 and Mary requested the following change to the meeting minutes:

“Mary called and left two voicemails with Niagara Health Corporate office to discuss potential designation.”

It was then

Moved By: Mary McLelland-Papp

Seconded By: Carol Walpole

That the meeting minutes of October 19, 2022, be approved with the amendments.

Carried

5) **Bill 23 Overview**

Staff presented on a summary of Bill 23 “More Homes Built Faster Act, 2022”, and how it impacts the Ontario Heritage Act. Particular attention was given to how the Municipal Register, Designation process, Ontario Regulation 9/06, and Heritage Conservation Districts will be impacted.

The Committee discussed the implications of Bill 23 and asked for clarification on a number of issues regarding changes to the Ontario Heritage Act. Staff confirmed that Town must follow provincial legislation.

The Committee inquired on whether the Heritage Tree By-law 17-06 would be affected by Bill 23 changes. Staff will seek legal advice relative to the implications of Bill 23 on Bylaw 17-06. Additionally, they inquired whether federal designation would be impacted by Bill 23, in particular for 848 Garrison Road (Cruikshank House) and the Point Abino Lighthouse. Bill 23 is a provincial bill that affects provincial legislation.

6) **Municipal Register Review**

Staff presented the current list of properties listed on the Town's Municipal Register, and shared how they were first approved by Council on February 7, 2011. Staff shared that the implications of Bill 23 meant registered properties would be removed from the Municipal Register unless they are designated by November 28, 2024, and if removed, they cannot be added again for five years. Staff recommended the Committee thus prioritize advancing these municipal properties for designation, and consider monthly meetings to advance this priority.

Staff distributed a workbook of properties on the Register, that provided details from when the properties were first registered, as well as updated photos taken in December 2022. Committee members agreed to add information to the workbook based on their knowledge of the properties, and use the workbook to determine which properties to prioritize for designation.

The Committee determined a letter should be sent to property owners to inform them of changes resulting from Bill 23, confirming their continuing interest in and encouraging them to support designation. One letter should be sent initially, with a second letter to follow up if there is no response within two months from the first letter.

The MHSC discussed meeting once a month in order to have the time and capacity to assess the numerous registered properties and designate eligible properties within the next two years. The Committee determined they could have a Museum and Cultural Heritage Advisory Committee four times a year before Municipal Heritage Standing Committee meetings in order to ensure both Committees could be maintained.

7) **Outstanding Matters**

3957 Rebstock Road (evaluation package attached)

Staff distributed the evaluation package for 3957 Rebstock Road. Committee members agreed to re-evaluate the property for its contextual value in their next working group meeting.

2023 Heritage Week and plaque distribution

Heritage Week will take place on February 20th to 26th. 2023. The Committee discussed presenting heritage plaques to designated heritage property owners in order of designation date. The Committee discussed that up to six plaques could be presented during the Council meeting that falls closest to Heritage Week.

Mary and Sandra discussed mentioning Heritage Week on the Town's website with the message, "Celebrate our past. Heritage Week- February 20th to 26th." Charlene also suggested having a sign at Town Hall that says "Happy Heritage Week- February 20th to 26th". Chris spoke about the Regional Program, Doors Open Niagara, and whether that may be continued in the future.

8) **New Business**

There was no New Business discussed.

9) **Next meetings**

January 11, 2023

10) **Adjournment**

The Meeting was adjourned at 3:43 pm.

Moved By: Mary McLelland-Papp

Seconded by: Carol Walpole

Carried

Meeting Date, Time, and Location
February 8, 2023 – 2:00 pm, Conference Room 2

Committee Members	Council/Staff Support
David Ellsworth Roxann MacKay Burton Mary McLelland-Papp Charlene Nigh Keith Ratcliffe Sandra Vilchez, <i>regrets</i> Carol Walpole, <i>regrets</i> Christopher Riou	Fahima Begum, Junior Community Planner

1) **Call to Order/Quorum**

The meeting was called to order by the Chair at 2:00pm.
It is noted that a quorum was achieved.

2) **Declaration of Conflicts of Interest**

There were no declarations of Conflicts of Interest.

3) **Agreement or Additions to the Agenda**

There were four additions to the agenda from Keith, that Douglas Memorial Hospital and the trees on Beatrice Rd property be added under Outstanding Matters, and that the Crescent Park Arches and Heritage Week 2024 be added under New Business.

Moved By: Keith Ratcliffe
Seconded by: Mary McLelland-Papp

There was one addition to the agenda from Mary, that 3555 Yacht Harbour Road be added under New Business.

Moved By: Mary McLelland-Papp
Seconded by: Keith Ratcliffe

4) **Meeting Minutes – December 14, 2022**

The Committee reviewed the minutes of December 14, 2022 and there were no further changes, and it was then

Moved By: Christopher Riou
Seconded By: Mary McLelland-Papp

That the meeting minutes of December 14, 2022, be approved.

Carried

5) Bill 23 Updates and Follow Up

O. Reg 569/22 (Formerly O. Reg. 9/06) and Ontario Heritage Act Update

The Committee discussed changes to the Ontario Heritage Act, and criteria for designating and registering heritage properties. The Committee determined the survey and evaluation forms would need to be updated to align with changes made to provincial legislations as a result of Bill 23. Mary suggested adding headings that correlated to each criteria in the evaluation form. Staff will update the survey and evaluations forms for assessing heritage properties, for Committee consideration.

Roxann asked for clarification on O. Reg. 569/22:

“(3) For clarity, subsection (2) does not apply in respect of a property that has not been designated under Part IV but was included in the register as of the day subsection 3 (2) of Schedule 6 to the More Homes Built Faster Act, 2022 comes into force.”

The Committee discussed whether this requires current registered properties needing to meet the updated O. Reg. 569/22 criteria in order to be designated. Staff will confirm whether currently registered properties need to follow the new designation criteria in order to become designated properties.

6) Municipal Register

Municipal Register Prioritization and Letters to Property Owners

The Committee discussed determining the order of registered properties to prioritize for designation. Mary discussed the workplan from 2020 used by the Committee that listed and prioritized different properties to assess at each Working Group meeting.

Staff updated the Committee on the responses to the 34 letters staff mailed to the owners of registered heritage properties, and how two property owners expressed interest in designating their properties, three property owners would like more information on designation, and five property owners would not like to designate their properties.

The Committee explored developing a strategy for property owners who expressed in the letters sent to them that they would not like to pursue heritage designation of their properties. Keith expressed utilizing the Ontario Heritage Trust's guidance in this. Roxann stated there should be more heritage education for Council, and explored potentially having a Councillor or designated heritage home owners speak to property owners on designation. Mary suggested the Committee wait on informing Council about heritage matters until the staff liaison is confirmed.

The Committee discussed following up with property owners who did not respond to the letter and those who expressed that they would not like to pursue designation. Charlene suggested a pamphlet be sent out on heritage designation and the Committee agreed to send out a second letter to property owners with an updated pamphlet that informs property owners of the process and benefits of designation. The Committee will update the heritage pamphlet at their next Working Group meeting, and then have staff reformat it, have the pamphlet printed, and send it out to property owners with the second letter.

Meeting with Property Owners of Registered Heritage Properties

The Committee discussed the benefits of working with interested property owners in pursuing heritage designation with their collaboration. The Committee explored meeting and working with property owners who expressed they would like to designate and those who would like more information on designation first. Keith suggested the Committee meets with no more than the property owner(s) of one registered property at each Municipal Heritage Standing Committee meeting or at another scheduled time in order to provide enough time for all property owners, and the Committee agreed.

The Committee discussed how they will meet with property owners of registered heritage properties, explain the designation process, and inquire owners about the heritage attributes of their properties.

7) Heritage Week Plaque Distribution

The Committee planned how they will present heritage plaques to property owners of six designated heritage properties at the February 27th Council meeting. It was determined that Mary will provide a 2 minute introduction on Heritage Week, and then Keith and the Mayor will present plaques to property owners, of which staff will take pictures.

The Committee discussed how they will promote Heritage Week, and staff will follow up on whether the outdoor Town Hall sign can display “Happy Heritage Week- February 20th to 26th”. Staff will also follow up on updating the Heritage Planning page of the Town’s website to state “Happy Heritage Week- February 20th to 26th”.

8) Outstanding Matters

OLT Appeal Updates

Staff updated the Committee on the settlement agreement reached relative to 546 Ridge Road North and 477 Ridge Road based on the January 16th 2023 Council meeting.

Douglas Memorial Hospital

This agenda item will be moved to the next Municipal Heritage Standing Committee meeting in the interest of time.

Trees on Beatrice Road Property

This agenda item will be moved to the next Municipal Heritage Standing Committee meeting in the interest of time.

9) Working Group Updates

The Committee shared that they had ranked priority 1 properties at the last Working Group meeting based on the assessments originally made in the February 2011 Council meeting for registered heritage properties. The Committee will rank the priority 2 list at the next Working Group meeting. The Committee will also update the heritage pamphlet at the next Working Group meeting, to then be sent to staff to produce, print, and distribute to property owners of registered heritage properties.

11) New Business

Heritage Tax Rebate Program— Property Inspections

Staff updated the Committee that two inspections have been carried out so far for designated heritage properties for the Heritage Tax Rebate Program. Staff confirmed they will reach out to Committee members to schedule more inspections as applications are received.

Crescent Park Arches

this. Staff will follow up on how to process this request.

Heritage Week 2024

Keith suggested adding Heritage Week 2024 on the agenda from now on, and the Committee agreed.

3555 Yacht Harbour Road and 2529 Airline Street

Mary suggested we prioritize 3555 Yacht Harbour Road and 2529 Airline Street based on the historical condition of the properties, along with all the properties that expressed in their letters that they would like to designate or would like more information on designation.

Designation information session with 367 Crescent Road

Gary and Kathy Arenburg were invited to the Municipal Heritage Standing Committee meeting after they expressed interest in pursuing designation of their heritage property. They spoke of potential heritage attributes of their home, and Gary asked if the Committee could carry out an evaluation of their home. The Committee agreed and also confirmed they will contact Museum and Cultural Services and the Fort Erie Public Library for additional historical information.

12) Next Meeting

March 9th in Conference Room 3, following Museum Services Standing Committee meeting at 1 pm.

13) Adjournment

The Meeting was adjourned at 4:25 pm.

Moved By: Roxann MacKay Burton

Seconded by: David Ellsworth

Carried

Meeting Date, Time, and Location

Wednesday, February 22nd, 2023 at 12:00 p.m. – 1:30 p.m., Conference Room 1

Members

Kelly Walsh P.Eng – Director, Infrastructure Services (Chair)
Councillor Ann-Marie Noyes
George Stojanovic P.Eng – Manager, Roads and Fleet Division
Bryce Bailey – Municipal By-law Enforcement Officer
Chris Kalimootoo, P.Eng – Manager, Engineering
Chris Millar – Senior Community Planner - Planning & Development Services
Chris Chirico – NRPS
Chris McQueen – CAO
Frank Elia – NRPS
Robert Judd – Municipal Engineer – Infrastructure Renewal
Kevin Beauchamp – Communications Advisor
Manny Rataul – Regional Municipality of Niagara – Public Works
Jennifer Pennell-Ajie – EA to the Director, IS & Division Coordinator

Guests:

Richard Jukosky – Delegate (2242 Gilmore Rd, Ridgeway)
Gene Chartier – Paradigm Transportation Solutions Limited (zoom)
Andrew Steinsky – Paradigm Transportation Solutions Limited (zoom)

Regrets:

Councillor Tom Lewis (alternate)
Petar Vujic – Regional Municipality of Niagara - Public Works (or designate)

Meeting commenced at 12:01 pm

1. **Review of Previous Notes of Meeting – October 26th, 2023**

The notes of the last meeting of the Committee were provided to the committee prior to the meeting. No concerns were voiced.

2. **Delegations**

2.1. Richard Jukosky of 2242 Gilmore Rd, Ridgeway, ON L0S 1N0 – presented his concerns regarding speeding on Ridgemount Rd. Mr. Jukosky requested that the speed limit be lowered from 80 km/h to 50 or 40 km/h in order to slow down trucks and other traffic. He stated that he has witnessed several accidents in this area as well. Mr. Jukosky also expressed concerns about geometric design standards for a road with a speed limit of 80 km/h.

- K. Walsh stated that the Town would review the area again in the spring, once winter operations are completed for the season to measure the volume and the

February 22nd, 2023 - Traffic Coordinating Committee

speed of the traffic in the area. The Town will consider educational tools for this area (i.e. temporary electronic speed sign) to be placed to let drivers know their speed as they travel the road. NRPS has also agreed to increase enforcement in the area when time permits them to do so. M. Rataul also stated that he will look to see if there is any further accident history data that may have been missed on this road in the last 10 years and forward that on to the Town for further review.

3. Review of Outstanding Items

Please see Appendix '1' for Ongoing Spreadsheet for updates on outstanding issues.

4. New Requests

4.1. Parking

4.1.1. N/A

4.2. Speeding

- 4.2.1. Issue: Ridgemount Rd** – A resident emailed several times through the Mayor stating that he wants the speed limit lowered to 50 km/hr on Ridgemount Rd between Garrison Rd (Hwy 3) and Bowen Rd. Currently the speed limit is 80 km/hr which is listed as appropriate in this area from the Rural Speed Limit Study by Paradigm.

Resolution: Addressed resident's concerns via email. Speed on Ridgemount was deemed appropriate in this area via the Rural Speed Study completed by Paradigm Transportation Solutions completed in 2022 and presented to Council in June 2022. See above for further action from the delegation from Mr. Jukosky.

4.3. Traffic Signage

- 4.3.1. Issue: PXO at Safari Niagara** – A request was received by a resident to install a permanent PXO at Safari Niagara. In 2022 there was a temporary one installed. Resident is aware this is not a decision the Town of Fort Erie approves as it is on a regional road, but wanted to have it brought to the attention of the Niagara Region.

Resolution: M. Rataul from the Region stated that the Region has reviewed this for a permanent PXO – Type B however, the criteria to install one does not exist and significant work would have to be done to install one. For example, there are no sidewalks on either side leading up to the PXO. Safari Niagara was given the option to pay for the work to do the permanent one, or just have a temporary one installed in the summer for the times when they need to use the overflow parking on the other side of Stevensville Rd. As this issue only exists on busy or concert days for the zoo they opted to just have a temporary one each summer. The Region will be working with Safari Niagara on this again this summer.

February 22nd, 2023 - Traffic Coordinating Committee

- 4.3.2. **Issue: Deer Crossing Sign Request** – A Request was received by a resident to install a deer/animal crossing sign at the pathway from the Friendship Trail between Prospect Point Rd and Burleigh Rd as deer use this pathway to get to the trail.

Resolution: Staff will review the deer collision history in this area and proceed with a sign if it is warranted.

4.4. Traffic Calming & Other Requests

- 4.4.1. **Issue: Traffic Calming** – Requests received will be reviewed when the new Traffic procedures are released and Council has passed the new By-law in April 2023.

Resolution: Upcoming report to Council will outline the steps that will be taken by staff in this area and to present the By-law for the policy and procedures for Council's approval in April 2023.

G. Chartier and A. Steinsky from Paradigm Transportation Solutions Limited presented their finding on the 3 areas (Washington Rd, Erie Rd & Concession Rd) that staff requested to have a table top exercise. They reviewed the process of the new traffic calming procedures to see if these areas would meet the criteria to move forward for implementation of a traffic calming option. The reports are attached to these notes as Appendix '2'.

In summary, Concession Rd and Albany/Washington Rd are candidates for traffic calming, but Erie Rd is not. Concession in particular will be advanced once the policy is in place based on the report recommendations. Albany/Washington will be deferred until staff can review other more urban cross sections in order to develop priority areas.

- 4.4.2. **Issue: Request for a new Crossing Guard** – A request was received by a couple of residents to have a crossing guard placed on South Mill behind the John Brant School.

Resolution: Staff reviewed the area for a Crossing Guard in the Spring 2022 and warrants did not support a guard at that location. The Town has also surveyed the area to see if another sidewalk can be placed on South Mill. Due to the narrow road and the location of both large trees and poles within the area, a second sidewalk is not feasible. Staff is therefore recommending that some curbing, signs and bollards be placed in close proximity to the existing crosswalk on both sides, on either side of the road to physically impede vehicles from parking in that immediate area. This will increase the sight lines for pedestrians crossing and also narrow the feel of the road to act as a speed reduction mechanism.

5. Streetlight Requests

- 5.1.1. The Town is working with the MTO and CNP to replace all existing street lights on Hwy 3/Town roads with LED lights and provide upgrades where possible.

February 22nd, 2023 - Traffic Coordinating Committee

6. **NRPS**

6.1. **Issue:** Speeding complaints received by Town staff.

Response: A list of speeding complaints that the Town has received have been forwarded on to the NRP for review.

NRP have a number of projects and measures that they are taking within the Town to combat speeding and unsafe complaints. These include: having officers in the traffic unit out on patrol in the areas of concern, a special traffic program with the crossing guards to have officers stop by the crossing areas during school bell times and dedicating certain days for enforcement around the emergency calls.

NRP List of Enforcement Areas for the Town of Fort Erie						
No.	Street	Intersection	Speeding	Failure to Obey Traffic Signs	Notes	Date Sent to NRP
1	Rosehill	between Hwy 3 & Dominion Rd	Concerns for speeding traffic	n/a	Request to have an electronic speed sign on this road.	February 22, 2023 (TCC Meeting)

7. **Correspondence**

7.1. N/A

8. **New Business**

8.1. **Issue:** Councillor Noyes requested that the Region install the “School Zone Ahead” signs with a flashing yellow light as you approach St. Joseph’s Catholic School on Netherby, that perhaps were removed due to construction and never replaced. She stated that now that the traffic light is there, traffic is sometimes speeding in the area to get through the green light, instead of slowing down to the all-way stop that was there before.

Response: M. Rataul from the Region stated that all School Zones that are on Regional roads are being reviewed and speeds will be consistent across the region. All school zones will have the “reduce speed when sign is flashing” will be removed and replaced with static speeds for school zones where between a certain time of the day the speed is always “X”. This will help with the implementation of the Automated Speed Enforcement Cameras that have very strict rules for implementation.

9.

Next Meetings

9.1. Wednesday, May 31st, 2023 – 12:00 pm – 1:30 pm – Room 1

Wednesday, August 30th, 2023 – 12:00 pm – 1:30 pm – Room 1

Wednesday, November 29th, 2023 – 12:00 pm – 1:30 pm – Room 1

Meeting Ended: Wednesday, February 22nd, 2022 at 1:37 pm

Notes Prepared by:
Jennifer Pennell-Ajie
EA to the Director, IS (Secretariat)

Notes Reviewed By:
Kelly Walsh, P.Eng
Director, IS

G:\ADMIN\COMMITTEES\TCC\2022\TCC Action List ONGOING - Updated February 2023

Description of Item	Assigned Div/ Meeting Date	ISSUE	Action Required	Status	Action By:	Date:
OUTSTANDING ITEMS OF BUSINESS						
Derby/Erie Parking Lot (Crystal Beach)		Derby/Erie Rd Parking Lot – Lot needs to be upgraded and accessible spaces added.	Parking lot needs some improvement to the surface, lighting and accessible spaces. Will add to the 2023 Budget and put up on Let's Talk Fort Erie page for public consultation.		Will add to the budget in 2023 Parking lot policy will be written and presented to council in the Spring 2023	2022-06-22 2022-10-26
Review Speed limit on Ridgemount Rd in the 80 km/hr section	ENG	A request from a resident to reduced the speed on Ridgemount Rd was submitted by a resident from 80 km/hr to 50 km/hr	Staff will put traffic counters out on this road in the spring to review the data and the Region will provide updated traffic collision data so that the Engineer can review the information to see if a reduction is appropriate.	Pending	Review data in Spring 2023	2023-02-22
Traffic Signage + Speed Limit Signs + School Zones, Think of Us Signs, Etc.						
Albany near Albert - Speed Limit signage	ENG July 10/ 2018	Request to add additional speed limit signs in this area.	Staff will complete a speed study and the Roads department will complete a review of the signs placed in this area to ensure adequate signage on the roadway. Once complete, staff will report the findings to the Committee for review in July 2019	Pending speed/traffic study	ENG - Traffic Counters Summer 2019 + Accident reports Roads - checked for signage, and it is adequate ENG - Traffic counters were installed in this area this past summer. TM will review traffic calming options for this area (i.e. white lines painted on the outside of each lane). NRP will increase enforcement in the area as well. TM will review traffic calming options for this area once town-wide traffic calming study is complete. Still waiting for Traffic Calming Study. Area has been added to study as a pilot - Results by end of 2021	2019-03-14 2019-06-26 2019-10-30 2020-03-04 2020-10-28 2021-02-24 2021-06-22 2022-03-15
Old School Zone Signs & Speed limits	ROADS	Review old school zones, where schools have closed but signage still exists. (i.e. Ridgeway School (Hazel) and Crystal Beach Public School (Rebstock). Signs still exist that indicate active school zones and speed limits remain at 40 km/h).	Road division will review these areas and other signs around Town for removal.	Pending	ROADS - to review signs and make recommendations for removal Make a by-law to remove the 40k zones if schools are closed. Exception to leave Phipps (school signs?) Still a work in progress. Will all get updated with the Traffic By-law updates in 2023	2020-10-28 2021-02-24 2021-06-22 2022-03-15
Bernard & Nigh Stop Signs	ROADS	Request to add flashers to the stop signs at this intersection. Request was denied for flashers.	The Town will add the reflective "candy cane" striped signs below the stop signs for better visibility and ensure the brush is cut back in the area.	Pending	Roads to install signs and cut brush.	2022-10-26
South Mill north of Hibbard	ROADS	Request to add a "Drive Slowly, Think of Us" sign	Roads will determine the best location for this sign on the west side of South Mill just north of Hibbard.	Pending	Roads to install sign (payment received as of 2022-11-08)	2022-10-26
Baker Rd between Netherby and Black Creek	ROADS	Request to have "No Parking" signs added to the north side of Baker Rd between Netherby and Black Creek	Install signs	Pending	Roads to install signs in the spring 2023 - Bylaw (signs between netherby and black creek on Baker)	2022-10-26
Deer Crossing Sign Request	ENG	Request was received by a resident to install a deer/animal crossing sign at the pathway from the Friendship Trail between Prospect Point Rd and Burleigh Rd as deer use this pathway to get to the trail.	Staff will review the deer collision history in this area and proceed with a sign if it is warranted.	Pending	Data will be reviewed and sign installed if needed	2023-02-22

Description of Item		Assigned Div/ Meeting Date	ISSUE	Action Required	Status	Action By:	Date:
MEETING OF COUNCIL - 27 Mar 2023	OUTSTANDING ITEMS OF BUSINESS						
	Speeding Issues						
	NRP Addressing issues						
	Street lighting + Traffic Light Requests						
	New Streetlight at Point Abino and Hwy 3 North Side	ENG February 27, 2019	Request from Councillor Noyes to install a streetlight on the North side of Point Abino and Hwy 3 intersection	<i>RJ reviewed the area and confirmed that a streetlight can be installed. Need to coordinate with MTO to put one on their right-of-way.</i>	Pending installation and MTO clearance	ENG - RJ to initiate new light installation ENG - RJ to coordinate with MTO ENG - No change in status. Still waiting for MTO ENG - correspondence has been re-initiated with MTO	2019-02-27 2019-10-30 2020-06-24 2020-10-28 2021-02-24 2021-06-22 2022-03-15 2022-10-26
	Other Issues						
	Crosswalk at Bay Beach	ENG 2022-03-15	Crosswalk Request at Bay Beach – A request from a resident was received requesting that a signalized crosswalk be installed at the Bay Beach entrance as it is dangerous to cross there in the summer months with a lot of traffic in that area.	<i>The Traffic Calming Study process is in the final stages of being completed and once the final report is approved by Council, the Committee will review all of Erie Road as a priority area. Traffic calming measures will be looked at for the entire street, including the possibility of a crosswalk at the main beach entrance. Public consultation and review by Council will take place this spring and those wishing to get more information can visit the Let's Talk Fort Erie page in the coming weeks.</i>	Pending		
	Bowen & Ott Intersection	ENG 2022-03-15	Bowen & Ott Intersection – A request was received by a resident to look at the intersection at Bowen and Ott as it is a weird angle and hard to see traffic. He pointed out that if we are looking at Bertie and Ridge, then Bowen and Ott should also have the same consideration.	<i>The committee will review the small straight section of Bowen Road between Bowen and Ott for closure. A letter will be sent to the resident there that has a driveway access to the road for further consideration. Further traffic study will be conducted before any further decisions are made.</i>	Pending	By-law will be brought forth to Council in April to close this road and the other 2 triangles (Michener/Sherkston and Bertie St/Ridge)	2023-02-22



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2023-02-16
Project: (210025)

Robert D. Judd, P.Eng.
Municipal Engineer
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Dear Mr. Judd:

**RE: TOWN OF FORT ERIE TRAFFIC CALMING STUDY – PILOT STUDY
CONCESSION ROAD BETWEEN GARRISON ROAD AND ALBANY STREET**

This letter summarizes the findings of the desktop component of the traffic calming pilot study completed for Concession Road between Garrison Road and Albany Street following the *Town of Fort Erie Neighbourhood Traffic Calming Policy*. This component assessed the merit of installing physical traffic calming measures for the subject segment of Concession Road based on the criteria set out in the policy.

Study Area

Figure 1 illustrates the study area for the assessment. In this area, Concession Road is a two-lane roadway with an urban-cross-section, comprising one travel lane per direction. The posted speed limit is 50 km/h. Sidewalks are provided on both sides of the road.

Section 12.7.4 of the *Town of Fort Erie Official Plan* designates this section of Concession Road as a Collector Road.

Initial Screening and Technical Assessment

Section 4.1 of the *Neighbourhood Traffic Calming Policy* details the eight-step Neighbourhood Traffic Calming Study process. The desktop component summarized in this letter comprises Steps 2 and 3 of the process, which involve:

- ▶ An **initial screening** based on the criteria in Table 4.1 to determine if the road segment is a candidate for physical traffic calming measures. Emergency vehicle routes, posted speed limits, road classification, and history of traffic calming requests factor into the screening; and



Not to Scale

Image Source: Town of Fort Erie Zoning Map (<https://myforterie.geopedia.ca/>)



Town of Fort Erie Traffic Calming Pilot Study – Concession Road
210025

Study Area

Figure 1

- A **technical assessment** based on the criteria in Table 4.2 to evaluate the technical merit of developing a traffic calming plan if the subject road section satisfies the initial screening criteria. The assessment process involves assigning a point score to seven traffic and land use criteria relating to the roadway.

Table 1 summarizes the initial screening results for Concession Road. The screening indicates the roadway qualifies for physical traffic calming measures.

TABLE 1: INITIAL SCREENING

Criteria	Threshold	Traffic calming may be considered if:	Satisfied
Previously Requested or Permanent Installation Removed	With the Last Three Years	A prior request has not been received or permanent traffic calming measures have not been removed from the subject street(s) in the last three years	Yes
Roadway Classification	Local Road or Collector Road	The subject street(s) is designated a Local Road or Collector Road in the Town of Fort Erie Official Plan	Yes
Land Use Designation	Within an Urban Area	The subject street(s) is located within one of the four Urban Areas designated on Schedule A of the Town of Fort Erie Official Plan.	Yes
Location	Not on a Truck Route or Primary Emergency Vehicle Route (Ambulance, Fire, Police)	The subject street(s) does not serve as a truck route and/or primary emergency vehicle route (ambulance, fire, police) unless exempted by the Town	Yes
Speed Limit	≤ 50 km/h	The posted speed limit on the subject street is less than or equal to 50 km/h	Yes
Grade	< 8%	The average grade of the subject street(s) is less than 8%	Yes
Segment Length	≥ 150 metres	The average distance between stop-controlled intersections along the subject street is 150 metres	Yes
Are All Criteria Met?			Yes

The Town provided the traffic data to complete the technical assessment. The traffic volume, vehicle classification, and speed data were collected from noon on July 27, 2022 to noon on August 2, 2022 at two locations on Concession Road – between Garrison Road and Baron Drive and between Canada Drive and Eva Road. **Table 2** summarizes the traffic data collection findings. Collision data was unavailable.

TABLE 2: TRAFFIC DATA SUMMARY

Segment of Concession Road	Two-way 24-Hour Traffic Volume (vehicles)	85th Percentile Operating Speed (km/h)	% Vehicles Travelling at 60 km/h or Higher (10 km/h Over Limit)
Garrison Road to Baron Drive	4,090	60.1	13.1%
Canada Drive to Eva Road	3,550	62.1	16.2%

The percentage of cut-through traffic was estimated using Method #1 outlined in Section 4.2 of the *Neighbourhood Traffic Calming Policy*. Assuming all households on Canada Drive, Eva Road, Baron Drive, Collette Road, Concession Road (between Garrison Road and Albany Street) and Antoinette Road (between Canada Drive and Concession Road) use Concession Road for access, cut-through traffic is estimated at 44% (assuming an AADT of 3,550 vehicles) or 52% (assuming an AADT of 4,090 vehicles).

Table 3 summarizes the technical assessment results for Concession Road. Scores were calculated using the highest value between the two segments (Garrison Road to Baron Drive and Canada Drive to Eva Road). The technical assessment score of 65 exceeds the minimum threshold of 60 points (for a Collector Road) to be considered for a traffic calming plan, without accounting for collision history.

Candidate Traffic Calming Measures

With Concession Road deemed to be a candidate for a traffic calming plan, the desktop component also begins to address Step 4 of the eight-step Neighbourhood Traffic Calming Study process, which is **plan development**. An initial task in developing the plan involves identifying candidate traffic calming measures.

Appendix A of the *Neighbourhood Traffic Calming Policy* provides the broad list of potential traffic calming measures. From Table 3.1 of Appendix A, all potential traffic calming measures contained in the “toolkit” could be applied on Concession Road given its Collector Road designation. Using the decision matrix in Attachment B of the appendix, candidate measures were identified from the broad list assuming speed reduction and then cut-through traffic as the priorities for the traffic calming plan based on the technical assessment in **Table 3**. **Table 4** summarizes the assessment of potential traffic calming measures, with the preferred treatments (✓) highlighted in gray. The remaining measures were characterized as either:

- ▶ Possible Option (▲) – May be a candidate if the preferred treatments deemed not appropriate after further investigation; or
- ▶ Not Recommended (✗) – Not suitable or feasible under the circumstance.

TABLE 3: TECHNICAL ASSESSMENT

Criteria	Points Assignment	Maximum Points	Score	Comment
Pedestrian and Cycling Activity	5 points for each adjacent pedestrian and/or generator in the study area (i.e., school, park, playground, recreation centre, senior's home, library, shopping centre, place of worship, etc.)	20	5	Shopping plaza at north end of study area
Pedestrian and Cycling Facilities	5 points if: <ul style="list-style-type: none"> ▶ No sidewalks on either side of the subject street(s) for Local Road; or ▶ Sidewalk on only one side of the subject street(s) for Collector Road Plus 5 points for designated cycling facilities on the subject street(s)	10	0	Sidewalks already provided on both sides. Designated cycling facilities not provided.
Residential Frontage	5 points for primarily residential frontage on the subject street(s)	5	5	Primarily residential frontage along entire corridor.
Cut-Through Traffic ¹	5 points if: <ul style="list-style-type: none"> ▶ 25% for Local Road ▶ 40% for Collector Road Plus 5 points for each 10% increment thereafter	15	10	52% > 40% so 5 Plus 52% - 40% = 12% so 5 more
Total Traffic Volume ²	1 point for every: <ul style="list-style-type: none"> ▶ 100 vehicles per day for Local Road; or ▶ 250 vehicles per day for Collector Road 	15	15	4,090/250 = 16.4 ~ 17 Value exceeds max.
Speed ³	1 point for every: <ul style="list-style-type: none"> ▶ 1 km/h over the posted speed limit; and ▶ 1% of vehicles observed 10 km/h or more over the posted speed limit 	30	30	(62.1 - 50 km/h) * (1 point per km/h) = 12.1 ~ 13 Plus (16.2% over 60 km/h) * (1 point per 1%) = 16.2 ~ 17
Collision History ⁴	1 point for each qualifying collision over the last three years	5	n/a	Unavailable
Total Score			65	

1. Cut-through traffic calculated using Method #1 per Section 4.2 of the policy.

2. Traffic volumes used in the evaluation are two-way average daily volumes.

3. Equal to the observed 85th percentile speed.

4. Includes all collisions along the subject street(s) except for collisions occurring at intersections with arterial and collector roads.

TABLE 4: ASSESSMENT OF POTENTIAL TRAFFIC CALMING MEASURES

	Measure	Considerations	Candidate
1. Vertical Deflection			
1.1	Raised Crosswalk	Implement to facilitate pedestrian connections. Consider only if sidewalk is on at least one side of road.	✓
1.2	Raised Intersection	Site specific, considered as part of road reconstruction projects or new development	✗
1.3	Speed Cushion	Primary measure	✓
1.4	Speed Hump/Speed Table	Implement where a speed cushion is not effective	▲
2. Horizontal Deflection			
2.1	Chicane (One-Lane, Two-Lane) ²	Implement under special circumstances. Consider only if volume ≥ 750 vpd.	✗
2.2	Curb Radius Reduction	Primary measure	✓
2.3	Lateral Shift	Primary measure	▲
2.4	Speed Kidney	Implement under special circumstances. Midblock or Intersection.	✗
2.5	Traffic Button/Traffic Circle/Mini-Roundabout	Implement to address intersection conflicts (where space permits). Consider only if volume < 1,500 vpd.	✗
3. Roadway Narrowing			
3.1	Curb Extension	Primary measure	✓
3.2	Lane Narrowing	Primary measure	✓
3.3	On-Street Parking	Implement in accordance with Town by-laws	▲
3.4	Raised Median Island	Implement where width permits and/or alongside reconstruction projects. Consider only on two-lane roads.	▲
3.5	Road Diet	Primary measure. Consider only on multi-lane roads.	✗
3.6	Vertical Centreline Treatment	Primary measure. Consider only on two-lane roads.	✓
4. Surface Treatment			
4.1	Sidewalk Extension/Textured Crosswalk	Implement to facilitate pedestrian crossings, streetscape projects. Consider only if sidewalk is on at least one side of road.	▲
4.2	Textured Pavement	Consider in streetscape projects	✗
4.3	Transverse Rumble Strips	Use with care on Local and Collector Roads. Primary measure.	✗
5. Pavement Markings			
5.1	Converging Chevrons	Primary measure	▲

TABLE 4: ASSESSMENT OF POTENTIAL TRAFFIC CALMING MEASURES

	Measure	Considerations	Candidate
5.2	Dragon's Teeth	Primary measure	▲
5.3	Full-lane Transverse Bars	Primary measure	▲
5.4	On-Road 'Sign' Pavement Markings	Compliments other measures	✓
5.5	Peripheral Transverse Bars	Primary measure	▲
6. Access Restriction			
6.1	Directional Closure	Consider for volume reduction within the context of the network design. Consider only if volume on Local < 1,500 vpd or Collector 1,500 – 5,000 vpd.	✗
6.2	Diverter	Consider for volume reduction within the context of the network design. Consider only if volume < 1,500 vpd.	✗
6.3	Full Closure	Consider for volume reduction within the context of the network design	✗
6.4	Intersection Channelization	Consider for volume reduction within the context of the network design	✓
6.5	Raised Median Through Intersection	Consider for volume reduction within the context of the network design	▲
6.6	Right-in/Right-out Island	Consider for volume reduction within the context of the network design	✓
7. Gateways			
7.1	Gateways	Site specific, compliments other measures	▲
8. Shared Space			
8.1	Shared Space	Site specific, implemented as part of road reconstruction or new development. Consider only if volume < 15,000 vpd.	✗
9. Enforcement and Education			
9.1	Speed Display Devices	Use prior to implementing physical traffic calming and/or compliments other measures	✓
9.2	Targeted Speed Enforcement	Use prior to implementing physical traffic calming and/or compliments other measures	▲
9.3	Targeted Education Campaign	Use prior to implementing physical traffic calming and/or compliments other measures	▲
9.4	Vehicle Activated Signs	Use prior to implementing physical traffic calming and/or compliments other measures	▲

Legend: ✓ Preferred ▲ Possible Option ✗ Not Recommended

Factors considered in assessing the potential measures included:

- ▶ Designation – Collector Road
- ▶ Cross-section – Rural, two-lanes
- ▶ Sidewalks – Both sides
- ▶ Speed limit – 50 km/h
- ▶ Average daily traffic volume (two-way) – 4,090 vehicles
- ▶ Grade – Between 1% and 8% (assumed)
- ▶ Roadway not being reconstructed.

Selection and design (including location and frequency, geometric configuration, and material) of the final traffic calming measure(s) will require further detailed investigation and depend on:

- ▶ Roadway features – Right-of-way, pavement widths, radii, parking, etc.;
- ▶ Implications of diverting traffic to adjacent streets; and
- ▶ Cost – Capital and operating.

Resident and stakeholder input will also play an important role in confirming the final measures and developing the recommended Neighbourhood Traffic Calming Plan.

Conclusions

The segment of Concession Road between Garrison Road and Albany Street meets the requirements set out in the *Neighbourhood Traffic Calming Policy* to be considered for a traffic calming plan, regardless of collision history. Candidate traffic calming measures for the plan include:

- | | |
|--------------------------|------------------------------------|
| ▶ Raised Crosswalks | ▶ Vertical Centreline Treatments |
| ▶ Speed Cushions | ▶ On-Road 'Sign' Pavement Markings |
| ▶ Curb Radius Reductions | ▶ Intersection Channelization |
| ▶ Curb Extensions | ▶ Right-in/Right-out Islands |
| ▶ Lane Narrowing | ▶ Speed Display Devices |



Selecting the final measures and developing the recommended Neighbourhood Traffic Calming Plan will require further detailed investigation. Resident and stakeholder input will also play a role.

Yours very truly,

PARADIGM TRANSPORTATION SOLUTIONS LIMITED



Andrew Steinsky

P.Eng., PTP
Project Manager, Associate



Eugene Chartier

M.A.Sc., P.Eng.
Vice President and Chief Development Officer, Principal

2023-02-16
Project: (210025)

Robert D. Judd, P.Eng.
Municipal Engineer
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Dear Mr. Judd:

**RE: TOWN OF FORT ERIE TRAFFIC CALMING STUDY – PILOT STUDY
ERIE ROAD BETWEEN OXFORD AVENUE AND RIDGEWAY ROAD**

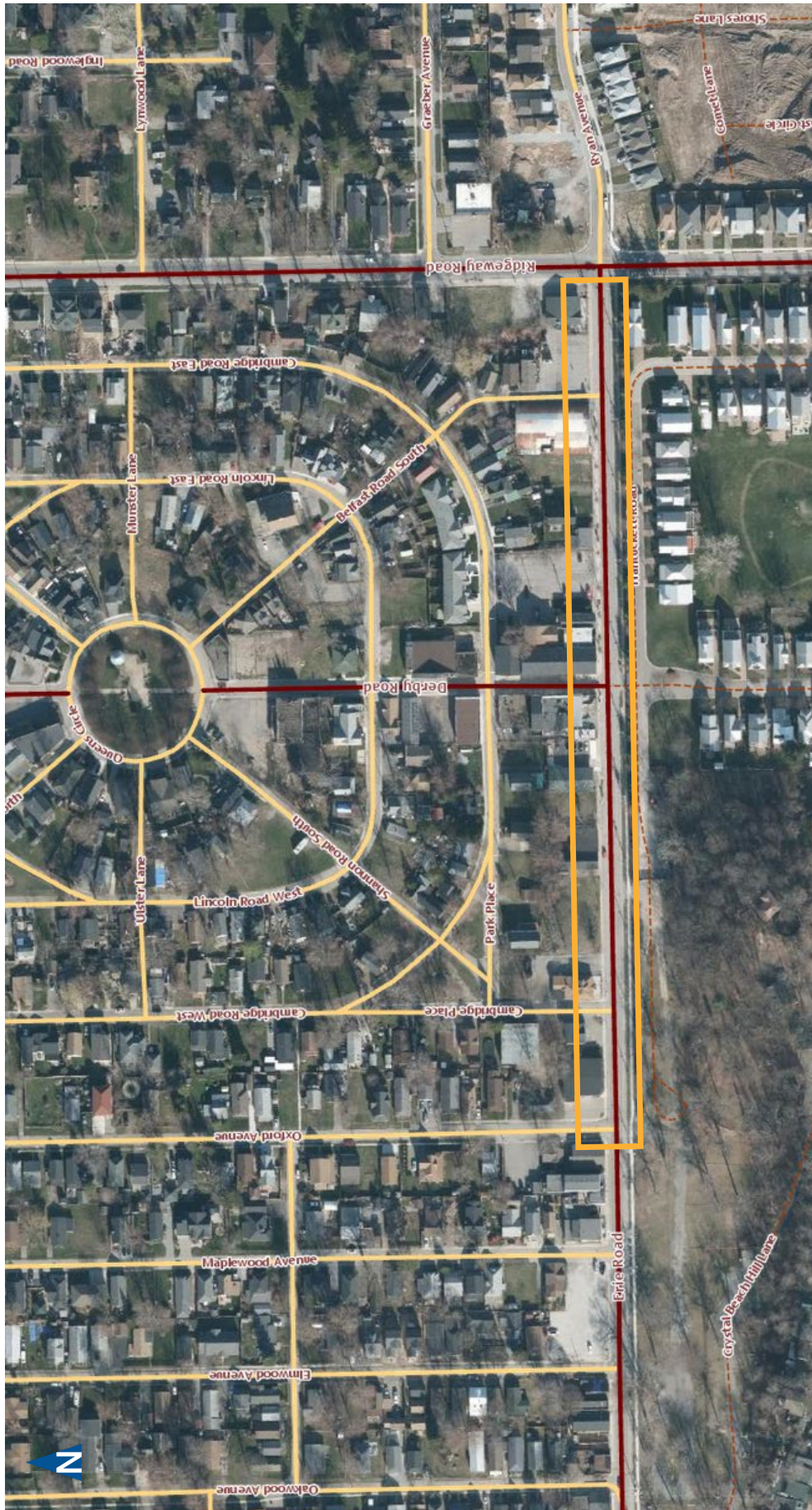
This letter summarizes the findings of the desktop component of the traffic calming pilot study completed for Erie Road between Oxford Avenue and Ridgeway Road following the *Town of Fort Erie Neighbourhood Traffic Calming Policy*. This component assessed the merit of installing physical traffic calming measures for the subject segment of Erie Road based on the criteria set out in the policy.

Study Area

Figure 1 illustrates the study area for the assessment. In this area, Erie Road is a two-lane roadway with an urban cross-section, comprising one travel lane per direction. The speed limit is not posted, so is assumed to be 50 km/h per the *Highway Traffic Act*. On-street parking is allowed on the north side of the road immediately west of Ridgeway Road and between Newport Beach Boulevard and Oxford Avenue. Sidewalks are provided on both sides of the road. Section 12.7.4 of the *Town of Fort Erie Official Plan* does not identify Erie Road as a Collector Road. On this basis, a Local Road designation is assumed. Schedule E of the Official Plan denotes all of Erie Road (from Point Abino Road South to Ridgeway Road) as part of the local bicycle network. The subject section of Erie Road is adjacent to the Erie Road Park. The pedestrian access to Bay Beach opposite Ashwood Avenue (approximately 230 metres west of Oxford Avenue) is also proximate.

Initial Screening and Technical Assessment

Section 4.1 of the *Neighbourhood Traffic Calming Policy* details the eight-step Neighbourhood Traffic Calming Study process. The desktop component summarized in this letter comprises Steps 2 and 3 of the process, which involve:



Not to Scale

Image Source: Town of Fort Erie Zoning Map (<https://myforterie.geopedia.ca/>)



Study Area

Figure 1

Town of Fort Erie Traffic Calming Pilot Study – Erie Road
210025

- ▶ An **initial screening** based on the criteria in Table 4.1 to determine if the road segment is a candidate for physical traffic calming measures. Emergency vehicle routes, posted speed limits, road classification, and history of traffic calming requests factor into the screening; and
- ▶ A **technical assessment** based on the criteria in Table 4.2 to evaluate the technical merit of developing a traffic calming plan if the subject road section satisfies the initial screening criteria. The assessment process involves assigning a point score to seven traffic and land use criteria relating to the roadway.

Table 1 summarizes the initial screening results for Erie Road. The screening indicates the roadway qualifies for physical traffic calming measures.

TABLE 1: INITIAL SCREENING

Criteria	Threshold	Traffic calming may be considered if:	Satisfied
Previously Requested or Permanent Installation Removed	With the Last Three Years	A prior request has not been received or permanent traffic calming measures have not been removed from the subject street(s) in the last three years	Yes
Roadway Classification	Local Road or Collector Road	The subject street(s) is designated a Local Road or Collector Road in the Town of Fort Erie Official Plan	Yes
Land Use Designation	Within an Urban Area	The subject street(s) is located within one of the four Urban Areas designated on Schedule A of the Town of Fort Erie Official Plan.	Yes
Location	Not on a Truck Route or Primary Emergency Vehicle Route (Ambulance, Fire, Police)	The subject street(s) does not serve as a truck route and/or primary emergency vehicle route (ambulance, fire, police) unless exempted by the Town	Yes
Speed Limit	≤ 50 km/h	The posted speed limit on the subject street is less than or equal to 50 km/h	Yes
Grade	< 8%	The average grade of the subject street(s) is less than 8%	Yes
Segment Length	≥ 150 metres	The average distance between stop-controlled intersections along the subject street is 150 metres	Yes
Are All Criteria Met?			Yes

The Town provided the traffic data to complete the technical assessment. The traffic volume, vehicle classification, and speed data were collected from 10:00 AM on August 17, 2022 to 10:00 AM on August 23, 2022 around the intersection of Erie Road and Derby Road. **Table 2** summarizes the traffic data collection findings. Collision data was unavailable.

TABLE 2: TRAFFIC DATA SUMMARY

Segment of Erie Road	Two-way 24-Hour Traffic Volume (vehicles)	85th Percentile Operating Speed (km/h)	% Vehicles Travelling at 60 km/h or Higher (10 km/h Over Limit)
East of Derby Road	3,560	46.4	0.6%
West of Derby Road	3,590	47.9	1.8%

The percentage of cut-through traffic was not calculated due to the location and function of Erie Road in the broader transportation network. The road is the only continuous east-west route south of Michener Road and west of Ridgeway Road.

Table 3 summarizes the technical assessment results for Erie Road. The technical assessment score of 27, before considering collision history, does not meet the minimum threshold of 40 points (for a Local Road) to be considered for a traffic calming plan. Even with a collision history satisfying the maximum 5 points in the assessment, the technical score would still not exceed the threshold.

Conclusions

The segment of Erie Road between Oxford Avenue and Ridgeway Road does not meet the requirements set out in the *Neighbourhood Traffic Calming Policy* to be considered for a traffic calming plan. The Town may wish to consider non-physical traffic calming measures (i.e., education and/or enforcement) to address the noted concerns.

Yours very truly,

PARADIGM TRANSPORTATION SOLUTIONS LIMITED



Andrew Steinsky
P.Eng., PTP
Project Manager, Associate



Eugene J. Chartier
M.A.Sc., P.Eng.
Vice President and Chief Development Officer, Principal

TABLE 3: TECHNICAL ASSESSMENT

Criteria	Points Assignment	Maximum Points	Score	Comment
Pedestrian and Cycling Activity	5 points for each adjacent pedestrian and/or generator in the study area (i.e., school, park, playground, recreation centre, senior's home, library, shopping centre, place of worship, etc.)	20	5	Erie Road Park adjacent to subject road section.
Pedestrian and Cycling Facilities	5 points if: <ul style="list-style-type: none"> ▶ No sidewalks on either side of the subject street(s) for Local Road; or ▶ Sidewalk on only one side of the subject street(s) for Collector Road Plus 5 points for designated cycling facilities on the subject street(s)	10	5	Sidewalks already provided on both sides. Designated cycling route, although dedicated facilities not provided.
Residential Frontage	5 points for primarily residential frontage on the subject street(s)	5	0	Primarily commercial frontage on north side and park lands on south side.
Cut-Through Traffic ¹	5 points if: <ul style="list-style-type: none"> ▶ 25% for Local Road ▶ 40% for Collector Road Plus 5 points for each 10% increment thereafter	15	0	No cut-through traffic
Total Traffic Volume ²	1 point for every: <ul style="list-style-type: none"> ▶ 100 vehicles per day for Local Road; or ▶ 250 vehicles per day for Collector Road 	15	15	$3,590/250 = 14.36 \sim 15$
Speed ³	1 point for every: <ul style="list-style-type: none"> ▶ 1 km/h over the posted speed limit; and ▶ 1% of vehicles observed 10 km/h or more over the posted speed limit 	30	2	$47.9 < 50$ km/h so 0 Plus $(1.8\% \text{ over } 60 \text{ km/h}) * (1 \text{ point per } 1\%) = 1.8 \sim 2$
Collision History ⁴	1 point for each qualifying collision over the last three years	5	n/a	Unavailable
Total Score			27	

1. Cut-through traffic calculated using Method #1 per Section 4.2 of the policy.

2. Traffic volumes used in the evaluation are two-way average daily volumes.

3. Equal to the observed 85th percentile speed.

4. Includes all collisions along the subject street(s) except for collisions occurring at intersections with arterial and collector roads.



2023-02-16
Project: (210025)

Robert D. Judd, P.Eng.
Municipal Engineer
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Dear Mr. Judd:

**RE: TOWN OF FORT ERIE TRAFFIC CALMING STUDY – PILOT STUDY
WASHINGTON ROAD BETWEEN DOMINION ROAD AND HELENA STREET AND
ALBANY STREET BETWEEN HELENA STREET AND ALFRED STREET**

This letter summarizes the findings of the desktop component of the traffic calming pilot study completed for Washington Road between Dominion Road and Helena Street and Albany Street between Helena Street and Alfred Street following the *Town of Fort Erie Neighbourhood Traffic Calming Policy*. This component assessed the merit of installing physical traffic calming measures for the subject segments of Washington Road and Albany Street based on the criteria set out in the policy.

Study Area

Figure 1 illustrates the study area for the assessment. In this area, Washington Road and Albany Street are both two-lane roadways with rural cross-sections, comprising one travel lane per direction. The speed limit is not posted on either road, so is assumed to be 50 km/h per the *Highway Traffic Act*. Sidewalks are not provided on either road. Washington Road and Albany Street form a continuous connection, with the intersection of Helena Street and Washington Street/Albany Street operating under all-way stop control. Section 12.7.4 of the *Town of Fort Erie Official Plan* designates these sections of Washington Road and Albany Street as Collector Roads.

Initial Screening and Technical Assessment

Section 4.1 of the *Neighbourhood Traffic Calming Policy* details the eight-step Neighbourhood Traffic Calming Study process. The desktop component summarized in this letter addresses Steps 2 and 3 of the process, which involve:



Not to Scale

Image Source: Town of Fort Erie Zoning Map (<https://myforterie.geopedia.ca/>)



Study Area

Figure 1

Town of Fort Erie Traffic Calming Pilot Study – Washington Road and Albany Street
210025

- ▶ An **initial screening** based on the criteria in Table 4.1 to determine if the road segment is a candidate for physical traffic calming measures. Emergency vehicle routes, posted speed limits, road classification, and history of traffic calming requests factor into the screening; and
- ▶ A **technical assessment** based on the criteria in Table 4.2 to evaluate the technical merit of developing a traffic calming plan if the subject road section satisfies the initial screening criteria. The assessment process involves assigning a point score to seven traffic and land use criteria relating to the roadway.

Table 1 summarizes the initial screening results for Washington Road/Albany Street. The screening indicates the roadway qualifies for physical traffic calming measures.

TABLE 1: INITIAL SCREENING

Criteria	Threshold	Traffic calming may be considered if:	Satisfied
Previously Requested or Permanent Installation Removed	With the Last Three Years	A prior request has not been received or permanent traffic calming measures have not been removed from the subject street(s) in the last three years	Yes
Roadway Classification	Local Road or Collector Road	The subject street(s) is designated a Local Road or Collector Road in the Town of Fort Erie Official Plan	Yes
Land Use Designation	Within an Urban Area	The subject street(s) is located within one of the four Urban Areas designated on Schedule A of the Town of Fort Erie Official Plan.	Yes
Location	Not on a Truck Route or Primary Emergency Vehicle Route (Ambulance, Fire, Police)	The subject street(s) does not serve as a truck route and/or primary emergency vehicle route (ambulance, fire, police) unless exempted by the Town	Yes
Speed Limit	≤ 50 km/h	The posted speed limit on the subject street is less than or equal to 50 km/h	Yes
Grade	< 8%	The average grade of the subject street(s) is less than 8%	Yes
Segment Length	≥ 150 metres	The average distance between stop-controlled intersections along the subject street is 150 metres	Yes
Are All Criteria Met?			Yes

The Town provided the traffic data to complete the technical assessment. The traffic volume, vehicle classification, and speed data were collected for Washington Road from August 24, 2022 (noon) to August 30, 2022 (noon) and for Albany Street from August 3, 2023 (noon) to August 9, 2023 (noon). **Table 2** summarizes the traffic data collection findings. Collision data was unavailable.

TABLE 2: TRAFFIC DATA SUMMARY

Road Segment	Two-way 24-Hour Traffic Volume (vehicles)	85th Percentile Operating Speed (km/h)	% Vehicles Travelling at 60 km/h or Higher (10 km/h Over Limit)
Washington Road between Dominion Road and Helena Street	2,750	67.9	38.7%
Albany Street between Helena Street and Alfred Street	2,815	69.6	44.1%

The percentage of cut-through traffic was estimated using Method #1 outlined in Section 4.2 of the *Neighbourhood Traffic Calming Policy*. For the subject sections of Washington Road/Albany Street, cut-through traffic is estimated at 92% and 99%, respectively.

Table 3 summarizes the technical assessment results for Washington Road/Albany Street. Scores were calculated using the highest value between the two segments (Dominion Road to Helena Street and Helena Street to Alfred Street). The technical assessment score of 67 exceeds the minimum threshold of 60 points (for a Collector Road) to be considered for a traffic calming plan, without accounting for collision history.

Candidate Traffic Calming Measures

With Washington Road/Albany Street deemed to be a candidate for a traffic calming plan, the desktop component also begins to address Step 4 of the eight-step Neighbourhood Traffic Calming Study process, which is **plan development**. An initial task in developing the plan involves identifying candidate traffic calming measures.

Appendix A of the *Neighbourhood Traffic Calming Policy* provides the broad list of potential traffic calming measures. From Table 3.1 of Appendix A, all potential traffic calming measures contained in the “toolkit” could be applied on Washington Road/Albany Street given its Collector Road designation. Using the decision matrix in Attachment B of the appendix, candidate measures were identified from the broad list assuming speed reduction and then cut-through traffic as the priorities for the traffic calming plan based on the technical assessment in **Table 3**. **Table 4** summarizes the assessment of potential traffic calming measures, with the preferred treatments (✓) highlighted in gray. The remaining measures were characterized as either:



TABLE 3: TECHNICAL ASSESSMENT

Criteria	Points Assignment	Maximum Points	Score	Comment
Pedestrian and Cycling Activity	5 points for each adjacent pedestrian and/or generator in the study area (i.e., school, park, playground, recreation centre, senior's home, library, shopping centre, place of worship, etc.)	20	0	None of these land uses abut the corridor.
Pedestrian and Cycling Facilities	5 points if: <ul style="list-style-type: none"> ▶ No sidewalks on either side of the subject street(s) for Local Road; or ▶ Sidewalk on only one side of the subject street(s) for Collector Road Plus 5 points for designated cycling facilities on the subject street(s)	10	5	No sidewalks provided. Designated cycling facilities not provided.
Residential Frontage	5 points for primarily residential frontage on the subject street(s)	5	5	Residential frontage along entire corridor.
Cut-Through Traffic ¹	5 points if: <ul style="list-style-type: none"> ▶ 25% for Local Road ▶ 40% for Collector Road Plus 5 points for each 10% increment thereafter	15	15	99% > 40% so 5 Plus 99% - 40% = 59% so 25 more Total exceeds max.
Total Traffic Volume ²	1 point for every: <ul style="list-style-type: none"> ▶ 100 vehicles per day for Local Road; or ▶ 250 vehicles per day for Collector Road 	15	12	2,815/250 = 11.3 ~ 12
Speed ³	1 point for every: <ul style="list-style-type: none"> ▶ 1 km/h over the posted speed limit; and ▶ 1% of vehicles observed 10 km/h or more over the posted speed limit 	30	30	(69.6 - 50 km/h) * (1 point per km/h) = 19.6 ~ 20 Plus (44.1% over 60 km/h) * (1 point per 1%) = 44.1 ~ 45 Total exceeds max.
Collision History ⁴	1 point for each qualifying collision over the last three years	5	n/a	Unavailable
Total Score			67	

1. Cut-through traffic calculated using Method #1 per Section 4.2 of the policy.

2. Traffic volumes used in the evaluation are two-way average daily volumes.

3. Equal to the observed 85th percentile speed.

4. Includes all collisions along the subject street(s) except for collisions occurring at intersections with arterial and collector roads.



TABLE 4: ASSESSMENT OF POTENTIAL TRAFFIC CALMING MEASURES

Measure		Considerations	Candidate
1. Vertical Deflection			
1.1	Raised Crosswalk	Implement to facilitate pedestrian connections. Consider only if sidewalk is on at least one side of road.	×
1.2	Raised Intersection	Site specific, considered as part of road reconstruction projects or new development	×
1.3	Speed Cushion	Primary measure	✓
1.4	Speed Hump/Speed Table	Implement where a speed cushion is not effective	▲
2. Horizontal Deflection			
2.1	Chicane (One-Lane, Two-Lane) ²	Implement under special circumstances. Consider only if volume ≥ 750 vpd.	×
2.2	Curb Radius Reduction	Primary measure	✓
2.3	Lateral Shift	Primary measure	▲
2.4	Speed Kidney	Implement under special circumstances. Midblock or Intersection.	×
2.5	Traffic Button/Traffic Circle/Mini-Roundabout	Implement to address intersection conflicts (where space permits). Consider only if volume < 1,500 vpd.	×
3. Roadway Narrowing			
3.1	Curb Extension	Primary measure	✓
3.2	Lane Narrowing	Primary measure	✓
3.3	On-Street Parking	Implement in accordance with Town by-laws	▲
3.4	Raised Median Island	Implement where width permits and/or alongside reconstruction projects. Consider only on two-lane roads.	×
3.5	Road Diet	Primary measure. Consider only on multi-lane roads.	×
3.6	Vertical Centreline Treatment	Primary measure. Consider only on two-lane roads.	✓
4. Surface Treatment			
4.1	Sidewalk Extension/Textured Crosswalk	Implement to facilitate pedestrian crossings, streetscape projects. Consider only if sidewalk is on at least one side of road.	×
4.2	Textured Pavement	Consider in streetscape projects	×
4.3	Transverse Rumble Strips	Use with care on Local and Collector Roads. Primary measure.	×
5. Pavement Markings			
5.1	Converging Chevrons	Primary measure	▲

TABLE 4: ASSESSMENT OF POTENTIAL TRAFFIC CALMING MEASURES

Measure		Considerations	Candidate
5.2	Dragon's Teeth	Primary measure	▲
5.3	Full-lane Transverse Bars	Primary measure	▲
5.4	On-Road 'Sign' Pavement Markings	Compliments other measures	✓
5.5	Peripheral Transverse Bars	Primary measure	✓
6. Access Restriction			
6.1	Directional Closure	Consider for volume reduction within the context of the network design. Consider only if volume on Local < 1,500 vpd or Collector 1,500 – 5,000 vpd.	✗
6.2	Diverter	Consider for volume reduction within the context of the network design. Consider only if volume < 1,500 vpd.	✗
6.3	Full Closure	Consider for volume reduction within the context of the network design	✗
6.4	Intersection Channelization	Consider for volume reduction within the context of the network design	✓
6.5	Raised Median Through Intersection	Consider for volume reduction within the context of the network design	▲
6.6	Right-in/Right-out Island	Consider for volume reduction within the context of the network design	✓
7. Gateways			
7.1	Gateways	Site specific, compliments other measures	▲
8. Shared Space			
8.1	Shared Space	Site specific, implemented as part of road reconstruction or new development. Consider only if volume < 15,000 vpd.	✗
9. Enforcement and Education			
9.1	Speed Display Devices	Use prior to implementing physical traffic calming and/or compliments other measures	✓
9.2	Targeted Speed Enforcement	Use prior to implementing physical traffic calming and/or compliments other measures	▲
9.3	Targeted Education Campaign	Use prior to implementing physical traffic calming and/or compliments other measures	▲
9.4	Vehicle Activated Signs	Use prior to implementing physical traffic calming and/or compliments other measures	▲

Legend: ✓ Preferred ▲ Possible Option ✗ Not Recommended



- ▶ Possible Option (▲) – May be a candidate if the preferred treatments deemed not appropriate after further investigation; or
- ▶ Not Recommended (✖) – Not suitable or feasible under the circumstance.

Factors considered in assessing the potential measures included:

- ▶ Designation – Collector Road
- ▶ Cross-section – Rural, two-lanes
- ▶ Sidewalks – None
- ▶ Speed limit – 50 km/h
- ▶ Average daily traffic volume (two-way) – 2,815 vehicles
- ▶ Grade – Between 1% and 8% (assumed)
- ▶ Roadway not being reconstructed.

Selection and design (including location and frequency, geometric configuration, and material) of the final traffic calming measure(s) will require further detailed investigation and depend on:

- ▶ Roadway features – Right-of-way, pavement widths, radii, parking, etc.;
- ▶ Implications of diverting traffic to adjacent streets; and
- ▶ Cost – Capital and operating.

Resident and stakeholder input will also play an important role in confirming the final measures and developing the recommended Neighbourhood Traffic Calming Plan.

Conclusions

The segment of Washington Street/Albany Street from Dominion Road to Alfred Street meets the requirements set out in the *Neighbourhood Traffic Calming Policy* to be considered for a traffic calming plan, regardless of collision history. Candidate traffic calming measures for the plan include:

- | | |
|----------------------------------|------------------------------------|
| ▶ Speed Cushions | ▶ On-Road 'Sign' Pavement Markings |
| ▶ Curb Radius Reductions | ▶ Peripheral Transverse Bars |
| ▶ Curb Extensions | ▶ Intersection Channelization |
| ▶ Lane Narrowing | ▶ Right-in/Right-out Islands |
| ▶ Vertical Centreline Treatments | ▶ Speed Display Devices |



Selecting the final measures and developing the recommended Neighbourhood Traffic Calming Plan will require further detailed investigation. Resident and stakeholder input will also play a role.

Yours very truly,

PARADIGM TRANSPORTATION SOLUTIONS LIMITED



Andrew Steinsky
P.Eng., PTP
Project Manager, Associate



Eugene Chartier
M.A.Sc., P.Eng.
Vice President and Chief Development Officer, Principal



Crystal Beach BIA

Minutes

Meeting Date, Time, and Location

Wednesday March 8th, 2023 – 6:00pm to 8:00pm- Fort Erie Public Library, Crystal Ridge Branch

Members Present

Board Members – Melissa Dubois, Carolyn Smith, Kirk Fretz, Robin Bannerman, Regan Greatrix, Chris Hawkswell

Regrets – Tom Lewis (update will be provided)

Absent -

BIA Members –

Guest -

1) **Call to Order**

Meeting called to order by Kirk Fretz at 6:12 pm.

2) **Roll Call**

Recording secretary noted all attendees.

3) **Disclosures of Pecuniary Interest**

None.

4) **Approval of Agenda**

Motion to amend the agenda adding item (G) whereby Chris Hawkswell will share a presentation on pavers

Moved by Chris Hawkswell

Seconded by Kirk Fretz

Carried

Motion to amend the agenda adding item (H) to include strategic planning to the agenda

Moved by Melissa Dubois

Seconded by Chris Hawkswell

Carried

5) **Presentations and Delegations**

n/a

6) **Approval of Minutes**

Motion to approve the meeting Minutes from Wednesday February 8th, 2023

Moved by Kirk Fretz

Seconded by Carolyn Smith

Carried

7) **Agenda Items**

- A) Motion to hire an Administrator for the Crystal Beach BIA – Alycia Bergeron - to assist in the management of the BIA's named annual events and the associated administration thereof**

Moved by Chris Hawkswell

Seconded by Robin Bannerman Carried

- B) Motion on the floor to discuss installing lighting along the Derby Road business district per engineering drawings procured by Phil Smith**

The lighting in question would be installed on Phil Smith's properties only. The design would be a, "crisscross" design overhead those Derby Road businesses which are exclusively Phil's properties and covered by insurance. No other private properties would be touched.

Motion to support Phil's initiative to light up Derby Road.

Moved by Melissa Dubois

Seconded by Kirk Fretz Carried

Motion to expand on that concept and to create an ambiance and a vibe along Erie Road in an effort to beautify and enhance the business district.

Moved by Chris Hawkswell

Seconded by Robin Bannerman Carried

- C) Polar Bear Dip – update on insurance concerns and protocol**

Justin Kelly of the TOFE replied to Kirk Fretz in regard to liability insurance. The BIA would require a carrier for an event held on private property and a carrier if the event is high risk for example, the Polar Dip. As Chris Hawkswell observed, it seems as a BIA, we keep having this conversation around insurance. This element clearly impacts our events and the potential margin derived from our events. Since none of the Executive are experts in the insurance field, we have tasked Melissa Dubois with researching our insurance coverage, limitations and challenges. Melissa has had some experience in this area and will be pleased to do a deep dive and report back.

- D) Fort Erie International Academy sponsorship opportunity**

\$100 sponsorship

Michael MacDonald, Head of Hockey Operations, FEIA

Cell (905) 329-0057

mike.macdonald@feia.ca

Robin engaged with Michael MacDonald to uncover the opportunity for any business to become an involved sponsor of the FEIA hockey teams. Although the season is wrapping up (last game Friday March 31st/23) there appears to be plenty of opportunity next year. The FEIA welcomes out of town teams to compete AND the FEIA home arena is in our 'backyard' - the Crystal Ridge Arena. "Downtown" Crystal Beach ought to be the destination for team breakfasts, lunches & dinners and lodging. Feel free to get in touch with Michael MacDonald directly to discuss opportunities. Robin will circulate the flyer to become involved in sponsoring the last game of the season.

- E) Beach Capacity – are there presently any provincial or municipal bylaws in effect for safety or health?

Motion to remove ANY reference to beach capacity for the 2023 season. Limitations established by the TOFE to beach capacity caused a loss in tourism, which directly impacted local business.

And a furthermore a Motion to draft a letter to the attention of Sean Hutton outlining the BIA's position.

Moved by Kirk Fretz Seconded by Chris Hawkswell Carried.

- F) 2022 SupperMarket – Budget and recap

Melissa Dubois presented to the group and also expressed a wish to create a SupperMarket focus group and shared her presentation with the BIA members.

Suggestions included: Looking to run the shuttle service like a 'tour' as there are no limits to the number of stops by the service provider– cost of the service is the same.

Questions and comments included the following:

- How do we capture alcohol sales?
- Create a lottery style option for all local licensed establishments to serve at the SupperMarket
- Implement corporate sponsorships
- Leverage tokens from the SupperMarket to be used at the CB bars and restaurants along Erie & Derby Roads
- Apply for grants, available tourism enhancements
- Traveling bands with different stops?
- Create, "Thursdays in the Beach", "Shopping under the stars" with extended business hours
- Create a SupperMarket sub-committee (including Tom Lewis, Chris Hawkswell and others!)
- Goran asked what group was named of the Liquor Licence for the Crystal Beach BIA at the cited \$350 / SEASON via the TOFE?

- G) Chris Hawkswell presented the concept and costing of a Paver Sales Program in order to generate funds for the greater Crystal Beach business area. The sale of the pavers could be amazingly beneficial revenue capture to fund our wish list of lighting and streetscaping in the Beach core areas. The area in question is the triangular area in front of the Bay Beach iconic sign. We want to get a jump on selling these legacy creations. 12 x 12 size with text at a cost of \$500 / paver (\$550 with text + logo).

Motion to move forward with the first wave of paver sales.

Moved by Chris Hawkswell Seconded by KirkFretz Carried.

- H) Strategic planning of the Board moved to our next meeting.

8)

Reports & Correspondence

- a. Beautification Committee
- b. Advancing Crystal Beach – n/a
- c. Friends of Crystal Beach- n/a
- d. Ridgeway BIA- A few of CB BIA's members and Tom Lewis met with a few of the members from Ridgeway's BIA to discuss the creation of synergies to make Crystal Beach and Ridgeway
- e. Treasurer's Report – n/a
- f. Councillor's Report – Tom Lewis
 - The TOFE is considering changes to the noise and nuisance bylaw and the report can be found on the "Let's Talk" page for comments. BIA members should be encouraged to submit comments and recommendations
 - Great first meeting yesterday with the Ridgeway and Crystal Beach BIA Executive and council members. Fantastic conversations on ways we can work together to promote both areas ie. Window stickers with QR codes to BIA sites and signage, etc...
 - I spoke with the TOFE and there is interest in doing a business directory at Waterfront Park and Bay Beach with QR codes to point to the BIA directories and associated map. CB BIA will need to obtain a conceptual design for the TOFE to review and consider. All costs will need to be incurred by the CB BIA. Ridgeway BIA seems interested in also taking part in this initiative and will confirm after their next Board meeting.
 - Lighting at the Waterfront Park and Pavilion lettering choice, ongoing.
 - Way Finding is underway with the TOFE – have started and I will keep the BIA in the loop.
 - Power to the "Grove" and more work / follow up with the TOFE is needed.

9)

New Business and Inquiries by Members

n/a

10)

Next Meeting Date and Adjournment

The next meeting will be Wednesday April 12th, 2023 at 6:00pm at the Crystal Ridge Library branch.

Motion to adjourn. Moved by Kirk Fretz / Seconded by Robin Bannerman Carried.

The meeting was adjourned at 8:00pm.

**RIDGEWAY BIA BOARD OF MANAGEMENT
MINUTES**

Wednesday, MARCH 1, 2023, @ the Crystal Ridge Library Meeting Room 5:30 pm

Attendance:

Joan Christensen Councillor, Ward 4, Chuck Lord, Carol Lacivita, Anna Morlacchetti, William Day, Christine Trombley- Davis, Jennifer Priestley, Kathie Bailey, Susan Atkinson. Regrets: Jennifer Wilkenson

1. **Call to order:** Moved by Anna Morlacchetti: 2nd Joan Christenson
2. Roll Call: Board members introduced themselves and gave a little introduction as to who was who.
3. **Acceptance of the Previous Minutes: That:** February 1, 223, Ridgeway Business Improvement Area Board of Management minutes be approved as presented or amended. **MOVED BY:** Bill Day, Seconded by Joan Christensen .
4. **Correspondence:** Jennifer Priestley provided mail received from BIA box #766. The RBIA received a Box renewal form from Ridgeway Canada Post. Carol L will have a discussion with the post office about the costs. Carol to look into CNP as to why we are being charged.
 - Anna M spoke with the town of Fort Erie regarding Expenses.
 - Jennifer P advised of 2 musical groups called Shenanigans and The Moonlighters
 - Re Banners: Anna spoke with Darren regarding the 42 banners.
 - Dianna Allen from the Economic Development officer and Anna requesting 3 quotes for the Banners.

REPORTS

5. **Treasure Report.**
 - Questions regarding limo expenses from previous RBIA.
 - CNP investigate the marketplace meter.
 - A discussion needs to happen regarding expenses from the last BIA board
 - Reserve fund discussion.
 - Fiance meeting to be held March 14, 2023, and Chuck, Anna, Carol and Jenn to attend.
 - Carol made a spreadsheet for any expenses over \$1000.00 to be authorized by Chuck, Jennifer Wilkenson or Jennifer Priestley.
 - Request for a list of businesses and complete contact information including email addresses in the Ridgeway area. (Please see attached report dated March 1, 2023, annexed and marked "A")

6. Committee for Events-

- Chuck, Kathie and Christine
 - Ongoing discussions with the Town of Fort Erie closing the street (Ridge Rd.) May 13 till October 7, 2023, for the Farmers Market.
 - Hoping to get more vendors in order to allow the street to be closed.
 - Easter Bunny egg hunt April 8, 2023
 - Events to include in the Village Square Mothers Day tea on May 13, 2023, include Local Schools, a Drum line from Lakeshore, and Student artwork on display.
 - Students from the Lakeshore Culinary program and GFESS.
 - Fathers Day BBQ June 17, 2023
 - Ridge Fest, July 7-9
 - Fall Festival October 7, 2023
 - Sundays in the Square- Month of August
 - Christmas on the Street- December 1 & 2
- Moved by Susan Atkinson 2nd by Chuck Lord.**

7. Beautification and Maintenance - See attached document provided by William Day Dated March 4, 2023, re: Ridgeway Railroad Museum.

- 150-year anniversary
- Quotes for Flowers- Anna looking into
- Flags and Banners,
- lawn signs to sell after the celebration
- Directional signage, with QR code
- Logos and Branding
- Street lighting long terms solutions
- Annual power wash for business and community involvement, Local school helping with clean up along with a party for the volunteers.
- Clean streets, planting with flowers.
- Moving train station. Please see the attached marked "B"

8. Social Media: Chuck is looking into this along with Karin and will give updates including insta gram, Facebook, for the Ridgeway BIA.

- Karin DiBiase has the "box" from Victoria and has placed an ad in Indeed Looking for a coordinator.
- Looking into rates for the farmers market and other events.

9. Joan Christenson Report:

- CIBC Petition - RBIA not involved

- Needing a List of Town staff that we as the RBIA can contact about certain issues etc.
- List of Ridgeway Business and a letter will go out with questions and contact information.

10. Open Discussion:

- Working with CB promoting both Ridgeway and Crystal Beach with heritage and historical issues

11. Motion to Adjourn: Moved by: Carol 2nd by Chuck

12. Adjournment and Next meeting: April 5, 2023, Crystal Ridge Library at 5:30.

Addendum

13. March 16, 2023- EMERGENCY VOTING BY EMAIL - CHUCK LORD

- An emergency vote was called by Chuck Lord concerning the position of Market Coordinator, Social Media/Marketing
- On March 15, 2023, an "Events meeting" (weekly Farmer's Market) was held and in attendance was Chuck Lord , Chrissy Davis and Jennifer Wilkinson, from the RBIA as well as Sarah Chevalier and Karin Dibiase who have been assisting in the Farmers Market in attendance.
- They (the Farmers Market committee) believe they have found a very competent contender and that they would like to get it started ASAP. Interviews took place and the position. They believe they have found a very competitive candidate . **(Please see Chuck Lord's email attached for further information marked "C")**
- The Position of Market Coordinator has been given to MELISSA DRULIA
- The position of Social Media/Marketing has been given to LIDIIA SEMESIUK
- A vote was held via email.
- A motion was made by Chuck Lord Second Jennifer Priestley.

A

MARCH 1, 2023

BIA MEETING

PLEASE FIND ATTACHED REPORTS FROM THE TOWN

1. COPY OF 2023 APPROVED BUDGET
2. COPY OF 2022 FINAL QUARTER BUDGET REPORT
3. HIGH LEVEL REVIEW OF 2022 EXPENSES
4. COPY OF A LETTER FROM THE TOWN REGARDING RESERVE FUNDS

CURRENTLY THE RIDGEWAY BIA DOES NOT HAVE DIRECT ACCESS TO FUNDS WITHOUT FIRST GOING TO THE TOWN FOR APPROVAL. IN ORDER TO STREAMLINE THIS PROCESS WE WILL BE IMPLEMENTING THE FOLLOWING:

ALL EXPENSES MUST BE APPROVED PRIOR TO ANY SPENDING OR COMMITMENT BEING GIVEN TO ANY VENDOR. AN EXPENSE REQUEST MUST FIRST BE FILLED OUT AND APPROVED BY TWO BOARD MEMBERS. PLEASE FIND SUGGESTED FORM ATTACHED.

NOTE: ANY REQUEST FOR AN EXPENSE OVER \$1000 MUST HAVE THREE WRITTEN QUOTES

A MASTER LIST OF ALL APPROVED REQUISITIONS WILL BE FILLED IN AND KEPT UP TO DATE BY THE TREASURER. THIS WILL ENABLE US TO SEE WHAT MONIES HAVE BEEN ALLOCATED AND WHAT BILLS ARE OUTSTANDING.

ONCE THE EXPENSE HAS BEEN APPROVED AND COMPLETED, ALL INVOICES WILL BE MATCHED UP TO THE APPROVED REQUISITION AND WILL BE SUBMITTED TO THE TOWN FOR PAYMENT. THE TREASURER WILL COMPLETE THE TOWN OF FORT ERIE PAYMENT VOUCHER. PLEASE SEE ATTACHED. PAYMENT WILL BE SENT TO THE APPROPRIATE PERSON.

A BINDER WILL BE SET UP WITH A MASTER SHEET, SHOWING ALL REQUISITIONS. ALL APPROVED INVOICES WILL BE FILED IN THE BINDER. AT ALL TIMES WE WILL KNOW OF ANY OUTSTANDING INVOICES. THIS PROCEDURE WILL PREVENT US FROM OVER SPENDING AS A BOARD.

A MEETING HAS BEEN PLANNED WITH THE FORT ERIE FINANCE DEPARTMENT AS WELL AS THE RIDGEWAY BIA FINANCE COMMITTEE FOR MARCH 14, 2023. I HAVE ALREADY SENT OFF THE AGENDA OF ISSUES WE HOPE TO GET ANSWERS TO, AS FOLLOWS:

1. AT WHAT POINT WILL THE RIDGEWAY BIA HAVE CONTROL OVER THEIR ACCOUNTING/EXPENSES

2. PRESENTLY WE HAVE TO SUBMIT REQUESTS TO THE TOWN FOR ANY FUNDS. WHO DO WE SUBMIT THE REQUEST TO ? HOW QUICKLY CAN WE GET FUNDS FOR THESE APPROVED EXPENSES?
3. IS THERE A LIST OF OFFICES FOR THE TOWN OF FORT ERIE THAT WE CAN REACH OUT TO FOR SUPPORT
4. THE RESERVE FUND HAS NOW GROWN TO \$50,970 INCLUDING THE OVERAGE FROM 2022. HOW DO WE GET ACCESS TO THIS MONEY?
5. WE STILL DO NOT HAVE A COMPLETE, UP TO DATE LIST OF ALL BUSINESSES PAYING INTO THE RIDGEWAY BIA. WE REQUIRE THIS INFORMATION TO ENSURE THAT ALL BUSINESSES RECEIVE THE MEETING MINUTES 72 HOURS PRIOR TO THE BIA MEETINGS. THIS IS BIA PROTOCOL.
6. THERE ARE MANY BEAUTIFICATION PROJECTS PLANNED FOR RIDGEWAY. AT WHAT POINT DOES THE TOWN APPROVE AND GIVE FUNDING TO SUPPORT THESE INITIATIVES.
7. WHAT GOVERNMENT GRANTS ARE THERE AVAILABLE THAT WE SHOULD APPLY TO.

PLEASE LET ME KNOW IF THERE ARE OTHER ITEMS THAT WE SHOULD BE ADDRESSING. I AM MORE THAN HAPPY TO BRING UP OTHER FINANCIAL ISSUES AND REPORT BACK TO THE GROUP. I AM HOPEFUL THAT AT THE APRIL MEETING WE WILL BE ABLE TO REPORT BACK WITH ANSWERS ON ALL OF THE ABOVE.

PLEASE CONTACT ME AT CAROL.LACIVITA@BELL.NET WITH ANY COMMENTS.

THANK YOU

**CORPORATION OF THE TOWN OF FORT ERIE
2023 BUDGET ANALYSIS**

*Approved Budget
2023*

	2022 YTD Actuals	2022 Approved Budget	2023 Budget	% change PY Budget vs. CY Budget	2024 vs 2023	2025 vs 2024
Revenue						
BIA Levies	(35,000)	(35,000)	(35,000)	0.0%	(35,000)	0.0%
Donations	(400)	(7,500)	0	(100.0%)	0	0
Grants						
Regional Grants						
60200 Ridgeway BIA						
0364 Municipal Grant	(7,546)	(7,500)	(8,070)	7.6%	(8,070)	0.0%
Total 60200 Ridgeway BIA	(7,546)	(7,500)	(8,070)	7.6%	(8,070)	0.0%
Total Regional Grants	(7,546)	(7,500)	(8,070)	7.6%	(8,070)	0.0%
Other	(4,174)	(5,000)	(5,000)	0.0%	(5,000)	0.0%
Total Grants	(11,720)	(12,500)	(13,070)	4.6%	(13,070)	0.0%
User Fees	0	0	(3,400)	#DIV/0!	0	0
Miscellaneous other revenues	(18,565)	(44,312)	(35,445)	(20.0%)	(35,445)	0.0%
Total Revenue	(65,685)	(99,312)	(86,915)	(12.5%)	(86,915)	0.0%
Expenses						
Materials & Services						
Events & Programs						
60200 Ridgeway BIA						
3252 Fundraising expenses	385	0	0	#DIV/0!	0	#DIV/0!
3422 Events and Programs	20,566	34,100	28,387	(16.8%)	28,387	0.0%
Total 60200 Ridgeway BIA	20,951	34,100	28,387	(16.8%)	28,387	0.0%
Total Events & Programs	20,951	34,100	28,387	(16.8%)	28,387	0.0%
Postage						
60200 Ridgeway BIA						
3210 Postage	37	100	250	150.0%	250	0.0%
Total 60200 Ridgeway BIA	37	100	250	150.0%	250	0.0%
Total Postage	37	100	250	150.0%	250	0.0%
Training & Development						
Utilities	423	4,120	1,880	(54.4%)	1,880	0.0%
Advertising	306	400	250	(37.5%)	250	0.0%
Audit & Accounting	4,227	10,500	7,000	(33.3%)	7,000	0.0%
60200 Ridgeway BIA						
3310 Auditing & Accounting	1,183	1,577	1,423	(9.8%)	1,423	0.0%
Total 60200 Ridgeway BIA	1,183	1,577	1,423	(9.8%)	1,423	0.0%
Total Audit & Accounting	1,183	1,577	1,423	(9.8%)	1,423	0.0%
Communications						
Contracts	0	200	0	(100.0%)	0	#DIV/0!
	19,451	23,535	24,125	2.5%	24,125	0.0%

Page 1 of 2

Year bny
2022

Run Date: 27/12/22 12:25 PM

CORPORATION OF THE TOWN OF FORT ERIE

QUARTERLY REPORT

	2022 YTD Actuals December	2022 Budget	2022 Budget Remaining	2021 YTD Actuals December	2021 Budget December
Revenue					
BIA Levies					
BIA Levy	35,000	35,000	0	35,000	35,000
Total BIA Levies	35,000	35,000	0	35,000	35,000
Donations					
Other Donations	400	7,500	7,100	6,139	2,000
Total Donations	400	7,500	7,100	6,139	2,000
Grants					
Regional Grants					
60200 Ridgeway BIA					
000000 Unknown					
0364 Municipal Grant	7,546	7,500	(46)	7,500	7,500
Total 000000 Unknown	7,546	7,500	(46)	7,500	7,500
Total 60200 Ridgeway BIA	7,546	7,500	(46)	7,500	7,500
Total Regional Grants	7,546	7,500	(46)	7,500	7,500
Other					
60200 Ridgeway BIA					
000000 Unknown					
0521 Miscellaneous grants	4,174	5,000	826	5,000	5,000
Total 000000 Unknown	4,174	5,000	826	5,000	5,000
Total 60200 Ridgeway BIA	4,174	5,000	826	5,000	5,000
Total Other	4,174	5,000	826	5,000	5,000
Total Grants	11,720	12,500	780	12,500	12,500
Interest & Penalties					
Investment income	0	0	0	(31)	0
Total Interest & Penalties	0	0	0	(31)	0
Miscellaneous other revenues					
Miscellaneous Other Revenues					
60200 Ridgeway BIA					
000000 Unknown					
0993 Spirit of Christmas Revenue	0	0	0	6,053	0
0994 Summer Festival Revenue	4,500	27,212	22,712	0	0
0996 Fundraising Income	2,900	7,100	4,200	975	2,000
Total 000000 Unknown	7,400	34,312	26,912	7,028	2,000
Total 60200 Ridgeway BIA	7,400	34,312	26,912	7,028	2,000
Total Miscellaneous Other Revenues	7,400	34,312	26,912	7,028	2,000
Farmer's Market Revenue	11,165	10,000	(1,165)	10,470	5,200
Total Miscellaneous other revenues	18,565	44,312	25,747	17,498	7,200
Total Revenue	65,685	99,312	33,627	71,106	56,700
Expenses					
Materials & Services					
Events & Programs	20,951	34,100	13,149	20,380	0
Postage	37	100	63	0	0
Training & Development	423	4,120	3,697	453	1,700
Utilities	306	400	94	355	325
Advertising	4,227	10,500	6,273	10,783	21,000
Audit & Accounting	1,183	1,577	394	1,580	1,552
Communications	0	200	200	0	660
Contracts	19,451	23,535	4,084	22,362	23,635
Materials & supplies	5,383	21,780	16,397	6,083	5,578
Meeting Expenses	0	0	0	0	250
Miscellaneous	1,235	1,400	(3,234)	1,705	2,000

Total Materials & Services	58,195	99,312	41,117	63,701	56,700
Total Expenses	58,195	99,312	41,117	63,701	56,700
Net before Financing and Transfers	0	0	0	0	0
	7,490	Balance	(7,490)	7,405	0
FINANCING & TRANSFERS	0	0	0	0	0
Reserve Transfers	0	to	0	0	0
Transfers to Reserves	0	Transfer	0	9	0

to Reserve.

7A

IR EXPENSES

High Level Review Ridgeway BIA of 2022 Expenses

EXPENSE NAME	AMOUNT	
Victoria MacDonald	\$ 10,988.33	- Market
Cathy Beerman	\$ 4,232.79	- Social Media 2022 June
Yardstick Landscaping	\$ 10,589.40	- Flowery Wato
Flowers-The Mill	\$ 5,044.24	- Flowery
Niagara Power	\$ 365.31	-
Halo Portables	\$ 3,027.38	- Event
Market Entertainment	\$ 2,817.54	- ✓
M J Signs	\$ 1,448.28	- ?
Party Connection	\$ 2,553.92	.
Advertising	\$ 3,268.98	
Beatties	\$ 697.62	
Party Perfect	\$ 3,048.73	
Regional Limo	\$ 1,221.12	- ?
Show Biz building	\$ 407.04	
Monica Schmalz	\$ 300.00	
J B MUSIC	\$ 6,003.84	
LADY LUCK	\$ 300.00	
FEHRHAVEN FARMS	\$ 430.00	
KAREN ARBOUR	\$ 457.91	
CARRIAGES	\$ 915.84	
KIM VANDERVOET	\$ 770.06	
	\$ 58,888.33	
MISC.	\$ 16,801.77	
TOTAL	\$ 75,690.10	



The Municipal Corporation of the Town of Fort Erie

BY-LAW NO. 12-10

BEING A BY-LAW TO ESTABLISH A RIDGEWAY BIA RESERVE FUND AND TO AMEND BY-LAW NO. 148-06

WHEREAS By-law No. 148-06 was passed by the Municipal Council of the Town of Fort Erie on the 21st day of August, 2006 to consolidate reserve fund accounts, establish new reserve funds, a consolidated reserve fund bank account and repeal certain by-laws, and

WHEREAS as part of the approval of the 2008 Operating Budget Council authorized the Ridgeway BIA to establish a Reserve Fund with an initial allocation of \$20,000 for the purpose of funding expenditures related to improvements, beautification, maintenance, advertising and special events for Ridgeway, and

WHEREAS it is deemed necessary to establish the Ridgeway BIA Reserve Fund for the aforesated reasons;

NOW THEREFORE the Municipal Council of the Town of Fort Erie hereby enacts as follows:

1. **THAT** a Reserve Fund to be known as a "Ridgeway BIA Reserve Fund" be hereby established under the heading "Economic Development Reserve Funds" for improvements, beautification, maintenance, advertising and special events for Ridgeway.
2. **THAT** Schedule "A" to By-law No. 148-06 be hereby repealed and replaced with Schedule "A" attached hereto to this by-law.
3. **THAT** pursuant to the provisions of Sections 23.1 to 23.5 inclusive of the *Municipal Act, 2001*, as amended, the Clerk of the Town of Fort Erie is hereby authorized to effect any minor modifications or corrections solely of an administrative, numerical, grammatical, semantical or descriptive nature or kind to this by-law or its schedules as such may be determined to be necessary after the passage of this by-law.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 8TH DAY OF FEBRUARY, 2010.

MAYOR

CLERK

I, Carolyn J. Kett, the Clerk, of The Corporation of the Town of Fort Erie hereby certifies the foregoing to be a true certified copy of By-law No. 12-10 of the said Town. Given under my hand and the seal of the said Corporation this day of _____, 2010.

	Primary Purpose	Previous By-law
<u>Contingency Reserve Funds</u>		
Emergency Management	Emergency Measures, including inclement weather	251-04
Self Insurance	Administration and settlement costs of insurance claims against the Town	197-98
General Levy Rate Stabilization	To reduce the impact on local tax rate for non-taxation revenue losses	42-96
Building Permit	Proceeds of building permits; for use in the enforcement of the Building Code	51-08
Municipal Election	Election purposes	211-89
<u>Equipment Reserve Funds</u>		
Equip-Fire	Replacement of fire apparatus	90-85
Zamboni Replacement	Funded from user surcharge to maintain and acquire zamboni ice machines	157-04
Fleet Equipment	Proceeds of insurance claims and sale of vehicles to be deposited. Used for acquisition of vehicles and equipment	90-85
Office & IT Equipment	Purchase of office and IT equipment	46-07
<u>Transportation Reserve Funds</u>		
Road System Refurbishing	Road system refurbishing and expansion	12-94
Provincial Gas Tax for Transit	Provision of public transportation per agreement with MTO	148-06
Federal Gas Tax	Provision of public infrastructure per agreement with AMO	247-04
Mapping Reserve	To be utilized for aerial mapping purchases	192-96
Parking	Net parking revenues deposited, to fund parking lot acquisition and improvements	105-71
Wayfinding	Signage and other initiatives identified in the Wayfinding Study	148-06
Transit Capital	Fort Erie Specialized Transit (FAST) capital purchases	9-09
Bridges & Culverts Refurbishing	Refurbishing and expansion of bridge and culvert infrastructure	153-09
<u>Sanitary Sewer Reserve Funds</u>		
Sanitary Sewer Refurbishing	Refurbishing and expansion of the sanitary sewer system	10-84
Sewer Rate Stabilization	For sewage treatment costs	67-88
<u>Storm Drainage Reserve Funds</u>		
Storm Drainage Garrison Village	Drainage improvements in the Garrison Village area	148-06
Storm Drainage Refurbishing	Storm drainage system refurbishing and expansion	77-86
Frenchman's Creek	Frenchman's Creek truck sewermain	
<u>Museum Reserve Funds</u>		
Museum Memorial Fund	Donations to Museum Board to be deposited in this fund; investment income to a maximum of \$10,000 used to cover operating and maintenance expenses of the Fort Erie Museum Board; Museum Board to make recommendations of any purchase from this fund, with Council having the final approval during budget	188-02
Museum Capital Fund	Donations to Museum Board for capital improvements to be deposited in this fund; Used for large capital projects and maintenance of museum facilities and equipment	189-02
<u>Facilities Reserve Funds</u>		
Point Abino Lighthouse	Funded by donations; used for maintenance, restoration and preservation of the Point Abino Lighthouse	50-03
Skateboard Park	Construction of a municipal skateboard park	148-06
Battlefield Park Pavilion	Association donation used to fund improvements to the Pavilion	160-91
Facilities Maintenance Reserve	Financing facility upgrades and improvements	148-06
Leisureplex Maintenance	Leisureplex operational surpluses	10-97
Stevensville Memorial Hall	Major capital expenditures associated with the Stevensville Memorial Hall	146-94
Major Capital Expenditure	Funded from net proceeds of land sales; used for land and facilities acquisition, major repairs/improvements to facilities and major technology investments	1077-79
Fire Station Reserve	The replacement of fire stations	51-08
Cemetery Improvements	Financing cemetery improvements and beautification	1868-82 & 207-89
<u>Water Services Reserve Funds</u>		
Water Meter Replacement	To fund capital replacements of commercial and residential water meters	148-06
Water System Refurbishing	Water system refurbishing and expansion	11-84
Water Rate Stabilization	Financing of water treatment costs	153-09

Economic Development Reserve Funds

Waterfront & Tourism	Waterfront land acquisition; construction of municipal related tourism infrastructure	46-00
Community Health & Wellness	Community Health and Wellness purposes	256-04
Bridgeburg BIA	Capital expenditures related to improvement, beautification and maintenance	23-05
Ridgeway BIA	Improvement, beautification, maintenance, advertising and special events	12-10
Façade Program	For Town share of façade improvements in downtown areas	148-06
Fort Erie Business Park	Funded from net proceeds of land sales in the industrial park, used for marketing, planning, design and infrastructure upgrades in the Business Park area	1076-79
Parklands	For monies received as a cash payment in lieu of the conveyance of land under a plan of subdivision	1074-79
Development Charges	To ensure that the capital cost of meeting growth related demands on municipal services does not place an undue financial burden on the Town of Fort Erie or its existing taxpayers	243-91

Town of Fort Erie- Payment Voucher

Committee Name:

Ridgeway BIA

Mail Chq

P/U Chq

Payable To:

Beatties

Date:

Amount Payable

\$18.31

Address:

458 Garrison Road, Fort Erie, ON L2A 1N2

11/30/2022

Paticulars

Acct#

G/L Expense

HST Rebate

HST

Invoice Total

Beatties

OB-60200-00000-3250

\$16.49

\$ 1.82

2.11

\$18.31

\$0.00

\$ -

\$0.00

\$ -

\$0.00

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\$ -

Total Voucher

\$ -

\$18.31

Approved By:

Signature

Print Name

**Please enter Amounts in hilited cells only*

TOWN OF FORT ERIE- EXPENSE REQUEST

NOTE: ALL EXPENSES MUST HAVE AN APPROVED REQUISITION
PRIOR TO SPENDING OR COMMITMENTS BEING GIVEN.

BRANCH: RIDGEWAY BIA

DATE SUBMITTED: _____

CONTACT NAME: _____

REASON FOR EXPENSE: _____

ESTIMATE COST: _____

HST AMOUNT: _____

TOTAL COST: _____

DATE TO BE COMPLETED: _____

ACCOUNT # _____

GL EXPENSE _____

APPROVED BY #1 _____

APPROVED BY #2 _____

DATE APPROVED _____

REQUISITION NUMBER: _____

***YELLOW TO BE FILLED OUT BY BIA BOARD

MASTER EXPENSE LIST
RIDGWAY BIA

NUMBER	NAME REQUESTING	GL ACCOUNT NUMBER	DATE APPROVED	DATE COMPLETED	AMOUNT
RBIA#1					
RBIA#2					
RBIA#3					
RBIA#4					
RBIA#5					
RBIA#6					
RBIA#7					
RBIA#8					
RBIA#9					
RBIA#10					
RBIA#11					
RBIA#12					
RBIA#13					
RBIA#14					
RBIA#15					
RBIA#16					
RBIA#17					
RBIA#18					
RBIA#19					
RBIA#20					
RBIA#21					
RBIA#22					
RBIA#23					
RBIA#24					
RBIA#25					




 Jennifer Priestley <jennifer@sjpparalegal.net>

BIA: Getting our Railway Station back attachments

3 messages

William Day <daydesign@rogers.com>

Sat, Mar 4, 2023 at 1:53 PM

To: Chuck Lord <chuck@revelrealty.ca>, "Cc: \"jennifer@sjpparalegal.net\" <jennifer@sjpparalegal.net>, \"amorlacchetti@hotmail.com\" <amorlacchetti@hotmail.com>, \"carol.lacivita@bell.net\" <carol.lacivita@bell.net>, \"christine.trombley@hotmail.com\" <christine.trombley@hotmail.com>, \"helloworld503@gmail.com\" <helloworld503@gmail.com>, \"jenn@thekitchen.ca\" <jenn@thekitchen.ca>, \"k.dibiase@hotmail.ca\" <k.dibiase@hotmail.ca>

Hi All:

Thanks for a good meeting.

Thank you especially to Anna and Carol and Chuck for getting the very challenging Financial Reorganization well underway.

And thanks for listening to my ramblings - sorry if I am overlong.

Attached are my amateur presentation and mock-up to get our Railway Station back to the heart of town. I suspect we would need to move the whole Railway Museum to get it, with train and caboose.

The KEY to me is **it Protects our Town's Future** as the town modernizes replacing old buildings. A pretty, vintage railway station in the heart of town will permanently beautify the downtown. It is Authentic (desirable word nowadays).

Being too modern could hurt us.

We are a fashionable, pretty town with a exciting history at its heart.

The station needs to be dynamic and multi-purpose. Not just a museum.

I suggest placing it **right beside the street sidewalk** with the pretty, covered *Station Stage* front and centre. It will be elevated and help energize events as the sound carries down the street and across the square to the larger *Pavillion Stage*, creating an exciting Entertainment Venue.

Hopefully, we can work Public Washrooms into it. Maybe some Storage, as well. Maybe an ice cream cart? Maybe a cute paint job?

Having the two museums and a cool square would be an very desirable Cultural Attraction and **increase Tourism Revenues.**

I know it will be a long-term fight, but I believe that It is totally worth it for the town and the new BIA's permanent 150th legacy.

I think we have a decent chance to get it. It is a good idea for all of Fort Erie.

It will create a popular movement to **"Get our Station Back!"**. I will carry one of the placards into Council. It would give us a big project to get behind and would be fun and team-building for the community and BIA.

If you do not ask, you do not get.

This is not my skill set; criticism/improvements/advice would be appreciated.

Thank you,

Bill

LOVELY DAY GIFT & HOME

283 RIDGE RD NORTH,
RIDGEWAY ON, CANADA, L0S 1N0

2 attachments



Village Square with Station & Train.pdf
1217K



Railway Museum move short version.pdf
71K

anna morlacchetti <amorlacchetti@hotmail.com>

Sat, Mar 4, 2023 at 9:08 PM

To: William Day <daydesign@rogers.com>, Chuck Lord <chuck@revelrealty.ca>, "Cc: \"jennifer@sjpparalegal.net\" <jennifer@sjpparalegal.net>, \"carol.lacivita@bell.net\" <carol.lacivita@bell.net>, \"christine.trombley@hotmail.com\" <christine.trombley@hotmail.com>, \"helloworld503@gmail.com\" <helloworld503@gmail.com>, \"jenn@thekitchen.ca\" <jenn@thekitchen.ca>, \"k.dibiase@hotmail.ca\" <k.dibiase@hotmail.ca>

Hello everyone, and thanks for amount of work you're putting into this. I would like to start by taking a road trip to both the existing museum in Ridgeway along with the train station in Fort Erie. It's important to realize the scale of what we're looking at. I do agree that this is a long-term plan but worth considering. On another note, Deanna from the town emailed me and will be getting the banner dimensions to me early this coming week. Thanks everyone!

Get Outlook for iOS

From: William Day <daydesign@rogers.com>

Sent: Saturday, March 4, 2023 1:53:26 PM

To: Chuck Lord <chuck@revelrealty.ca>; Cc: "jennifer@sjpparalegal.net" <jennifer@sjpparalegal.net>; amorlacchetti@hotmail.com <amorlacchetti@hotmail.com>; carol.lacivita@bell.net <carol.lacivita@bell.net>; christine.trombley@hotmail.com <christine.trombley@hotmail.com>; helloworld503@gmail.com <helloworld503@gmail.com>; jenn@thekitchen.ca <jenn@thekitchen.ca>; k.dibiase@hotmail.ca <k.dibiase@hotmail.ca>

Subject: BIA: Getting our Railway Station back attachments

[Quoted text hidden]

William Day <daydesign@rogers.com>

Sun, Mar 5, 2023 at 1:05 AM

To: Chuck Lord <chuck@revelrealty.ca>, "Cc: \"jennifer@sjpparalegal.net\" <jennifer@sjpparalegal.net>, \"carol.lacivita@bell.net\" <carol.lacivita@bell.net>, \"christine.trombley@hotmail.com\" <christine.trombley@hotmail.com>, \"helloworld503@gmail.com\" <helloworld503@gmail.com>, \"jenn@thekitchen.ca\" <jenn@thekitchen.ca>, \"k.dibiase@hotmail.ca\" <k.dibiase@hotmail.ca>, anna morlacchetti <amorlacchetti@hotmail.com>

Road trip Yah!

Thank you,

William Day

DAY DESIGN, 406 St Clarens Ave. 3
Toronto, ON, Canada M6H 3W3
416-961-9284 t, 416-961-6538 f.

pppc 20050913, asi 176888

Outstanding Ideas for Outstanding People for 40 Years

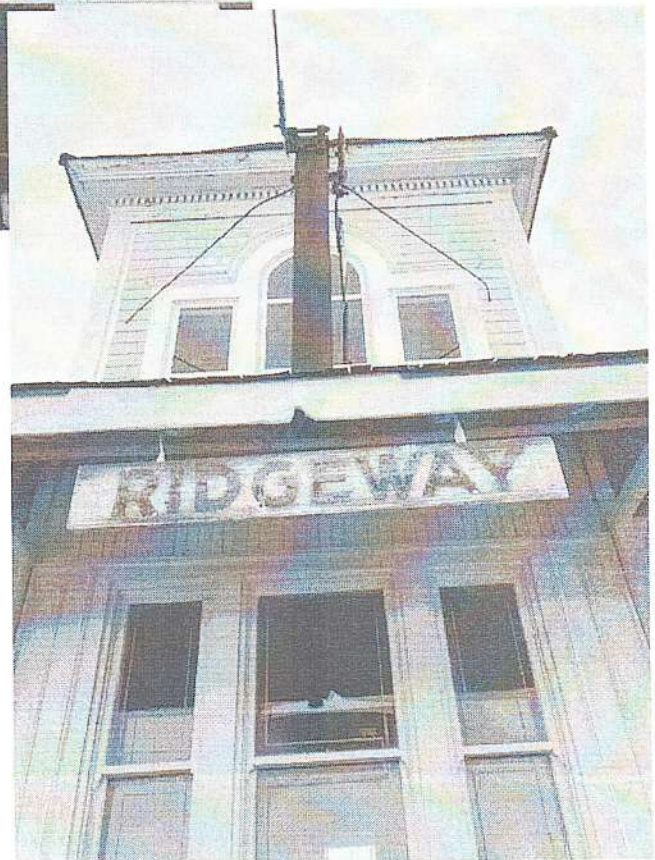
An Architectural Gem

"Stylistically, [the Ridgeway Station] is a late representation of the Picturesque Style (irregularity, intricacy, and variety) that originated in England. It incorporates a number of stylistic influences. The brackets, tower, and tripartite windows are Italianate. The eyebrow windows are reminiscent of thatched roofs but the steep hipped roof itself is Chateau style. The board and batten siding is usually associated with... Gothic Revival."

-Denis Heroux, Architectural Conservancy of Ontario

Strictly speaking, Picturesque is a philosophy. Those who created it in the late 18 C., and brought it to North America in the 19 C. were seeking to bring "nature" back to landscaping (but also influenced architecture). It was through the use of irregularity, intricacy and variety that this philosophy was presented. The Ridgeway Station illustrates one way this aesthetic point of view has been expressed.





CURRENT MUSEUM behind fire station



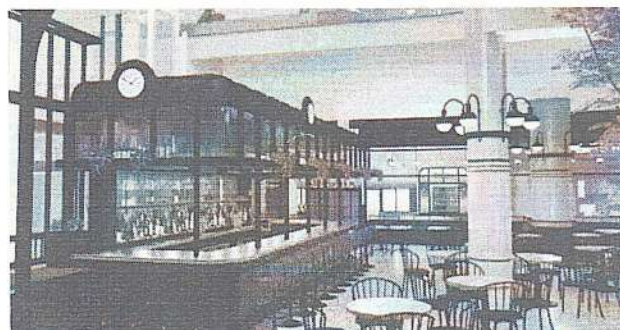
FUTURE PRIME LOCATION: At Ridgeway Village Square (station, train & caboose)



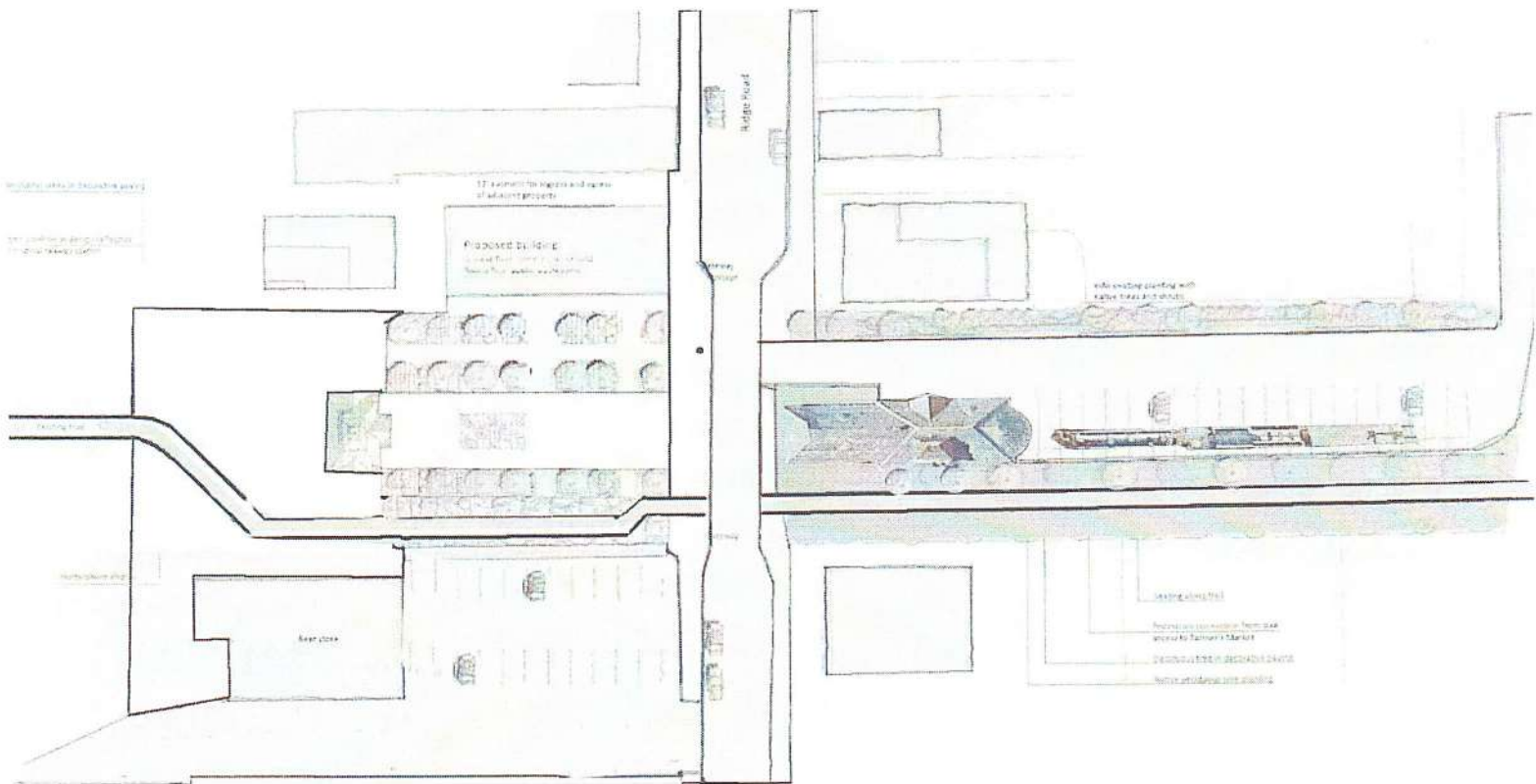
FUTURE PRIME LOCATION: At Ridgeway Village Square, showing covered stage



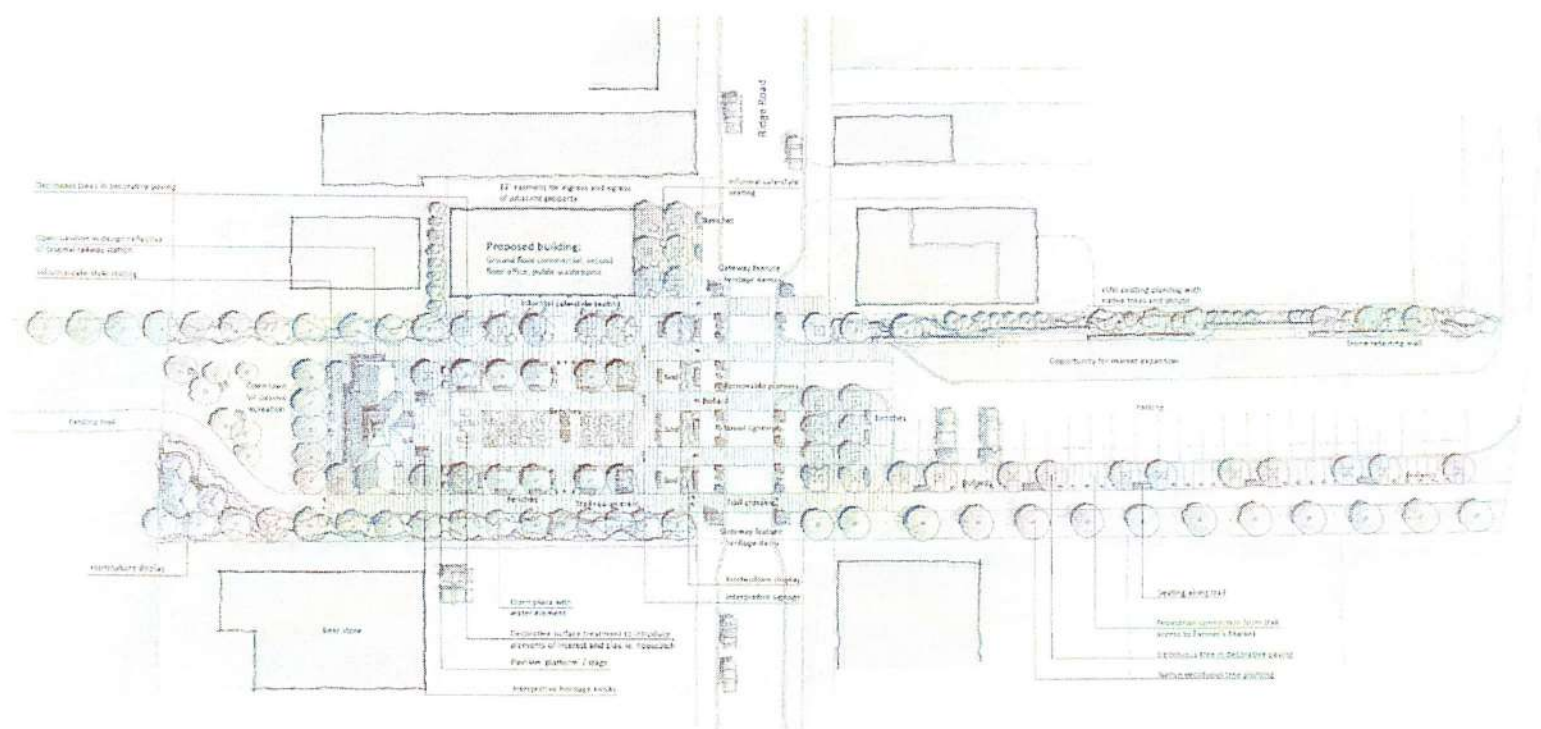
FUTURE PRIME LOCATION: At Ridgeway Village Square, showing Covered Stage



Final Layout



Original Park Plan & Current Park showing the failure to create the Gateway Effect as originally designed with the street narrowed. No balanced gateway. The Museum would fix this, with a railway theme on both sides and a heritage gem at the town's heart to preserve its charm.



Canada's museums are slowly starting to return Indigenous artifacts

The western world is under growing pressure to confront issues around the rightful ownership of art and artifacts. In Canada, that reckoning has just begun.



Deal to return Elgin Marbles to Greece at advanced stage - reports



THE FORT ERIE RAILWAY MUSEUM

IN *The Ridgeway Village Cultural District*

Benefits of moving the museum to Ridgeway Village:

HERITAGE PROTECTION & BEAUTIFICATION

1. save and Improve the **withering** Railway Museum with much more traffic and TLC maintenance.
2. guarantee the picturesque, historical nature of downtown Ridgeway for the future with this Architectural Gem, as old buildings are **demolished**.
3. support our Railroad & Battle Legacy as citizens rediscover our wonderful missing past

BUSINESS IMPROVEMENT

4. supercharge the center of Ridgeway Village and the Village Square
5. **supercharge** Ridgeway as a Cultural Center with 2 museums, theatres, art galleries, shops, restaurants and more!
6. attract good development
7. Put Ridgeway on the map as a Tourist Destination like Niagara on the Lake
8. Better-quality events with 2 Covered Stages at the Square; one at each end; the *Station Stage* right on the street (parking lot side) and the *Pavilion Stage* at the back, bookending the venue.
9. consolidate museum staff in one location

COMMUNITY PRIDE

10. Motivate the citizenry with Pride & Community Sprit with our beautiful Railway Station finally returned home and they discover their wonderful missing past
We need to celebrate and renew AFTER 150 YEARS.



"Return our beautiful Railway Station!"
"We want our Station back!"
"We want our missing Heritage back!"
"Bring our Station Home! "
"You took it, Now give it back! "
(please)

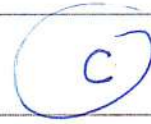
Costs:

1. Some parking spaces unless Beer Store lot is included.
2. The freed-up land In Fort Erie should pay for the expense of moving it.



Emergency Voting Needed (Market Coordinator Interviews)

1 message

**Chuck Lord** <chuck@revelrealty.ca>

Thu, Mar 16, 2023 at 8:07 AM

To: Christine Trombley <christine.trombley@hotmail.com>, Jenn Wilkinson <jenn@thekitchen.ca>, Carol Lacivita <carol.lacivita@bell.net>, anna morlacchetti <amorlacchetti@hotmail.com>, William Day <daydesign@rogers.com>, Jennifer Priestley <jennifer@sjpparalegal.net>, Susan Atkinson <helloworld503@gmail.com>

Good Morning RBIA,

I hope everyone's week has started well and we are all excited for spring to arrive!

Yesterday at the events / farmers market weekly meeting, Karin Dibiase (who's been helping with the farmers market) and Chrissy Davis had set up interviews to fill the farmers market coordinator / events planning position to replace Victoria.

Attendance from the board included Jennifer Wilkinson and myself as well as Sarah Chevalier as she has been in the works getting summer fest ready for us.

They do believe they found a very competent contender and we would like to get started ASAP. With doing these interviews, we have found someone who was not qualified for that position but would be amazing for social media and marketing. She moved here 7 months ago from Kiev, Ukraine and was in the social media industry there as well as events planning, so can help out with that as well.

Information below...

Position for Market Coordinator/Events will go to Melissa Drulia

Salary of \$700 a month yearly.

(instead of \$20/hr = \$800 a month during market season)

This way she can be more on call instead of keeping track of hours and billing us. Looking into a cell phone for this position will be mandatory.

Position for Social Media/Marketing will go to Lidiia Semesiuk

Salary of \$400 a month yearly.

Exact job description to be determined but will include items such as social media, canva posts, liaison to newspapers.

Possible grants or funding from the town for hiring refugees, to be determined.

I would like to pass a motion to hire these two individuals starting ASAP.

Can we please have responses this morning as we would like to call the candidates that did not receive the position.

(Jennifer, please make notes of this in the minutes)

Thank you,

Chuck Lord
Chair of RBIA

--

Chuck Lord
Sales Representative
Revel Realty Inc., Brokerage

1224 Garrison Rd, Fort Erie, ON L2A 1P1





Beatties
458 Garrison Road
Fort Erie, ON
L2A 1N2
PHONE:905-688-4040 FAX:905-688-6268

INVOICE

INVOICE NO.	E703472copy
INVOICE DATE	11.30.22
H.S.T. NO.	874820756RT0001
CARRIER	

OLD TO: RIDGEWAY BIA
PO BOX 766
ATTN: ACCOUNTS PAYABLE
RIDGEWAY ON L0S 1N0
Canada

SHIP TO spirit of christmas

CUSTOMER 18165		SHIP VIA R1 - N.F./F.E.		GST NUMBER		PST LICENCE		INVOICE TERMS NET 30 DAYS		SALES ORDER E23730		PAGE 1	LOC. 33
CUSTOMER P.O. KIM		SHIP DATE 11.30.22		FREIGHT TERMS PREPAID		ACCOUNT MANAGER Bill Obee		S.D.N. DIRBL		BILL OF LADING		STORE DEPT	
PRODUCT		ORDER	B/O	SHIP	SKU	LOC	DESCRIPTION			PRICE	PER	EXTENSION	
1502-01		36	0	36	EA		PHOTOCOPY COLOUR LETTER			S .45	EA	16.20	
							Sub-Total					16.20	
							HST @ 13%					2.11	
							PLEASE PAY THIS AMOUNT					18.31	
							S= Contract Pricing						
							Sign up for exclusive email promotions at www.beatties.com						

NO GOODS TO BE RETURNED WITHOUT APPROVAL FROM US.



Meeting Date, Time, and Location

10:05 AM, February 26, 2023, Site Visits

Attendance

Members present: Shannon Larocque, Brie Smalldon, Frank Raso, Kate Ashbridge, Nadine Litwin, Tim Seburn, Rick Stockton

Members absent: David Ruttan

Others present: Daryl Vander Veen, Intermediate Development Planner

Call to Order

Shannon called the meeting to order at 10:05 AM.

Declaration of Pecuniary Interest and General Nature

None.

EC Removal Request – 0-19297 Oakes Drive, 0-10459 Oakes Drive & 0-10460 Oakes Drive

The owner has requested the removal of the EC layer from a portion of the subject property to facilitate the construction of a single detached dwelling.

The following motion was put forth by Tim Seburn and was seconded by Rick Stockton:

THAT: *It was noted that the subject property is wooded and that there are healthy pin oak trees on the property. Effort should be made to try to save as many pin oaks as possible. EAC recommends that the proposed dwelling be located as close to Hospitality Drive as possible to minimize tree removal at the rear of the property. EAC requests that the Applicant provide a detailed development plan showing the building envelope, driveway location and a tree saving plan for further review. (CARRIED)*

Site Visit and Review of Natural Heritage Assessment - Crescent Acres Subdivision (0-10747 Kraft Road)

The EC Overlay Zone is proposed to be removed as part of a Zoning By-law Amendment for the proposed Plan of Subdivision. It was noted during the site visit that the site is clear

of vegetation with the exception of land near the drainage feature that is under the regulation of the NPCA. EAC did not have any objections to the conclusions of the natural heritage assessment.

The following motion was put forth by Kate Ashbridge and seconded by Nadine Litwin:

THAT: *EAC makes the following recommendations regarding Crescent Acres (0-10747 Kraft Road) Plan of Subdivision:*

- 1. EAC recommends that the developer be required to install fencing with no openings or gates along the rear of the lots that back onto the vegetated protection area in the watercourse block to prevent intrusion into the area.*
- 2. EAC recommends that plantings within the vegetated protection area include pollinator ground cover species.*
- 3. That the EC Overlay Zone be removed from the subject property. (CARRIED)*

Site Visit and Review of EIS - 0-8468 Prospect Point Road North
--

EAC visited this site to review an EIS that was submitted as part of an application for a Plan of Condominium on the subject property. It was noted during the site visit that the subject property was wooded with numerous large trees that may serve as habitat and that the property serves as a wildlife corridor connection to Shagbark Park to the east. EAC also visited 3624 Hazel Street which is directly adjacent to the south and the subject of a Zoning By-law Amendment. EAC agreed that more detailed review of the EIS for both sites was required and that this would occur during the next in-office meeting.

Site Visit - 0-17100, 0-17101 & 0-17102 Schooley Road
--

The EC Overlay Zone is proposed to be removed from the subject properties as part of a Zoning By-law Amendment to permit creation of an additional lot. During the site visit it was noted that there were not many trees or brush on the site aside from the rear of the lot. There was discussion on how the subject properties were originally registered as part of the Jetmar Subdivision in 1978.

The following motion was put forth by Frank Raso and seconded by Tim Seburn:

- 1. That native tree species be used for street tree plantings.*
- 2. That driveways be paired where possible to maximize area along the street for street trees.*
- 3. That the EC Overlay Zone be removed from the subject properties. (CARRIED)*

Site Visit - 4409 Erie Road

EAC visited the site and noted that most of the trees on site have already been removed. There was discussion on how the water table in the area is high and drainage is a concern. It was noted that much of the property near Erie Road had standing water at the time of the

site visit. EAC noted that the land north of Erie Road is back-shore swamp and the subject property was likely part of it prior to being developed. There was also discussion on the impacts climate change may have on the development resulting from rising lake levels.

New Business

None.

Next Meeting

The next meeting was tentatively set for March 8, 2023.

Adjournment

The meeting was adjourned at 12:30 P.M.

Minutes prepared by:

Daryl Vander Veen
Intermediate Development Planner

Minutes approved by:

Shannon Larocque
Chair



Planning and Development Services

Prepared for	Regular Council	Report No.	PDS-26-2023
Agenda Date	March 27, 2023	File No.	350308-0108

Subject

**HARBOURTOWN VILLAGE DRAFT PLAN OF SUBDIVISION
(3643 DOMINION ROAD) PRE-SERVICING AGREEMENT APPROVAL
UPPER CANADA CONSULTANTS (WILLIAM HEIKOOP) - AGENT / CONSULTANT
800460 ONTARIO LIMITED (FRED COSTABILE/ERIC HENRY) – OWNER**

Recommendations

THAT Council permits the pre-servicing of the subdivision lands prior to registration of the Subdivision Agreement, subject to the receipts and approval of the Civil drawings, security deposits, cash payments, authoritative approvals, insurance certificates, and a letter of indemnification to the satisfaction of the Town, and further

THAT Council authorizes the entry into a Pre-Servicing Agreement with 800460 Ontario Limited for the Harbourtown Village Plan of Subdivision.

Relation to Council's 2023-2026 Corporate Strategic Plan

Priority: Managed Growth through Responsibility, Stewardship and Preservation

List of Stakeholders

Owner/Developer – 800460 Ontario Limited (Fred Costabile/Eric Henry)
Agent – Upper Canada Consultants (William Heikoop)
Residents and Property Owners in Fort Erie
The Corporation of the Town of Fort Erie

Prepared by:	Submitted by:	Approved by:
<i>Original Signed</i>	<i>Original Signed</i>	<i>Original Signed</i>
Brad Johnston, C.E.T. Supervisor - Development Engineering	Alex Herlovitch, MCIP, RPP Director, Planning and Development Services	Chris McQueen, MBA Chief Administrative Officer

Purpose

The purpose of this report is for Council's authorization to permit the developer to pre-service the subdivision lands prior to the registration of the Subdivision Agreement, in an effort to maintain construction timing commencements and avoid delays with Contractor availability within the spring season. The authorizations would be subject to the receipts and approval of the Civil engineering design drawings, posting of security deposits and cash payments, receipts of authoritative approvals, insurance certificates, a letter of indemnification to the satisfaction of the Town for the Harbourtown Village draft plan of subdivision, and the Town entering into a Pre-servicing Agreement with 800460 Ontario Limited. A Location Map of the subject lands is included as **Appendix "1"**.

Background

A draft plan of subdivision application for the lands municipally known Harbourtown Village (3643 Dominion Road) was submitted to the Town of Fort Erie in 2018. The approved Draft Plan of Subdivision is included as **Appendix "2"**. In May of 2022, the Ontario Land Tribunal (OLT) approved the Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision. Since that time the Developer has been proceeding with clearances to the draft plan conditions and is now in a position to move forward with servicing works. The development site is 14.659 hectares (36.22 acres) in size and contains 55 single-detached dwellings, 2 semi-detached dwellings, 65 street townhouse dwellings, and one apartment condo block consisting of 110 dwelling units, which shall be subject to future planning application approvals and development.

Analysis

Pre-Servicing Agreement

The subject development will include the construction of new future municipal roads with associated future municipal infrastructure, as well as existing road and infrastructure improvements to Bassett Avenue from Dominion Road to Edgemere Road, Bardol Avenue from Dominion Road to approximately 90.0m south of Dominion

Road to the new subdivision road 'Mississauga Avenue', and storm sewer installation along Edgemere Road, westerly to Helena Street. In support of their application for final approval, the Developer's engineering consultant has provided civil design plans for review and approval by Town staff. The future municipal roads and associated services shall be designed and constructed in accordance with the Town of Fort Erie Municipal Design Standards, as well as the improvements to the off-site works required along Bassett Road, Bardol Avenue, and storm sewer installation works along Edgemere Road.

Through the course of the plans review, the Developer has also provided cost estimates for the proposed works, both on and off-site. The cost estimates have been reviewed and accepted by Planning and Development Services staff and have been used to calculate the required security deposits. Schedule "C" shown in **Appendix "3"** outlines the security and financial obligations of the Developer for the pre-servicing of the subdivision.

In addition to the construction of the new subdivision roads, the Developer is required, as a condition of draft plan approval, to improve portions of Edgemere Road, Bassett Avenue, and Bardol Avenue. The improvements off-site are considered Primary Services to be included with the pre-servicing of the subdivision lands.

The Developer is in the process of receiving the Town's Consolidated Linear Infrastructure Environmental Compliance Approvals, regulated under the Ministry of the Environment, Conservation and Parks, for the stormwater management and sewer system, wastewater sewer system, and watermain system. Stormwater run-off generated by the subdivision development will be directed through new infrastructure and discharged to the Town's existing Storm Water Management (SWM) facility/pond adjacent to and west of Buttonwood Drive, at the south-east limits of the subdivision.

The lands are currently zoned for various residential provisions, however with an (H) holding provision. The "H" holding symbol can only be removed upon approval by Council of a Subdivision Agreement for the lands.

Subject to the final registration of the Pre-Servicing Agreement, Planning and Development Services staff recommend that pre-servicing of the subdivision be permitted subject to the following requirements:

1. Receipt and approval of the civil servicing drawings to the satisfaction of the Director of Infrastructure Services; and
2. Receipt and compliance with the Town of Fort Erie's Consolidated Linear Infrastructure approval documents and processes; and
3. Securities received from the Developer in the amount of **\$1,224,259.42** representing 15% of the estimated construction costs of On-Site Primary Services, 100% of the estimated costs of Off-Site Primary Services, and other required fees and deposits as noted for Primary Services Administration and Inspection, and Pre-servicing Agreement Legal Costs and Registration deposits of **\$152,427.98**; and
4. A Liability Insurance Certificate in the amount of \$5,000,000 from the Developer and the Developer's Contractor, naming 'The Corporation of the Town of Fort Erie' as additional insured; and

5. An Indemnification Letter from the Developer and the Developer's Contractor, indemnifying 'The Corporation of the Town of Fort Erie' from any noted risk;

Financial/Staffing Implications

All costs associated with the development of the subdivision are the responsibility of the Owner/Developer and are incorporated into the Pre-Servicing Agreement. The Developer will be required to provide securities in an acceptable form as specified in the Pre-Servicing Agreement to ensure that all of the works are completed to the satisfaction of the Town.

Policies Affecting Proposal

The development of this draft plan of subdivision is set out in accordance with the requirements of the *Planning Act*. The Harbourtown Village draft plan of subdivision conforms with this *Planning Act* regulation.

Comments from Relevant Departments/Community and Corporate Partners

The engineering drawings, reports and securities have been reviewed by the Town's Planning and Development Services Department and Infrastructure Services Department.

The Pre-Servicing Agreement along with the security requirements have been reviewed and accepted by the Developer. A By-Law will be prepared authorizing the Town to enter into the Agreement with the Developer.

The Subdivision Agreement will not be brought forward for council approval or registered until the Developer has satisfactorily addressed the Draft Plan of Subdivision conditions, and all conditions have been cleared by the appropriate regulatory agencies.

Communicating Results

No additional communication is required at this time.

Alternatives

Council may elect to deny the request to Pre-Service the subject lands and not enter into a Pre-Servicing Agreement, at which point the developer will be delayed with construction until such a time where a Subdivision Agreement is brought forward for approval.

Conclusion

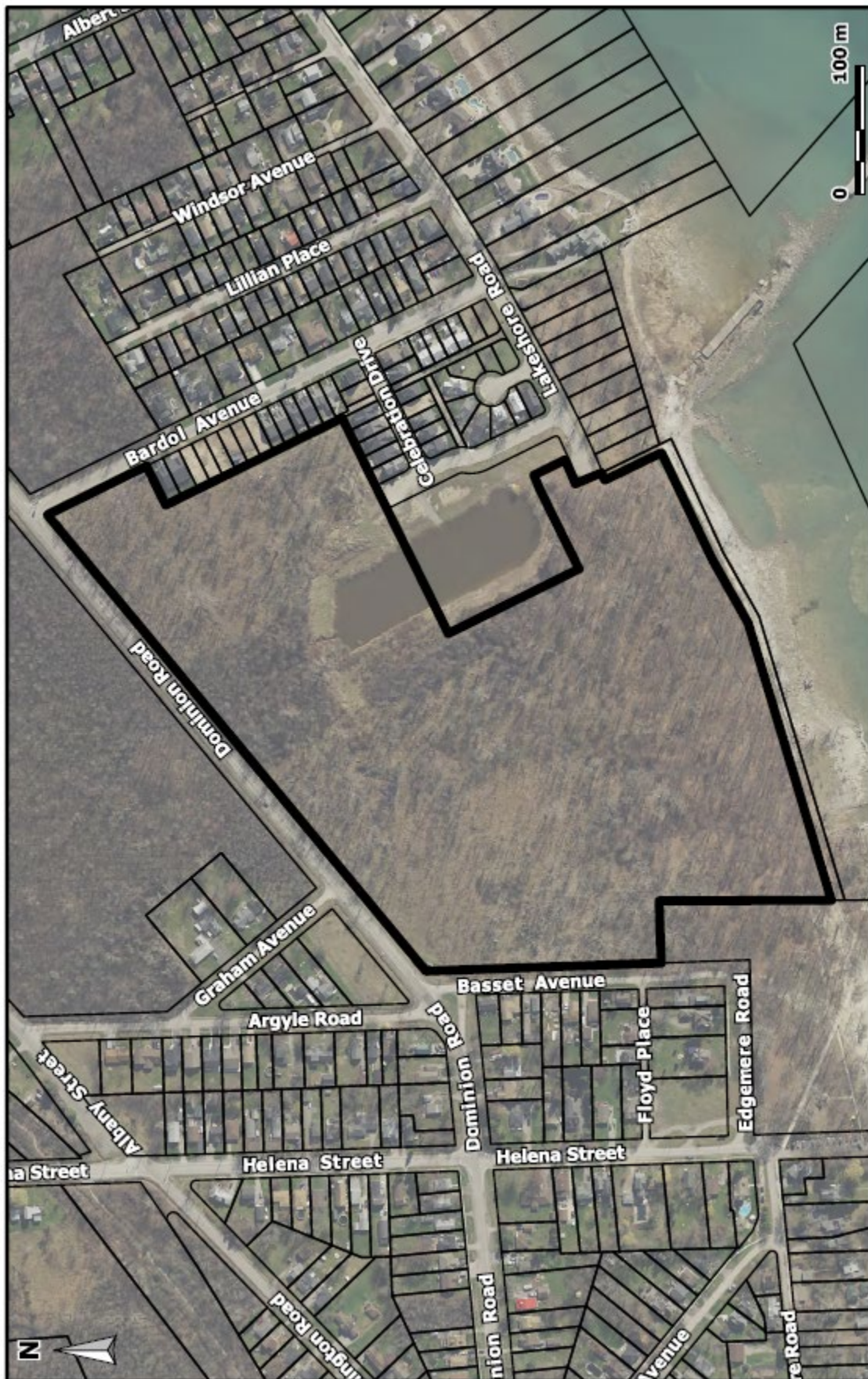
Planning staff recommend that Council authorize a Pre-Servicing Agreement for the Harbourtown Village draft plan of subdivision, to allow the Developer to proceed with the site servicing and required off-site improvement works applicable to the subject lands. The Developer and Town of Fort Erie staff shall continue to work through the clearance of all required Draft Plan of Subdivision conditions, for a Subdivision Agreement to be prepared and executed in the near future.

Attachments

Appendix “1” – Location Plan

Appendix “2” – Harbourtown Village Draft Plan of Subdivision

Appendix “3” – Harbourtown Village Security and Financial Obligations



HARBOURTOWN VILLAGE SUBDIVISION **Location Plan**

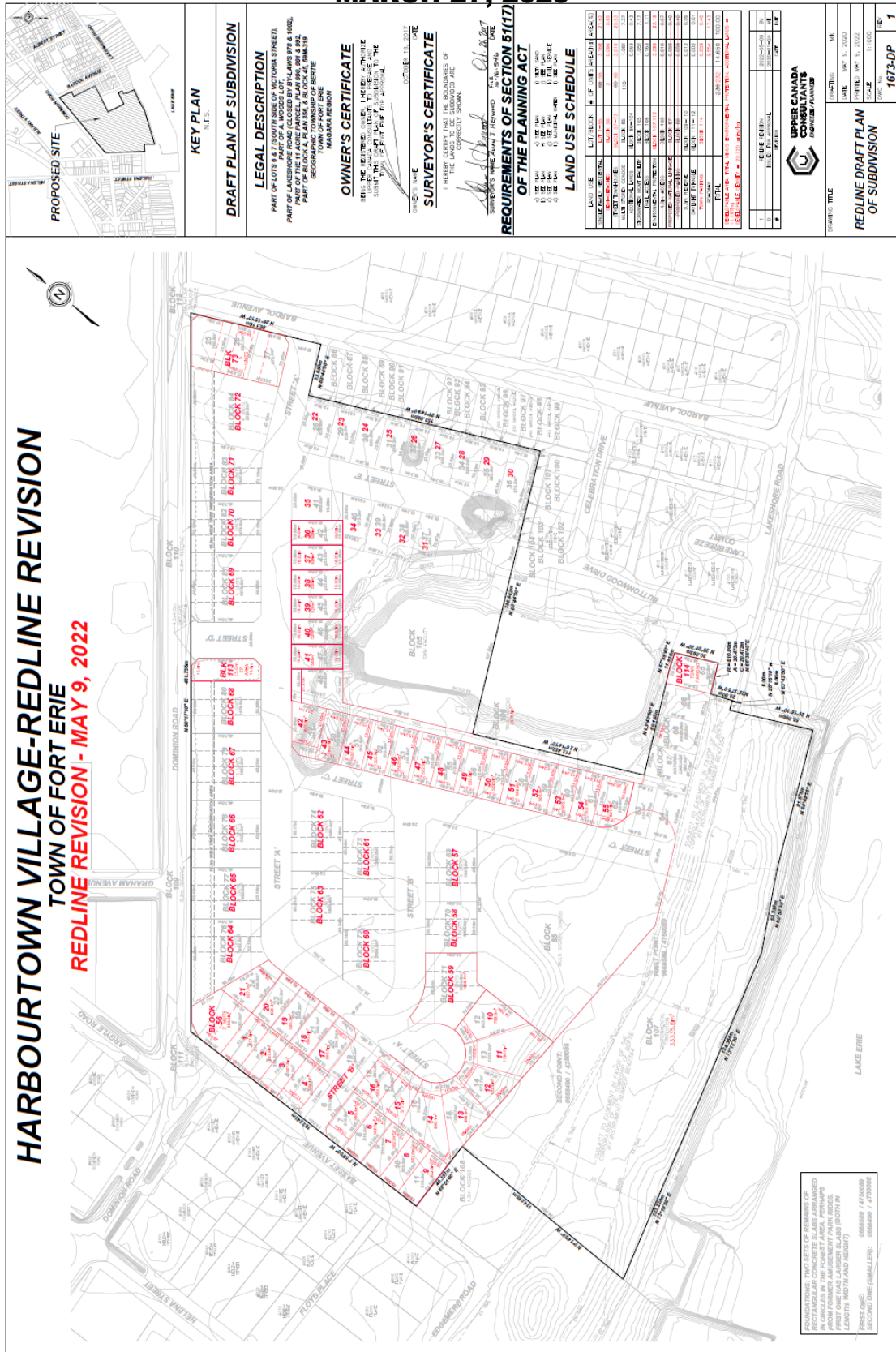
 Subject Lands - Harbourtown Village Subdivision

PLAN 356 PT BLK A PLAN 990 991 992 LOT 7 PT A WOOD LOT PT LAKESHORE RD PT 1.1 ACRE PCL
 RP 5909523 PT PARTS 1 TO 3 PCL A1 IN THE TOWN OF FORT ERIE, REGIONAL MUNICIPALITY OF NIAGARA



Planning & Development Services

APPENDIX "2" TO ADMINISTRATIVE REPORT PDS-26-2022 DATED MARCH 27, 2023



SCHEDULE "C"
Security and Financial Requirements
(Includes 10% Engineering, 10% Contingency, and 13% HST)

PRIMARY SERVICES - INTERNAL

General Grading	\$	242,858.00	
Sanitary System	\$	890,617.88	
Storm System	\$	1,429,420.83	
Stormwater Management	\$	402,128.16	
Water System	\$	719,184.20	
Preliminary Roads - Subdivision/Bardol/Lakeshore Road	\$	974,308.13	
	\$	4,658,517.19	
15% of Primary Services - Internal	\$	698,777.58	(1)

PRIMARY SERVICES - EXTERNAL (EXCLUDING TOWN COST SHARING)

Sanitary System	\$	102,573.26	
Storm System	\$	202,232.15	
Water System	\$	44,588.25	
Preliminary Roads - Subdivision/Bardol/Lakeshore Road	\$	13,096.84	
Preliminary Roads - Bassett Ave. / Edgemere Road	\$	162,991.34	
	\$	525,481.84	
100% of Primary Services - External (Excluding Town Cost Sharing)	\$	525,481.84	(2)

ADMINISTRATION FEE'S

Pre-Servicing Agreement Fee	\$	2,976.00	(3)
Legal Costs Deposit	\$	2,565.00	(4)
Eng. Admin & Inspection	\$	146,886.98	(5)

LETTER OF CREDIT REQUIRED

Total of (1) + (2)	\$	1,224,259.42	
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CASH DEPOSIT

Total of (3) + (4) + (5)	\$	152,427.98	
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Office of the C.A.O.

Prepared for	Regular Council	Report No.	CAO-08-2023
Agenda Date	March 27, 2023	File No.	120902

Subject

REQUEST BY THE BOYS AND GIRLS CLUB OF NIAGARA TO SUB-LEASE A PORTION OF THE E.J. FREELAND COMMUNITY CENTRE TO THE NIAGARA CHILDREN'S CENTRE

Recommendations

THAT Council consents to the request by the Boys and Girls Club of Niagara to enter into a sub-lease agreement with the Niagara Children's Centre for a portion of the E.J. Freeland Community Centre

Relation to Council's 2018-2022 Corporate Strategic Plan

Strategic Priority #1: Optimizing Health, Housing and Social well-being through service access and healthy lifestyles

List of Stakeholders

- The Fort Erie community;
- The Boys and Girls Club of Niagara;
- The Niagara Children's Centre

Prepared by:

Approved by:

Original Signed

Original Signed

Bev Bradnam, DPA, CMM III
Manager, Strategic Initiatives

Chris McQueen, MBA
Chief Administrative Officer

Purpose of Report

The purpose of this report is to seek Council's consent to allow the Boys and Girls Club of Niagara to enter into a sub-lease agreement with the Niagara Children's Centre for a portion of the E.J. Freeland Community Centre.

Analysis

Recently, the CAO and Directors of Infrastructure and Corporate Services met with representatives of the Boys and Girls Club of Niagara (BGCN) to discuss an opportunity to bring a new community serving agency into the E.J. Freeland Community Centre.

As background, Council authorized the entry into a Lease and Municipal Capital Facility Agreement with the Boys and Girls Club of Niagara on December 19, 2019 for the former YMCA building located at 1555 Garrison Road (By-law No. 161-2019). Soon after BGCN took possession of the facility COVID-19 occurred, which impacted the opening and operation of the facility. BGCN advises that 2023 represents the first year that the Centre will be fully operational since they took occupancy. The lease agreement with the BGCN requires Council's consent to assign or sublet any portion of the facility.

The Niagara Children's Centre has approached BGCN to lease a portion of underutilized space on the second floor of the facility consisting of 1,000 square feet. Their programs and services are well aligned with the BGCN mission and core values. As a well-respected child and youth serving organization in the Niagara Region, the BGCN believes that their presence in the Centre would provide added value to the community and contribute to the viability of Centre over the ensuing three years. Town staff were also provided with a package of business plan documents including financial records.

Financial/Staffing and Accessibility (AODA) Implications

The entry into the sub-lease agreement will help BGCN meet their funding targets to operate the E.J. Freeland Community Centre.

It is not expected that there will be any financial impact to the Town's operating or capital costs.

Policies Affecting Proposal

By-law No. 161-2019 authorized the entry into a Lease and Municipal Capital Facility Agreement with the Boys and Girls Club of Niagara for the operation of the E.J. Freeland Community Centre for a period of ten years. Section 19 of the Agreement is specific to Assignment and Subletting.

Comments from Relevant Departments/Community and Corporate Partners

The Land Committee reviewed the proposal at its March 16, 2023 Land Committee meeting and felt that this was an excellent opportunity for the BGCN as well as the community as a whole as additional services will be made available at the Centre. The following recommendation was passed by the Land Committee:

Recommendation No. 4:

THAT: The Land Committee supports the Boys and Girls Club of Niagara sub-leasing a portion of the E.J. Freeland Community Centre to the Niagara Children's Centre; and further

THAT: An Administrative Report be prepared for Council's consideration at the March 27, 2023 Council meeting.

The Director, Infrastructure Services, and Manager, Facilities and Parks, were also present at the meeting with the BGCN and agree that this is an opportunity to optimize the underutilized space in the facility.

Communicating Results

The Communications Advisor will be asked to share the additional services and programming that will be available at the E.J. Freeland Community Centre once the Niagara Children's Centre is in place

Alternatives

Council may choose not to authorize the sub-leasing of a portion of the E.J. Freeland Community Centre. This alternative is not supported as this opportunity will assist the BGCN in operating the facility and also provide additional services for the community.

Attachments

Not applicable.



Prepared for	Regular Council	Report No.	CAO-09-2023
Agenda Date	March 27, 2023	File No.	360803

Subject

NATURAL ASSET INVENTORY PROPOSAL BY THE NIAGARA PENINSULA CONSERVATION AUTHORITY

Recommendations

- THAT** Council approves the request in the amount of \$75,000 from the Climate Change Reserve for the Niagara Peninsula Conservation Authority to prepare a Natural Asset Inventory; and further
- THAT** Council amends the 2023 Operating Budget to provide funding to the Niagara Peninsula Conservation Authority in the amount of \$75,000 funded from the Climate Change Reserve.

Relation to Council's 2018-2022 Corporate Strategic Plan

Strategic Priority #5: Managed Growth through Responsibility, Stewardship and Preservation

List of Stakeholders

- The Fort Erie community
- The Niagara Peninsula Conservation Authority
- The Bert Miller Nature Club
- Town staff

Prepared by:

Approved by:

Bev Bradnam, DPA, CMM III
Manager, Strategic Initiatives

Chris McQueen, MBA
Chief Administrative Officer

Purpose of Report

The purpose of this report is to seek Council's approval to authorize reserve funding in the amount of \$75,000 for the purpose of entering into an agreement with the Niagara Peninsula Conservation Authority (NPCA) for the preparation of a Natural Asset Inventory.

Analysis

Ontario Regulation (O. Reg.) 588/17: Asset Management Planning for Municipal Infrastructure came into effect on December 27, 2017. This regulation set out requirements for municipal asset management planning to help municipalities better understand their infrastructure needs and inform infrastructure planning and investment decisions. The regulation provides a phased approach and staggered timelines for municipalities to comply with the regulation's requirements. The Town has already completed its strategic management policy and asset management plan for core municipal service. Green Infrastructure assets are required to be included in the Town's Asset Management Plan by July 1, 2024. Green infrastructure (natural asset) is defined in O. Reg. 588/17 as an infrastructure asset consisting of natural or human-made elements that provide ecological and hydrological functions and processes – owned or managed by the municipality, such as natural heritage features and systems (e.g. wetlands, meadows, forests, shoreline), parklands, storm water management systems, street trees, urban forests, natural channels, permeable surfaces such as trails, and green roofs.

In 2020, Council received Administrative Report No. CAO-17-2020, which provided an overview of the impacts of Climate Change and the need for the Council to consider adaptation and resiliency strategies. The Report did highlight that a Natural Areas Inventory has been conducted in the past and included protected environmental lands and Provincially Significant Wetlands that contribute to biodiversity; however, this was over 20 years ago.

Stemming from the Report, Council authorized the creation of a Climate Change budget amount of \$150,000 to be used for various projects to address the impacts on the community.

In 2022, a Climate Change Reserve Fund was created and the first project undertaken was the Town joining the Greening the Landscape Research Consortium and a three-year commitment for membership.

Most recently, the CAO has met with representatives of the Niagara Peninsula Conservation Authority (NPCA) to discuss ways in which a collaborative approach could assist the Town in reaching some of its Climate Change goals and meet O. Reg. 588/17 compliance requirements. The NPCA has put together a proposal with the following deliverables:

- Inventory of the municipally owned green infrastructure assets;
- Compilation of GIS data and asset inventory database;
- Condition assessment of municipally owned green infrastructure assets (by asset type) and identification of risks;
- Valuation of the municipally owned green infrastructure assets (by asset type) based on current levels of service (e.g. ecosystem services); and
- A final report synthesizing the municipally owned green infrastructure asset inventory, condition assessment, risk identification and valuation.

The project team will be comprised of relevant NPCA and Town of Fort Erie staff and will be led by experienced project managers and supported by technical staff with expertise in GIS, finance, climate change, and natural asset planning.

The Work Plan will be further developed in collaboration with Fort Erie staff and all deliverables (as shown in the draft work plan below) are targeted for completion by the end of 2023.

FORT ERIE GREEN INFRASTRUCTURE ASSET PROJECT WORK PLAN	Q1-2023			Q2-2023			Q3-2023			Q4-2023		
Deliverable & Key Activities	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Project Kickoff												
• Submit proposal to Fort Erie staff												
• Kick off meeting to validate scope & deliverables												
• Statement of work approved												
• Terms of reference finalized												
Green Infrastructure Asset Inventory												
• Data gap analysis and research needs identification												
• Data gathering												
• GIS desktop analysis												
• Field validation to fill data/information gaps												
• Produce GIS database/mapping												
Condition Assessment												
• Consultant scope of work finalized												
• Procurement of consultant												
• Conduct condition assessment												
• Synthesize results to summarize condition to support validation												
Risk Identification												
• Collaborative workshop to identify risks to green infrastructure assets												
• Climate change risk vulnerability risk identified												
Valuation												
• Determine methodology for calculating value of current level of service for asset types												
• Determine timeframe for replacement costs to G.I. assets												
• Identify cost benefit of services provided by G.I. assets												
• Synthesize information to summarize valuation												
Final Report												
• Compile all information into draft report for review by project team												
• Produce final report												

Financial/Staffing and Accessibility (AODA) Implications

The NPCA proposal requires the entry into an agreement and payment of \$75,000 to cover project costs. NPCA has agreed to provide some staffing resources and expenses above their proposed cost of \$75,000. The Climate Change Reserve will be accessed as the funding source, upon Council's approval.

The Town will purchase by negotiation due to a number of advantages that staff have identified:

- 1) collaboration with a local agency with specialized expertise and historical data;
- 2) the Town of Fort Erie will be the first Niagara municipality to collaborate with the NPCA on this type of work and will be considered a "pilot project";
- 3) there will be a training component that will provide Town staff with the knowledge transfer that will allow them to maintain the data collection for future updates to the Asset Management Plan.

The Town of Fort Erie will be the first Niagara municipality to collaborate with the NPCA on this type of work and will be considered a "pilot project".

As noted in the Analysis Section, Town staff will be engaged to participate and support the project.

Policies Affecting Proposal

Ontario Regulation 588/17: Asset Management Planning for Municipal Infrastructure requires Green Infrastructure assets to be included in the Town's Asset Management Plan by July 1, 2024.

By-law No. 41-2002 authorized the entry into an agreement with the Bert Miller Nature Club for the Natural Areas Mapping Inventory – Natural Heritage Component of the New Official Plan.

By-law No. 150-2022 adopted the Climate Change Reserve.

Comments from Relevant Departments/Community and Corporate Partners

NPCA will work closely with internal staff to complete the field work and ensure integration with other key projects such as the Asset Work Order Management System (AWOMS).

Community partners, such as the Bert Miller Natural Club and the Town's Heritage Committee, will also be consulted.

Communicating Results

As a pilot project, the Town of Fort Erie will be leading the way in working with another Regional partner that has expertise in natural asset inventory. Utilizing their skills and working in collaboration with Town staff will ensure that we continue striving to minimize disruption of existing natural features and resources while at the same time meeting our legislative requirements.

Alternatives

Council may choose not to proceed with working with the NPCA. This option is not recommended as the Town does not have the staff expertise and capacity to conduct the inventory and meet legislative timelines.

Attachments

Not applicable.



Fort Erie Fire & Emergency Services

**Prepared for
Agenda Date**

Council-in-Committee
March 27, 2023

**Report No.
File No.**

FES-01-2023
210701

Subject

**2022 YEAR-END REPORT FOR THE FORT ERIE FIRE DEPARTMENT, INCLUDING
EMERGENCY MANAGEMENT**

Recommendations

THAT Council receives the 2022 Year-End Report for the Fort Erie Fire Department, including Emergency Management, for information purposes.

Relation to Council's 2018-2022 Corporate Strategic Plan

Not applicable.

List of Stakeholders

- 1) Mayor and Council
- 2) Town of Fort Erie Residents and Property Owners
- 3) Town of Fort Erie Fire Department and its' members

Prepared by:

Approved by:

Mark Schmitt CMM III
Fire Chief/CEMC

Chris McQueen
Chief Administrative Officer

Purpose of Report

This report provides an annual overview of the work accomplished by the Fort Erie Fire Department in 2022, including the Emergency Management program. This report further provides a summary of our Work Program for 2023.

Analysis**Administration**

The Fire Office saw a significant change in 2022. Fire Chief Ed Melanson departed to take on the role of Director of Fire Services / Fire Chief / CEMC for the municipality of Saugeen Shores. Deputy Fire Chief, Mark Schmitt became interim Fire Chief on July 8th and was promoted as the permanent Fire Chief on August 12th. The Deputy Fire Chief position was posted and was filled by Chris Smith. Deputy Fire Chief Smith started in this role on October 5th.

The department also experienced the departure of the Senior Fire Prevention Officer, on August 8th. This started a chain of recruitments and promotions that saw Fire Prevention Officer, Jessica Goodings move to the Senior Fire Prevention Officer role, Fire Prevention Inspector, Kevin Hesse move to Fire Prevention Officer, Short-Term Rental Inspector and Administrative Assistant, Joe Veltman move to Fire Inspector, and temporary Administrative Assistant, Veronica Persichetti become our full-time Administrative Assistant.

Our Administration continued to rely on volunteer staff through committees and training groups to assist in Standard Operating Guidelines, lesson plans, Safety Plan development, and PPE testing. This requires a large time commitment from some volunteer staff, so we continue to monitor for the impacts on work-life balance for our volunteers. The Administration's focus in 2023 is to bring volunteers back together, and reduce committee dependency allowing volunteers more time with their families.

Call volumes remained steady in 2022 with some reduction in volunteer attendance. The administration has taken steps to help with attendance. A review of our tiered response agreement with Niagara Emergency Medical Services saw a reduction by including only priority 1 calls. This is when the ambulance service has a longer than 8-minute response time or when Niagara Emergency Medical Services is in code red (no ambulance available). This means our volunteers will only be going to calls they can make a difference at and reducing the number of calls they are canceled from. This should see a reduction in medical call volumes by approximately 30%. Chief Melanson also increased night-time call pay to 2 hours for the first hour, between 10 pm and 6 am from Sunday night till Friday morning.

A newly formed Peer Support team made up of 12 volunteers, supported by staff, started meeting in April of 2022. The team has completed training in Critical Incident Stress Management, Before Operational Stress, and other internal training. They have

been deployed for group and one-on-one debriefings late in 2022. This team plans to do an official role out in 2023 with a focus on mental wellness as they visit stations. Mandatory certification O. reg.343/22 was introduced in 2022. This requires staff, volunteer firefighters, and volunteer public educators to be certified to the standard or standards related to each role's core competencies, except for technical rescue, by July 1, 2026. Technical rescue certifications are required by July 1, 2028. In the coming year, a decision will need to be made if Fort Erie Fire and Emergency Services will continue to offer services in all current rescue disciplines due to the time commitment and extensive training requirements (i.e. auto extrication, shore-based water rescue, boat-based water rescue, and Hazmat response).

Suppression Attendance

The year 2022 saw a slight decrease in volunteer staff responding to incidents, down approximately 4%. This may be attributed to a more “normal” work/life post-COVID-19. Also, a sharp increase in non-priority medical calls saw responding crews canceled repeatedly which may have contributed to this slight reduction.

Station	2021 Attendance	2022 Attendance
2	40.5%	41%
3	49.5%	42%
4	43.3%	34%
5	40.0%	42%
6	45.8%*	-
Average	43.8%	39.75

*Station Closed September 2021

The focus on “One Fire Department” continued in 2022 by developing and implementing numerous operational guidelines and policies covering administrative procedures, health & safety, high-rise specialized response, marine response, human resource policy refinement, and apparatus maintenance and repair.

Response capability improvements for emergency response include boat identifying and tracking technologies, water rescue equipment, auto extrication tools, and fog nozzle replacement.

Communication

Tillsonburg Fire Communications continued to supply dispatch service to Fort Erie Fire and Emergency Services. Tillsonburg is in a good position for Next Generation 911 (NG911) implementation that is Provincially mandated to be completed by 2024. Tillsonburg also increased staffing levels, not only to reflect their commitment to the NFPA Communicators standard but also to accommodate their continued growth as a dispatch center, recently adding Welland Fire, and Oxford County early in 2023.

Amalgamation

The amalgamation of Stations 4 and 6 took place in early summer. Officially Stations 4 and 6 were operating as one station by the end of November 2021. The move into the new Station 4 went smoothly. Some deficiencies were noted and the majority were rectified by the end of 2022. One outstanding issue remains, which is the completion of the training room audio-visual equipment, but this is not critical to current operations. This equipment will make it the most state-of-the-art training space available to the Fort Erie Fire and Emergency Services. We will have the ability to have remote, in-person, and hybrid classes as well as meetings. The station will be identified as a secondary backup Emergency Operation Centre.

Response Data

Suppression volunteers, consisting of approximately 89 active responders, attended a cumulative total of 1152 emergency response events or 11,244 response hours for their community. (See table below)

Station	2021 Calls	2022 Calls
2	345	351
3	223	297
4	203	368
5	139	136
6	146	-
Totals	1056	1152

Incident Type	Number of Incidents	Percentage (%)
Medicals	451	38.5
Alarm Activation	214	18.2
Burning Complaint	74	6.4
MVC	137	11.6
Other	35	2.9
Carbon Monoxide	52	4.5
Power Lines Arcing	30	2.5
Fire – Car / House	41	3.5
Out-Door Fire	13	1.2
Hazmat	65	5.6
Aid to other agencies	14	1.2
General Tech Rescue	30	2.6
Ice/Water Rescue	15	1.3
Totals	1056	100

Year	Calls	Variance (%)
2022	1171	9.7
2021	1058	2.9
2020	1028	(21.71)
2019	1313	22.39
2018	1019	6.58
2017	952	(10.78)

Training

In 2022, our firefighters completed many NFPA in-house and online certifications in courses such as Pump Operations, Officer Level I, II & III, Fire Instructor Level I & II, Fire and Life Safety Educator Level I, Incident Safety Officer, Fire Investigator, and Hazardous Materials Operations and Mission Specific response. These certifications put us in excellent stead for the Provincial Mandated Firefighter Certification.

In addition to the NFPA courses offered through the Fire College, we conducted the following in-house courses: Ontario Driver Certification Program DZ, Marine Emergency Duties A3, Small Vessel Operator Proficiency, Fire and Explosion Investigator, and monthly officer development classes. We continue to see minimal disruption from the closer of the Ontario Fire College facilities, and the development of regional training centers.

The recruitment of replacement firefighters was required in 2021/2022. This recruitment resulted in 11 successful graduates. The need for firefighters at Stations 2, 3, and 5 drove the need to commence a recruitment drive for 2022/2023. The campaign attracted 31 applicants, 25 interviews, and 14 conditional offers of employment. Thirteen will start training in January of 2023.

The year 2023 will see the Fort Erie Fire and Emergency Services return to in-person conferences and training sessions to ensure our training is progressive and leading edge.

Fire Prevention

The Fire Prevention Division continued to develop a '*philosophy of compliance*' focusing on Bylaw 135-2019, the Fire Prevention & Public Education Policy. The Fire Prevention staff divided the municipality territorially and created an inspection frequency plan for all occupancy types per the bylaw's direction. Basic occupancy information continues to be input into Emergency Reporting for each property. This information will be updated when inspections are conducted and a score is assigned for community risk assessment planning purposes.

Five hundred and twenty inspections were conducted in 2022, with a majority specific to business licensing or complaint-related. Approximately 43 fire safety plans were

reviewed and updated for various occupancy types, and 75 emergency evacuation plans were reviewed/re-reviewed specific to short-term rentals. Eleven Open-Air Burn Permits were given to property owners who met the required parameters.

Short-term Rental

In 2022, a 6-month short-term rental inspector position was added to the Fire Office. This position completed 187 inspections within a very aggressive time frame. Compliance for these inspections was similar to our door-to-door SAFE program at about 35%. Most deficiencies were smoke alarms and the misplacement of fire extinguishers. The Fire Department will continue to work with Communications to promote good fire safety messaging in the community.

Short-term rental inspections have been incorporated into the Fire Inspector job description for 2023.

Public Education

The Public Education Division had an excellent year educating the public on fire and home safety. The year started with high-rise messaging for those residents that occupy the low, mid, and high-rise buildings in town. Educating residents also keeps our firefighters safe when responding. Tenants in all seven buildings were offered a tip card with a video attached on what to do in the event of an emergency or fire in their building.

Although vaccine clinics were starting to wind down Public Educators still attended 14 clinics and educated those who were waiting after receiving their vaccination.

Our “After the Fire” program, followed up with residents providing educational material to potentially prevent similar fires in the future. Four targeted neighborhoods were canvassed.

Several station tours were conducted as we could now allow families, community groups, and children back to our stations safely. Several groups and schools over the year visited the fire stations.

Our annual Smoke Alarm Fort Erie Program (SAFE) has continued to run at its full compliment of 33 dates, either single or neighborhood canvas.

The total number of homes attempted	344
Total number of refused/will calls	40
Total number of rentals	25
Total number of no answers	117
The total number entered and inspected	162
Total number of homes compliant before inspection	54
The total compliance rate for Fort Erie is	33%
(Compliance rate is based on the number of homes entered and inspected)	

The team created an Open Burning Bylaw canvas program due to a large number of reported calls and the use of unnecessary resources. Crescent Park was a large canvas over multiple dates. In addition, Henrietta and Torrance streets were covered.

Public Education attended 21 community events such as Fort Erie Native Centre Open House in the Spring, Community Outreach Program Library, Ridgeway Seniors Event which 75 seniors attended, 13 for 13 events, and Bingo presence for Victim Services Niagara.

The Public Education Division continues to assist local industries in training their staff on the safe use of fire extinguishers with their mobile live fire training unit. The Division also participated in the training of the newly created Community Emergency Response Team of 50 members.

Junior Firefighter Camp still holds extreme popularity among local children. Incredibly, we received 118 applications for 60 spots. The Division hosted two 3-day camps, one in July and one in August. Each of the 30 students, between the ages of 9-12 is chosen through a lottery. The program is offered free of charge and aims to promote the profession to young students.

Our local schools are still cautious about public presentations within schools after COVID-19. However, we were still able to attend several presentations in our municipality covering many grade levels. A total of 11 school presentations were conducted.

The Public Education team has continued to be educated to gain the important knowledge needed to be effective in the community and programming. Those courses include Fire and Life Safety Educator II, First Aid training, Naloxone training, and awareness, and attended the Montour Falls Public Education Seminar weekend.

Emergency Management

The Town of Fort Erie's Emergency Management Group decided early in 2022 to end weekly meetings related to COVID-19 and health emergencies and have continued to monitor this situation locally.

The Hazard Identification and Risk Assessment was reviewed and financial institutions were added to the critical infrastructure list.

A small exercise was run late in 2022 that brought the emergency control group (primary) together in the EOC. It was an opportunity to assemble some of the newer members of the Senior Management Team and several updates to the Emergency Management Plan were made. The group will meet again in 2023 at the backup EOC.

Winter Storm Elliot saw the activation of a virtual EOC with the Town of Fort Erie declaring a state of emergency. The virtual EOC was decided on due to the unsafe driving conditions, and the virtual EOC was highly effective for this event.

The Niagara Region and its local area municipalities implemented a digital notification system supplied by Blackberry AtHoc in 2021. There has been limited use of the system, so additional training will be conducted early in 2023.

The Town of Fort Erie's Emergency Management Program was deemed compliant by the OFMEM (Ontario Fire Marshal Emergency Management) office in 2021. The 2022 Compliance submission was completed and received by OFMEM before December 31, 2022.

The Fort Erie Public Education Division continued to supply information on emergency preparedness at public events. Packages included best practices for 72-hour preparedness, flood evacuation, and winter storm life safety. The Fire Department continues to work with the Communications team to promote greater awareness and need by the community to be individually prepared for emergencies and storm events.

Flooding and flood response continue to be refined specifically regarding messaging and response. Initiatives including pre-emptive messaging, barricade positioning, pre-emptive road closures, waterfront park safety measures, and Fire Chief / Deputy Fire Chief patrol methodologies continue.

2023 will continue to focus on reviewing the Town of Fort Erie Emergency Plan. Training will be provided to increase familiarity with the Plan and also bring newer staff into compliance.

Financial/Staffing and Accessibility (AODA) Implications

Not applicable.

Policies Affecting Proposal

This report is provided for information purposes only and is intended to provide information to Council on the activities of the Fire Department in 2022, with the proposed plans for 2023.

Comments from Relevant Departments/Community and Corporate Partners

Not applicable.

Communicating Results

Not applicable.

Alternatives

Not applicable.

Conclusion

The 2022 initiatives have been developed to ensure continuous delivery, providing the best possible service to residents, taxpayers, visitors, and investors.

Other fire services view the Fort Erie Fire Department as a progressive, professional, and well-trained department. Efforts will be directed to ensure this vision progresses forward, focusing on providing the best possible service to the community while creating unity and a sense of belonging for our volunteers and staff alike under an inclusive “One Fire Department” banner.

Attachments

Not applicable.



Office of the C.A.O.

Prepared for	Regular Council	Report No.	CAO-07/LC-04-2023
Agenda Date	March 27, 2023	File No.	120902

Subject

LAND MATTERS:

MARCH 16, 2023 LAND COMMITTEE MEETING MINUTES

Recommendations

THAT Council receives the March 16, 2023, Land Committee meeting minutes attached as Appendix "1" to Report No. CAO-06/LC-03-2023.

THAT Council approves the recommendations contained in Appendix "2".

Relation to Council's 2018-2022 Corporate Strategic Plan

Land Committee Minutes are provided to Council together with recommendations associated with property and land matter requests.

List of Stakeholders

- Residents, organizations and businesses of Fort Erie as contained in the report

Prepared by:

Approved by:

Original Signed

Original Signed

Bev Bradnam, DPA, CMM III
Manager, Strategic Initiatives

Chris McQueen, MBA
Chief Administrative Officer

Purpose of Report

The purpose of this report is to ensure that members of Council are provided with current land information and staff's deliberations associated with the land matters discussed at the March 16, 2023, Land Committee meeting.

Land Committee minutes are intended to be presented to Council for approval on a regular basis. While not all reports will provide recommendations for Council's deliberations, they will provide background information on land matters discussed.

Analysis

Attached as Appendix "1" to the Report is a copy of the March 16, 2023, Land Committee meeting minutes.

The Committee passed four recommendations related to:

- 1) the former Rail-to-Trail Initiative Land Exchange – 0-8227 Hibbard Street;
- 2) the Request to Purchase 0-12674 Hiawatha Avenue;
- 3) the relocation of the Crystal Beach BIA Farmer's Market; and
- 4) the request by the Boys and Girls Club Niagara (BGCN) to sub-lease a portion of the E.J. Freeland Community Centre.

Members of the Land Committee will be in attendance during Council's deliberation to answer any questions arising from the minutes.

Financial/Staffing and Accessibility (AODA) Implications

Detailed in the March 16, 2023, Land Committee meeting minutes.

Policies Affecting Proposal

By-law No. 168-91, as amended, established and appointed members to the Land Committee. The By-law sets out the role of the Land Committee and defines mandates and responsibilities of its members. The sale of land is governed by By-law No. 60-2017. Encroachments are governed by the Town's Encroachment Policy governed by By-law No. 89-07, as amended.

Comments from Relevant Departments/Community and Corporate Partners

The Land Committee is represented by the Mayor, the Chief Administrative Officer, the Director of Corporate Services, the Director of Planning and Development Services, the Director of Infrastructure Services and the Manager, Economic Development and Tourism Services. The Executive Director of the Fort Erie Native Friendship Centre also attends the Land Committee meetings.

Other staff members are invited to participate in the Land Committee meetings depending upon their specific duties, responsibilities and specific area of expertise.

Communicating Results

Not applicable.

Alternatives

No alternatives are provided.

Attachments

Appendix "1" - March 16, 2023, Land Committee Meeting Minutes

Appendix "2" - Recommendations for Council's Approval



MINUTES

Land Committee Meeting

Meeting Date, Time, and Location

Thursday, March 16, 2023 at 9:00 a.m. in Conference Room #1

Members

Mayor Wayne Redekop (at 9:21 a.m.)
C. McQueen, Chief Administrative Officer (regrets)
J. Janzen, Director, Corporate Services
A. Herlovitch, Director, Planning and Development Services (Chaired the meeting on behalf of the CAO)
C. Grummett, Manager, Economic Development and Tourism Services
K. Walsh, Director, Infrastructure Services
J. Dockstader, Executive Director, Fort Erie Native Friendship Centre (regrets)

Support Staff

S. Hansen, Manager, Community Planning
C. Schofield, Manager, Legislative Services and Clerk (regrets)
R. Firenze, Law Clerk
B. Bradnam, Manager, Strategic Initiatives

1)

New Business

1) Land Committee Terms of Reference and Policies Review

This matter was deferred until the next Land Committee meeting to allow the CAO, Manager of Legislative Services/Clerk and Executive Director of the Fort Erie Native Friendship Centre to participate in the discussion. The Director of Planning and Development Services will also be providing additional comments.

2) Former Rail-to-Trail Initiative Land Exchange – 0-8227 Hibbard Street - Jamieson

The Mayor declared a conflict on this matter as the property is owned by his former law partner. The Mayor was not present during the discussions.

The Director of Planning and Development Services advised that at the time the Friendship Trail was being established there was a need for a parking lot to be constructed off of Ridge Road North. Initially the design for the parking lot was for diagonal parking and there was a need for a driveway up to Hibbard for a proposed exit, as shown on attachment "1.2" to the Minutes. In the late 1990's a former Director had correspondence with the owner of 0-8227 Hibbard Street for an exchange of lands. When the parking lot was built, the landscaping was reduced and 90° parking was constructed, rather than diagonal. According to the property owner the driveway was constructed without his consent and the Town has been using the property over the past 24 years. The property owner, through his realtor, is requesting that the property exchange that was proposed 24 years ago proceed, ensure that once the properties have been exchanged that there is ample property to be able to offer the lands for sale, permit ready building lots as per the existing zoning, and also seek remuneration for the use of the lot based on Fair Market Value in the amount of \$260,000.

1) **New Business, continued**

2) **Former Rail-to-Trail Initiative Land Exchange – 0-8227 Hibbard Street – Jamieson, continued**

Land Committee members advised that the driveway is not needed due to the configuration of the parking spaces as cars can back-up and exit to Ridge Road North. The Director of Infrastructure Services advised that the driveway can be removed and seeded. Discussion took place regarding the placement of a washroom facility to accommodate market goers and trail users and the possible extension of the parking area, which would require a realignment of the trail. The following recommendation was passed by the Land Committee:

Recommendation No. 1:

THAT: Land Committee members recommend that, rather than pursuing the land exchange and proposed remuneration, the paved surface be removed and reinstated with top soil and seed, and further

THAT: The property owner and his realtor be so advised.

(CARRIED)

The Mayor joined the meeting at 9:21 a.m.

3) **Request to Purchase: 0-12674 Hiawatha Avenue**

The Director of Planning and Development Services advised that a request to purchase the undersized lot known as 0-12674 Hiawatha Avenue was received by the owner of the vacant parcel located immediately south of the Town-owned parcel, both of which are designated and zoned Rural Residential (RR). The memorandum prepared by the Senior Development Planner is attached as Appendix “1.3” to the minutes that outlines the Land Sale Policy as it relates to under-sized RR lots. The Land Committee noted the encroachments on the Town land by the abutting owner to the west and requested that Planning staff follow-up with the property owner regarding the encroachments and the possibility of purchasing the vacant under-sized Town land to correct the encroachments. The following recommendation was passed by the Land Committee:

Recommendation No. 2:

THAT: The request to purchase 0-12674 Hiawatha Avenue be denied; and further

THAT: Planning staff follow-up with the abutting owner to the west of the Town’s property regarding the encroachment on the Town-owned lands.

(CARRIED)

1) **New Business, continued**

4) **2023 Crystal Beach BIA Farmer's Market Proposal – Request to move location**

A memorandum from the Economic Development Officer was received by the Land Committee and is attached as Appendix "1.4" to the Minutes. The memorandum outlines the request by the Crystal Beach BIA to relocate the Farmer's Market from Queen's Circle to the far east side of the Erie Road parking lot leased by the Town from the Crystal Beach Hill Cottagers Organization. Land Committee members discussed the request and agreed that a one-year Licence Agreement could be entered into and then revisited after the season to determine if there were any impacts on parking, traffic, garbage collection, etc. as well as hearing back from the CBBIA on the success of the relocation before additional years are approved.

Recommendation No. 3:

THAT: The Land Committee supports the relocation of the Crystal Beach Farmers' Market for the 2023 season to the parking lot on the far east side of Erie Road between Oxford Avenue and Maplewood Avenue; and further

THAT: Additional years be considered at the end of the May-October 2023 season.

(CARRIED)

2) **Outstanding Land Matters for Discussion**

1) **Request to purchase old Ridgeway Public Works Yard**

The Director, Infrastructure Services, advised that he is expecting a report next month. Remain on outstanding.

2) **Property off of Queen Street/Douglas Street**

The Director, Planning and Development Services, advised that, with the departure of the Planning staff member that was working on this file, the Senior Development Planner will be taking over the file. Remain on outstanding.

3) **Waterfront Encroachment – Burleigh Road/Healing Garden (Waverly Park)**

The Manager, Community Planning, confirmed that the Executive Director of the FENFC has met with Tim Johnson of Plenty Canada and a meeting has been set up for early April on site. The Mayor asked that the Manager follow-up with the Executive Director at the meeting about the plantings at Burleigh Road noting that time is of the essence as this has been outstanding for quite some time. Remain on outstanding.

2) **Outstanding Land Matters for Discussion, continued**

4) Request to purchase Town-owned Lands – 390 Derby Road (Smith)

This matter is pending release of the Crystal Beach Secondary Plan. Remain on outstanding.

5) Bert Miller Nature Club request

The Law Clerk advised that a fully executed agreement of Purchase and Sale has been completed with a March 30, 2023 closing date. The Mayor asked that the Communications Advisor be notified so that a news release can be prepared sharing the good news story upon completion of the purchase.

6) Request to improve walkability and signage of Munster and Ulster Lanes

The Director, Infrastructure Services, advised that property owners were given an extension to remove their encroachments by the end of April 2023. The Director will send out a reminder letter notifying the owners of the impending removal date. Remain on outstanding until encroachments have been removed.

7) Request to purchase 0-16255 Lincoln Road West

The Director, Planning and Development Services, advised that, with the departure of the Planning staff member that was working on this file, the Senior Development Planner will be taking over the file. Remain on outstanding.

8) Realignment of Albany Road

The Director, Planning and Development Services, advised that, with the departure of the Planning staff member that was working on this file, the Senior Development Planner will be taking over the file. Remain on outstanding.

9) Request to purchase limited marketability land – Part of the Road Allowance between Lots 22 and 23, Concession 3, Lake Erie Bertie, being part of PIN 64194-0900 LT

The Director, Planning and Development Services, advised that with the departure of the Planning staff that was working on this file, the Senior Development Planner will be taking over the file. Remain on outstanding.

10) 4152 Erie Road – Right to Reconveyance

The Director, Planning and Development Services, provided a brief update. Remain on outstanding.

2) **Outstanding Land Matters for Discussion, continued**

- 11) Request to Extend the Lease for Space in the Leisureplex (Heritage Arts Legacy of Fort Erie)

No update was provided. Remain on outstanding.

- 12) Request to Lease Parking Spaces in Municipal lots for commercial businesses with residential above – multiple requests

The Director, Infrastructure Services advised that a report will be coming to Council on April 17, 2023 and will provide recommendations related to overnight parking, leased parking spaces and time-limited parking. Remain on outstanding.

- 13) Riverwalk Renewal Agreement

The Mayor and CAO met with the Niagara Parks Commission but did not discuss the agreement. The CAO will follow-up with the Commission on the Riverwalk Renewal Agreement which expires in June. Remain on outstanding.

- 14) Request to purchase Limited Marketability Land: Part of Lot 294, Plan 511, Village of Fort Erie; also known as Osborne Avenue; Fort Erie, being part of PIN 644-72-2016 (LT)

The Director, Planning and Development Services, advised that the appraisal has not yet been done. Remain on outstanding.

3) **Other Matters**

- 1) Request by Boys and Girls Club Niagara (BGCN) to sub-lease a portion of the E.J. Freeland Community Centre

The Director, Infrastructure Services, advised that a meeting took place last week at the E.J. Freeland Community Centre with BGCN staff to discuss the possibility of sub-leasing a portion of the Community Centre to the Niagara Children's Centre. The operating agreement with the BGCN requires Council approval for any type of sub-lease agreement. Land Committee members had no objection to the sub-lease request and thought it was an excellent opportunity and one that would provide additional services in the community. Land Committee felt a separate report to Council would provide additional information for Council's consideration. It was noted that the matter is time sensitive and the report will come forward to Council at the March 27, 2023 meeting.

Recommendation No. 4:

THAT: The Land Committee supports the Boys and Girls Club of Niagara sub-leasing a portion of the E.J. Freeland Community Centre to the Niagara Children's Centre; and further

THAT: An Administrative Report be prepared for Council's consideration at the March 27, 2023 Council meeting.

(CARRIED)

4)

Next Meeting Date and Adjournment

The next Land Committee meeting date will take place on Thursday, April 20, 2023 at 9:00 a.m. in Conference Room #1.

The March 16, 2023 Land Committee meeting adjourned at 10:13 a.m.

Minutes recorded and prepared by:

Minutes approved by:

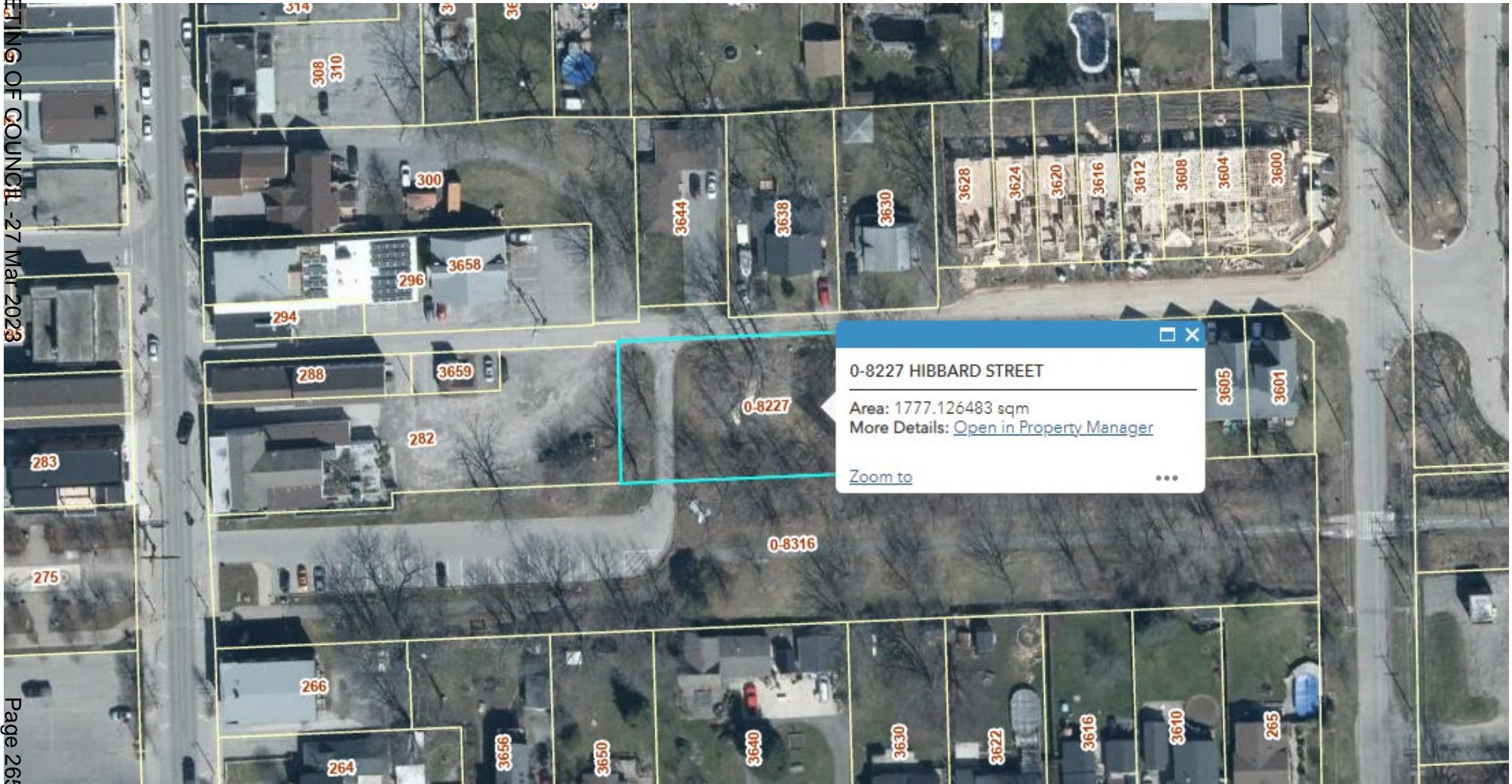
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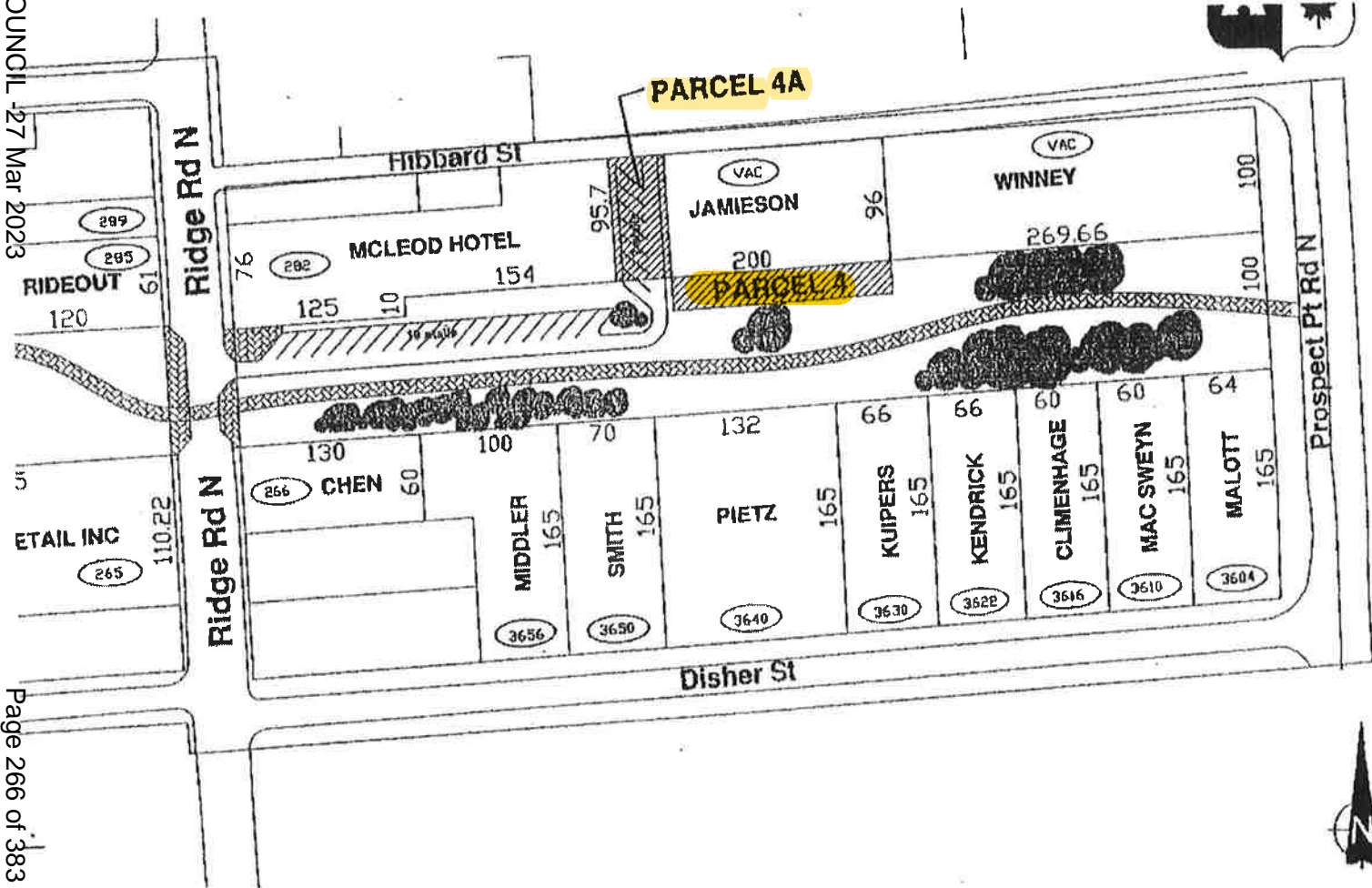
Bev Bradnam, DPA, CMM III
Manager, Strategic Initiatives

Alex Herlovitch, MCIP, RPP
Director, Planning and Development Services

APPENDIX “1.2” TO MARCH 16, 2023 LAND COMMITTEE MEETING MINUTES



Fort Erie Rail-to-Trail Initiative
Ridgeway Section
Area 4



09/21/99 TUE 12:24 PM FAX 905 871 6411

TOWN OF FT. ERIE

003



Interoffice Memorandum

March 13, 2023

To: Land Committee
From: M. Ceci, Senior Development Planner
Subject: **Request to Purchase Limited Marketability Land –
0-12674 Hiawatha Avenue; Lot 67, Plan 445, Bertie; Fort Erie, being all of
PIN 64195-0021 (LT)**

The purpose of this memorandum is to provide information to Land Committee regarding a request that was received to purchase the limited marketability Town-owned parcel at 0-12674 Hiawatha Avenue, and furthermore, to receive direction from Land Committee regarding the disposal of the parcel.

An application to purchase the Town-owned parcel located at 0-12674 Hiawatha Avenue was submitted by Reneé Ibrahim, Owner of 0-12665 Mohawk Avenue, as shown on the Location Plan contained in **Appendix "1"**. The Town-owned parcel is approximately 445.72 m² (0.11 ac) in size with 12.19 m (40.00 ft) of lot frontage on Hiawatha Avenue. The parcel is considered undersized as it does not meet the minimum lot frontage and area requirements of the Rural Residential Zone. For this reason, the parcel is deemed to be of limited marketability in accordance with the Town's Sale of Land Policy. The parcel is partially vegetated and may be impacted by encroachments associated with the residential use located at 1024 Burleigh Road North.

The Town-owned parcel is designated Rural Residential in the Town's Official Plan and is located outside of the urban area boundary. Permitted uses of the Rural Residential designation include single-detached dwellings, group homes, home occupations, and accessory buildings. The Official Plan recognizes the existence of undersized, vacant lots, particularly in the Rural Residential designation. The Town-owned parcel is correspondingly zoned Rural Residential Zone in accordance with the Town of Fort Erie Comprehensive Zoning By-law No. 129-1990, as amended. Permitted uses of the Rural Residential Zone include one single detached dwelling, one accessory apartment dwelling, home occupations, and uses, buildings and structures accessory thereto. The Rural Residential Zone has minimum lot frontage and area requirements of 60.00 m and 4,000 m² (1 ac), respectively. Section 6 – General Provisions of the Zoning By-law states that vacant undersized lots of record outside of the urban area boundary will require septic system approval from the Regional Municipality of Niagara.

The Applicant's vacant parcel is located immediately south of the Town-owned parcel, and is also designated and zoned Rural Residential. The parcel, which is also considered undersized, is approximately 445.71 m² (0.11 ac) in size with 12.19 m (40.00 ft) of lot frontage on Mohawk Avenue. The Applicant is interested in constructing a single detached dwelling on their parcel in the future, which would require septic system approval from the Regional Municipality of

Niagara prior to the Town issuing a building permit. Given the limited size of their property, the Applicant applied to purchase the Town-owned parcel in an effort to increase their overall lot area to approximately 891.43 m² (0.22 ac), and receive septic system approval from the Regional Municipality of Niagara. Regional Staff note that while merging these parcels would increase the size of an existing undersized parcel, technical concerns remain with respect to the feasibility of servicing given the parcels' narrowness and limited area.

Given the designation and undersized nature of the Applicant's parcel, regard should be given to policy statement 5.1.3 in the Town of Fort Erie Sale of Land Policy, which states:

the following restrictions shall apply to land in the Agricultural, Rural, or Rural Residential Designations of the Official Plan or outside the Urban Area:

a) if the total area of the combined Town land and the abutting owner's property is less than 0.4 hectares (1 acre) in size, the Town land will be recommended for sale to the abutting owner, only if there is an existing dwelling or non-residential building on the abutting land

In considering the above, the Sale of Land Policy would not permit the sale of the Town-owned parcel to the Applicant since their parcel does not have an existing dwelling and would not achieve a combined lot area greater than 1 ac. The intent of this policy statement is to ensure that the Town, through the disposal of their lands, is not exacerbating issues related to the groundwater system by facilitating the construction of single detached dwellings on undersized lots in this area of Town. This is of particular importance given the presence of a Highly Vulnerable Aquifer and an overburden less than 2.0 m. For this reason, Planning Staff do not recommend disposing of the lands to the Applicant. Although advised of the aforementioned policy statement and Staff's position regarding the matter, the Applicant sought to receive formal direction from Land Committee and Council regarding their request.

All of which is respectfully submitted,

M Ceci


Mackenzie Ceci
Senior Development Planner

Attach: Appendix "1" - Location Plan



Request to Purchase Municipal Land - 0-12674 Hiawatha Avenue

PLAN 105 LOT 67 NP445

 Town Land Under Consideration for Disposal
445.72 m² (0.11 ac)

 Applicant's Abutting Land (0-12665 Mohawk Avenue)
445.71 m² (0.11 ac)



Parcel Fabric

REGULAR MEETING OF COUNCIL - 27 Mar 2023

0

25

50 Metres





Interoffice Memorandum

March 10, 2023

To: Land Committee
From: Deanna Allen, Economic Development Officer, Economic Development & Tourism Services
Subject: **2023 Crystal Beach BIA Farmers' Market Proposal**

By-law. No. [63-2021](#) authorized the execution of a Licence Agreement with the Crystal Beach Business Improvement Area Board of Management to permit the use of Queen's Circle for the purposes of conducting the Crystal Beach Farmers' Market. On May 5, 2022, the Town entered into a new Licence Agreement with the Crystal Beach BIA with an automatic renewal clause for the purposes of a Farmer's Market.

Within the Agreement, section 3 states that the Crystal Beach BIA may cease the automatic renewal of the licence by providing written notice to the Town before the 31st day of March. On March 9, 2023, the Crystal Beach BIA provided written notice to the Town to cease the automatic renewal of the licence in order to move the location of the Farmer's Market from Queen's Circle to the parking lot on the far east side of Erie Road (locally referred to as 'the Grove'). The Crystal Beach BIA provided a proposal for the new location and it is attached as Appendix "1".

Some highlights of the proposal are:

- Market to be held on Sundays starting from May 21, 2023 to October 8, 2023.
- Market to be held at the parking lot on the far east side on Erie Road between Oxford Avenue and Maplewood Avenue.
- Market to be open between the hours of 7:00am and 2:00pm.
- Approximately 20-25 vendors.
- Alycia Bergeron, Crystal Beach BIA Administrator is the Market Manager and main point of contact.

The Town leases the parking lot from the Crystal Beach Hill Cottager's Organization (CBHCO) in order to provide public parking in Crystal Beach. There is a provision in the Lease Agreement that allows the Town at its discretion, to permit community events or special events organized or approved by the Town in the parking lot. The CBHCO does not have to consent/approve of the events, however it is recommended to notify them of any such event as a courtesy.

EDTS staff are seeking formal direction from Land Committee regarding the use of the parking lot on the far east side of Erie Road between Oxford Avenue and Maplewood Avenue for the purposes of the Crystal Beach Farmers' Market for 2023 and in subsequent years.

All of which is respectfully submitted,

Deanna Allen

Deanna Allen
Economic Development Officer, EDTS

Crystal Beach BIA – 2023 Farmer’s Market
Information submitted by Alycia Bergeron (CBBIA Admin) to EDTS on March 9th, 2023

Overview Concept

The Crystal Beach BIA (CBBIA) would like to propose their plan to the Town of Fort Erie to administer their 2023 Farmer’s Market in Crystal Beach. The market would run every Sunday from 7:00 a.m. to 2:00 p.m. starting from May 21st, 2023 to October 8th, 2023. We are permitting tents **ONLY** for this Sunday morning market, and **ONLY** in The Grove parking lot between Oxford Avenue and Maplewood Avenue.

Location

The proposed location for the Crystal Beach Farmer’s Market is The Grove. *Refer to Appendix 1.*

Administration

The CBBIA intends to administer the Crystal Beach Farmer’s Market for 2023. At least one member will be on site to manage the market. Volunteers would also be available to help with setting up and directing the flow of customers. Alycia Bergeron will be the main contact for the market. Her contact information is 289-668-8807 and cbbia@outlook.com.

Anticipated Costs

The costs for the Farmer’s Market can be found below.

- Portable washroom - \$192.10/month
 - We would also look to the towns Park & Recreations department to supply a portable washroom in the SW corner of The Grove).
- Farmer’s Market Ontario Insurance - \$920.75/year (including membership).
 - This is an estimate based on previous year, exact cost to be confirmed once location is approved.
 - The insurance from Farmer’s Market Ontario will cover the vendors.
- Signage (flag stand-up sign and banners for the street) - \$700.
- Musician fees - \$300.
- Printing - \$50.
- Fees charged to vendors - \$240 for the entirety of the season (May 21st 2023-October 8th 2023). If vendor is looking for a weekly rate to only come a few times, it will be \$25 per week.
 - It is estimated the market will have 20-25 vendors (full and part-time)

Licensing Requirement

The CBBIA is aware that they must enter into a Licence Agreement with the Town of Fort Erie for the use of The Grove.

Types of Advertising

Proposed Signage

The Crystal Beach Farmer's Market intends to advertise by placing sandwich boards around Crystal Beach as was done in the previous year. There will also be flyers printed to distribute locally by volunteers, as well as being available at the tourist booth on Erie Road.

Social Media

The Crystal Beach Farmer's Market has their own Facebook page and will continue to advertise the market. We will also advertise on various local Facebook group pages, including the CBBIA's Facebook Page and their website.

Local Newspapers

The CBBIA also intends to advertise in local newspapers (The Observer and The Post) advising of special events and features of the market.

Appendix 1



Appendix “2” to Administrative Report No. CAO-07/LC-04-2023

Date of Meeting	Land Matter	Rec. No.	Tasks identified/ Recommendation of Land Committee	Status/Council Action Required
Mar. 16/23	Former Rail-to-Trail Initiative Land Exchange – 0-8227 Hibbard Street (Jamieson)	1	<p>THAT: Land Committee members recommend that, rather than pursuing the land exchange and proposed remuneration, the paved surface be removed and reinstated with top soil and seed, and further</p> <p>THAT: The property owner and his realtor be so advised.</p>	Requires Council’s approval
Mar. 16/23	Request to Purchase 0-12674 Hiawatha Avenue	2	<p>THAT: The request to purchase 0-12674 Hiawatha Avenue be denied; and further</p> <p>THAT: Planning staff follow-up with the abutting owner to the west of the Town’s property regarding the encroachment on the Town-owned lands.</p>	Requires Council’s approval
Mar. 16/23	2023 Crystal Beach BIA Farmer’s Market Proposal – Request to move location	3	<p>THAT: The Land Committee supports the relocation of the Crystal Beach Farmers’ Market for the 2023 season to the parking lot on the far east side of Erie Road between Oxford Avenue and Maplewood Avenue; and further</p> <p>THAT: Additional years be considered at the end of the May-October 2023 season.</p>	Requires Council’s approval
Mar. 16/23	Request by Boys and Girls Club Niagara (BGCN) to sub-lease a portion of the E.J. Freeland Community Centre	4	<p>THAT: The Land Committee supports the Boys and Girls Club of Niagara sub-leasing a portion of the E.J. Freeland Community Centre to the Niagara Children’s Centre; and further</p> <p>THAT: An Administrative Report be prepared for Council’s consideration at the March 27, 2023 Council meeting.</p>	Refer to Admin. Report No. CAO-08-2023



Community Services

Prepared for	Regular Council	Report No.	COS-03-2023
Agenda Date	March 27, 2023	File No.	210101

Subject
TERMS OF REFERENCE UPDATE FOR COMMITTEES OF COUNCIL

Recommendations	
<u>THAT</u>	Council approves the Terms of Reference for the Accessibility Advisory Committee; and further
<u>THAT</u>	Council approves the Terms of Reference for the Committee of Adjustment; and further
<u>THAT</u>	Council approves the Terms of Reference for the Mayor's Youth Advisory Committee; and further
<u>THAT</u>	Council approves the Terms of Reference for the Museum and Cultural Heritage Advisory Committee; and further
<u>THAT</u>	Council approves the Terms of Reference for the Property Standards Committee; and further
<u>THAT</u>	Council approves the Terms of Reference for the Senior Citizens Advisory Committee; and further
<u>THAT</u>	Council directs Staff to submit by-laws to Council to repeal or amend necessary by-laws and adopt the new Terms of Reference; and further
<u>THAT</u>	Council directs that the Fort Erie Active Transportation Committee is dissolved and directs Staff to submit a by-law to Council to repeal By-law Nos. 44-2010, 96-2013 and 128-2014.

Relation to Council's 2018 - 2022 Corporate Strategic Plan
Priority: N/A Goal: N/A Initiative: N/A

List of Stakeholders

Current Committee Members
 Future Committee Members
 Residents

Prepared by:

Reviewed by:

Submitted and Approved by:

Ashlea Carter, AMP
 Deputy Clerk

Carol Schofield, Dipl.M.A
 Manager, Legislative Services/Clerk

Chris McQueen, MBA
 Chief Administrative Officer

Purpose of Report

This report aims to update or establish Terms of Reference for several Committees to create standard expectations and accountability across Committees.

Analysis

Report No. [COS-01-2023](#) was considered and approved at the Regular Council Meeting held on January 23, 2023, which advised Council on the state of the Town's Committees. Staff identified that the Terms of Reference for many of the Town Committees are outdated or non-existent. As a result, Legislative Services created a standard template, Terms of Reference, to assist in establishing common expectations and accountability across Town Committees.

Legislative Services coordinated with the appropriate Staff Liaisons and Committees to create or take existing Terms of Reference and adapt them to the new standard template. Where necessary, Staff made minor amendments to address changes in legislation or ongoing concerns from Staff and Committee Members. Linked to this report are previous (if applicable) and new Terms of Reference are attached for review and consideration.

The chart below is an outline of the current state of the Terms of Reference for the following six (6) Committees:

Committee	Current Terms of Reference
Accessibility Advisory Committee	None – established under By-law No. 171-2022 , as amended
Committee of Adjustment	By-law No. 10-2016
Mayor's Youth Advisory Committee	By-law No. 172-05
Museum and Cultural Heritage Advisory Committee	By-law No. 35-12 , as amended

Property Standards Committee	None – established under By-law No. 186-08
Senior Citizens Advisory Committee	By-law No. 23-10 , as amended

Fort Erie Active Transportation Committee

The Fort Erie Active Transportation Committee (FEAT Committee) received five (5) applications for the available eight (8) citizen positions. Staff notes that the Committee has experienced dwindling participation and complete reliance on full attendance to achieve quorum, which had become increasingly difficult. As such, the limited number of applicants may continue to affect Committee meetings' success. Additionally, with the passage of the Active Transportation Master Plan, the Committee could be deemed to have met their objectives according to the Terms of Reference ([By-law No. 44-2010](#)). Staff recommend that Council dissolve the Committee.

Senior Citizens Advisory Committee

At the Regular Council Meeting held on February 27, 2023, Council postponed the appointment of applicants to the Senior Citizen's Advisory Committee to communicate with organizations that have vacancies and consider amending the Committee's composition. The Committee's current composition consists of nineteen members: eighteen (18) citizens and one (1) Member of Council:

One (1) representative Dandi-Lions; ***no longer an operating group***
 Three (3) representatives of Black Creek Leisure Homes Seniors Group;
 One (1) representative of Harmony Hill of Fort Erie;
 Two (2) representatives of Italo Canadian Seniors Club;
 One (1) representative 96'ers of Fort Erie;
 Three (3) representatives Beachcombers of Ridgeway;
 One (1) representative Royal Canadian Legion, Branch 71;
 One (1) representative Royal Canadian Legion, Branch 230;
 One (1) representative Fort Erie Native Friendship Centre Seniors;
 Four (4) Community Representatives (at large)

consideration may be given to filling vacancies in Seniors Groups by appointment of additional Community Representatives (at large)

Based on the seventeen (17) applications that were received, the Committee composition would be as follows:

One (1) representative Black Creek Leisure Homes Seniors Group;
 One (1) representative Harmony Hill of Fort Erie;
 One (1) representative 96'ers of Fort Erie;
 Three (3) representatives Beachcombers of Ridgeway;
 One (1) representative Royal Canadian Legion, Branch 71;
 One (1) representative Royal Canadian Legion, Branch 230;
 Nine (9) representatives Community at Large

Staff contacted all senior citizen groups within the existing composition for feedback. The chart below is a summary of the input.

Seniors Group	Feedback
Black Creek Leisure Homes Seniors Group	
Harmony Hill of Fort Erie	
Italo Canadian Seniors Club	
96'ers of Fort Erie	
Beachcombers of Ridgeway	
Royal Canadian Legion, Branch 71	
Royal Canadian Legion, Branch 230	Supportive of amending the composition to at large
Fort Erie Native Friendship Centre Seniors	
<i>Fort Erie Lions Senior Centre – NOT a Designated Group in the current Terms of Reference</i>	Supportive of amending the composition to at large

In addition to reviewing the composition, Staff prepared Terms of Reference recommendations regarding the Committee's Mandate and Objectives for review by the Mayor and the Council Representative. The Mayor and Council Representative are agreeable to the draft Senior Citizen's Advisory Committee Terms of Reference.

Financial/Staffing Implications

None.

Policies Affecting Proposal

None.

Comments from Relevant Departments/Community and Corporate Partners

Comments from the Senior Citizens Advisory Committee Senior Groups are outlined above.

Communicating Results

New Terms of Reference will be distributed to Staff Liaisons, Committee Members and posted on the Town's web page.

Alternatives

Council could choose not to update the Terms of Reference nor dissolve the Fort Erie Active Transportation Committee; this is not recommended.

Conclusion

Legislative Services and Staff Liaisons have dedicated significant time and effort to modernize the Terms of Reference for Town Committees. Many Terms of Reference are non-existent or outdated and require establishing and updating. By adopting new Terms of Reference, Council will develop standard expectations and accountability of Town committees and provide the public and committee members with appropriate backgrounds for Committees.

Staff Liaisons and Legislative Services Staff continue to review and develop recommendations and Terms of Reference for the Affordable Housing Committee, Community Health Care Services Committee, and Environmental Advisory Committee. Individual reports with Terms of Reference will be forthcoming.

Attachments

Appendix “1” - Accessibility Advisory Committee Terms of Reference
Appendix “2” - Committee of Adjustment Terms of Reference
Appendix “3” – Mayor's Youth Advisory Committee Terms of Reference
Appendix “4” - Museum and Cultural Heritage Advisory Committee Terms of Reference
Appendix “5” - Property Standards Committee Terms of Reference
Appendix “6” - Senior Citizens Advisory Committee Terms of Reference

Accessibility Advisory Committee

Terms of Reference

1. Mandate and Objectives

- 1.1. The Committee's mandate is to provide advice to Council on a wide range of municipal processes to help make public services and facilities accessible to everyone
- 1.2. The Committee's objectives shall be:
 - a) Advise municipal council about:
 - i. the requirements and implementation of [accessibility standards](#)
 - ii. the preparation of accessibility reports
 - iii. other matters for which the council may seek its advice
 - b) Review site plans and drawings described in [section 41 of the Planning Act](#) that the Committee selects
 - c) Perform all other functions that are specified in the regulations

2. Membership

- 2.1. Qualifications
 - a) Members shall have access to a computer and an email address to receive meeting invitations and agenda packages with large files
- 2.2. Composition
 - a) The Committee shall be comprised of nine members:
 - i. Eight (8) citizens, majority with disabilities
 - ii. One (1) Member of Council
- 2.3. Term
 - a) Committee members shall hold office concurrent with the Term of Council, and shall continue until a new Council appoints new Committee members following an election
- 2.4. Resignations and Vacancies
 - a) Resignations during the Term shall be made in writing to the Committee and the Town Clerk
 - b) The Committee shall solicit vacancies during the Term
 - c) Applications to fill vacancies during the Term shall be forwarded to the Clerk for consideration and appointment by Council

3. Roles and Responsibilities

- 3.1. At the first meeting of the Term, Committee members shall appoint a Chair and Vice-Chair
- 3.2. Chair and Vice-Chair
 - a) Chair all regular meetings of the Committee and exercise authority, and perform duties as required

- b) Maintain decorum at each meeting and ensure that the Rules of Procedure are observed under By-law No. 36-2016 (Council Rules of Procedure), as amended or replaced
- c) Ensure that all committee members are provided with an opportunity to comment
- d) Provide guidance and leadership to the Committee in the completion of its mandate
- e) Vice-Chair shall assume all functions of the Chair in the Chair's absence

3.3. Committee Members

- a) Attend meetings of the Committee (if unable to attend, notification should be sent to the Staff Liaison as soon as possible before the meeting)
- b) Review agendas and materials before the meeting
- c) Contribute time, knowledge, skill and expertise to the fulfillment of the committee mandate
- d) Support Persons may attend Committee meetings, however, they shall not count towards quorum or vote

3.4. Staff Liaison

- a) Circulate agendas and record and prepare minutes of Committee meetings
- b) Distribute the minutes to the Town Clerk
- c) Provide guidance and advice to the Committee in fulfillment of its mandate
- d) Prepare and submit reports to Council as required
- e) Administer and manage the financial assets of the Committee
- f) Prepare budgetary documents as required by the Town Treasurer

3.5. Support Staff

- a) Town Staff from Planning and Development Services and Infrastructure Services will provide guidance and advice to the Committee in fulfillment of its mandate, especially in the review of site plans and drawings described in [section 41 of the Planning Act](#) that the Committee selects

3.6. Sub-Committees

- a) Sub-Committees will be formed as necessary and will report to the Committee
- b) Sub-Committee minutes will be provided to the Committee

4. Meetings

4.1. Meeting Schedule

- a) Generally, the Committee will meet monthly or as required to conduct business to carry out its mandate
- b) Special meetings may be held at the call of the Chair or by a call of 2/3 majority of the Committee

4.2. Quorum shall be five (5) members

4.3. Rules of Procedure

- a) The Committee shall follow the Council's Rules of Procedure By-law, as amended or replaced, with modifications as necessary
- b) In the event of a conflict between the Terms of Reference and any by-law of the Town of Fort Erie, the Terms of Reference shall prevail

4.4. Conduct

- a) The Committee shall follow any policies of the municipality governing the ethical behaviour of members, in place from time to time

4.5. Agendas and Minutes

- a) The format of agendas and minutes shall be in a form approved by the Clerk
- b) Minutes shall be forwarded to the Clerk's Office in a timely manner

5. Resources

5.1. The Committee will have access to Town Conference Rooms for meetings

- a) Reservations of Conference Rooms are facilitated through the Staff Liaison

6. Reporting

6.1. This Committee reports to Council through its minutes and through reports prepared by Town Staff, including an Annual Report and a Multi-Year Plan

7. Remuneration

7.1. This Committee operates on a volunteer basis only

8. Terms of Reference

8.1. The Committee shall review the Terms of Reference before the end of each term and make recommendations to Council through their minutes, as needed

Committee of Adjustment Terms of Reference

1. Mandate/Objectives

- 1.1. The mandate of the Committee is to operate independently of Council as a statutory body to consider applications for minor variances from the Town's Zoning By-law and to consider applications for consent, consent cancellation, validation of title, easements and extension or enlargement of legal non-conforming uses.
- a) As per By-law No. 10-2016, the Committee does not consider uncontested consent applications for leases, mortgages, and easements as that authority is delegated to the Director of Community and Development Services
- 1.2. The objectives of the Committee shall be as follows:
- a) Abide by the statutes and regulations of the *Planning Act, R.S.O. 1990, Chapter P.13*, as amended, or replaced from time to time, especially Sections 44, 45 and 53
- b) Provide for and conduct a fair hearing by observing the common law principles of natural justice
- c) Allow anyone wishing to speak to an application an opportunity to do so
- d) Give due diligence to the consideration of each application
- e) Openly discuss each application and make decisions in public
- f) Clearly state the reasons for a decision

2. Membership

2.1. Qualifications

- a) Members shall have access to a computer and an email address to receive meeting invitations and agenda packages with large files
- b) A good understanding of the Town of Fort Erie's Official Plan and Zoning By-law
- c) A good understanding of the *Planning Act, R.S.O. 1990, Chapter P.13* and Provincial Planning Policies

2.2. Composition

- a) The Committee shall be comprised of seven (7) citizens
- b) Under Section 44 (5) of the *Act*, three (3) members shall constitute a quorum

2.3. Term

- a) Committee members shall hold office concurrent with the term of Council, and shall continue until a new Council appoints new Committee members following an election

2.4. Resignations and Vacancies

- a) Resignations during the Term shall be made in writing to the Committee and the Town Clerk
- b) The Committee shall solicit vacancies during the Term
- c) Applications to fill vacancies during the Term shall be forwarded to the Clerk for consideration and appointment by Council

3. Roles and Responsibilities

3.1. At the first meeting of the term, Committee members shall appoint a Chair, when the Chair is absent through illness or otherwise, the Committee may appoint another member to act as Acting Chair.

3.2. Chair and Vice-Chair

- a) Chair all regular meetings of the Committee and exercise authority, and perform duties as required
- b) Maintain decorum at each meeting and ensure that the Rules of Procedure are observed under By-law No. 36-2016 (Council Rules of Procedure), as amended or replaced
- c) Ensure that all committee members are provided with an opportunity to comment
- d) Provide guidance and leadership to the Committee in the completion of its mandate
- e) Vice-Chair shall assume all functions of the Chair in the Chair's absence

3.3. Committee Members

- a) Attend meetings of the Committee (if unable to attend, notification should be sent to the Secretary and Staff Liaison as soon as possible before the meeting)
- b) Review agendas and materials before the meeting
- c) Contribute time, knowledge, skill and expertise to the fulfillment of the committee mandate

3.4. Secretary-Treasurer, Committee of Adjustment

- a) Shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the Committee
- b) Provide guidance and advice to the Committee in fulfillment of its mandate

3.5. Planning and Development Services Staff

- a) Provide expert advice, technical reports, background information and recommendations to the Committee

4. Meetings

4.1. Meeting Schedule

- a) Generally, the Committee will meet tri-weekly on Thursdays at 5:00 p.m. or as required to carry out its mandate

4.2. Quorum shall comply with the *Planning Act*

4.3. Rules of Procedure

- a) The Committee shall follow the Council's Rules of Procedure By-law, as amended or replaced, with modifications as necessary
- b) In the event of a conflict between the Terms of Reference and any by-law of the Town of Fort Erie, the Terms of Reference shall prevail

4.4. Conduct

- a) The Committee shall follow any policies of the municipality governing the ethical behaviour of members, in place from time to time

5. Resources

5.1. The Committee will have access to Council Chambers for meetings

6. Remuneration

6.1. Committee members are paid as per the relative By-law(s); for details, please inquire with the Secretary-Treasurer, Committee of Adjustment

7. Terms of Reference

7.1. The Committee shall review the Terms of Reference before the end of each term and make recommendations to Council through the Secretary-Treasurer or other Support Staff, as needed

Mayor's Youth Advisory Committee Terms of Reference

1. Mandate and Objectives

- 1.1. The Committee's mandate is to discuss, plan, and advise about issues concerning the youth of Greater Fort Erie
- 1.2. The Committee's objectives shall be to:
 - a) Inform Town Council about important issues affecting youth
 - b) Occasionally host youth workshops and forums, conduct surveys, and address concerns and needs that affect youth
 - c) Be positive advocates for youth so that youth are valued and seen as contributors to the community
 - d) Support events that relate to the mandate
 - e) Provide leadership experience for youth

2. Membership

- 2.1. Qualifications
 - a) Members shall have access to a computer and an email address to receive meeting invitations and agenda packages with large files
 - b) Members shall be at least twelve (12) years of age
- 2.2. Composition
 - a) The Committee shall be comprised of a maximum of 19 youth members:
 - i. Nineteen (19) Elementary and High School Students
 - ii. Adult Advisor (1)
 - iii. Mayor, Ex-Officio
- 2.3. Term
 - a) Committee members shall hold office concurrent with the term of Council, and shall continue until a new Council appoints new Committee members following an election
- 2.4. Resignations and Vacancies
 - a) Resignations during the Term shall be made in writing to the Committee and the Town Clerk
 - b) The Committee shall solicit vacancies during the Term
 - c) Applications to fill vacancies during the Term shall be forwarded to the Clerk for consideration and appointment by Council

3. Roles and Responsibilities

- 3.1. At the first meeting of the school year, Committee members shall appoint the executive positions of Chair, Vice-Chair, Secretary and Treasurer

- a) Executive positions shall be for a maximum of 2 years

3.2. Chair and Vice-Chair

- a) Chair all regular meetings of the Committee and exercise authority, and perform duties as required
- b) Maintain decorum at each meeting and ensure that the Rules of Procedure are observed under By-law No. 36-2016 (Council Rules of Procedure), as amended or replaced
- c) Ensure that all committee members are provided with an opportunity to comment
- d) Provide guidance and leadership to the Committee in the completion of its mandate
- e) Vice-Chair shall assume all functions of the Chair in the Chair's absence

3.3. Secretary

- a) Record and prepare minutes of Committee meetings

3.4. Committee Members

- a) Attend meetings of the Committee (if unable to attend, notification should be sent to the Secretary and Staff Liaison as soon as possible before the meeting)
- b) Review agendas and materials before the meeting
- c) Contribute time, knowledge, skill and expertise to the fulfillment of the committee mandate

3.5. Adult Advisor

- a) Attends all meetings
- b) Prepare and distribute agendas to the Committee
- c) Provide guidance and advice to the Committee in fulfillment of its mandate
- d) Assists with developing and monitoring policy, procedure, and budgets
- e) Administer and manage the financial assets of the Committee
- f) Prepare budgetary documents as required by the Town Treasurer

3.6. Mayor

- a) Assists Committee in reviewing applicants and Adult Advisor
- b) Communicates regularly and works with the Chair, acting as Liaison between the Committee and Council
- c) Attends at least every other meeting

3.7. Parliamentarian

- a) Maintains Committee Terms of Reference and educates Committee on Rules of Procedure

3.8. Historian

- a) Records, updates and maintains Committee scrapbook

4. Reporting

4.1. The Committee reports to Town Council through their minutes

4.2. Matters requiring approval by Town Council shall be approved by motion

5. Meetings

5.1. Meeting Schedule

- a) Generally, the Committee will meet monthly or as required to conduct business to carry out its mandate
- b) Meetings will not be held in July and August (Summer Break)
- c) The Chair may call special meetings

5.2. Quorum

- a) Quorum shall consist of a majority of the current number of appointed members

5.3. Rules of Procedure

- a) The Committee shall follow the Council's Rules of Procedure By-law, as amended or replaced, with modifications as necessary
- b) In the event of a conflict between the Terms of Reference and any by-law of the Town of Fort Erie, the Terms of Reference shall prevail

5.4. Conduct

- a) The Committee shall follow any policies of the municipality governing the ethical behaviour of members, in place from time to time

5.5. Agendas and Minutes

- a) The format of agendas and minutes shall be in a form approved by the Clerk
- b) Agendas and Minutes shall be forwarded to the Clerk's Office as soon as available

6. Resources

6.1. The Committee will have access to Town Conference Rooms for meetings

- a) Reservations of Conference Rooms are facilitated through the Executive Assistant to the Mayor/Clerk

7. Remuneration

7.1. This Committee operates on a volunteer basis only

8. Terms of Reference

8.1. The Committee shall review the Terms of Reference before the end of each term and make recommendations to Council through their minutes, as needed

Museum and Cultural Heritage Advisory Committee Terms of Reference

1. Mandate and Objectives

1.1. Composition

- a) The Committee shall be comprised of nine (9) members:
 - i. Eight (8) citizens, and
 - ii. One (1) Member of Council
- b) The Committee shall consist of two (2) Standing Committees, namely:
 - i. Museum Services Standing Committee
 - ii. Municipal Heritage Standing Committee
 - iii. All members of the Committee shall be members of both Standing Committees

1.2. Term

- a) Committee members shall hold office concurrent with the term of Council, and shall continue until a new Council appoints new Committee members following an election

1.3. Museum and Cultural Heritage Advisory Committee (MCHAC)

- a) The mutual objectives of the Museum Services Standing Committee and the Municipal Heritage Standing Committee shall be as follows:
 - i. Actively promote cultural heritage and conservation by recognizing the non-renewable nature of cultural heritage resources and the contribution they make to the character, civic pride, tourism potential, economic benefits, and the historical appreciation of the community
 - ii. Promote awareness of Fort Erie's cultural heritage within and outside the boundaries of the Town
 - iii. Develop a work plan for Committee projects that does not infringe upon the functions of Museum Services or Land Use Policy Planning
 - iv. Monitor the Committee's budget expenditures and recommend budget adjustments as necessary
 - v. Monitor the progress of the Committee's work plan
 - vi. Observe and meet Committee relevant municipal, provincial and federal legislative requirements
 - vii. Only exercise such powers and do such other acts and things as are provided in this Terms of Reference

1.4. Museum Services Standing Committee (MSSC)

- a) Fulfills Reg.877 under the Ontario Heritage Act for a governing body solely responsible for the Museum
- b) The MSSC's mandate is to support Fort Erie Museum Services; Statement of Purpose for Museum Services is as follows: "The Town of Fort Erie Museum Services shall be delivered in an efficient and effective manner for the benefit of all citizens, in order to

create and care for a base of knowledge that belongs to the future; to create a strong and proud community by celebrating our shared heritage; and to satisfy the intellectual needs of the community”

c) MSSC's objectives shall be as follows:

- i. To provide advice and recommendations with regards to policy and plan development
- ii. Communicate to the public and its elected representatives the vision and purpose of Museum Services, and advocate for greater public involvement in the Museum and increased moral and financial support
- iii. Abide by the Ministry of Heritage, Sport, Tourism and Culture's "Standards for Community Museums in Ontario," as amended or superseded from time to time, and any other applicable laws, standards, or guidelines as may be legislated from time to time
- iv. Adopt and review the Museum Services Statement of Purpose to ensure this strategic document remains relevant to reflect community interests and the Museum's evolving role and make recommendations to staff and Council if changes are needed
- v. Provide input to, and adopt Museum Services policies related to the programming of Museum Services
- vi. Comply with the provisions of Museum Services program-related policies
- vii. Provide input to the strategic direction for Museum Services through input to Council-approved long-term strategic plans
- viii. Provide input to Museum Services' yearly work program targets
- ix. Monitor the effectiveness of Museum Services by evaluating the progress on the work program targets
- x. Within planning and service delivery, provide input to any asset or property destined to be added to or removed from the collection or service area that would significantly change or affect the budget, the scope of the collection, or the delivery of service
- xi. Provide input to Museum Services annual budget, for adoption by Council, which provides services under the Ministry of Tourism and Culture's "Standards for Community Museums in Ontario," as amended or superseded from time to time, and any other applicable laws, standards, or guidelines as may be legislated from time to time
- xii. Offer advice and support regarding procuring federal, provincial or other grants and subsidies supporting Museum Services
- xiii. Support the Museum's research and education function that involves using the collection for the creation and dissemination of knowledge, through input to, and adoption of, Museum policies that relate to the programming of Museum Services
- xiv. Ensure the preservation and conservation of the Museum's collection through input to, and approval of, Museum policies that relate to the programming of Museum Services
- xv. Promote awareness of Museum Services throughout the community and encourage the development of partnerships
- xvi. Actively support and participate in Museum Services activities and programs

1.5. Municipal Heritage Standing Committee (MHSC)

a) MHSC's objectives shall be as follows:

- i. Advise and assist Council on matters relating to Part IV and Part V of the *Ontario Heritage Act*, and such other heritage matters as the Council may specify by by-law
- ii. Identify and maintain an ongoing inventory of non-designated properties for Council to consider for designation under the *Ontario Heritage Act*

- iii. Identify and maintain an ongoing inventory of properties designated by Council under the *Ontario Heritage Act*
- iv. Make recommendations to Council through Planning and Development Services Staff regarding properties that are, in the opinion of the Committee, of cultural heritage value or interest for their architectural, contextual and/or historical value or interest under the *Ontario Heritage Act* and should be added to the Municipal Registry as non-designated properties for consideration for designation in the future
- v. Make recommendations to Council through Planning and Development Services Staff, regarding properties that, in the opinion of the Committee, are of cultural heritage value or interest for their architectural, contextual and/or historical value or interest under the *Ontario Heritage Act* and should be designated
- vi. Maintain an ongoing inventory of trees which Council has designated under the *Ontario Heritage Act*
- vii. Make recommendations to Council through Planning and Development Services Staff as to trees which, in the opinion of the Committee, are considered to have historical, associative and/or contextual value or interest under the *Ontario Heritage Act*
- viii. Advise Council on means of conserving heritage properties, trees and areas, and available funding sources
- ix. Advise Council on current heritage and conservation legislation and advise Council in the preparation of municipal legislation to conserve heritage properties, trees and areas
- x. Implement programs and activities to increase public awareness and knowledge of built heritage and conservation issues
- xi. Advise Planning and Development Services Staff on any other matters relating to properties, trees and areas of architectural and/or historical significance

1.6. Qualifications

- a) Members shall have access to a computer and an email address to receive meeting invitations and agenda packages with large files
- b) Council shall have regard to but not limited to the following qualifications:
 - i. Potential to contribute to the ongoing development and support of local heritage
 - ii. Keen interest in one or more of the following topics in order to support a balanced Committee: Indigenous history, railroading, military history, genealogy/family histories, archaeology, local history (churches, schools, immigration, amusement parks, etc.), heritage tourism, archival research, marine heritage, built heritage, and natural history
 - iii. The cultural diversity of the community and to support inclusivity
 - iv. Specific needs of special projects and operational priorities as identified by Planning and Development Staff and the Manager, Museum and Cultural Services

2. Roles and Responsibilities

2.1. At the first meeting of the term, Committee members shall elect a Chair and Vice-Chair for the Museum and Cultural Heritage Advisory Committee and for both Standing Committees

2.2. Chair and Vice-Chair

- a) Chair all regular meetings of the Committee and exercise authority, and perform duties as required
- b) Maintain decorum at each meeting and ensure that the Rules of Procedure are observed under By-law No. 36-2016 (Council Rules of Procedure), as amended or replaced
- c) Ensure that all committee members are provided with an opportunity to comment
- d) Provide guidance and leadership to the Committee in the completion of its mandate
- e) Vice-Chair shall assume all functions of the Chair in the Chair's absence

2.3. Committee Members

- a) Attend meetings of the Committee (if unable to attend, notification should be sent to the Staff Liaison as soon as possible before the meeting)
- b) Review agendas and materials before the meeting
- c) Contribute time, knowledge, skill and expertise to the fulfillment of the committee mandate
- d) Encourage and develop membership by promoting the role of the Committee throughout the Town
- e) Orient new members regarding their roles and responsibilities and source training opportunities as required

2.4. Staff Liaisons

- a) Provide guidance and advice to the Committee in fulfillment of its mandate
- b) Prepare and submit reports to Council as required
- c) Circulate agendas and record and prepare minutes of Committee meetings
- d) Distribute agendas and minutes to the Town Clerk
- e) Administer and manage the financial assets of the Committee
- f) Prepare budgetary documents as required by the Town Treasurer

2.5. Sub-Committees

- a) Sub-Committees will be formed as necessary and will report to the Committee/Standing Committee
- b) Sub-Committee minutes will be provided to the Committee/Standing Committee

2.6. Resignations and Vacancies

- a) Notices of resignation shall be submitted in writing to the Clerk's Office and the Staff Liaison
- b) If a vacancy occurs, Committee members shall canvass for applications from interested individuals

3. Meetings

3.1. Meeting Schedule

- a) The Museum Services Standing Committee shall meet a minimum of four (4) times per year or as required to conduct business to carry out its mandate
- b) The Municipal Heritage Standing Committee will generally meet monthly or as required to conduct business to carry out its mandate
- c) Special meetings may be held at the call of the Chair or by a call of 2/3 majority of the Committee

3.2. Quorum

- a) Quorum shall be five (5) members

3.3. Rules of Procedure

- a) The Committee shall follow the Council's Rules of Procedure By-law, as amended or replaced, with modifications as necessary
- b) In the event of a conflict between the Terms of Reference and any by-law of the Town of Fort Erie, the Terms of Reference shall prevail

3.4. Conduct

- a) The Committee shall follow any policies of the municipality governing the ethical behaviour of members, in place from time to time
- b) The Committee and members as individuals shall avoid conflict of interest at all times as outlined in the Provincial Standards for Community Museums

3.5. Agendas and Minutes

- a) The format of agendas and minutes shall be in a form approved by the Clerk
- b) Minutes shall be forwarded to the Clerk's Office in a timely manner

4. Resources

4.1. The Committee will have access to Town Conference Rooms for meetings and may meet elsewhere in the community in response to current projects

- a) Staff Liaisons facilitate reservations of Conference Rooms

5. Museum Assets

5.1. All Museum Services real property, exhibits, artifacts, archival materials, equipment, supplies and furnishings are owned by The Corporation of the Town of Fort Erie and are managed by Museum Services staff under the direction of the Chief Administrative Officer

5.2. In the event that Council decides to dispose of Museum assets, any revenue realized from such disposal shall be deposited in the Museum Reserve. Real property shall be reimbursed at the lower of acquisition cost and fair market value. Fund to be utilized for future museum expenses

6. Reporting

6.1. This Committee reports to Council through its minutes and reports prepared by Town Staff

7. Remuneration

7.1. This Committee operates on a volunteer basis only

8. Terms of Reference

8.1. The Committee shall review the Terms of Reference before the end of each term and make recommendations to Council through their minutes, as needed

Property Standards Committee

Terms of Reference

1. Mandate/Objectives

- 1.1. The mandate of the Committee is to operate as a statutory body to hear appeals against orders issued under the Town of Fort Erie's Property Standards By-law, as amended or replaced from time to time
- 1.2. The objectives of the Committee shall be as follows:
 - a) Abide by the statutes and regulations of the *Building Code Act, 1992, S.O. 1992, c. 23*, and the Town of Fort Erie Property Standards By-law, as amended, or replaced from time to time
 - b) Provide for and conduct a fair hearing by observing the common law principles of natural justice
 - c) Confirm, modify or rescind the order to demolish or repair or extend the time for complying with the order if, in the Committee's opinion, doing so would maintain the general intent and purpose of the By-law and of the Official Plan

2. Membership

- 2.1. Qualifications
 - a) Members shall have access to a computer and an email address to receive meeting invitations and agenda packages with large files
 - b) A good understanding of the relevant sections of the *Building Code Act, 1992, S.O. 1992, c. 23*, and the Town of Fort Erie Property Standards By-law
- 2.2. Composition
 - a) The Committee shall be comprised of five (5) citizens
- 2.3. Term
 - a) Committee members shall hold office concurrent with the term of Council, and shall continue until a new Council appoints new Committee members following an election
- 2.4. Resignations and Vacancies
 - a) Resignations during the Term shall be made in writing to the Committee and the Town Clerk
 - b) The Committee shall solicit vacancies during the Term
 - c) Applications to fill vacancies during the Term shall be forwarded to the Clerk for consideration and appointment by Council

3. Roles and Responsibilities

- 3.1. Committee members shall appoint a Chair for each meeting

3.2. Chair

- a) Maintain decorum and ensure that the Rules of Procedure are observed under By-law No. 36-2016 (Council Rules of Procedure), as amended or replaced
- b) Ensure that all committee members are provided with an opportunity to comment
- c) Provide guidance and leadership to the Committee in the completion of its mandate

3.3. Committee Members

- a) Attend meetings of the Committee (if unable to attend, notification should be sent to the Staff Liaison as soon as possible before the meeting)
- b) Review agendas and materials before the meeting
- c) Contribute time, knowledge, skill and expertise to the fulfillment of the committee mandate

3.4. Staff Liaison

- a) Provide guidance and advice to the Committee in fulfillment of its mandate
- b) Circulate agendas and record and prepare minutes of Committee meetings
- c) Prepare and circulate notices of appeal and decisions of appeal
- d) Keep records of all official business of the Committee

4. Meetings

4.1. Meeting Schedule

- a) The Staff Liaison will schedule Committee meetings when an appeal to an order is received, usually 3 to 5 times a year
- b) The Staff Liaison will poll Committee members for availability and provide reasonable notice
- c) Committee meetings usually occur during regular daytime working hours

4.2. Quorum shall be three (3) members

4.3. Rules of Procedure

- a) The Committee shall follow the Council's Rules of Procedure By-law, as amended or replaced, with modifications as necessary
- b) In the event of a conflict between the Terms of Reference and any by-law of the Town of Fort Erie, the Terms of Reference shall prevail

4.4. Conduct

- a) The Committee shall follow any policies of the municipality governing the ethical behaviour of members, in place from time to time

4.5. Agendas and Minutes

- a) The format of agendas and minutes shall be in a form approved by the Clerk

5. Resources

5.1. The Committee will have access to Town Facilities for meetings

- a) The Staff Liaison is responsible for reserving Town Facilities

6. Remuneration

6.1. Committee members are paid as per the relative By-law(s); for details, please inquire with the Staff Liaison

7. Terms of Reference

7.1. The Committee shall review the Terms of Reference before the end of each term and make recommendations to Council through their minutes, as needed

Senior Citizens Advisory Committee Terms of Reference

1. Mandate and Objectives

- 1.1. The Committee's mandate is to assist seniors by promoting active and healthy living, social engagement and learning by providing them with activities and services
- 1.2. The Committee's objectives are to:
 - a) Plan and organize active and social events that encourage healthy living and social engagement for seniors
 - b) Form partnerships in the community to aid in the facilitation of active dissemination of pertinent information to seniors
 - c) Educate seniors on available programs and services that enhance the quality of life in topics including but not limited to physical, social, emotional and technological well being
 - d) Volunteer and assist senior groups, programs and activities in the community when needed
 - e) Establish a mechanism to fairly and equitably distribute financial assistance provided by the Town of Fort Erie
 - f) Encourage participation in Niagara Region Seniors Community Programs
 - g) Solicit input and act as a public forum for issues that affect seniors

2. Membership

- 2.1. Qualifications
 - a) Members shall have access to a computer and an email address to receive meeting invitations and agenda packages with large files
- 2.2. Composition
 - a) The Committee shall be comprised of up to nineteen (19) members: eighteen (18) citizens and one (1) Member of Council
- 2.3. Term
 - a) Committee members shall hold office concurrent with the term of Council, and shall continue until a new Council appoints new Committee members following an election

3. Roles and Responsibilities

- 3.1. At the first meeting of the term, Committee members shall appoint a Chair, Vice-Chair, Secretary and Treasurer
- 3.2. Chair and Vice-Chair
 - a) Chair all regular meetings of the Committee and exercise authority, and perform duties as required
 - b) Maintain decorum at each meeting and ensure that the Rules of Procedure are observed under By-law No. 36-2016 (Council Rules of Procedure), as amended or replaced
 - c) Ensure that all committee members are provided with an opportunity to comment

- d) Provide guidance and leadership to the Committee in the completion of its mandate
- e) Vice-Chair shall assume all functions of the Chair in the Chair's absence

3.3. Secretary

- a) Circulate agendas and record and prepare minutes of Committee meetings
- b) Distribute agendas and minutes to the Town Clerk

3.4. Treasurer

- a) Administer and manage the financial assets of the Committee
- b) Prepare budgetary documents as required by the Town Treasurer

3.5. Committee Members

- a) Attend Committee meetings (if unable to attend, notification should be sent to the Secretary as soon as possible before the meeting)
- b) Review agendas and materials before the meeting
- c) Contribute time, knowledge, skill and expertise to the fulfillment of the committee mandate
- d) Support Persons may attend Committee meetings; however, they shall not count towards quorum or vote

3.6. Sub-Committees

- a) Sub-Committees will be formed as necessary and will report to the Committee
- b) Sub-Committee minutes will be provided to the Committee

3.7. Resignations and Vacancies

- a) Notices of resignation shall be submitted in writing to the Clerk's Office and the Secretary
- b) If a vacancy occurs, Committee members shall canvass for applications from interested individuals

4. Meetings

4.1. Meeting Schedule

- a) Generally, the Committee will meet monthly or as required to conduct business to carry out its mandate
- b) Special meetings may be held at the call of the Chair or by a call of 2/3 majority of the Committee

4.2. Quorum

- a) Quorum shall consist of a majority of the current number of appointed members

4.3. Rules of Procedure

- a) The Committee shall follow the Council's Rules of Procedure By-law, as amended or replaced, with modifications as necessary
- b) In the event of a conflict between the Terms of Reference and any by-law of the Town of Fort Erie, the Terms of Reference shall prevail

4.4. Conduct

- a) The Committee shall follow any policies of the municipality governing the ethical behaviour of members, in place from time to time

4.5. Agendas and Minutes

- a) The format of agendas and minutes shall be in a form approved by the Clerk
- b) Minutes shall be forwarded to the Clerk's Office in a timely manner

5. Resources

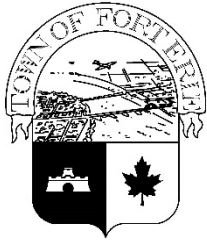
- 5.1. The Committee will have access to Town Conference Rooms for meetings
 - a) Reservations of Conference Rooms are facilitated through the Clerk's Office

6. Remuneration

- 6.1. This Committee operates on a volunteer basis only

7. Terms of Reference

- 7.1. The Committee shall review the Terms of Reference before the end of each term and make recommendations to Council through their minutes, as needed



The Municipal Corporation of the Town of Fort Erie

By-law No. 37-2023

Being a By-law to Dissolve the Cemetery Advisory Committee, Communities-in-Bloom Committee, and Transit Advisory Committee (Repeal By-law Nos. 143-2016, 33-2017, 1-2019 and 24-2020)

Whereas By-law No. 25-13 was passed to regulate and control the operations and care of Municipal Cemeteries and provide for a Cemetery Advisory Committee, from time to time; and

Whereas By-law No. 143-2016 was passed to establish the Transit Advisory Committee and approve its Terms of Reference; and

Whereas By-law No. 33-2017 was passed to re-establish the Communities-in-Bloom Committee and approve its Terms of Reference and Repeal By-law No. 193-03; and

Whereas By-law No. 1-2019 was passed to amend By-law No. 33-2017 (to re-establish the Communities-in-Bloom Committee and approve its Terms of Reference); and

Whereas By-law No. 24-2020 was passed to amend By-law No. 33-2017 (to re-establish the Communities-in-Bloom Committee and approve its Terms of Reference); and

Whereas Report No. COS-01-2023 was considered and approved at the Regular Council Meeting held on January 23, 2023, to dissolve the Cemetery Advisory Committee, the Communities-in-Bloom Committee and the Transit Advisory Committee; and

Whereas the Cemetery Advisory Committee, the Communities-in-Bloom Committee and the Transit Advisory Committee have fulfilled their mandates and objectives; and

Whereas it is deemed desirable to dissolve the said committees and repeal By-law Nos. 143-2016, 33-2017, 1-2019 and 24-2020;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the Communities-in-Bloom Committee, Cemetery Advisory Committee, and Transit Advisory Committee are dissolved.
2. **That** By-law Nos. 143-2016, 33-2017, 1-2019 and 24-2020 are repealed.

3. **That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 27th day of March, 2023.

Mayor

Clerk

I, _____ Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 37-2023 of the said Town. Given under my hand and the seal of the said Corporation, this _____ day of _____, 20____



The Municipal Corporation of the Town of Fort Erie

By-law No. 38-2023

Being a By-law to Designate 546 Ridge Road North as Being of Architectural and Historical Value or Interest

Whereas Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, Chapter O.18, as amended ("the Act"), authorizes the council of a municipality to pass a by-law to designate a property within the municipality to be of cultural heritage value or interest; and

Whereas at the Council-in-Committee meeting held March 8, 2021, the Municipal Council of The Corporation of the Town of Fort Erie considered and approved Report No. PDS-21-2021 to designate the property known municipally as 546 Ridge Road North ("the Property"), to be of cultural heritage value or interest under Part IV of the Act, pursuant to the recommendations of the Municipal Heritage Standing Committee, and to provide notice of intention to designate the Property pursuant to Subsection 29(1.1) of the Act; and

Whereas on March 17, 2021, Notice of Intention to Designate the Property was served on the owner of the Property and on the Ontario Heritage Trust and was published in the Fort Erie Post in accordance with Subsection 29(3) of the Act; and

Whereas on March 24, 2021, the proposed designation was appealed to the Ontario Land Tribunal; and

Whereas at the Closed Session of the Special Council Meeting held January 16, 2023, Council approved Minutes of Settlement, through which the appeal of the Notice of Intention to Designate the Property was resolved; and

Whereas the Minutes of Settlement have been filed with the Ontario Land Tribunal;

Whereas it is deemed necessary to designate the Property to be of cultural heritage value or interest under Part IV of the Act, for its architectural, cultural, contextual and historical attributes;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the dwelling located on the property known municipally as 546 Ridge Road North, in the Town of Fort Erie and legally described as Part Lot 23, Concession 2, Lake Erie, Bertie; being Parts 2 and 3, 59R16907; Fort Erie, being all of PIN 64193-0137 (LT), is hereby designated as a property of cultural heritage value or interest under the *Ontario Heritage Act*, R.S.O. 1990, Chapter O. 18, as amended, for its architectural, cultural, contextual and historical attributes and for the reasons set out in the Statement of Significance attached as Schedule "A" and forming part of this by-law.

2. **That** the Clerk shall comply with the Act with respect to the giving and publishing of notice of the passage of this by-law, and registration of the by-law against the property in the proper land use registry.
3. **That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 27th day of March, 2023.

Mayor

Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, hereby certify the foregoing to be a true copy of By-law No. 38-2023 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 2023.

Statement of Significance

The Winger House property is an important cultural heritage resource that includes a significant built heritage resource constructed in the Tudor Revival style and exhibiting excellent craftsmanship and use of materials. It was commissioned by a local entrepreneur and developer and designed by a local architect known for constructing many institutional buildings throughout the Niagara Peninsula.

Description of the Property – 546 Ridge Road North Street

546 Ridge Road North is located on Part Lot 23 Concession 2, Lake Erie Bertie, Being Part 1, Plan 59R16907; Together with an Easement over Part 3, 59R16907 as in SN682552, Town of Fort Erie.

The property is a .526 hectare (1.3 acre) lot located on the east side of Ridge Road North, north of Hazel Street. The property contains an 1825-1827 Tudor Revival dwelling set back from the street on a rise of land. The front lawn contains many mature trees of various species.

Statement of Cultural Heritage Value or Interest

The house has significant design value. It is designed by an architect and is representative of the Tudor Revival style of architecture and the Arts and Crafts movement of the early 20th century. The craftsmanship displayed in the construction of the house and the use of natural and handmade materials is indicative the Arts and Crafts philosophy. This style is unique in the Ridgeway community and exemplifies the owner's importance and success in that community.

The house is deeply set back from Ridge Road. It was constructed in the Tudor Revival style on a rise of land which gives it a commanding presence when viewed from the street. The building is a long, rectangular side-gabled structure with a central projecting front and rear gabled section at right angles to the house. This section contains the entrance surmounted by the front-facing gable. The door is protected by a tiled roof. The similar projecting central section of the house on the rear elevation does not contain any means of egress. The façade of the building is constructed of high quality ashlar limestone laid in a broken range work pattern of stone of varying heights and intermittently broken courses. The rear elevation is constructed in dark clay brick. The house has a distinctive Spanish style barrel tile roof from the Ludowici Tile Company of Ohio which has been in business since the 19th century. This distinctive roof is a unique feature not only in Fort Erie but also in the Niagara area. The garage, which is attached to the north side of the house, has a low side-gabled roof and two garage doors. If the

doors are later replacements, they are appropriate to the age and style of the house. There is a large ashlar chimney to the right of the front entrance and a projecting flat-roofed sunroom with a deck. The window openings are original though some of the windows have been replaced. The front door with its massive iron hardware, is original to the house.

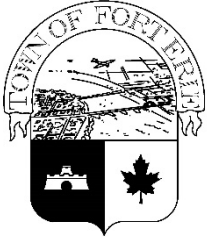
The property has historical and associative value for its association with Quaker and possibly early Loyalist settlement in Bertie Township; its association with Ward Winger, prominent developer and entrepreneur in the community; and its association with a prominent local architect, Norman Andrew Kearns, who designed a number of important institutional buildings in the Niagara Peninsula including the Beaux-Arts design for the Carnegie Library, Welland (1923) and the Art Deco design for the Post Office Building, Thorold (1935) .

The property has contextual value as a landmark. The property and the house, like the adjacent high school, can be considered as landmarks within the context of Ridgeway. It is a distinctive property containing a distinctive building associated with an important local developer and local architect. It is significant to the history and development of Bertie Township, now Fort Erie.

Description of Heritage Attributes

Key exterior elements that contribute to the heritage value of 546 Ridge Road North include:

- The setting of the house located back from the street on a rise of land in a landscape of mature trees
- The entire exterior of the Tudor Revival house including the attached garage and the flat-roofed sun porch on the south side of the building
- The deeply pitched Spanish barrel tile house, garage, and porch roofs
- The ashlar limestone masonry laid in a broken range pattern on the façade
- The large ashlar chimney with decorative terracotta panel
- The dark red brick masonry on the rear elevation
- The window locations and openings on the façade
- The entrance door with wrought iron hardware
- The wrought iron light fixtures on either side of the entrance door
- The half-timber details on the facade
- The garage doors with glazing and segmental arched transoms



The Municipal Corporation of the Town of Fort Erie

By-law No. 39-2023

Being a By-law To Authorize the Entry into and Execution of a Letter of Agreement with His Majesty the King in right of the Province of Ontario Represented by the Minister of Transportation under the Dedicated Gas Tax Funds for Public Transportation Program

Whereas the Province of Ontario through the Ministry of Transportation has established the Dedicated Gas Tax Funds for Public Transportation Program, and

Whereas the Ministry of Transportation has advised that the Town of Fort Erie is eligible to receive a maximum amount of up to Two Hundred and Sixteen Thousand Nine Hundred and Eighty-Nine Dollars (\$216,989.00) for the 2022/2023 Program, and

Whereas in order to receive the said funds, the Municipality must enter into a Letter of Agreement with the Province of Ontario;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

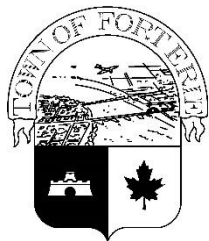
- 1. That** the entry into a Letter of Agreement with His Majesty the King in right of the Province of Ontario, as represented by the Minister of Transportation to receive funding to a maximum amount of up to Two Hundred and Sixteen Thousand Nine Hundred and Eighty-Nine Dollars (\$216,989.00) under the Dedicated Gas Tax Funds for Public Transportation Program – 2022/2023 Program is authorized and approved.
- 2. That** the Mayor and Director, Corporate Services/Treasurer are authorized and directed to execute the Letter of Agreement, in a form satisfactory to the Director, Corporate Services/Treasurer, and to affix the corporate seal thereto.
- 3. That** the Clerk of the Town is authorized to affect any minor modifications corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 27th day of March, 2023.

Mayor

Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 39- 2023 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20 .



The Municipal Corporation of the Town of Fort Erie

By-law No. 40-2023

Being a By-law to Establish a Designated Heritage Property Grant Program

Whereas Section 39 (1) of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended (“the Act”), authorizes a municipality to pass by-laws providing for the making of a grant or loan to an owner of property that has been designated under Part IV of the Act (a “designated property”) as being of cultural heritage value or interest, for the purpose of paying for the whole or any part of the cost of alteration of such designated property on such terms and conditions as Council may prescribe; and

Whereas the Municipal Council of The Corporation of the Town of Fort Erie identified the importance of cultural and natural heritage preservation in its 2018-2022 Strategic Plan; and

Whereas Report No. PDS-12-2023 was considered and approved at the Special Council-in-Committee Meeting held on February 22, 2023, to adopt a Designated Heritage Property Grant Program for the Town of Fort Erie, to support the preservation and conservation of heritage properties; and

Whereas it is deemed advisable and in the public interest to establish a grant program for designated properties on the terms set out in this by-law as an incentive to encourage property owners to renovate and restore such designated properties and thereby contribute to the preservation of the Town of Fort Erie’s heritage and historical structures;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the Designated Heritage Property Grant Program Guide attached as Schedule “A” and forming part of this by-law, is authorized, adopted and approved.
2. **That** the Manager, Community Planning, or his/her designate, shall be responsible for the administration of the Designated Heritage Property Grant Program and the development of forms related thereto.
3. **That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 27th day of March, 2023.

Mayor

Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 40-2023 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20

Town of Fort Erie Designated Heritage Property Grant Program Guide



Planning & Development Services Department
The Corporation of the Town of Fort Erie
1 Municipal Centre Drive
Fort Erie Ontario L2A 2S6
905-871-1600



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SECTION 1.0 – INTRODUCTION

The Ontario Heritage Act (OHA) is provincial legislation that allows for the designation of individual properties and districts as being of cultural heritage value or interest.

Municipalities have the role of determining if a heritage property will be designated under the OHA. The Town of Fort Erie has mandated that the Municipal Heritage Standing Committee (MHSC) provide advice and recommendations for the purposes of the conservation of built heritage. Twenty-three properties are designated under the OHA, in the Town of Fort Erie.

While designation provides for the protection of heritage assets, ongoing maintenance, conservation and restoration are required to ensure long-term preservation. The Designated Heritage Property Grant Program offers financial support to help property owners maintain the heritage features and attributes of their designated heritage properties, as set out in the designating by-law. The Town sets the process and criteria by which owners of designated properties may apply for a Designated Heritage Property Grant.

1.1 IMPORTANCE OF HERITAGE RESOURCES

Designating properties under the OHA protects them from being lost to time, while managing the risk of alterations or demolition. While changes to heritage features and attributes is still possible, designation provides a due process by which property owners, Council, and other interested parties can determine the best course of action for preservation. Maintaining a designated heritage property and attributes provides numerous benefits, including:

- **Preserving a sense of place and community identity**

Fort Erie is situated on the traditional territory of the Anishinaabeg and Haudenosaunee peoples with a history dating back at least 13,000 years. Fort Erie's cultural heritage is represented by many attributes that make Fort Erie unique. Cultural heritage is a non-renewable resource and the preservation of such is a shared responsibility. Citizens whose properties have received a heritage designation share in caring for these heritage resources, and these assets reflect the distinct and rich character of the community.

Heritage resources enhance our quality of life and sense of place, and are part of the fourth pillar of a sustainable community – Social, Economic, Environmental, and Cultural. Well maintained cultural heritage assets foster local identity and community pride. This grant program is intended to support the valuable cultural heritage resources within the Town of Fort Erie.

- **Promoting economic growth**

Designated heritage properties can help the local economy by creating jobs in craftsmanship and preservation. In order to restore older buildings and structures,

specialized skills from local businesses are needed, which generates income in the community. Designation can also help increase assessment and property value.

- **Encouraging tourism**

The historic, cultural, scientific, and artistic significance of a place can attract tourists from around the country and world, thus stimulating local businesses. Whether it be a historical landmark, an architectural masterpiece or a significant tree, people are drawn to unique sites for exploration and leisure.

1.2 MAINTAINING HERITAGE RESOURCES

It is important to maintain heritage properties, features and attributes so history can be preserved for current and future generations. While designation identifies the need to conserve a heritage property, maintenance is required to ensure its sustainability.

The Ontario Heritage Trust outlines eight guiding principles in the conservation of historical properties, including:

1. Respect for documentary evidence

Ensure work is based on historical documentation, such as historical drawings, photographs, and physical evidence.

2. Respect for the original location

Only move buildings if there is no other way to save them since site is also a component of the property's significance.

3. Respect for historical material

Choose to conserve and repair over replacing building finishes and materials in order to maintain the property's historical content.

4. Respect for original fabric

Use like materials when repairing properties in order to maintain both their likeness and their integrity.

5. Respect for the buildings' history

Do not erase or destroy later additions to a property in order to restore it to a single time period or restore it to one period at the expense of another.

6. Reversibility

Ensure alterations that are made are able to return to original conditions in order to conserve previous building designs. For example, if a new door opening is put in a stone wall, number and store the original stones to allow for future restoration.

7. Legibility

Ensure new work is distinguishable from old, and buildings are recognized as products of their time.

8. Maintenance

Carry out regular upkeep in order to avoid high costs of future restoration¹.

1.3 PURPOSE

The purpose of this program is to:

- Establish a clear, equitable, efficient and accessible process and criteria for the provision of Designated Heritage Property Grants to eligible applicants, and
- Support the maintenance, conservation, and restoration of designated heritage properties and heritage attributes in the Town of Fort Erie.

In order for a property or structure to be designated under the OHA, it must be assessed with respect to general criteria as provided for in the OHA and O. Reg 569/22, and be designated under Part IV of the OHA.

SECTION 2.0 – ELIGIBILITY

2.1 ELIGIBLE PROPERTIES

Owners of properties designated under Part IV of the OHA are eligible to receive funding for the conservation and restoration of heritage attributes.

2.2 GRANT DESCRIPTION

Through the Designated Heritage Property Grant Program, an owner may apply for a grant of up to 50% of eligible costs to an upset limit of \$10,000 for work performed to the identified heritage features and attributes of a designated property. An owner can apply for the grant once every two (2) years.

Grant amounts will be determined based on the lower of two (2) cost estimates provided from a heritage expert (registered and bona fide contractor, qualified architect or engineer, or restoration consultant), who must not have a business or personal relationship with the owner. Cost estimates must provide an itemized and detailed description of each component of the proposed work, based on specifications, architectural drawings, specialist reports, and recent and historical photos which clearly indicate the heritage attributes subject to the proposed work. A complete application package shall include:

¹ Ontario Heritage Trust (n.d.). *Eight guiding principles in the conservation of historical properties*. Retrieved from <https://www.heritagetrust.on.ca/en/pages/tools/tools-for-conservation/eight-guiding-principles>

- A completed application form,
- The designating by-law, listing heritage features or attributes,
- Photos of the heritage features or attributes in original and good condition,
 - Recent and date stamped photos that provide an overview of the property prior to construction/renovation,
 - Recent and date stamped photos of the heritage attributes prior to construction/renovation,
- A detailed work plan and description of work prepared by a heritage expert demonstrating how each component of the proposed work will be undertaken (including specifications, architectural drawings, and/or specialist reports where relevant),
- A Heritage Impact Statement, if requested through pre-consultation,
- Two (2) dated, detailed and itemized cost estimates based on the proposed description of work (including materials, labour, equipment, and related expenses). Lump sum estimates will not be accepted,
- The owner's authorization, if submitted by someone other than the owner,
- An approved heritage permit, building permit, and/or other Town approval issued for the work as applicable, and
- Accreditation of the heritage expert.

The Town may request additional information to process an application, as required. The Town may also confirm the qualifications and status of a contractor or contact the contractor to clarify and confirm items.

Poor or defective work may be deemed ineligible for funding at the end of the project. Only projects of a satisfactory quality of work per the Standards and Guidelines for the Conservation of Historic Places in Canada will be deemed eligible for grant funding.

Applications will be considered on a first come, first served basis, due to a limit in funding. Grants will be paid out upon completion of the project, submission of proof of work and final paid invoice(s), provided the work is to the satisfaction of the Town and the applicant is in good standing with the Town and the Province.

Work associated with an application must be completed and approved, before a property owner can apply for a subsequent application.

2.3 ELIGIBLE PROJECTS

In general, eligible projects must be directed toward the conservation and/or restoration of heritage features and attributes cited in the Reasons for Designation in the property's designating by-law. Application eligibility will be determined by Planning and Development Services staff, in consultation with the Municipal Heritage Standing Committee.

Retroactive funding requests will not be considered.

The projects described below are eligible for grant funding. Specific work that is eligible is summarized in Section 4.0.

2.3.1 General

Any work that conserves or restores heritage features or attributes specified in the designating by-law is eligible. Eligible projects fall into the three following categories:

1) Conservation of existing and significant attributes

The restoration of existing and significant heritage features and attributes that align with the designating by-law. This would include, but is not limited to, repairing deteriorated elements, such as doors and windows, siding and roofing materials, porches and steps, brick, and other attributes as described in the designating by-law.

2) Reconstruction of existing and significant attributes

The reconstruction of existing and significant architectural attributes that still exist, but are beyond conservation or repair. This would include only accurate reconstruction of the original attributes, using materials, sizes, and configurations that match the original.

3) Restoration of significant attributes

The reconstruction of significant heritage attributes which have been lost, but for which the appearance can clearly be determined from documentary sources. Documentary sources must pertain to the particular property for which funding is requested, and demonstrate the original significance of the attribute(s). The documentation should be in the form of historical drawings or photographs that clearly show the attribute(s) to be restored.

To achieve optimal outcomes, work on historical buildings requires care and often involves specialized materials, techniques, and expertise. It is an expectation of the program that the applicant consults with an expert in heritage preservation before undertaking any work.

Short-term, routine maintenance is not eligible. This includes minor repairs, such as repairing a broken step or broken window glass, painting that is not part of a restoration project, repairing roofing material, etc.

2.3.2 Structure

A building's exterior may be identified as a character-defining element of a designated heritage property. This may include a building's colour, composition, orientation, scale and texture. The exterior form may also be related to its surroundings, including spatial relationships with adjacent buildings, climatic considerations, circulation for vehicles and pedestrians, natural features, plazas or views.

Deteriorated elements of the exterior form could be stabilized through structural reinforcement and weather protection, or the correction of unsafe conditions, until repair work is carried out. Missing parts can be recreated based on physical and documentary

evidence, and obscure parts can be revealed to re-establish character-defining proportions and massing.

Only work that corrects serious structural faults and restores the building to structural soundness is eligible. Routine maintenance and structural work needed for modern renovations are not eligible.

2.3.3 Exterior

Eligible projects might include the conservation, restoration or reconstruction of significant architectural attributes that are cited in the property's designating by-law, such as:

- Doors, windows and shopfronts,
- Entrances, porches, and balconies,
- Roofs,
- Repair, repointing, and cleaning of masonry,
- Stucco,
- Storm and screen windows,
- Glass and glass products,
- Eavestroughs,
- Wood and wood products,
- Architectural and structural metals, and/or
- Any other attributes important to the overall composition of the structure as specified in the designating by-law.

More detail is provided in Appendix 1.0

2.3.4 Interior

The conservation or restoration of interior attributes specifically identified in the property's designating by-law are eligible. Eligible interior attributes may include woodwork, plasterwork, wall or ceiling murals, bannisters and railings, flooring or other attributes.

Heritage value for interior attributes can be derived from their physical characteristics as well as where they are located in the historical building. New services, such as electrical work, plumbing, heating, and insulation are not eligible.

SECTION 3.0 – APPLICATION PROCESS

3.1 STEPS

- **Step 1: Pre-consultation**

The applicant is required to schedule a pre-consultation meeting with Town staff early in the process of planning a project, in order to review eligibility, application requirements and coordination with other permit applications, such as a Heritage Permit Application.

This advance consultation helps to avoid ineligible projects, and ensure appropriate experts are engaged and appropriate documentation is prepared.

• **Step 2: Application**

The property owner shall submit a complete Designated Heritage Property Grant Program application to the Planning and Development Services Department.

This application must include all details necessary for a full understanding of the proposed work, including:

- A completed application form,
- The designating by-law, listing heritage features or attributes,
- Photos of the heritage features or attributes in original and good condition,
- Recent and date stamped photos that provide an overview of the property prior to construction/renovation,
- Recent and date stamped photos of the heritage attributes prior to construction/renovation,
- A detailed work plan and description of work prepared by a heritage expert demonstrating how each component of the proposed work will be undertaken (including specifications, architectural drawings, and/or specialist reports where relevant),
- A Heritage Impact Statement, if requested through pre-consultation,
- Two (2) dated, detailed and itemized cost estimates based on the proposed description of work (including materials, labour, equipment, and related expenses). Lump sum estimates will not be accepted,
- The owner's authorization, if submitted by someone other than the owner,
- An approved heritage permit, building permit, and/or other Town approval issued for the work as applicable, and
- Accreditation of the heritage expert.

Where necessary, the Town may request additional information, plans, specifications, drawings, and/or photos.

• **Step 3: Evaluation**

The application will be reviewed by the Town in consultation with the Municipal Heritage Standing Committee as appropriate.

Staff and/or members of the Municipal Heritage Standing Committee may visit the site to view the heritage features and attributes, and discuss the proposed work with the owner, as appropriate.

Approval of the application is delegated to the Director, Planning and Development Services. The applicant will be informed in writing of the Town's decision, and of the conditions under which the grant will be paid. The decision made is final.

• **Step 4: Undertake Work**

Following approval of an application, and subject to a building permit and heritage permit as applicable, the owner will undertake the work. The owner is required to

contact the municipality concerning any proposed change to the project during the course of the work. Any new work or any changes to the work will not be funded without prior written approval. Allow sufficient time for the Town and Municipal Heritage Standing Committee to review and consider changes prior to performing them.

- **Step 5: Final Report**

Once work is completed, the owner shall submit a Final Report to the Town, including photos of completed work, final invoices, and proof of payment.

- **Step 6: Inspection**

Work shall be inspected to ensure conformity with the approved application. Inspections will be carried out by Town staff.

- **Step 7: Payment**

The grant is paid to the owner by the municipality upon receipt of the Final Report and Inspection, provided the work is consistent with the approved application and performed to the satisfaction of the Town.

3.2 HERITAGE ADVICE

It is an expectation that applicants seek professional advice when planning heritage conservation and restoration projects. The following serve as useful starting points for documentary information and reference:

- Ontario Heritage Toolkit
- Standards and Guidelines for the Conservation of Historic Places in Canada
- The Fort Erie Historical Museum
- The Ministry of Heritage, Sport, Tourism and Culture Industries

3.3 TERMS AND CONDITIONS

- Funding is allocated annually by Council. Applications are considered on a first come, first served basis, based on an approved application. Approval of the grant application is at the discretion of the Town, and is subject to the availability of funds.
- The property and heritage attributes must be designated under Part IV of the OHA.
- Property taxes must be paid in full at the time of application and at the time the project is completed.
- There are no outstanding by-law infractions, work orders, property standards orders or unpaid Administrative Penalties against the property.
- The building complies with the Town's property standards by-law, in the opinion of and upon inspection by Planning and Development Services staff.
- The applicant must be in good standing with the Town and in compliance with the OHA.
- The grant is conditional upon receiving a Heritage Permit for the work and any planning and building code approvals, as required.
- Approved work must be completed within two (2) calendar years of the date of grant approval, otherwise grant funding will be withdrawn.

- The grant is not transferable to new property owners upon sale of the property.
- Work carried out prior to application approval is ineligible for the grant.
- Work carried out must comply with proposed work in the approved application form. The owner must contact the municipality concerning any changes to the project that are proposed during the course of the work. Any new work, or any changes to the work, will not be funded without prior written approval.
- Works must be completed according to acceptable standards as identified in the Standards and Guidelines for the Conservation of Historic Places in Canada.
- Upon approval of an application, the applicant shall enter into a written agreement with the Town.

3.4 CONTACTS

For more information regarding the Town's Designated Heritage Property Grant Program, please contact:

Planning and Development Services Department
1 Municipal Centre Dr., Fort Erie, ON L2A 2S6
(905) 871-1600 ext. 2527
heritage@forterie.ca

You may also visit the Town of Fort Erie Heritage Planning webpage at:
<https://www.forterie.ca/pages/HeritagePlanning>

APPENDIX 1.0 – PROJECTS ELIGIBLE FOR DESIGNATED HERITAGE PROPERTY GRANT FUNDING

The following offers a number of guidelines for the type of work that may be eligible under the Designated Heritage Property Grant. Project work must pertain to heritage features and attributes cited in the Reasons for Designation in the property's designating by-law, as well as be recommended by a heritage expert, in order for an application to be approved.

1. Doors, Windows and Shopfronts

Doors, windows and shopfronts should be protected and maintained with appropriate surface treatments. Recognized conservation methods should be used to repair parts of doors and windows through patching, piecing-in, consolidating or otherwise reinforcing them. Limited replacement may be needed with a compatible substitute material, of extensively deteriorated or missing parts of doors, windows and shopfronts. When designing and constructing a new door or window that is completely missing, use a design that is compatible with the style, era and character of the historical place, or a replica based on documentary evidence.

Repairs should match the existing work, both visually and physically, as closely as possible. Moreover, adjacent character-defining elements should be protected from accidental damage or exposure to damaging materials during maintenance or repair work.

2. Entrances, Porches and Balconies

Entrances, porches and balconies can be identified as character-defining elements of an historical place, and can include canopies, overhangs, pergolas, stairs, verandas, vestibules, and widow's walks.

Entrances, porches and balconies should be protected and maintained by using appropriate surface treatments. Deteriorated entrances, porches and balconies should be stabilized using structural reinforcement and weather protection, or correcting unsafe conditions until repair work can be carried out, rather than removing deteriorated entrances, porches or balconies.

Repairs should use a minimal intervention approach and be based on documentary or physical evidence.

3. Roofs

Roof assemblies can include visible components, such as chimneys, cresting, cupolas, dormers, eaves, fascias, gables, gutters, parapets, soffits, turrets and weathervanes. They can also include components such as cladding, flashing and ventilation, insulation, substructure, and vapour control. Roofs should be repaired by patching, piecing-in, consolidating, or otherwise reinforcing, through recognized conservation methods.

Limited replacements may be needed for extensively deteriorated or missing parts of the roof, and should match the existing work as closely as possible.

This also includes the repair and replacement of wood clapboard or board-and-batten, repair and repointing of masonry, stucco repair, and/or the repair or replacement of original roofing material. It also includes removal of modern material, and replacement with original materials in cases when original material can be documented.

Repairs to or renewal of modern materials are not eligible.

The conservation or renewal of original roofing and siding materials deals exclusively with historical materials. The materials are defined as wooden shingles; shakes; boards roofing; metal roofing made of copper, zinc, tin or terneplate; and roofing of clay tile and slate. Copper sheeting and slate shingles among other materials can last for numerous decades, while wood and asphalt shingles and membrane roofing may require more frequent replacement. Frequent replacement can affect the heritage value of roofs, and so material, shape, exposure, detailing, and pitch all need to be considered when replacing a roof.

Designated Heritage Property Grants are intended to help offset the extra costs associated with the specialized supplies, materials, and skills required for the preservation of heritage properties. For this reason, materials such as standard asphalt shingles and other "modern" readily available roofing types are not eligible under this program unless they are original to the designated property.

4. The Repair, Repointing, and Cleaning of Masonry

Masonry work is eligible only if the materials and methods used will not cause harm to the historical masonry. It can include mortared or dry laid natural stone, cast stone, terra cotta, brick, and concrete block. Its various characteristics, such as its joint width and profile, coursing pattern, brick or mortar, finish dressing, and stone's colour and texture can all require careful consideration for heritage preservation.

Functional, decorative and sculptural components, for example, cornices, lintels, band courses, water tables, and scuppers and carvings also contribute to a property's heritage value. Masonry may act as the structural system and the building envelope, and so conservation must take both these roles into account. Masonry can best be preserved through timely and appropriate maintenance.

Application of water-repellent coatings is not eligible, as it can trap moisture inside the masonry. To avoid damage from water penetration and freezing in cold weather, repair of failed flashings, deteriorated mortar joints, and other mechanical defects should be done in a timely fashion.

Surface treatments, such as breathable coatings, should only be used as a last resort if repairs, flashings, alternative design solutions or flashings fail to stop water penetration, and if a maintenance program is provided for the coating.

Cleaning of masonry buildings may be eligible if it is necessary for the building's preservation, specifically to halt deterioration and remove heavy soiling and graffiti, and if it is carried out using suitable materials, methods, and pressures. The gentlest cleaning method possible should be used, and the result should be observed overtime to determine its immediate and long-term effects. Otherwise, cleaning treatments for solely aesthetic reasons can accelerate deterioration.

Grants will not be paid for sandblasting since it can remove materials' hardened exterior and cause them to deteriorate.

5. Stucco

Designated Heritage Property Grants may be applied to the restoration of stucco and pebbledash where this is known to have been the historical exterior finish for the structure.

To receive the grant, the stucco work must replicate the original or historical rendering of the building in colour, materials, and texture. Appropriate coating or paint systems should be selected, based on compatibility with previous layers of character-defining colour, texture, finish, and paint.

Repairs should be visually and physically compatible, and identifiable for future research upon close inspection.

Modern stucco mixtures and compositions with high cement contents are not eligible since they may not adhere to existing historical materials, and would likely require repeated maintenance.

6. Storm and Screen Windows

Designated Heritage Property Grants may be applied to the repair, conservation or reconstruction of wooden storm or screen windows if the historical use of storm windows is documented. The storm or screen windows must be original, or replicas of the original in both style and material.

Storm windows utilizing materials such as lexan, plexiglass, aluminum, or extruded metal are not eligible for funding.

7. Glass and Glass Products

The Designated Heritage Property Grant Program may be applied to the conservation and repair of glass and glass products when identified as character-defining elements in a designated property. Their functional and aesthetic attributes, such as their colour, texture, translucency or opacity, reflectivity, or treatment, can make them character-defining.

In particular, stained glass requires specialists who may involve art conservators. Funding may be provided for the repair of lead, copper and wooden frames, or for the restoration of stained-glass lights. Reinforcing panels and protecting windows with a

second sash should be overseen by a conservator who specialises in stained glass, and the method of installation should ensure it does not lead to further deterioration.

Funding is not provided for the installation of lexan, plexiglass, or other synthetic materials to protect stained glass windows. These materials are considered as new storm windows and are ineligible.

8. Eavestrough

Designated Heritage Property Grants may be applied to the restoration of gutters and downpipes only where these items are considered to be significant attributes as identified in the Reasons for Designation in the property's designating by-law. This may include gutters and downpipes of now rarely-used, but long-lasting materials, such as copper and lead; gutters and downpipes that incorporate decorative elements often found at the "storm heads" or at the metal straps; and gutters that are built into the building cornice.

Galvanized metal and modern materials, such as plastic, vinyl, or aluminum are not eligible for grant consideration.

9. Wood and Wood Products

Wood and wood products may be determined to be significant attributes of a heritage property. Wood may include sawn or hewn timbers, logs, and milled or sculpted lumber, while wood products may include glue-laminated timber, plywood, or composites such as wafer board or particleboard. Roofs, windows and doors, structure, cladding, carvings, interior fences, and fences may all contain wood and wood products.

As wood is susceptible to moisture, insect infestation, ultraviolet radiation, and fire, properties should be protected from these threats. Consolidating or replacing decayed and damaged wood, and fixing the conditions that led to the initial damage and decay can be done to repair the wood elements. Carpentry techniques can be used to do this. Newer wood products, such as plywood, might require replacements instead of repairs as a result of the manufacturing process involved and their modular nature.

10. Architectural and Structural Metals

Structural metals usually include materials such as steel or iron columns, frames, trusses, or beams. Architectural metals entail all other metal elements, such as roofing, windows, doors, cladding, sculpture, flashings, railings and bannisters, stairs, curtain-wall mullions and spandrel panels, fences, gates, cresting, hardware, signposts, and bathroom fixtures and partitions. Historic places in Canada have used steel, galvanized steel, stainless steel, aluminum, bronze, lead, zinc, nickel, tin, copper and copper alloys, and cast iron and wrought iron, among other metals.

Metal can deteriorate through corrosion, deformation, abrasion, erosion, cracking and fatigue, as well as from flaws from original assembly, manufacture or design. The type of metal and form of damage to it must be properly identified before it can be repaired. A metal conservator or conservation professional can help accurately identify the type of metal.



The Municipal Corporation of the Town of Fort Erie

By-law No. 41-2023

Being a By-law to Exempt a Certain Block in Plan 59M-506 from Part Lot Control, Royal Ridge Drive Block 1 (Royal Ridge Subdivision) 2834127 Ontario Limited (Andrew Sacco)

Whereas the Municipal Council of The Corporation of the Town of Fort Erie deems that the lands described in section 1 of this by-law should be exempted from the provisions of subsection 50(5) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended (the "*Planning Act*"), since such lands are to be used for dwelling units as permitted by Zoning By-law No. 129-90, as amended;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the provisions of subsection 50(5) of the *Planning Act* shall not apply to the lands described as follows:
 - (a) Block 1, Plan 59M-506, Fort Erie
being all of PIN 64193-0139 (LT)

for the purpose of creating 3 lots for residential development, subject to easements, as follows:
 - i) Parts 1 and 2 on Reference Plan 59R-17531; and
 - ii) Part 3 on Reference Plan 59R-17531; and
 - iii) Part 4 on Reference Plan 59R-17531
2. **That** in accordance with subsection 50(7.3) of the *Planning Act*, this by-law shall expire one year from the date of the registration of this by-law in the Land Registry Office at which time subsection 50(5) of the *Planning Act* shall apply to those lands in the reference plan described in Section 1 of this by-law.
3. **That** upon final passage of this by-law, the Town Law Clerk shall cause this by-law to be registered in the local Land Registry Office.
4. **That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical,

semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 27th day of March, 2023.

Mayor

Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 41-2023 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20



Interoffice Memorandum

March 27, 2023
File No. 350304

To: Mayor and Council
From: Anamika Dilwaria, Manager, Development Approvals,
Subject: **Removal of Part Lot Control**
By-law No. 41-2023
Block 1, Plan 59M-506
Royal Ridge Drive, Royal Ridge Subdivision

Included in the Council package for March 27 2023 is By-law No. 41-2023 exempting Block 1, Plan 59M-506 from the Part Lot Control provisions of *The Planning Act*, R.S.O. 1990, c. P.13, as amended (the "*Planning Act*").

Attached, as Appendix 1 is a copy of Reference Plan 59R-17531 indicating the proposed parts to be created for residential development. The current application will allow the conveyance for 1 townhouse block consisting of 3 townhouse dwelling units and the associated lands as shown as Parts 2, 3, and 4 (59R-17531). Part 1 is subject to existing easements.

The *Planning Act* also allows the Part Lot Control By-law to expire at the end of a specified time period. The purpose of the specified time period is to provide a time window to register the reference plan and to sell the lots. In this case, a one-year time frame is sufficient to allow the owner to complete the transactions necessary to convey the subject properties.

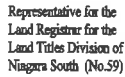
In order to permit the conveyance, staff recommends that the By-law No. 41-2023 exempting Block 1, Plan 59M-506 from the provisions of Part Lot Control be passed.

All of which is respectfully submitted,

Anamika Dilwaria, M.P.I., MCIP, RPP
Manager, Development Approvals

Attachment: Appendix "1" – Reference Plan 59R-17531

cc: Chris McQueen, Chief Administrative Officer
Alex Herlovitch, Director of Planning and Development Services
Rosanna Firenze, Law Clerk
Carol Schofield, Town Clerk





The Municipal Corporation of the Town of Fort Erie

By-law No. 42-2023

Being a By-law to Exempt a Certain Block in Plan 59M-506 from Part Lot Control, Royal Ridge Drive Block 6 (Royal Ridge Subdivision) 2834127 Ontario Limited (Andrew Sacco)

Whereas the Municipal Council of The Corporation of the Town of Fort Erie deems that the lands described in section 1 of this by-law should be exempted from the provisions of subsection 50(5) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended (the "*Planning Act*"), since such lands are to be used for dwelling units as permitted by Zoning By-law No. 129-90, as amended;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the provisions of subsection 50(5) of the *Planning Act* shall not apply to the lands described as follows:
 - (a) Block 6, Plan 59M-506, Fort Erie
being all of PIN 64193-0144 (LT)

for the purpose of creating 2 lots for residential development, subject to easements, as follows:
 - i) Parts 1, 2 and 3 on Reference Plan 59R-17530; and
 - ii) Parts 4 and 5 on Reference Plan 59R-17530
2. **That** in accordance with subsection 50(7.3) of the *Planning Act*, this by-law shall expire one year from the date of the registration of this by-law in the Land Registry Office at which time subsection 50(5) of the *Planning Act* shall apply to those lands in the reference plan described in Section 1 of this by-law.
3. **That** upon final passage of this by-law, the Town Law Clerk shall cause this by-law to be registered in the local Land Registry Office.
4. **That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical,

semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 27th day of March, 2023.

Mayor

Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 42-2023 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20

Interoffice Memorandum

March 27, 2023
File No. 350304

To: Mayor and Council
From: Anamika Dilwaria, Manager, Development Approvals,
Subject: **Removal of Part Lot Control**
By-law No. 42-2023
Block 6, Plan 59M-506
Royal Ridge Drive, Royal Ridge Subdivision

Included in the Council package for March 27 2023 is By-law No. 42-2023 exempting Block 6, Plan 59M-506 from the Part Lot Control provisions of *The Planning Act*, R.S.O. 1990, c. P.13, as amended (the "*Planning Act*").

Attached, as Appendix 1 is a copy of Reference Plan 59R-17530 indicating the proposed parts to be created for residential development. The current application will allow the conveyance of 2 semi-detached dwelling units and the associated lands as shown as Parts 2, and 4 (59R-17531). Parts 1, 3 and 5 are subject to existing easements.

The *Planning Act* also allows the Part Lot Control By-law to expire at the end of a specified time period. The purpose of the specified time period is to provide a time window to register the reference plan and sell the lots. In this case, a one-year time frame is sufficient to allow the owner to complete the transactions necessary to convey the subject properties.

In order to permit the conveyance, staff recommends that the By-law No. 42-2023 exempting Block 6, Plan 59M-506 from the provisions of Part Lot Control be passed.

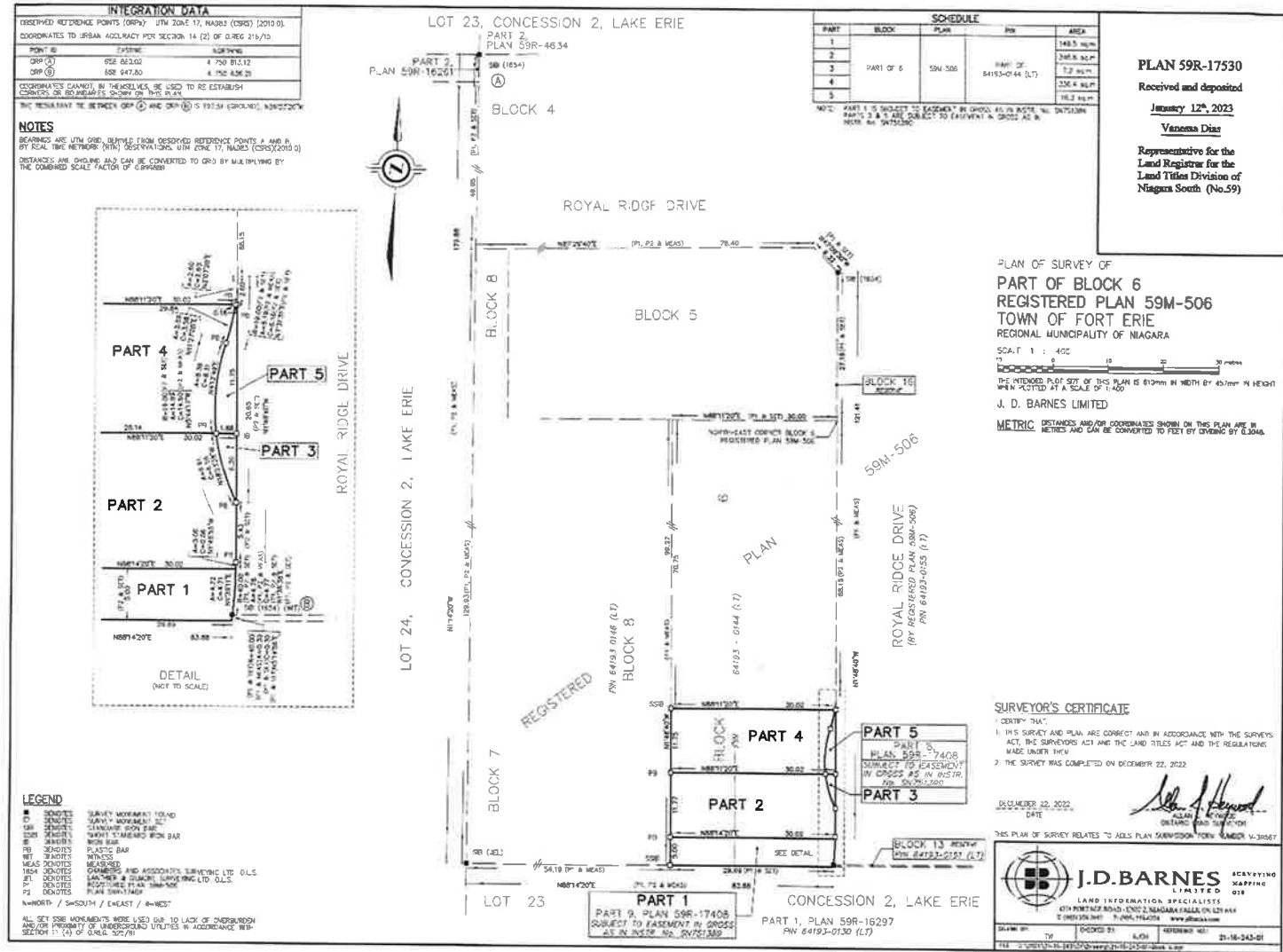
All of which is respectfully submitted,

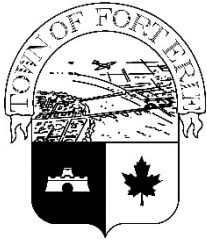


Anamika Dilwaria, M.Pl., MCIP, RPP
Manager, Development Approvals

Attachment: Appendix "1" – Reference Plan 59R-17530

cc: Chris McQueen, Chief Administrative Officer
Alex Herlovitch, Director of Planning and Development Services
Rosanna Firenze, Law Clerk
Carol Schofield, Town Clerk





The Municipal Corporation of the Town of Fort Erie

By-law No. 43-2023

Being a By-law to Amend Zoning By-law No. 129-90, as amended 0-17100, 0-17101 & 0-17102 Schooley Road Marz Homes (Crystal Beach) Inc. (Dan Gabriele) - Owner

Whereas an application was received from Dan Gabriele of Marz Homes (Crystal Beach) Inc. (Owner) to amend the Town's Comprehensive Zoning By-law No. 129-90, as amended, for the lands known municipally as 0-17100, 0-17101 & 0-17102 Schooley Road; and

Whereas a Public Meeting pursuant to Section 34(12) of the *Planning Act*, R.S.O. 1990, c. P.13 was held on March 6th, 2023; and

Whereas it is deemed desirable to amend the Comprehensive Zoning By-law No. 129-90, as amended, pursuant to the recommendations of Report No. PDS-19-2023 considered and approved at the Special Council-in-Committee meeting held on March 6th, 2023;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

- 1. That** Schedule "A" of By-law No. 129-90, as amended, is further amended by changing the zoning of the lands known municipally as 0-17100, 0-17101 & 0-17102 Schooley Road and shown on the attached Appendix "1" from "Residential 2 (R2-637) Zone" to "Residential 2 (R2-770) Zone" (Part 1), and "Residential 2 (R2) Zone" and "Environmental Conservation Overlay (EC) Overlay Zone" to "Residential 2 (R2-770) Zone" (Part 2).
- 2. That** By-law No. 129-90, as amended, is further amended by adding to "Section 11 – Residential 2 (R2) Zone" Subsection – "Exceptions to the Residential 2 (R2) Zone" the following exceptions:

"R2-770 (43-2023) 0-17100, 0-17101 & 0-17102 Schooley Road

These lands are zoned "Residential 2 (R2-770) Zone", and all of the provisions of By-law No. 129-90, as amended, that relate to lands zoned "Residential 2 (R2) Zone" by this by-law shall apply to those lands zoned "Residential 2 (R2-770) Zone" subject to the following special provisions:

- a) Notwithstanding the "Regulations for Dwellings" in Subsection 11.3, singled detached dwellings shall be subject to the following regulations:

- i. Minimum Lot Frontage – 13.00 m
 - ii. Minimum Lot Area – 390.0 m²
 - iii. Maximum Lot Coverage – 45.0%
 - iv. Minimum Interior Side Yard Setback - 1.2 m, except on an interior lot where no attached garage or carport is provided, the minimum side yard setback on one side shall be 3.0 m
 - v. Minimum Rear Yard Setback – 6.0 m
 - vi. Maximum Height of Building – 2.0 storeys / 10.5 m
- b) Notwithstanding the requirements of Subsection 6.40 “Covered or Uncovered Porches, Balconies, Decks and Patios”, covered or uncovered porches between 0.5 m and 1.5 m above grade shall be setback a minimum of 2.5 m from the rear lot line
- c) Notwithstanding the requirements of Subsection 6.41 a) “Ornamental Structures”, ornamental structures may project 0.6 m into any required yard, but shall not be closer than 0.5 m to any lot line”
- 3. That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

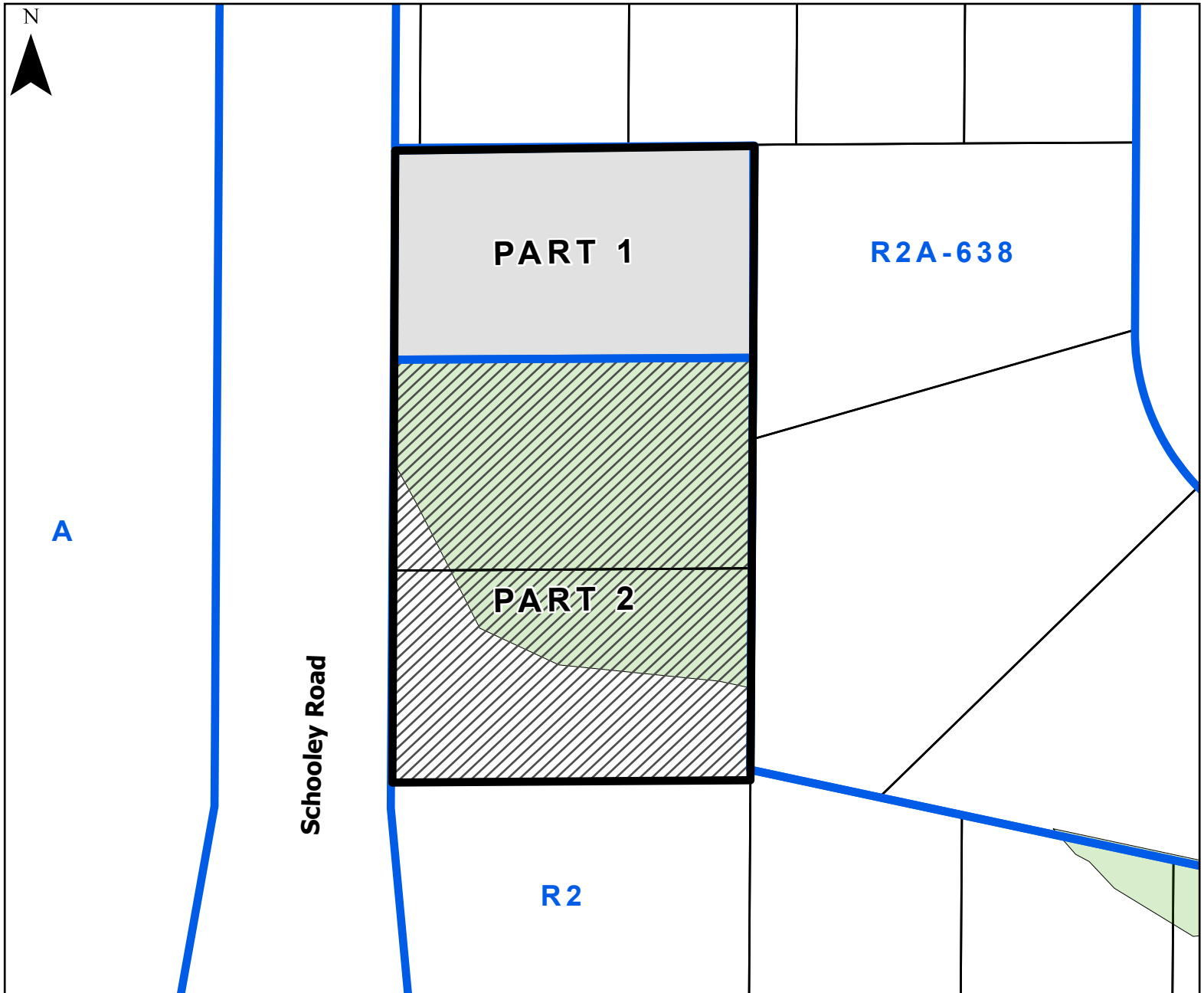
Read a first, second and third time and finally passed this 27th day of March, 2023.

Mayor

Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 43-2023 of the said Town. Given under my hand and the seal of the said Corporation, this day of _____, 20____

APPENDIX "1"



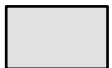
By-law No. 43-2023

**THIS SKETCH FORMS PART OF SCHEDULE "A" TO BY-LAW NO. 129-90
PASSED THIS 27th DAY OF MARCH, 2023**

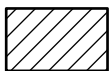
0 5 10
Meters



Subject Lands - 0-17100, 0-17101 & 0-17102 Schooley Road



Part 1 - Change from Residential 2 (R2-637) Zone to Residential 2 (R2-770) Zone



Part 2 - Change from Residential 2 (R2) Zone and Environmental Conservation (EC) Overlay Zone to Residential 2 (R2-770) Zone



The Municipal Corporation of the Town of Fort Erie

By-law No. 44-2023

Being a By-law to Amend Zoning By-law No. 129-90, as amended 316 Ridgeway Road Kevin Ronald Reichel – Owner

Whereas an application was received from Kevin Ronald Reichel (Owner) to amend the Town's Comprehensive Zoning By-law No. 129-90, as amended, for the lands known municipally as 316 Ridgeway Road; and

Whereas a Public Meeting pursuant to Section 34(12) of the *Planning Act*, R.S.O. 1990, c. P.13 was held on March 20, 2023; and

Whereas it is deemed desirable to amend the Comprehensive Zoning By-law No. 129-90, as amended, pursuant to the recommendations of Report No. PDS-23-2023 considered and approved at the Council-in-Committee meeting held on March 20, 2023;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** Schedule "A" of By-law No. 129-90, as amended, is further amended by changing the zoning of the lands known municipally as 316 Ridgeway Road and shown on the attached Appendix "1" from "Neighbourhood Development (ND) Zone" to "Residential 2B (R2B-772) Zone".
2. **That** By-law No. 129-90, as amended, is further amended by adding to "Section 12B – Residential 2B (R2B) Zone" Subsection – "Exceptions to the Residential 2B (R2B) Zone" the following exception:

"R2B-772 (44-2023) 316 Ridgeway Road

These lands are zoned "Residential 2B (R2B-772) Zone", and all of the provisions that relate to lands zoned "Residential 2B (R2B) Zone" by this by-law shall apply to those lands zoned "Residential 2B (R2B-772) Zone" subject to the following special provision:

- a) Notwithstanding the list of permitted uses in Subsection 12B.2, the lands may also be used for the following uses:
 - U-Brew-Your-Own Establishment
 - Convenience retail stores

- Personal service shops
- Day nurseries
- Florists
- Pharmacies
- Professional or Business Offices
- Video Outlet Sales and Rental Shops
- Bake Shops
- Spa Services
- Dwelling Units
- Uses, buildings and structures accessory to a permitted use, excluding open storage.

b) Notwithstanding the requirements of Subsection 6.21 (b) – Landscaping and Planting Strips – Width, planting strips shall have a minimum width of no less than:

- 0.9 m between the asphalt area and along the east property line;
- None along the north and south property line”

3. **That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

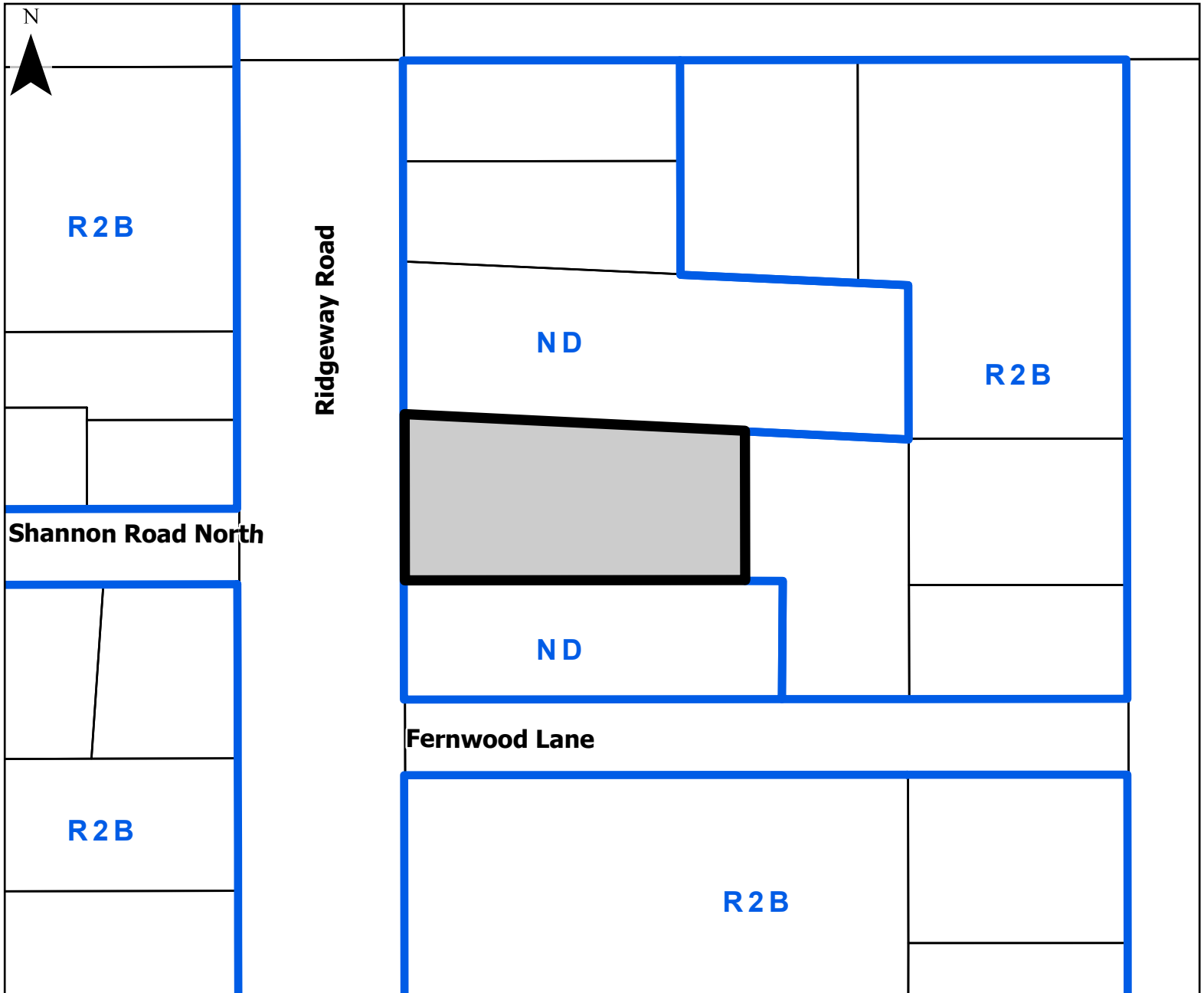
Read a first, second and third time and finally passed this 27th day of March, 2023.

Mayor

Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 44-2023 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20

APPENDIX "1"



By-law No. 44-2023

**THIS SKETCH FORMS PART OF SCHEDULE "A" TO BY-LAW NO. 129-90
PASSED THIS 27th DAY OF MARCH, 2023**

0 5 10
Meters



Subject Lands - 316 Ridgeway Road



Change from Neighbourhood Development (ND) Zone to Residential 2B (R2B-772) Zone



The Municipal Corporation of the Town of Fort Erie

By-law No. 45-2023

Being a By-law to Amend Zoning By-law No. 129-90, as amended

**0-19302 Courtwright Street
David Zappone – Owner**

Whereas an application was received from David Zappone (Owner) to amend the Town's Comprehensive Zoning By-law No. 129-90, as amended, for the lands known municipally as 0-19302 Courtwright Street; and

Whereas a Public Meeting pursuant to Section 34(12) of the *Planning Act*, R.S.O. 1990, c. P.13 was held on March 6, 2023; and

Whereas it is deemed desirable to amend the Comprehensive Zoning By-law No. 129-90, as amended, pursuant to the recommendations of Report No. PDS-18-2023 considered and approved at the Special Council-in-Committee meeting held on March 6, 2023;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** Schedule "A" of By-law No. 129-90, as amended, is further amended by changing the zoning of the lands known municipally as 0-19302 Courtwright Street and shown on the attached Appendix "1" from "Residential 2 (R2) Zone" to "Residential 3 (R3-771) Zone".
2. **That** By-law No.129-90, as amended, is further amended by adding to "Section 13 – Residential 3 (R3) Zone" Subsection – "Exceptions to the Residential 3 (R3) Zone" the following exception:

"R3-771 (45-2023) 0-19302 Courtwright Street

These lands are zoned "Residential 3 (R3-771) Zone", and all of the provisions that relate to lands zoned "Residential 3 (R3) Zone" by this by-law shall apply to those lands zoned "Residential 3 (R3-771) Zone" subject to the following special provision:

- a) Notwithstanding the "Regulations for Semi-Detached Dwellings" in Section 13.4, semi-detached dwellings shall be subject to the following special provisions:
 - I. Minimum Unit Frontage - 7.62 m"

3. **That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

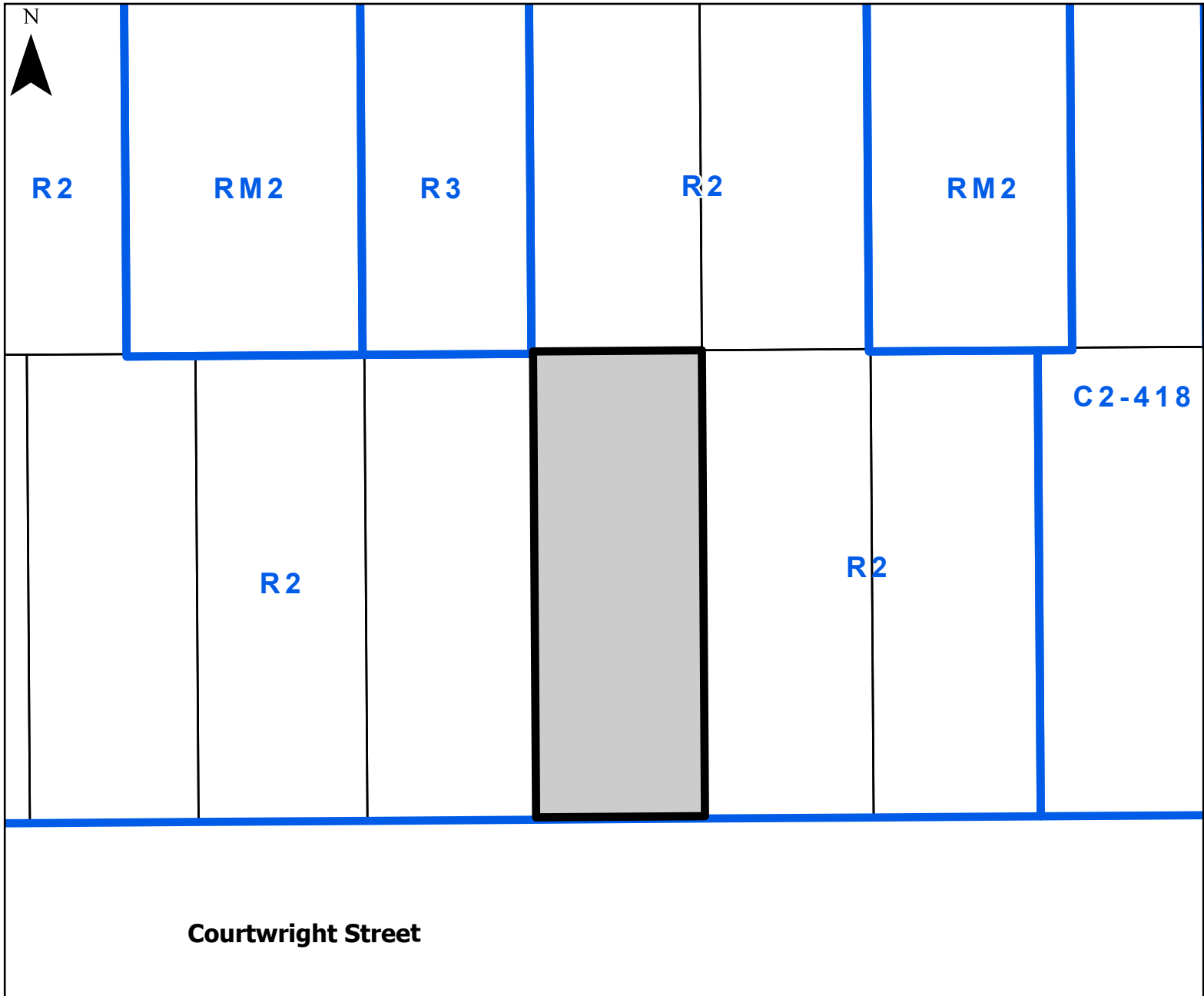
Read a first, second and third time and finally passed this 27th day of March, 2023.

Mayor

Clerk

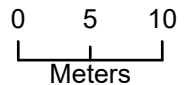
I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 45-2023 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20

APPENDIX "1"

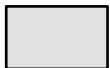


By-law No. 45-2023

**THIS SKETCH FORMS PART OF SCHEDULE "A" TO BY-LAW NO. 129-90
PASSED THIS 27th DAY OF MARCH, 2023**



Subject Lands - 0-19302 Courtwright Street



Change from Residential 2 (R2) Zone to Residential 3 (R3-771) Zone



The Municipal Corporation of the Town of Fort Erie

By-law No. 46-2023

Being a By-law to Amend By-law No. 11-2023 (Name Change – Kennedy Lidstone to Kennedy DeGooyer)

Whereas By-law No. 11-2023 was passed by the Municipal Council of the Town of Fort Erie on the 23rd day of January, 2023 to appoint Kennedy Lidstone as a Municipal Law Enforcement Officer for The Corporation of the Town of Fort Erie and also as a Provincial Offences Officer while in the discharge of her duties; and

Whereas Kennedy Lidstone has since changed her surname to DeGooyer; and

Whereas it is deemed desirable to amend By-law No. 11-2023 accordingly;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** Section 1 of By-law No. 11-2023 is amended by repealing the name "Kennedy Lidstone" and replacing it with the name "Kennedy DeGooyer."
2. **That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 27th day of March, 2023.

Mayor

Clerk

I, _____ Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 46-2023 of the said Town. Given under my hand and the seal of the said Corporation, this _____ day of _____, 20____



The Municipal Corporation of the Town of Fort Erie

By-law No. 47-2023

Being a By-law to Accept and Declare Lands as Public Highway on the West Side of Buffalo Road 629 Buffalo Road – Cornelius Woelke

Whereas pursuant to the Decision of the Town of Fort Erie Committee of Adjustment, File No. B48/22 F.E., the owner is required to convey lands to The Corporation of the Town of Fort Erie for the purpose of a road widening on the west side of Buffalo Road, gratuitously, free and clear of all encumbrances; and

Whereas the *Municipal Act, 2001*, as amended, provides that if a municipality acquires land for the purpose of widening a highway, the land acquired forms part of the highway to the extent of the designated widening; and

Whereas it is deemed desirable to authorize the acceptance of lands for road widening purposes, and declare and assume same as public highway forming part of Buffalo Road;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

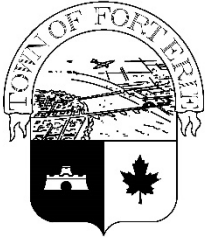
1. **That** the acceptance of land from Cornelius Woelke, legally described as Part of Lot 7, Concession 2, Lake Erie, Bertie; designated as Parts 2 & 3 on Reference Plan 59R-17623; Fort Erie, being part of PIN 64448-0025 (LT) (the "Lands"), for road widening purposes, free and clear of all encumbrances, is authorized and approved.
2. **That** the Lands are established, laid out, declared and assumed as public highway forming part of Buffalo Road, for public use.
3. **That** upon final passage of this by-law, the Town Law Clerk shall cause same to be registered in the Land Registry Office.
4. **That** the Mayor and Clerk are authorized and directed to execute all documentation necessary to complete this transaction.
5. **That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 27th day of March, 2023.

Mayor

Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, hereby certify the foregoing to be a true copy of By-law No. 47-2023 of the said Town. Given under my hand and the seal of the said Corporation, this _____ day of _____, 20____



The Municipal Corporation of the Town of Fort Erie

By-law No. 48-2023

**Being a By-law to Enact an Amendment to the
Official Plan Adopted by By-law No. 150-06 for the Town of Fort
Erie Planning Area**

**Amendment No. 69
214 Windmill Point Road South
Joseph Moore and Irene Moore - Owners**

The Municipal Council of The Corporation of the Town of Fort Erie in accordance with the provisions of Section 17 of the *Planning Act*, R.S.O. 1990, c. P.13 enacts as follows:

1. **That** amendment No. 69 to the Official Plan for the Town of Fort Erie consisting of the attached explanatory text and mapping is hereby adopted and approved.
2. **That** this by-law shall come into force and take effect on the day of the final passing thereof.
3. **That** the Clerk of the Town of Fort Erie is authorized to affect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 27th day of March, 2023.

Mayor

Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 48-2023 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20 .

AMENDMENT NO. 69
TO THE
OFFICIAL PLAN
FOR THE
CORPORATION OF THE TOWN OF FORT ERIE

CONTENTS

PART "A" - THE PREAMBLE

- Section 1 - Title and Components
- Section 2 - Purpose of Amendment
- Section 3 - Location of this Amendment
- Section 4 - Basis of this Amendment
- Section 5 - Implementation and Interpretation

PART "B" - THE AMENDMENT

Introductory Statement

Details of the Amendment

- Schedule "A" - Land Use Plan

PART "C" - THE APPENDICES

- Appendix 1 - Notice of Public Information Processes
- Appendix 2 - Public Meeting Minutes
- Appendix 3 - Circulation Comments

PART "A" - THE PREAMBLE

SECTION 1

TITLE AND COMPONENTS

This document, when approved in accordance with Sections 17 and 21 of The Planning Act, 1990, shall be known as Amendment No. 69 to the Official Plan adopted by By-law No. 150-06 of the Fort Erie Planning Area.

Part "A", the Preamble does not constitute part of this amendment.

Part "B", the Amendment, consisting of the following text and map (designated Schedule "A") constitutes Amendment No. 69 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area.

Also attached is Part "C", the Appendices, which do not constitute part of this amendment. These Appendices (1 through 3 inclusive) contain the background data, planning considerations and public involvement associated with this amendment.

SECTION 2

PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to change the land use designation of the subject lands shown on Schedule "A" attached hereto from "Rural" to "Site Specific Policy Area 45 – 214 Windmill Point Road South", to facilitate the creation of two new lots for residential development.

SECTION 3

LOCATION OF THIS AMENDMENT

The lands, which are the subject of this amendment, are located on the east side of Windmill Point Road South as shown on Schedule "A" attached hereto.

SECTION 4

BASIS OF THIS AMENDMENT

Subsection 13.7(III) of the Official Plan adopted by By-law No. 150-06 of the Fort Erie planning area provides that amendments may be made to the Official Plan. Policies in Subsection 13.7(III) have been considered in the preparation of this amendment and the following factors have been reviewed in supporting this amendment to the Official Plan:

a) The need for the proposed use:

The subject property is designated Rural in the Town's Official Plan and is not being used for agricultural purposes. This designation permits non-agricultural development, including residential development and lot creation. The proposal involves the creation of two new lots for the development of future single detached dwellings, and the balance of the property would be retained to accommodate the existing single detached dwelling. Creation of the two lots would not negatively impact the agricultural viability of the community.

b) The extent to which the existing areas in the proposed categories are developed, and the nature and adequacy of such existing development:

The portion of the subject property that is proposed to be severed is currently part of the lawn associated with the existing single detached dwelling. Several single detached dwellings are present throughout the surrounding rural community.

c) The physical suitability of the land for such proposed use, and in the case of lands exhibiting or abutting a Natural Heritage feature, demonstration of compliance with the Natural Heritage policies of this plan:

The Hydrogeological Assessment that was submitted with the application demonstrates that the proposed lot areas are adequate to accommodate individual private sewage systems. Further, the proposed lot lines, and future development and accompanying site alterations are located outside of the Significant Woodlot and associated 30 m Vegetation Protection Zone. As such, the property is considered physically suitable for the proposed development.

d) The location of the area under consideration with respect to:

- (i) the adequacy of the existing and proposed highway system in relation to the development of such proposed areas,**
- (ii) the convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety in relation thereto, and**
- (iii) the adequacy of the potable water supply, sewage disposal facilities, and other municipal services in view of the policies contained in this Plan and in accordance with technical reports or recommendations of the Ministry of the Environment and the Regional Niagara Health Services Department and any other appropriate authority deemed advisable;**

The proposed and retained lots will front onto Windmill Point Road South, which is a travelled and maintained municipal road. Site generated traffic from the proposed development is expected to be minimal.

With respect to servicing, a municipal water main is available within the Windmill Point Road South road allowance to service the proposed lots. Further, Regional Staff have confirmed that based on the Hydrogeological Assessment, the severed and retained lots are adequately sized to accommodate individual private sewage systems.

e) The compatibility of the proposed use with uses in adjoining areas:

Although the lots south of the subject property and Windmill Point Lane East and West were created by plan of subdivision prior to the *Planning Act* coming into force and effect, the lots still contribute to the overall fabric and character of the community. The surrounding community consists of single detached dwellings on Waterfront Rural Residential lots that are smaller than the proposed lots, and single detached dwellings on Rural lots that vary in size.

The proposed lot lines, and future development and accompanying site alterations are located outside of the Significant Woodlot and associated 30 m Vegetation Protection Zone.

A proposal for two lots is supportable as it is in keeping with the intent of the 2022 Niagara Official Plan, which permits a maximum of three new lots as-of-right. Further, the proposal addresses outstanding natural heritage compatibility concerns associated with the overall development of the subject property, and responds to the concerns raised by area residents.

f) The effects of such proposed use on the surrounding area in respect of the minimizing of any possible depreciating or deteriorating effect upon adjoining properties:

There is no evidence to suggest that the proposed development will have a depreciating or deteriorating effect on adjoining properties.

g) The potential effect of the proposed use on the financial position of the Municipality:

The proposed amendment will not negatively affect the financial position of the municipality as any works associated with the proposed development are the responsibility of the Owner/Developer. The proposed residential development will increase the tax base of the municipality, and provide the municipality with development charges.

h) The potential effect of the proposed use in relation to the intent and implementing regulations of the Environmental Protection Act.

The proposed use and development are not anticipated to impact the intent and implementing regulations of the Environmental Protection Act.

SECTION 5

IMPLEMENTATION AND INTERPRETATION

The relevant policies of the Official Plan adopted by By-law No. 150-06 of the Fort Erie planning area shall apply to the implementation and interpretation of this Amendment.

PART "B" - THE AMENDMENT

All of this part of the document entitled "Part "B" - "The Amendment" consisting of the following policies and attached maps designated as Schedule "A" (Land Use Plan) constitute Amendment No. 69 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area. The Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area is hereby amended as follows:

1. The subject lands shown on Schedule "A" attached hereto are hereby redesignated to:

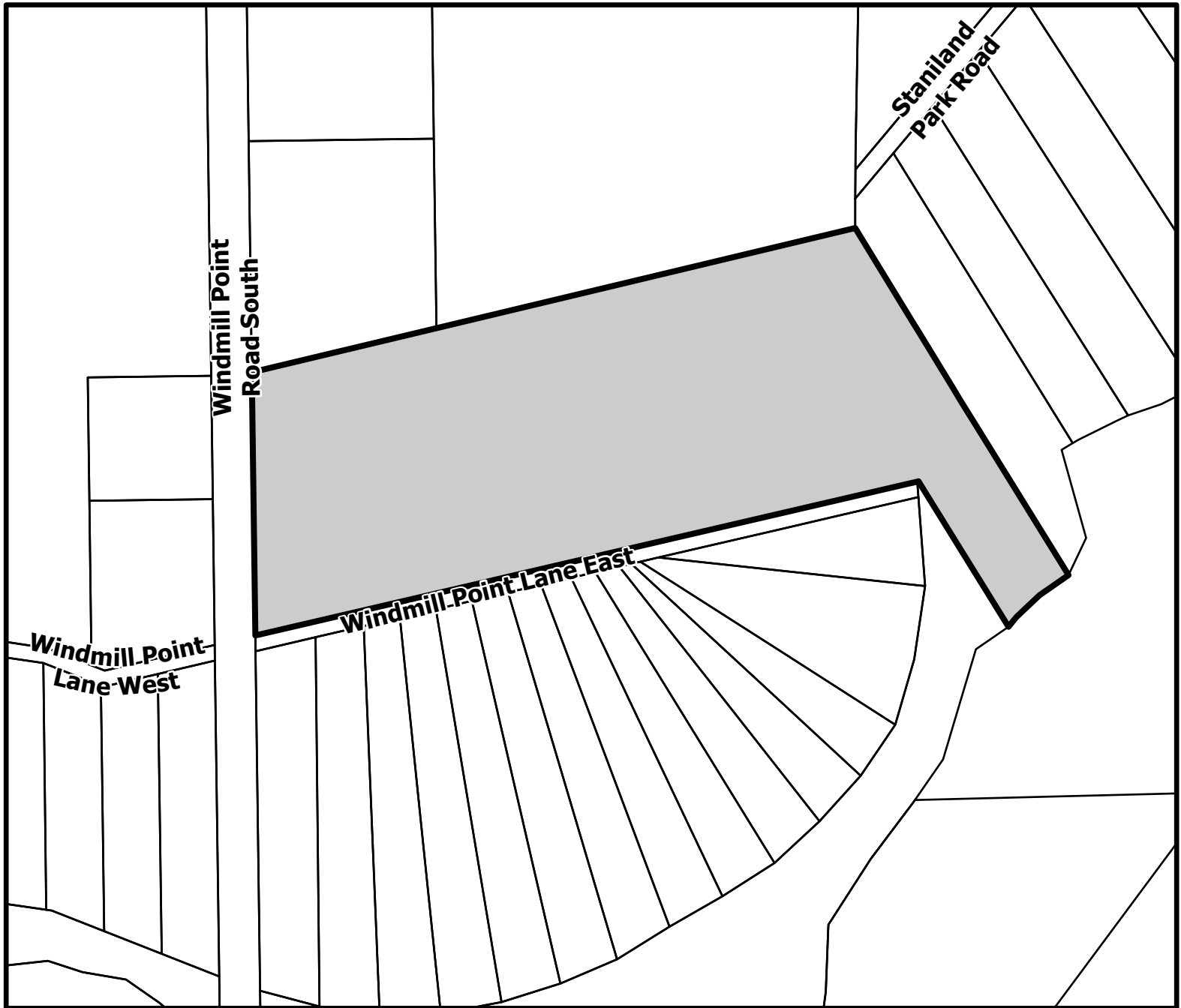
Site Specific Policy Area 45 – 214 Windmill Point Road South

The subject lands shall generally be governed by the Rural policies of Section 4.6. Notwithstanding the policies of Section 4.6.3 CONSENT TO SEVER, Subsection II (a) and (b) shall not apply to the lands shown on Schedule "A" attached hereto. Development shall be limited to the creation of two new lots for residential development, having minimum lot areas of 0.5 hectares and minimum lot frontages of 46.0 metres. The retained lot shall have a minimum lot area of 3.5 hectares. No further development shall be permitted without an amendment to this Plan.

PART “C” - THE APPENDICES

- Appendix 1 - Notice of Public Meeting
- Appendix 2 - Public Meeting Minutes
- Appendix 3 - Circulation comments

SCHEDULE "A"



By-law No. 48-2023

**THIS SKETCH FORMS PART OF SCHEDULE "A" TO THE OFFICIAL PLAN
PASSED THIS 27th DAY OF MARCH, 2023**



Subject Lands - 214 Windmill Point Road South



Change from Rural to Site Specific Policy Area 45 - 214 Windmill Point Road South

N





**NOTICE OF COMPLETE APPLICATION AND
PUBLIC MEETING**

Owner: Joseph Moore
Applicant: Steven Rivers (South Coast Consulting)
214 Windmill Point Road South
Combined Official Plan and Zoning By-law Amendment
Application

Application File Nos: 350309-0545 & 350302-162

DATE: Monday, January 16th, 2023
TIME: 6:00 PM
LOCATION: This will be a hybrid meeting. Members of the public may attend the meeting in person in Council Chambers, Town Hall, 1 Municipal Centre Drive OR virtually via Zoom.

LOCATION OF SUBJECT LANDS





PROPOSAL



Town of Fort Erie Planning Staff have received a Combined Official Plan and Zoning By-law Amendment application. The application proposes to sever 214 Windmill Point Road South to facilitate the creation of three new residential lots, shown as Parts 2, 3 and 4 on the attached consent sketch (Schedule 1).

The subject property is located outside of the urban area boundary. The majority of the property is designated Rural in the Town’s Official Plan. A portion of the property is designated Environmental Protection, which corresponds with the Lake Erie shoreline. The Applicant is requesting an amendment to the Official Plan as the proposed lots do not comply with the lot frontage requirement of 46.00 m under Section 4.6.3. II. b) of the Official Plan. Further, the proposed lots do not comply with the definition of an infilling lot under Section 4.6.3. II. a) of the Official Plan, where an infilling lot means “a new lot which fronts on a public road and which is situated on the same side of the road and between either an existing dwelling and another existing dwelling or a natural heritage feature or an improved road allowance where the distance between such structures or features is 90 metres or less”.

The majority of the subject property is zoned Rural (RU) Zone, and a portion of the property adjacent to the Lake Erie shoreline is zoned Hazard (H) Zone, in accordance with the Town of Fort Erie Comprehensive Zoning By-law No. 129-90, as amended. An amendment to the Zoning By-law is requested as the proposed and retained lots do not meet the minimum lot frontage requirement of 46.00 m in accordance with Subsection 8.4 of the Zoning By-law.

	<p><u>GETTING MORE INFORMATION</u></p> <p>Input on any proposed matter is welcomed and encouraged. You can provide input by speaking at the Public Meeting or by providing a written submission to the Town. Please note that unless you do one of the above, you may not be able to appeal the decision later.</p> <p>A copy of the Information Report will be available to the public by 5:00 PM on Wednesday, January 11th, 2023. The Report will be available at www.forterie.ca (Government > Agendas & Minutes) or by contacting Mackenzie Ceci, Intermediate Development Planner at mceci@forterie.ca.</p> <p><u>CONTACT INFORMATION</u></p> <p>Mackenzie Ceci, Intermediate Development Planner Planning and Development Services Department Town Hall, 1 Municipal Centre Drive Fort Erie, Ontario L2A 2S6 905-871-1600 ext. 2514 Or by e-mailing your comments to: mceci@forterie.ca</p> <p><u>PROVIDING YOUR COMMENTS OR REQUESTING NOTICE OF DECISION</u></p> <p>To provide input in writing, or to request personal notice if the proposed changes are adopted, please send a letter c/o Carol Schofield, Manager, Legislative Services/Clerk, 1 Municipal Centre Drive, Fort Erie, ON, L2A 2S6 or an email to cschofield@forterie.ca.</p>
	<p><u>PLANNING ACT LEGAL NOTICE REQUIREMENTS</u></p> <p>The Town of Fort Erie has not yet made a decision regarding this application. After considering any written comments and the comments from the Public Meeting, a Recommendation Report will be prepared for a future Council meeting.</p> <p>If a person or public body would otherwise have an ability to appeal the decision of the Town of Fort Erie’s Municipal Council to the Ontario Land Tribunal but the person or public body does not make oral submissions at a Public Meeting or make written statements to the Town of Fort Erie before the by-law is passed, then the person or public body is not entitled to appeal the decision.</p> <p>If a person or public body does not make oral submissions at a Public Meeting, or make written submissions to the Town of Fort Erie before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.</p> <p>For more information about this matter, including information about your appeal rights, please send a letter c/o Carol Schofield, Manager, Legislative Services/Clerk, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to cschofield@forterie.ca</p> <p>Notice dated at the Town of Fort Erie this 19th day of December, 2022.</p>

APPENDIX "2"

Council-in-Committee - 16 Jan 2023 Meeting Minutes

which were circulated to members of Council and staff, and are appended to the Minutes.

Mayor Redekop declared the Public Meeting closed.

PDS-01-2023 Information Report - Proposed Zoning By-law Amendment - 92 Adelaide Street - Upper Canada Consultants - Craig Rohe (Agent) - Niagara Pines Developments Ltd. - Paul Savoia (Owner)

Recommendation No. 1
Moved by: Councillor Lewis

That: Council receives for information purposes Report No. PDS-01-2023 regarding a proposed Zoning By-law Amendment for 92 Adelaide Street. **(Carried)**

(b) Proposed Combined Official Plan & Zoning By-law Amendment

Re: 214 Windmill Point Road South - Owner: Joseph Moore - Applicant: Steven Rivers (South Coast Consulting). The Applicant is proposing to sever 214 Windmill Point Road South to facilitate the creation of three new residential lots. The subject property is located outside of the urban area boundary. The majority of the property is designated Rural and a portion designated Environmental Protection in the Official Plan. The Applicant is requesting an amendment to the Official Plan as the proposed lots do not comply with the lot frontage requirement of 46.00 m under Section 4.6.3. II. b) of the Official Plan. Further, the proposed lots do not comply with the definition of an infilling lot under Section 4.6.3. II. a) of the Official Plan, where an infilling lot means "a new lot which fronts on a public road and which is situated on the same side of the road and between either an existing dwelling and another existing dwelling or a natural heritage feature or an improved road allowance where the distance between such structures or features is 90 metres or less". The majority of the subject property is zoned Rural (RU) Zone, and a portion adjacent to the Lake Erie shoreline is zoned Hazard (H) Zone. A Zoning By-law amendment is requested as the proposed and retained lots do not meet the minimum lot frontage requirement of 46.00 m in accordance with Subsection 8.4 of the Zoning By-law.

Mackenzie Ceci, Intermediate Development Planner, delivered a PowerPoint Presentation which is available for viewing on the Town's website.

APPENDIX "2"

Council-in-Committee - 16 Jan 2023 Meeting Minutes

Ms. Ceci confirmed the statutory requirements for the Public Meeting were met, summarized the purpose of the Application, and public comments received.

Leigh Whyte, MCIP, RPP, AICP, President/Principal Planner, PLW Planning and Environmental Consulting, Agent, provided a PowerPoint presentation, and summarized the Application.

Mayor Redekop enquired whether there were any members of the public present in the virtual waiting room or in the Chamber who wished to speak in favour of the Application.

No members of the public came forward.

Mayor Redekop enquired if any members of the public wished to speak in opposition to the Application or ask questions.

- (a) J.P. Maloney, legal representative on behalf of Windmill Point Holdings Corporation, spoke in opposition to the Application and suggested that it was premature.
- (b) Barry Couse, 2535 Windmill Point Lane East, spoke in opposition to the Application and identified his concerns.
- (c) Charles Kreiner, 2587 Windmill Point Lane West, spoke in opposition to the Application and identified his concerns.

All visual presentations and oral presentations of the members of the public who spoke at this Public Meeting can be viewed as recorded at:

www.youtube.com/townofforterie

Mayor Redekop enquired whether the Clerk received any written submissions subsequent to the posting of the Report. The Clerk advised that she received comments from:

- (d) H. Rudi Kroeker, 2479 Windmill Point Lane East, in opposition, which were circulated to members of Council and staff, and are appended to the Minutes.

Mayor Redekop declared the Public Meeting closed.

APPENDIX "2"

Council-in-Committee - 16 Jan 2023 Meeting Minutes

PDS-02-2023 Proposed Combined Official Plan and Zoning By-law Amendment - 214 Windmill Point Road South - South Coast Consulting - Steven Rivers
(Applicant/Agent) - Joseph & Irene Moore (Owners)

Recommendation No. 2
Moved by: Councillor Flagg

That: Council receives for information purposes Report No. PDS-02-2023 regarding a proposed Combined Official Plan and Zoning By-law Amendment for 214 Windmill Point Road South. **(Carried)**

Council recessed for 10 minutes at 8:17 p.m. for 10 minutes.

7. Consent Agenda Items

None.

8. Planning and Development Services

Chaired by Councillor Dubanow

8.1 Presentations and Delegations

None.

8.2 Reports

PDS-78-1-2022 Supplemental Recommendation Report - Proposed Draft Plan of Subdivision and Combined Official Plan and Zoning By-law Amendment - Spring Creek Estates - 0-17482 and 0-17484 Black Creek Road - 5009823 Ontario Inc. - Mitch William and Mike Colosimo (Owners) - Upper Canada Consultants - Matt Kernahan (Agent)

Recommendation No. 3
Moved by: Mayor Redekop

That: Council approves the amendments to the Town's Official Plan and Zoning Bylaw No. 129-90 as detailed in Report No. PDS-78-1-2022 for the lands known as 0-17482 and 0-17484 Black Creek Road, and further

That: Council approves the Draft Plan of Subdivision for 0-17482 and 0-17484 Black Creek Road, revised on December

RE: Town of Fort Erie Request for Comments - Combined Official Plan and Zoning By-law Amendment Application (214 Windmill Point Road South)

Abby LaForme to Mackenzie Ceci

08/23/2022 01:54 PM

Cc "Mark LaForme"

From "Abby LaForme" <Abby.LaForme@mncfn.ca>
To "Mackenzie Ceci" <MCeci@forterie.ca>
Cc "Mark LaForme" <Mark.LaForme@mncfn.ca>

Good Afternoon,

MCFN DOCA has no questions or concerns at this time.
Please see the attached letter for more information.

Thank you

Abby LaForme,
Acting Consultation Coordinator



Mississaugas of the Credit First Nation (MCFN)
Department of Consultation & Accommodation (DOCA)
4065 Highway 6, Hagersville, ON N0A 1H0
Ph: (905) 768 – 4260
Email: Abby.LaForme@mncfn.ca

RE: Town of Fort Erie Request for Comments - Combined Official Plan and Zoning By-law Amendment Application (214 Windmill Point Road South)

CARRIGAN, Andrew to Mackenzie Ceci

08/26/2022 01:18 PM

From "CARRIGAN, Andrew" <andrew.carrigan@canadapost.postescanada.ca>
To "Mackenzie Ceci" <MCeci@forterie.ca>

Good Afternoon,

CPC has no comments regarding this application. Future lots would receive mail delivery via the existing community mailbox located across from 2547 Thunder Bay Rd.

Thank you

Andrew Carrigan | Delivery Services Officer | Canada Post | Delivery Planning | 955 Highbury Ave,
London, ON N5Y 1A3 | 226-268-5914



Please consider the environment before printing this email.

RE: [External] Town of Fort Erie Request for Comments - Combined Official Plan and Zoning By-law Amendment Application (214 Windmill Point Road South)

Municipal Planning to Mackenzie Ceci

09/06/2022 08:47 AM

From "Municipal Planning" <MunicipalPlanning@enbridge.com>
To "Mackenzie Ceci" <MCeci@forterie.ca>

Thank you for your circulation.

Enbridge Gas Inc. does not object to the proposed application however, we reserve the right to amend our development conditions.

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Regards,

Jasleen Kaur
Municipal Planning Coordinator
Engineering

ENBRIDGE
TEL: 437-929-8083
500 Consumers Rd, North York, ON M2J1P8

enbridge.com
Safety. Integrity. Respect. Inclusion.

RE: Town of Fort Erie Request for Comments - Combined Official Plan and Zoning By-law Amendment Application (214 Windmill Point Road South)

Sarah Mastroianni to Mackenzie Ceci

09/27/2022 07:06 PM

From "Sarah Mastroianni" <smastroianni@npca.ca>
To "Mackenzie Ceci" <MCeci@forterie.ca>

Hi Mackenzie,

There are no NPCA concerns with the approval of these applications. There are no NPCA regulated features impacted as a result of the approval of the applications.

Thank you.

Sarah Mastroianni
Manager, Planning and Permits
Niagara Peninsula Conservation Authority (NPCA)
250 Thorold Road West, 3rd Floor | Welland, ON L3C 3W2
Tel: 905-788-3135 | extension 249
smastroianni@npca.ca
www.npca.ca



Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
(905) 980-6000 Toll-free: 1-800-263-7215

Via Email

November 2, 2022

Region Files: D.10.01.OPA-22-0031
D.18.01.ZA-22-0066

Mackenzie Ceci
Intermediate Development Planner
Planning and Development Services
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON, L2A 2S6

Dear Ms. Ceci

**Re: Regional and Provincial Comments
Combined Local Official Plan & Zoning By-law Amendment Applications
Owner: Joseph Moore
Agent: South Coast Consulting (c/o Steven Rivers)
214 Windmill Point Road South
Town of Fort Erie**

Regional Planning and Development Services staff has reviewed the proposed combined Local Official Plan and Zoning By-law Amendment Applications as it relates to the above noted address. The Region received its circulation from the Town on August 23, 2022. The property is approximately 4.7 ha (11.61 acres) in size.

The property is currently designated "Rural" in part and "Environmental Protection" in part within the Town's Official Plan, and is zoned "Rural (RU) Zone" in part and "Hazard (H) Zone" in part within the Town's Zoning By-law. Amendments to the Town's Official Plan and Zoning By-law are required to facilitate the creation of three lots (Parts 2, 3 and 4 on the Consent Sketch) for future residential development.

A Local Official Plan Amendment is required for the proposed lot creation, as the proposal does not meet the Town's definition of 'infill lots'. Specifically, the Applicant is proposing the creation of three new lots, whereas only one new lot is permitted. Additionally, the Amendment is needed to address deficiencies with respect to lot frontage and distance separation to other structures / features. A Zoning By-law Amendment is required to establish special provisions that would provide relief to the deficiencies with minimum lot area and minimum frontage for all parcels involved.

A virtual pre-consultation meeting for this proposal was held on April 22, 2021. Regional staff observe that the proposed Application has been revised since its initial concept, as the number of proposed new lots has been reduced from four to down to three. The following comments are provided from a Provincial and Regional perspective to assist the Town with its review of the Amendment Applications.

Regional and Provincial Policies

The property is located outside of the Urban Area of the Town of Fort Erie and is designated "Rural Area / Lands" within the *Provincial Policy Statement, 2020* ("PPS"), the *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan"), and the *Regional Official Plan* ("ROP").

In the Rural Area / Lands, the predominant use of lands is intended for agriculture, but some non-farm development is permitted. Staff notes that the subject Local Official Plan and Zoning By-law Amendment Applications do not propose to change the land use designations of the PPS, Growth Plan, or ROP. The Amendments set out to establish a site-specific special provisions that reflects the existing delineated Provincial and Regional land use designations and to address deficiencies to minimum lot area and minimum lot frontage as a result of the future Consent (Severance) Applications.

Section 5.C of the ROP sets out the circumstances and permissions related to rural development and lot creation in the Rural Area. ROP policies in Section 5.C.6 state that development in the Rural Area is limited to 3 lots or less and specifies that impacts to existing agricultural uses and the rural character of the area must be carefully considered before non-farm residential development in the Rural Area can be approved.

Policy 5.C.6.4(i) of the ROP states that new rural development consisting of 3 lots shall be a minimum of 1 ha in size, unless it is demonstrated that a smaller sized lot will adequately accommodate private water and sewage treatment facilities for long-term operation. All three proposed lots appear to be less than 1 ha in size. Regional staff has reviewed the "*Hydrogeological Assessment*" prepared by Terra-Dynamic Consulting Ltd. (dated March 8, 2022) and find it to be acceptable. Staff concurs with the Study's recommendations, which supports the proposed lot creation provided that:

- Each new lot has the septic bed is placed in the northeastern corner of the parcel, while maintaining the minimum 3 m Ontario Building Code set-back from the property boundary.
- Each new lot be required to have sewage effluent nitrogen removal systems of at least 75% nitrogen removal. And
- Each new lot has the provision of municipal water supply.

Regional staff has also reviewed the "*Preliminary Planning Policy Justification Report and Impact Analysis*" prepared by South Coast Consulting (dated July 13, 2022). Although Regional staff does not object to the proposed Amendments, it is

recommended that the Report be revised and re-submitted at the time of the future Consent Application(s) to include a more detailed policy analysis of applicable ROP policies. Specifically, the "Regional Official Plan" analysis section (page 10 of the Report) should contain a similar policy analysis to that of the subsequent sections which address the Town of Fort Erie's Official Plan policies and Provincial Plans policies.

Staff also observe that a Schedule, one for each the Local Official Plan Amendment and Zoning By-law Amendment, was not included with the subject Applications. These Schedules are requested for staff's review, for which its need is further described within the Region's "Core Natural Heritage" comments below.

Core Natural Heritage

The property is impacted by the Region's Core Natural Heritage System ("CNHS"), consisting of Significant Woodland. The property is also mapped as part of the Growth Plan's Provincial Natural Heritage System ("NHS"). As such, this feature is considered a Key Natural Heritage Feature ("KNHF") and the natural heritage policies identified in the Growth Plan apply accordingly.

Growth Plan policies require that a minimum 30 m Vegetation Protection Zone ("VPZ") as measured from the outside boundary of a KNHF be established as natural self-sustaining vegetation. Development and/or site alteration is not permitted within a KNHF or its VPZ. Due to the scope, nature and location of the subject property, staff were satisfied that the requirement to complete a Natural Heritage Evaluation ("NHE") could be waived provided all development and/or site alteration adheres to Growth Plan VPZ requirements.

Therefore, as it relates to the proposed Amendment Applications, staff does not object provided that the features and their associated 30 m VPZ are placed into an appropriately restrictive environmental zone / designation. Consistent with comments provided through the previous Minor Variance Application process (Town File: A33/22 ; Region File: MV-22-0045), staff continues to request that the driveway be moved outside of the feature and it's VPZ.

Staff will review the future Consent Applications to ensure they meet the intent of both Provincial and Regional CNHS policies. Growth Plan policies state that development and/or site alteration is not permitted within a KNHF / Key Hydrologic Feature or associated 30 m VPZ. As such, any newly proposed lot lines shall be located outside of these setbacks. Staff will continue to recommend that a Landscape Plan be prepared as a condition of consent to demonstrate how the entirety of the 30 m VPZ will be planted with native, natural self-sustaining vegetation.

Waste Collection

The Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Corporate Waste Collection Policy. The proposed residential lots are eligible to receive Regional curbside waste and recycling collection provided that the Owner bring the waste and recycling to the curbside on the designated pick up day, and that the following curbside limits are not exceeded:

- Recycling blue / grey boxes – no limit (weekly collection).
- Organics green bins – no limit (weekly collection).
- Garbage cans or bags – 2 maximum (bi-weekly collection).
- Collection will be at the curbside only.

If the above mentioned waste collection limits cannot be met, then waste collection will be the responsibility of the Owner through a private contractor and not Niagara Region.

Conclusion

Regional Planning and Development Services staff does not object to the proposed Local Official Plan and Zoning By-law Amendment Applications, in principle, subject to the comments of this letter. It is requested that a Schedule for each the Local Official Plan Amendment and Zoning By-law Amendment be provided to show the "Environmental" designation and zone for the subject lands. Town staff should also be satisfied that the proposed Amendments are aligned with all applicable local requirements and provisions.

Given the site-specific nature of the Local Official Plan Amendment, the Amendment is exempt from Regional Council approval in accordance with ROP Policies 14.E.7 and 14. E.8, the Memorandum of Understanding, and Regional By-law No. 2019-73.

If you have any questions related to the above comments, please contact the undersigned at Alexander.Morrison@niagararegion.ca.

Respectfully,



Alexander Morrison, MCIP, RPP
Senior Development Planner

cc. Pat Busnello, Manager, Development Planning, Niagara Region
Phill Lambert, Director, Infrastructure Planning & Development Engineering, Niagara Region
Chris Pirkas, Development Approvals Technician, Niagara Region
Cara Lampman, Manager, Environmental Planning, Niagara Region
Adam Boudens, Senior Environmental Planner, Niagara Region

Re: Invitation: Comments Due - 214 Windmill Point Road South Combined Official Plan and Zoning By-law Amendment Application (Sep 22 12:00 PM EDT)

Chris Millar to Mackenzie Ceci

09/22/2022 08:28 AM

From Chris Millar/FortErie
To Mackenzie Ceci/FortErie@TownOfFortErie

Mackenzie,
Following review of the previous Pre-consultation Agreement, and in review of the plan submitted herein, I have no further comment to those supplied by Pieter previously.

Sincerely
Chris Millar, MCIP, RPP, CNU-A
Senior Community Planner
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario
Canada
L2A 2S6

TEL: 1-905-871-1600 ext.2504
FAX: 1-905-871-6411



Interoffice Memorandum

August 30, 2022

File No. 350302-0162 and 350309-0545

To: Mackenzie Ceci, Intermediate Development Planner

From: Jeremy Korevaar, Coordinator, Development Approvals

Subject: **Application for Combined Official Plan and Zoning By-law Amendment –
214 Windmill Point Road South**

On behalf of the Infrastructure Services Department, Engineering Division, I have reviewed the proposed Official Plan and Zoning By-law Amendment for **214 Windmill Point Road South** and have no comments or objections.

Jeremy Korevaar, C.E.T.
Coordinator, Development Approvals

214 Windmill Point Road - OPA and ZBA

Keegan Gennings to Mackenzie Ceci

09/22/2022 12:03 PM

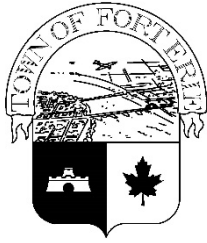
From Keegan Gennings/FortErie
To Mackenzie Ceci/FortErie@TownOfFortErie

Hi Mackenzie,

I have no comments concerning the proposed official plan amendment and zoning by-law amendment. It was noted that the planning justification report that it states they are proposing to construct an accessory/ barn building, if the barn will be used to house animals MDS calculations will need to be performed.

Regards,

Keegan Gennings C.B.C.O
Chief Building Official
Town of Fort Erie
905-871-1600 ext. 2515



The Municipal Corporation of the Town of Fort Erie

By-law No. 49-2023

Being a By-law to Repeal Deeming By-law No. 131-2000 4110 Rebstock Road Marz Homes (Rebstock) Inc. – Owner

Whereas subsection 50(4) of the *Planning Act*, R.S.O. 1990, c. P.13 (the "*Planning Act*") authorizes the Council of a municipality to designate by by-law any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of the subdivision control provisions of subsection 50(3) of the *Planning Act*; and

Whereas by By-law No. 131-2000, registered in the local Land Registry Office as Instrument Number LT161782, Lots 51-53 (inclusive), Plan M-65, Township of Bertie; Fort Erie ("the Lands"), were deemed not to be within a registered plan of subdivision; and

Whereas the Owner has made an application to repeal By-law No. 131-2000 in order to repeal the deeming of the Lands and re-create three whole lots within a registered plan of subdivision;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** By-law No. 131-2000 is repealed.
2. **That** the Town Law Clerk shall cause this by-law to be registered in the local Land Registry Office.
3. **That** this by-law shall come into force and take effect when registered in the local Land Registry Office by the Town Law Clerk.
4. **That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical,

semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 27th day of March, 2023.

Mayor

Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 49-2023 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20 .

Interoffice Memorandum

March 27, 2023

File No. 350311

To: Mayor and Council

From: Anamika Dilwaria, Manager, Development Approvals
Planning and Development Services

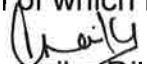
Subject: **By-law No. 49-2023 to Repeal Deeming By-law No. 131-2000
Lots 51-53, Plan M-65 – 4110 Rebstock Road
Owner: Marz Homes (Rebstock) Inc | Agent: Stephen Fraser**

An application to repeal Deeming By-law No. 131-2000 has been received on behalf of Marz Homes (Rebstock) Inc., to repeal the deeming of certain lots located on Rebstock Road. Included in the Council package for March 27, 2023 is By-law No. 49-2023, repealing Deeming By-law No. 131-2000.

Lots that are located within a registered plan of subdivision are individual, conveyable parcels of land. The property known municipally as 4110 Rebstock Road originally consisted of three separate, conveyable lots within a registered plan of subdivision (Lots 51, 52, and 53, Plan M-65). By-law No. 131-2000, passed by the Municipal Council of the Corporation of the Town of Fort Erie on June 26, 2000, deemed these lots to not be within a registered plan of subdivision for the purposes of the subdivision control provisions of the Planning Act. The applicant now seeks to have Council repeal By-law No. 131-2000 in order to repeal the deeming of Lots 51-53, Plan M-65. The intent is to allow the reinstatement of Lots 51-53 as lots within a registered plan of subdivision in order to re-create three whole buildable and conveyable lots on the subject lands.

A certified copy of the by-law to repeal Deeming By-law No. 131-2000 would be registered by the Town Law Clerk in the Land Registry Office for Niagara South and would not come into effect until such time as the by-law has been registered.

All of which is respectfully submitted,



Anamika Dilwaria, M.A, M.Pl., MCIP, RPP
Manager, Development Approvals, Planning and Development Services

Attach: Appendix "1" – Location Map

Cc: Chris McQueen, Chief Administrative Officer
Alex Herlovitch, Director of Planning and Development Services
Carol Schofield, Town Clerk
Rosanna Firenze, Law Clerk



APPENDIX 1



0 10 20 Metres

PROPOSED BY-LAW TO REPEAL DEEMING BY-LAW NO. 131-2000

4110 Rebstock Road
PLAN M65 LOT 51 TO LOT 53

-  Subject Lands - 4110 Rebstock Road
-  Lots Proposed to be Reinstated (Lots 51, 52, & 53)

Planning and Development Services, Map Created February 15, 2023





The Municipal Corporation of the Town of Fort Erie

By-law No. 50-2023

Being a By-law to Exempt Certain Lots in Plan 59M-65 from Part Lot Control, Lots 36, 37, 52 & 53 (Rebstock Road & Loganbery Court) Jetmar Subdivision Marz Homes (Rebstock) Inc.

Whereas the Municipal Council of The Corporation of the Town of Fort Erie deems that the lands described in section 1 of this by-law should be exempted from the provisions of subsection 50(5) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended (the "*Planning Act*"), since such lands are to be used for dwelling units as permitted by Zoning By-law No. 129-90, as amended;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the provisions of subsection 50(5) of the *Planning Act* shall not apply to the lands described as follows:

- (a) Lot 36, Plan 59M-65, Fort Erie,
being all of PIN 64184-0045 (LT)
- (b) Lot 37, Plan 59M-65, Fort Erie
being all of PIN 64184-0046 (LT)
- (c) Lot 52, Plan 59M-65, Fort Erie
being all of PIN 64184-0061 (LT)
- (d) Lot 53, Plan 59M-65, Fort Erie
being all of PIN 64184-0062 (LT)

for the purpose of creating four lots for residential development as follows:

- i) Part 1 on Reference Plan 59R-17551; and
 - ii) Part 3 on Reference Plan 59R-17551; and
 - iii) Parts 2, 4, 5 & 8 on Reference Plan 59R-17551; and
 - iv) Parts 6 & 7 on Reference Plan 59R-17551
2. **That** in accordance with subsection 50(7.3) of the *Planning Act*, this by-law shall expire one year from the date of the registration of this by-law in the Land Registry

Office at which time subsection 50(5) of the *Planning Act* shall apply to those lands in the registered plan described in Section 1 of this by-law.

3. **That** upon final passage of this by-law, the Town Law Clerk shall cause this by-law to be registered in the local Land Registry Office.
4. **That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 27th day of March, 2023.

Mayor

Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 50-2023 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20



Interoffice Memorandum

March 27, 2023
File No. 350304

To: Mayor and Council
From: Anamika Dilwaria, Manager, Development Approvals,
Subject: **Removal of Part Lot Control**
By-law No. 50-2023
Lots 36, 37, 52 & 53, Plan 59M-65
Rebstock Road & Loganberry Court, Jetmar Subdivision

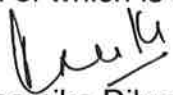
Included in the Council package for March 27, 2023 is By-law No. 50-2023 exempting Lots 36, 37, 52 & 53, Plan 59M-65 from the Part Lot Control provisions of *The Planning Act*, R.S.O. 1990, c. P.13, as amended (the "*Planning Act*").

Attached, as Appendix 1 is a copy of Reference Plan 59R-17551 indicating the proposed parts to be created for residential development. The current application will allow the conveyance for 4 residential lots and the associated lands as shown as Parts 1 through 7 (inclusive) on Reference Plan 59R-17551.

The Planning Act also allows the Part Lot Control By-law to expire at the end of a specified time period. The purpose of the specified time period is to provide a time window to register the plan and sell the lots. In this case, a one-year time frame is sufficient to allow the owner to complete the transactions necessary to convey the subject properties.

In order to permit the conveyance, staff recommends that the By-law No. 50-2023 exempting Lots 36, 37, 52 & 53, Plan 59M-65 from the provisions of Part Lot Control be passed.

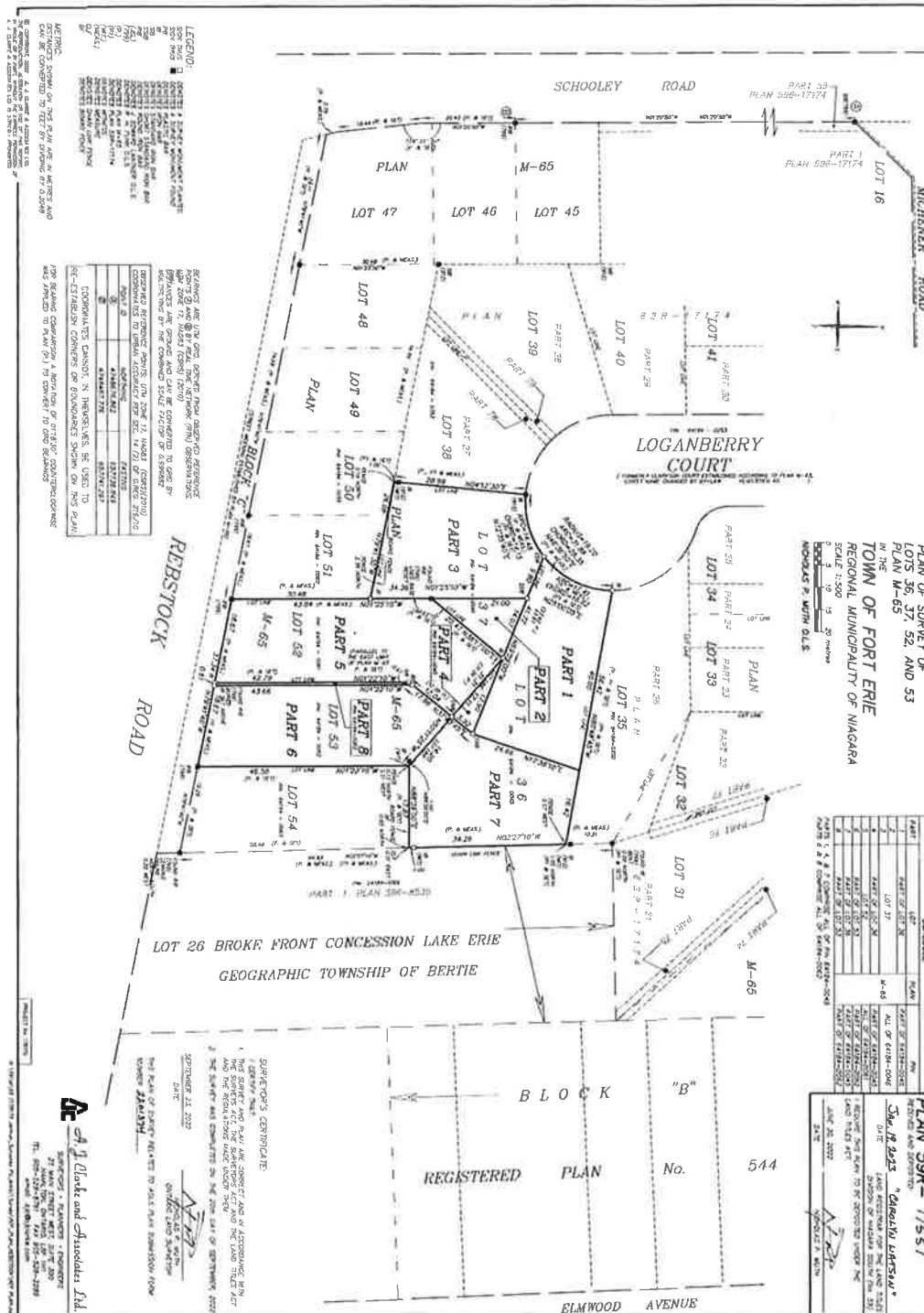
All of which is respectfully submitted,


Anamika Dilwaria, M.Pl., MCIP, RPP
Manager, Development Approvals

Attachment: Appendix "1" – Reference Plan 59R-17551

cc: Chris McQueen, Chief Administrative Officer
Alex Herlovitch, Director of Planning and Development Services
Rosanna Firenze, Law Clerk
Carol Schofield, Town Clerk

Appendix 1





The Municipal Corporation of the Town of Fort Erie

By-law No. 51-2023

Being a By-law to Amend Zoning By-law No. 129-90, as amended

214 Windmill Point Road South Joseph Moore and Irene Moore - Owners

Whereas an application was received from Joseph and Irene Moore (Owners) to amend the Town's Comprehensive Zoning By-law No. 129-90, as amended, for the lands known municipally as 214 Windmill Point Road South; and

Whereas a Public Meeting pursuant to Section 34(12) of the *Planning Act*, R.S.O. 1990, c. P.13 was held on January 16th, 2023; and

Whereas it is deemed desirable to amend the Comprehensive Zoning By-law No. 129-90, as amended, pursuant to the recommendations of Report No. PDS-13-2023 considered and approved at the Special Council-in-Committee meeting held on February 22, 2023;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** Schedule "A" of By-law No. 129-90, as amended, is further amended by changing the zoning of the lands known municipally as 214 Windmill Point Road South and shown on the attached Appendix "1" from "Rural (RU) Zone" to "Rural (RU-773) Zone" (Part 1), and "Rural (RU) Zone" to "Environmental Conservation Overlay (EC-774) Zone" (Part 2).
2. **That** By-law No.129-90, as amended, is further amended by adding to "Section 8 – Rural (RU) Zone" Subsection – "Exceptions to the Rural (RU) Zone" the following exceptions:

"RU-773 (51-2023) 214 Windmill Point Road South (Part 1)

These lands are zoned "Rural (RU-773) Zone", and all of the provisions of By-law No. 129-90, as amended, that relate to lands zoned "Rural (RU) Zone" by this by-law shall apply to those lands zoned "Rural (RU-773) Zone" subject to the following special provisions:

- (a) Notwithstanding the list of Permitted Uses in Subsection 8.2, the lands may only be used for one single detached dwelling, one accessory apartment dwelling, home occupations, and uses, buildings and structures accessory thereto.
- (b) Notwithstanding the "Regulations" in Subsection 8.3, the following regulations shall apply:

- i. Minimum Lot Frontage (Lots 2 & 3) – 46.0 m
- ii. Minimum Lot Area (Lot 1) – 3.5 ha
- iii. Minimum Lot Area (Lots 2 & 3) – 0.5 ha”

3. **That** By-law No.129-90, as amended, is further amended by adding to “Section 35B Environmental Conservation (EC) Zone” Subsection – “Exceptions to the Environmental Conservation (EC) Overlay Zone” the following exception:

“EC-774 (51-2023) 214 Windmill Point Road South (Part 2)

These lands are zoned “Environmental Conservation (EC-774) Overlay Zone”, and all of the provisions of By-law 129-90, as amended, that relate to lands zoned Environmental Conservation (EC) Overlay Zone by this by-law shall apply to those lands zoned “Environmental Conservation (EC-774) Overlay Zone”, subject to the following special provisions:

- (a) Notwithstanding the Permitted Uses in Subsection 35B.2, these lands shall be used for no other purpose than a 30 m Vegetation Protection Zone associated with the adjacent Significant Woodlot”

4. **That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

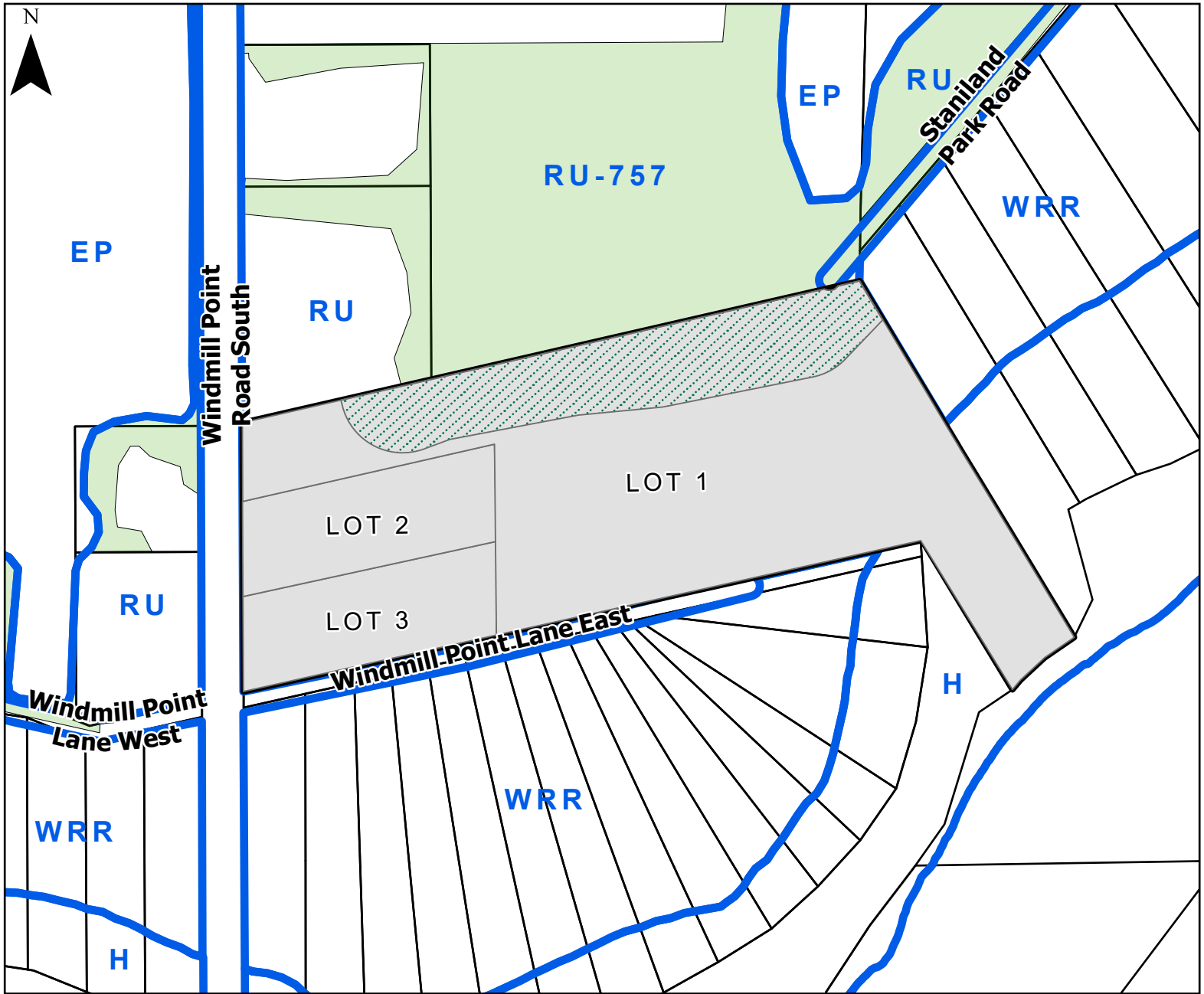
Read a first, second and third time and finally passed this 27th day of March, 2023.

Mayor

Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 51-2023 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20

APPENDIX "1"



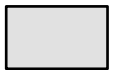
By-law No. 51-2023

**THIS SKETCH FORMS PART OF SCHEDULE "A" TO BY-LAW NO. 129-90
PASSED THIS 27th DAY OF MARCH, 2023**

0 30 60
Meters



Subject Lands - 214 Windmill Point Road South



Part 1 - Change from Rural (RU) Zone to Rural (RU-773) Zone



Part 2 - Change from Rural (RU) Zone to Environmental Conservation Overlay (EC-774) Zone



The Municipal Corporation of the Town of Fort Erie

By-law No. 52-2023

Being a By-law to Accept and Declare Lands as Public Highway on the West Side of Ridge Road North - 811 Ridge Road North 5047104 Ontario Inc. & 2732440 Ontario Inc.

Whereas pursuant to the Decision of the Town of Fort Erie Committee of Adjustment, File No. B87/22 F.E., the owners are required to convey lands to The Corporation of the Town of Fort Erie for the purpose of a road widening on the west side of Ridge Road North, gratuitously, free and clear of all encumbrances; and

Whereas the *Municipal Act, 2001*, as amended, provides that if a municipality acquires land for the purpose of widening a highway, the land acquired forms part of the highway to the extent of the designated widening; and

Whereas it is deemed desirable to authorize the acceptance of lands for road widening purposes, and declare and assume same as public highway forming part of Ridge Road North;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

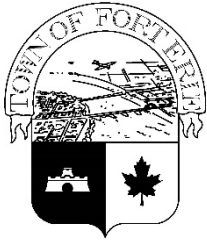
1. **That** the acceptance of land from 5047104 Ontario Inc. and 2732440 Ontario Inc., legally described as Part of Lot 22, Concession 3, Lake Erie, Bertie; designated as Part 5 on Reference Plan 59R-17607; Fort Erie, being part of PIN 64194-0108 (LT); and Part of Lot 22, Concession 3, Lake Erie, Bertie; designated as Part 6 on Reference Plan 59R-17607; Fort Erie, being part of PIN 64194-0109 (LT) (the "Lands"), for road widening purposes, free and clear of all encumbrances, is authorized and approved.
2. **That** the Lands are established, laid out, declared and assumed as public highway forming part of Ridge Road North, for public use.
3. **That** upon final passage of this by-law, the Town Law Clerk shall cause same to be registered in the Land Registry Office.
4. **That** the Mayor and Clerk are authorized and directed to execute all documentation necessary to complete this transaction.
5. **That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 27th day of March, 2023.

Mayor

Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, hereby certify the foregoing to be a true copy of By-law No. 52-2023 of the said Town. Given under my hand and the seal of the said Corporation, this _____ day of _____, 20____,



The Municipal Corporation of the Town of Fort Erie

By-law No. 53-2023

Being a By-law to Amend the Town of Fort Erie Investment Policy By-law No. 109-2015 (Increase Portfolio Limit of Schedule I Banks)

Whereas By-law No. 109-2015 was passed by the Municipal Council of the Town of Fort Erie on August 17, 2015 to adopt an Investment Policy for the Town of Fort Erie; and

Whereas By-law No. 97-2017 was passed by the Municipal Council of the Town of Fort Erie on the 28th day of August, 2017 to amend the Investment Policy to implement a change in the portfolio and institutional limits for Credit Unions; and

Whereas By-law No. 52-2018 was passed by the Municipal Council of the Town of Fort Erie on the 26th day of March, 2018 to repeal and replace Appendix "B" to the Investment Policy to remove the minimum credit requirements and replace with financial indicator requirements for credit union investments; and

Whereas By-law No. 121-2022 was passed by the Municipal Council of the Town of Fort Erie on the 19th day of September, 2022 to remove the semi-annual reporting requirements and include the related analysis in the quarterly variance report; and

Whereas Report No. CS-01-2023 was considered at the Council-in-Committee Meeting held on March 20, 2023 to increase the Portfolio Limit of Schedule I Banks in Appendix "B" from 75% to 80% and the Portfolio Limit of Total Banks from 80% to 85%; and

Whereas it is deemed desirable to amend the Investment Policy to remove the semi-annual reporting requirements and include the related analysis in the quarterly variance report;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** Appendix "B" of By-law No. 109-2015 is repealed and replaced with Schedule "A" attached hereto and forming part of this by-law.

2. **That** the Clerk of the Town is authorized to affect any minor modifications corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 27th day of March, 2023.

Mayor

Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 53-2023 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20

APPENDIX "B" – Eligible Investments, Diversifications and Ratings

Category	Limitations			
	Minimum credit		Portfolio Limit	Institutional Limit
	S/T	L/T		
Federal Government				
Government of Canada and Federal Guarantees			100%	100%
Provincial				
Provincial Governments and Provincial Guarantees	R-1 mid	A	100%	25%
Municipal Finance Authority of BC			20%	20%
Municipalities and Boards				
Other municipalities		A (low)	25%	10%
School board or similar		AA(low)	5%	5%
Banks/Corporates				
Sch I Banks	R-1 mid	AA(low)	80%	25%
Sch II Banks	R-1 mid	AA(low)	20%	10%
Total Banks			85%	
Loan or Trust companies	R-1 mid	AA(low)	10%	5%
Credit Unions	Note 1	Note 1	15%	10%
One Investment Program - Money Market			50%	N/A
One Investment Program - Bond			25%	N/A
One Investment Program - Equity			25%	N/A
Total One Funds			50%	

Dominion Bond Rating Service ("DBRS") provides ratings on institutional quality. A company having an R-1 rating is a high-grade prime credit. It has a very high ability to repay its current liabilities as they become due. The strength of various liquidity ratios is unquestioned and alternative sources of funds to commercial paper exist. The outlook for future liquidity and the trend of these ratios should be favourable. The level of profitability has been reasonable and relatively stable with only modest fluctuations. No substantial qualifying negative factors exist and the firm is of sufficient size to be a strong influence in its industry. DBRS also indicates where within the rating classification the company falls (high, middle or low).

Commercial Paper and Short Term Debt

<u>Symbol</u>	<u>Credit Quality</u>
R-1 (high)	Highest
R-1 (middle)	Superior
R-1 (low)	Satisfactory
R-2 (high)	Adequate
R-2 (middle)	Adequate
R-2 (low)	Adequate
R-3 (high)	Speculative
R-3 (middle)	Speculative
R-3 (low)	Speculative
D	In Arrears
NR	Not rated

Bond and Long Term Debt

<u>Symbol</u>	<u>Credit Quality</u>
AAA	Highest
AA	Superior
A	Satisfactory
BBB	Adequate
BB	Speculative
B	Highly Speculative
CCC	Very Highly Speculative
CC	Very Highly Speculative
C	Very Highly Speculative
D	In Arrears

Note 1

Financial indicators per section 3 (2.0.2) of O. Reg 438/97 must be achieved.



The Municipal Corporation of the Town of Fort Erie

By-law No. 54-2023

Being a By-law to Confirm the Actions of Council at its Special Council-in-Committee Meeting Held on March 6, 2023, Council-in-Committee Meeting Held on March 20, 2023 and its Council Meeting Held on March 27, 2023

Whereas it is desirable to have the actions and proceedings of Council adopted, ratified and confirmed by by-law;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the actions of Council at its Special Council-in-Committee Meeting held on March 6, 2023, Council-in-Committee Meeting held on March 20, 2023 and its Council Meeting held on March 27, 2023 including all motions, resolutions and other actions are adopted, ratified and confirmed as if they were expressly embodied in this by-law, except where the law requires the prior approval of any authority.
2. **That** where no individual by-law has been or is passed with respect to the taking of any action authorized in or with respect to the exercise of any powers by the Council, then this by-law is deemed for all purposes to be the by-law required for such authorization or exercise of any powers.
3. **That** the Mayor and officers of The Corporation of the Town of Fort Erie are authorized and directed to do all things necessary to give effect to such actions or to obtain approvals where required.
4. **That** except where otherwise provided, the Mayor and the Clerk are authorized and directed to execute all documents arising from such actions.
5. **That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 27th day of March, 2023.

Mayor

Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certify the foregoing to be a true copy of By-law No. 54-2023 of the said Town. Given under my hand and the seal of the said Corporation, this
day of _____, 20____