



The Corporation of the Town of Fort Erie By-law 73-2026

**Being a By-law to Enact an Amendment to the Official Plan Adopted
by By-law 78-2025 for the Town of Fort Erie Planning Area
Amendment 3
848 Garrison Road
2723005 Ontario Inc. (c/o Konstantinos Kentros) – Owner**

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, as amended, hereby enacts as follows:

- 1. That** Amendment 3 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 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 28th day of September 2026.

Mayor

Clerk

**AMENDMENT 3
TO THE
OFFICIAL PLAN
FOR THE
CORPORATION OF THE TOWN OF FORT ERIE**

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**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 3 to the Official Plan adopted by By-law 78-2025 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 3 to the Official Plan adopted by By-law 78-2025 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 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 on the subject lands shown on Schedule “A” attached hereto from “Environmental Conservation” and “Low Density Residential” to a Site Specific Policy Area “G.39 848 Garrison Road”, “Core Mixed Use”, “Open Space” and “Natural Environment System Overlay”. The intent is to permit the following:

- A two-storey restaurant and commercial building;
- A two-storey mixed-use building with commercial uses on the ground floor and 8 residential dwelling units on the second floor;
- Two five-storey apartment buildings at the rear of the subject lands with 56 dwelling units each (total of 112 dwelling units); and
- Retain the General Cruikshank House, a designated heritage building, for adaptive reuse for commercial purposes, such as retail uses.

SECTION 3

LOCATION OF THIS AMENDMENT

The lands, which are the subject of this Amendment, are municipally known as 848 Garrison Road as shown on Schedule "A" attached hereto.

SECTION 4

BASIS OF THIS AMENDMENT

Subsection F.7.2. of the Official Plan adopted by By-law 78-2025 of the Fort Erie planning area provides that amendments may be made to the Official Plan. Policies in Subsection F.7.2 have been considered in the preparation of this Amendment and the following criteria have been reviewed in supporting this Amendment to the Official Plan:

i. Suitability of the location of the site for the proposed land use;

The subject land is a large, underutilized lot within the built-up area. The Owner has submitted an Environmental Impact Study in support of the application that concludes negative impacts are not anticipated through development of the subject land. The revised Site Plan proposes a realigned easterly watercourse, a minimum of 7.5 metres wide adjacent to the proposed mixed-use building and expanding more than 8.0 metres wide toward the front of subject land and 8.5 metres wide adjacent to the proposed residential building. The westerly watercourse will be redesignated and rezoned to Open Space while the easterly watercourse will be redesignated to

ii. Compatibility of the proposed land use with surrounding uses

The application proposes development of residential, commercial and mixed-uses along Garrison Road, a major commercial / mixed use corridor. The proposed commercial use is appropriately located along the frontage of Garrison Road with residential uses proposed at the rear of the subject land adjacent to the Alliston Woods Subdivision (residential uses) and away from the Alliston Sewage Pumping Station. The Sun Study prepared by Jason Pizzicarola and dated 07/03/25 concludes no significant shadowing impacts are anticipated. Furthermore, the Air Quality Assessment concludes that the proposed development is compatible with adjacent land uses from an odour perspective, and no mitigation measures are recommended. Last, the Noise Study concludes the proposal is feasible with respect to noise and vibration, but mitigation is required. Recommendations and mitigation measures from the above studies, as necessary, will be implemented as part of a future *Planning Act* application (e.g. Plan of Condominium or Site Plan Control)

iii. The need for and feasibility of the use, where considered appropriate

The application proposes development of commercial, residential and mixed-uses on the same lot. The mix of land uses will increase housing supply and bring additional residents to the area thus supporting the major commercial / mixed-use corridor (Garrison Road). Additionally, a mix of new commercial uses, including a Banquet Hall, will be added to the major commercial / mixed-use corridor to serve existing and future residents while providing employment opportunities. The addition of Apartment Buildings as a permitted use facilitates development of a compact built form that results in an efficient use of land.

iv. The impact of the proposal on municipal services, infrastructure and community services and facilities

Municipal services are available to the subject land, however, sanitary capacity constraints in the area have been confirmed through Development Engineering comments and the Holding provision recommended to be applied through the Zoning By-law Amendment. Capacity constraints are required to be addressed by the Owner through future upgrades and successful removal of the recommended Holding provision.

The subject lands are proposed to be serviced by two points of ingress and egress from a designated Regional road (Garrison Road). A private street network is proposed with a minimum drive aisle width of 6.0 metres. The proposed 6.0-metre-wide road width is sufficient to accommodate two-way vehicular traffic. Sidewalks are proposed on one side of the private street and are proposed to connect with existing sidewalks located along Garrison Road.

The Town's Official Plan contains policies that permit 'Community Benefits Charges', intended to collect additional fees to offset the capital costs of public use facilities, services and matters incurred from development and population growth. The Town has an existing Community Benefits Charges By-law (By-law 131-2023) which permits collection of additional fees for development that has more than ten residential dwelling units or is more than 4 storeys in height.

It is noted that the two apartment dwellings are five storeys in height and each contain more than ten dwelling units. Accordingly, the Town will require an appraisal and payment of 4% of the appraised value of the land, as a Community Benefits Charge, if the proposal is approved. This payment would be collected through a future *Planning Act* application (e.g. Draft Plan of Condominium or Site Plan Control).

v. The economic benefits and financial implications to the town; and

The proposed use is not anticipated to negatively impact the financial position of the Town, subject to implementation of the proposed Holding provision. Residential and commercial taxes will be generated from the proposed development.

vi. Regard for the Provincial Planning Statement

The subject lands are located within a Settlement Area under the PPS. The PPS directs growth and development to settlement areas with a focus on strategic growth areas (2.3.1.1).

Additionally, the PPS encourages intensification and redevelopment to support the achievement of complete communities by planning for a range of uses and mix of housing options (2.3.1.3).

Energy conservation, air quality and climate change policies of the PPS encourage compact, transit-supportive and complete communities to reduce greenhouse gas emissions and build resilience in the face of a changing climate (2.9.1).

The PPS further states that sensitive land uses are to be planned and developed to avoid, minimize and mitigate any potential adverse effects from noise and odour (3.5.1).

Regarding Natural Heritage, the PPS requires natural features and areas to be protected for the long term (4.1.1). The PPS also states that development and site alteration shall not be permitted adjacent to natural heritage features and areas unless it has been demonstrated there will be no negative impact to the features and their ecological functions (4.1.8).

Cultural Heritage policies of the PPS state that protected heritage properties including built heritage resources are to be conserved (4.6.1) and development and site alteration on lands of archaeological potential is prohibited unless the significant archaeological resources have been conserved (4.6.2).

The application proposes intensification of underutilized lands within a settlement area and development of a compact built form that provides additional housing options in an appropriate location. The compact and mixed-use built forms proposed respond to climate change through reduced land consumption and foster walkability and a reduction to automobile dependence.

Noise and Odour, Natural Heritage and Cultural Heritage matters were addressed via submission of an Archaeological Assessment (Stage 1-2) and Ministry Acknowledgement Letter, an Air Quality Assessment, an Environmental Impact Study, a Heritage Impact Assessment and a Noise Impact Study in support of this proposal. Recommendations and mitigation measures from the above studies, as necessary, will be implemented as part of a future *Planning Act* application (e.g. Plan of Condominium or Site Plan Control) to ensure the intent of the PPS is upheld.

The application complies with the PPS, 2024, subject to successful removal of the recommended Holding Provision.

SECTION 5

**IMPLEMENTATION AND
INTERPRETATION**

The relevant policies of the Official Plan adopted by By-law 78-2025 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 map designated as Schedule "A" constitute Amendment 3 to the Official Plan adopted by By-law 78-2025 for the Fort Erie Planning Area. The Official Plan adopted by By-law 78-2025 for the Fort Erie Planning Area is hereby amended as follows:

1. That Schedule "E" to the Official Plan be amended by changing the land use designation of the lands shown on Schedule "A" attached hereto from Community Area and Natural Environment System Overlay to Core Mixed Use, Core Mixed Use and Natural Environment System Overlay and Open Space in accordance with Schedule "A" attached hereto.
2. That Schedule "O" to the Official Plan be amended by adding a Site Specific Policy Area entitled "G.39 848 Garrison Road" that identifies the lands shown on Schedule "A" attached hereto.
3. That Section G of the Official Plan, entitled Site Specific Policy Areas, be amended by adding Subsection G.39 as follows:

G.39 848 Garrison Road

The lands designated on Schedule "O" as Site Specific Policy Area G.39 shall generally be governed by the Core Mixed Use, Open Space and Natural Environment System Overlay policies under Sections D.2.1, D.4.1 and D.4.2 of the Official Plan, however, the following site-specific policies shall apply:

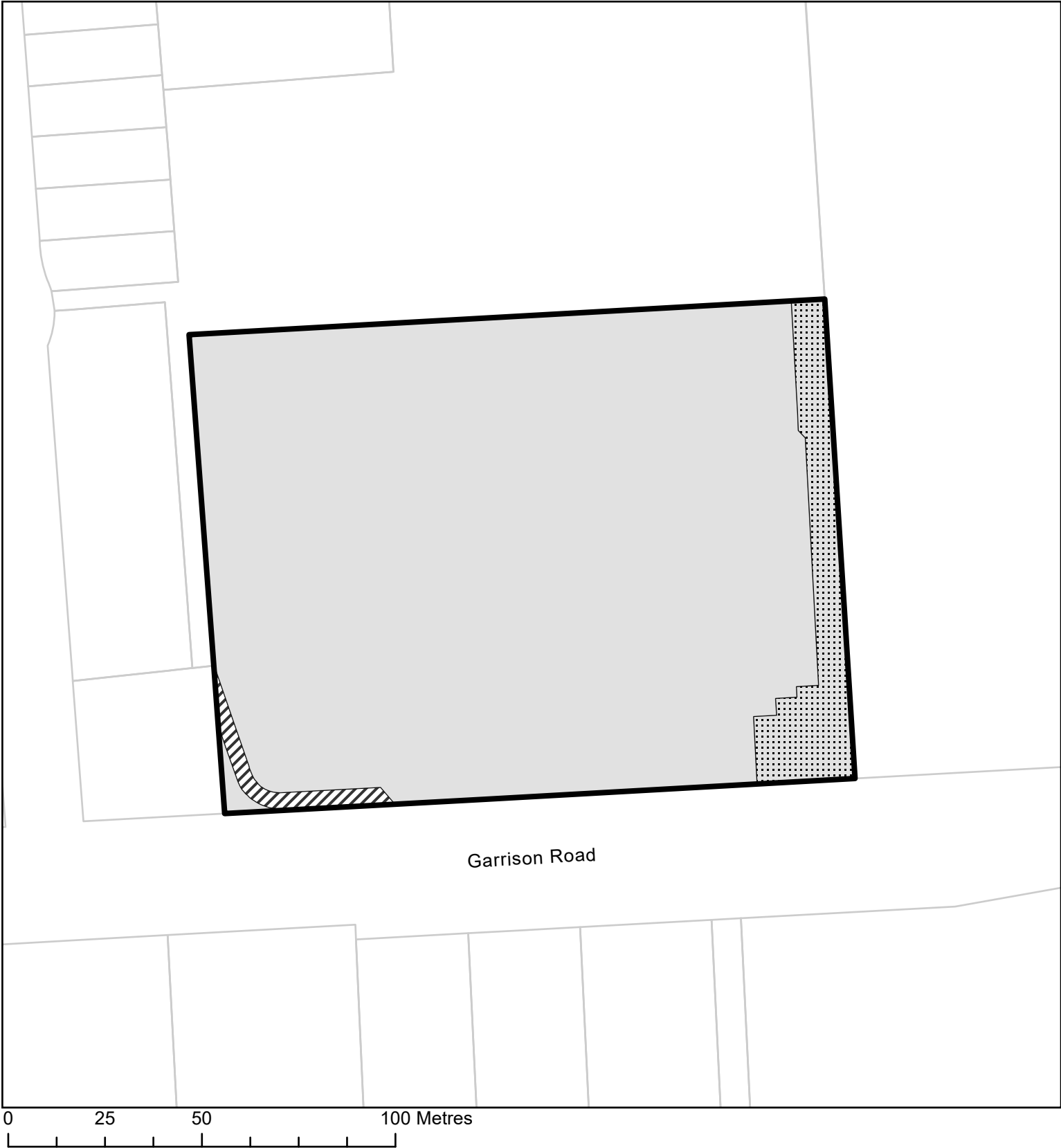
1. Notwithstanding the height provisions of Section 4.17.9 (i) of the Spears-High Pointe Secondary Plan and Table C-4 and Section C.5 (5) of the Town of Fort Erie Official Plan, the subject lands described on the attached Schedule "A" can be developed to a maximum building height of 5 storeys.
2. Notwithstanding the density provisions of Section 4.17.9 (i) of the Spears-High Pointe Secondary Plan, the subject lands described on the attached Schedule "A" can be developed to a maximum density of 60 units per.
4. That Section 4.17.18(b) of the Spears-High Pointe Secondary Plan, regarding development on the same property as the General Cruikshank House, be deleted.

PART “C” – THE APPENDICES

Appendix 1 – Notice of Public Meeting

Appendix 2 – Public Meeting Minutes

Appendix 3 – Circulation comments



BY-LAW 73-2026

This Sketch Forms Part of Schedule "E" and "O" to the Official Plan Passed This 28th Day of September, 2026.

-  Subject lands and Site Specific Policy Area G.39 - 848 Garrison Road, Fort Erie
-  Core Mixed Use
-  Core Mixed Use and Natural Environment System Overlay
-  Open Space





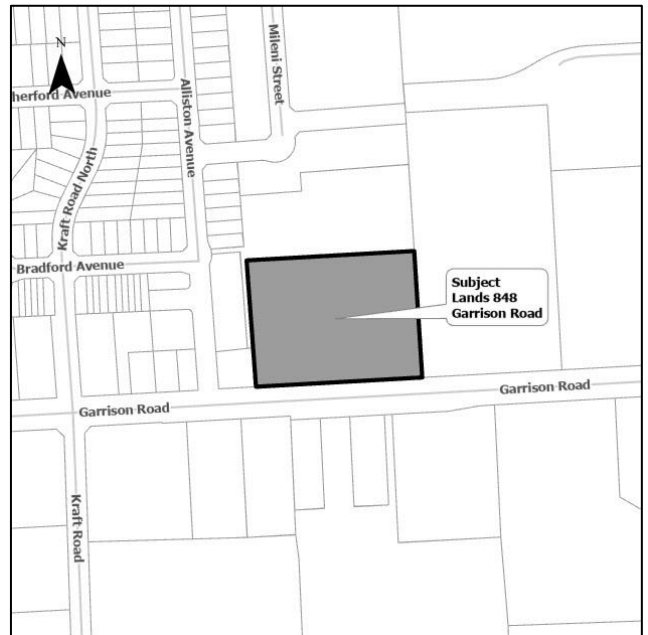
NOTICE OF PUBLIC MEETING

Municipal Address: 848 Garrison Road, Fort Erie
Owner: 2723005 Ontario Inc. (Konstantinos Kentros)
Applicant: NPG Planning Solutions Inc. (Aaron Butler)
File Number(s): OPA-06-2025 & ZBA-15-2025

The Planning, Building and By-law Services Department received an application for an Official Plan and Zoning By-law Amendment pursuant to Section 34 and Section 22 of the *Planning Act*, R.S.O. 1990, c. P.13.

The application was deemed complete on January 27, 2026.

The subject lands are within the Spears-High Pointe Secondary Plan Area in the Town's Official Plan and are designated Low Density Residential and Environmental Conservation Area (Overlay). The subject lands are zoned Neighbourhood Development (ND) Zone and Environmental Conservation (EC) Overlay Zone in accordance with the Town's Comprehensive Zoning By-law 129-90, as amended. Notably, the subject lands are the site of an existing dwelling with heritage value, the General Cruikshank House.



The Applicant is proposing the following:

- a 2-storey restaurant and commercial building;
- a 2-storey building with commercial uses on the ground floor (a proposed clinic/pharmacy) and 8 residential dwellings on the second floor;
- Two (2) 5-storey apartment buildings at the rear of the subject lands with 56 dwelling units each (total of 112 dwelling units);
- The General Cruikshank House is proposed to remain with potential for adaptive re-use for commercial purposes such as office or commercial uses.

A copy of the conceptual site plan is appended to this notice as Schedule "1" for reference.

The purpose and effect of the proposed Official Plan Amendment is to redesignate the subject lands to Core Mixed Use and a Site Specific Policy Area that permits a maximum density of 60 units/ha, a maximum building height of 5 storeys and development on the same site as the General Cruikshank House. The Environmental Conservation Area (Overlay) is proposed to be removed.

The purpose and effect of the Zoning By-law Amendment is to rezone the property to a site-specific Core Mixed Use 3 (CMU3) Zone. The site-specific CMU3 Zone is proposing to permit Apartment Buildings and Banquet Halls as a permitted use in addition to the standard uses permitted in the CMU3 Zone. The Zoning By-law Amendment is also proposing the following zoning regulations for Apartment Buildings:

- reduced interior side yard setback;
- reduced rear yard setback;
- a maximum height of 5 storeys and 20 metres;
- reduced number of parking spaces per dwelling unit;
- a minimum residential open space requirement of 18.50 sq m per dwelling unit or 10.50 sq m by way of a private open-air balcony space.

The Environmental Conservation (EC) Overlay Zone is proposed to be removed.



NOTICE OF PUBLIC MEETING

PUBLIC PARTICIPATION

The Town of Fort Erie is seeking your comments on the Application. The Public Meeting is an opportunity for public input prior to Council making a decision.

To participate in the Public Meeting, you may:

1. Attend the Public Meeting, as follows:

Date: Monday, April 13, 2026

Time: 6:00 PM

Location: Council Chambers, Town Hall, 1 Municipal Centre Drive, Fort Erie

Residents can participate in the Public Meeting in-person in the Town Council Chambers, or virtually by registering with Peter Todd, Town Clerk by email (clerk@forterie.ca).

The Public Meeting is also available to view on live stream at youtube.com/townofforterie, or by clicking on the YouTube icon on the Town's website: www.forterie.ca

2. Submit written comments to Peter Todd, Town Clerk by email (clerk@forterie.ca) or regular mail (1 Municipal Centre Drive, Fort Erie, ON L2A 2S6). All written submissions will become part of the public record and will be provided to Council.

If you wish to be notified of Council's decision on the proposed application, you must make a written request to Daryl Vander Veen, Intermediate Development Planner.

APPEAL INFORMATION

Only the Minister, the applicant, specified persons, public bodies, and the registered owner of the land to which the by-law would apply, as defined in the *Planning Act*, may appeal the decision of Council to the Ontario Land Tribunal (OLT).

If a person or public body would otherwise have an ability to appeal the decision of Council to the OLT, but the 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 is not entitled to appeal the decision.

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 OLT unless, in the opinion of the OLT, there are reasonable grounds to do so.

MORE INFORMATION

An Information Report accompanying the Public Meeting will be available for review by 5:00 PM on **Wednesday, April 8, 2026** by accessed the Council agenda through the Town's Website: forterie.ca/en/town-hall/council-meetings.aspx

Application materials are available for review on the Town's website (forterie.ca/resource/planningApplications.xsp), or by contacting Daryl Vander Veen, Intermediate Development Planner by email. New or revised application materials will be uploaded to the Town's website at the link above as they become available. Please check the Town's website for updates.

CONTACT

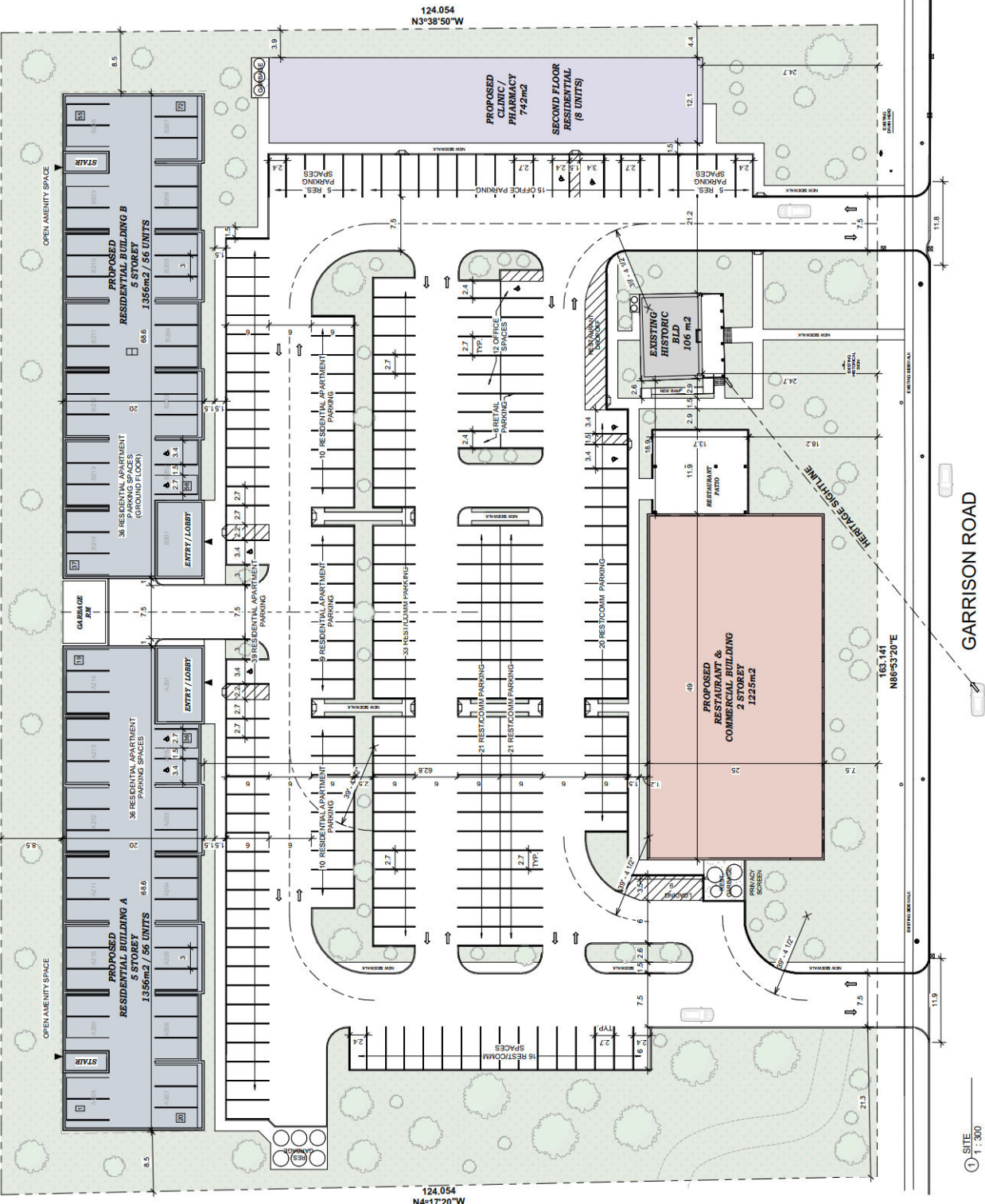
Daryl Vander Veen, Intermediate Development Planner
Planning, Building and By-law Services
dvanderveen@forterie.ca
905-871-1600 x. 2509

Dated at the Town of Fort Erie on March 24, 2026.



JASON PIZZICAROLA DESIGN ARCHITECTS INC.
RENEWAY, ONTARIO, L8B 1N2
TEL: 905.479.1100
email: jason@jpdad.ca
CERTIFICATE OF PRACTICE #: 4493

Site Plan and Building Statistics			
Development Proposal			
PROPOSED 3 STOREY BUILDING IN EXISTING 1 STOREY BUILDING FOOTPRINT			
Project Name:			
PROPOSED 3 STOREY MIXED USE BUILDING w/ 15 RES. UNITS			
Municipal Address:			
848 GARRISON ROAD			
Municipality:			
TOWN OF FORT ERIE			
Legal Description:			
CONJ. PT. LOT 1 TRP 586/0484, PARTS 1 & 2 & 3			
Current Zoning:			
EC / ND			
Proposed Zoning:			
CMUD			
Lot Area:			
20300 m ²			
Zoning Requirements	Required (Metric)	Provided (Metric)	
Lot Frontage (Mts.)	0m	163.14m	
Revised Lot Area (Mts.)	0m ²	20300m ²	
Interior Side Yard Setback (East)	0m or 2.5m ABUTTING A RESIDENTIAL ZONE	3.9m	
Interior Side Yard Setback (West)	0m or 2.5m ABUTTING A RESIDENTIAL ZONE	8.4m	
Front Yard Setback (South)	0m	7.5m	
Rear Yard Setback (North)	4.5m or 10m ABUTTING A RESIDENTIAL ZONE	8.5m	
Max. Building Height:	3. STOREYS / 12m	5.5 STOREYS	
Gross Floor Area:	N/A	T.B.O.	
Building Area:	NO MAXIMUM	TOTAL: 1441m ²	
Lot Coverage (Max):	N/A	22%	
Landscaped Open Space (Mts.):	NO MINIMUM	6052m ² (32%)	
Amenity Space Per Res. Unit (Mts.):	18.5m ² / UNIT	18.5m ² / UNIT	
Balcony Space Per Res. Unit:	0m ²	(N/A) 4.18m ²	
Parking Requirements			
Parking Requirements	Required	Provided	
Residential Parking	1 SPACE PER RESIDENTIAL UNIT: 56 x 56 x 8 = 120 SPACES	150 SPACES (1:1.25)	
Office/Client Parking	OFFICES: 1 SPACE PER 2m ² 742m ² / 2m ² = 26.5 SPACES	27 SPACES	
Restaurant Parking	EA 1m: 1 PER 4 PERSONS SEATING CAPACITY 70 SPACES (MAX. 280 SEATING CAPACITY)	70 SPACES (MAX. 280 SEATING CAPACITY)	
2nd Storey Commercial Parking	OTHER COMMERCIAL USES: 1 SPACE PER 30m ² 1225m ² / 30m ² = 40.8 SPACES	41 SPACES	
Ex. Historical Building Parking	RETAIL STORE: 1 SPACE PER 30m ² 106m ² / 30m ² = 4 SPACES	6 SPACES	
Total Parking	262 SPACES	294 SPACES	
ACCESSIBLE SPACES			
ACCESSIBLE SPACES	Required	Provided	
Type A (3.4m wide x 6m long w/ 1.5m aisle)	2% (capped at 10) 294 x 0.02 = 6	7 SPACES	
Type B (2.4m wide x 6m long w/ 1.5m aisle)	1% (capped at 5) 294 x 0.01 = 3	4 SPACES	



1 SITE
1:300

848 GARRISON RD,
FORT ERIE, ON

848 GARRISON ROAD, FORT
ERIE, ON

No.	Description	Date

OPA

SHEET TITLE:

SITE

DRAWN BY:	W/J	DATE:	27/02/25
SCALE:	AS SHOWN	JOB #:	02
SHEET NO:	SP-1		



**The Municipal Corporation of the Town of Fort Erie
Council-in-Committee Minutes**

**Monday, April 13, 2026, 6:00 p.m.
Council Chambers**

1. Call to Order

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

2. Land Acknowledgement

Councillor Flagg provided a land acknowledgment.

3. Roll Call

The Clerk gave the roll call.

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

Staff: A. Dilwaria, J. Janzen, C. McQueen, C. Patton, T. Peazel, P. Riley and P. Todd.

4. Announcements/Addenda

There was an addendum issued which resulted in the following changes to the agenda:

- Item 8.4, Report LLS-03-2026 -- Use of Corporate Resources for Election Purposes Policy Review, was moved to the Consent Agenda.
- Item 8.6, Memorandum - Niagara Transit Update, was moved to the Consent Agenda.

- Item 9.1.1, Jim McCaffrey, Manager of By-law Services, presentation re PBBS-19-2026 was removed from the agenda.
- Item 9.1.2, Presentation by Justine Giancola, Partner, and Megan Reddy, Associate and Planner, Dillon Consulting Limited regarding the Community Planning Permit System and Urban Design Guidelines was added to the agenda.
- Item 9.2.5 Report PBBS-18-2026 was removed and replaced with a revised report and attachments.
- Item 11.3.1, New Business - Response to Provincial Proposal on Regional Governance was added to the agenda.

Mayor Redekop made the following announcements:

Earth Day Community Clean- Up Initiative

Mayor Redekop advised that April 22 is Earth Day and encouraged residents to participate in community clean- ups. The Town will supply gloves and garbage bags and arrange garbage pickup for registered clean- ups. Several groups have already registered, with activities occurring on Earth Day and other dates.

Fort Erie Meteors Junior B Hockey Team

Mayor Redekop congratulated the Fort Erie Meteors Junior B team on a strong playoff run against St. Catharines, noting a tightly contested seven- game series. Appreciation was extended to the players, coaches, and staff for an excellent season.

Niagara Transit Route 751 and Transit Changes

Mayor Redekop announced changes to local transit service, including the introduction of Niagara Transit Route 751 beginning April 27, 2026. The new route provides an hourly, fixed schedule and links to Regional Route 22. Public information sessions were noted, with additional outreach requested for Town residents in the affected area.

2026 OSBA Championship Basketball Team

Mayor Redekop recognized the Fort Erie International Academy senior boys' basketball team for an outstanding 2025–2026 season, finishing first in the North Pole Hoops League, placing second in OSBA regular- season league play, and subsequently winning the OSBA Championship. The team also advanced to the National Preparatory Association national tournament, reaching the semi- finals.

5. Declarations of Pecuniary Interest

5.1 Councillor Flagg - PBBS-12-2026

Councillor Flagg declared a pecuniary interest regarding item PBBS-12-2026 as the property owner is a previous business partner to the Councillor.

6. Notice of Upcoming Public Meetings and Open Houses

None.

7. Public Meetings

Councillor Noyes left the meeting at 6:15 p.m.

7.1 Official Plan and Zoning By-law Amendments - 848 Garrison Road

Owner: 2723005 Ontario Inc. (Konstantinos Kentros) - Applicant: NPG Planning Solutions Inc. (Aaron Butler)

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

Daryl Vander Veen, Intermediate Development Planner, provided a presentation outlining the proposal and responded to questions from members of Council.

Mayor Redekop inquired whether the agent or the applicant wished to speak to the applications.

The applicant's agent, Aaron Butler of NPG Planning Solutions Inc., provided a presentation and answered questions of Council. The proponent, Konstantinos Kentros, also spoke to and answered questions of Council.

Mayor Redekop asked if anyone present would like to provide comments on the application.

No one in the audience wished to speak.

The Clerk confirmed that no additional written comments were received.

Mayor Redekop declared the Public Meeting closed.

7.2 PBBS-15-2026

Proposed Official Plan and Zoning By-law Amendment Information Report for 848 Garrison Road

Recommendation 1

Moved by: Councillor Dubanow

That: Council receives for information purposes, Report PBBS-15-2026 regarding a proposed Official Plan Amendment and Zoning By-law Amendment for the lands located at 848 Garrison Road, Fort Erie.

Carried

Appendix 3



Re: Request for comments - proposed combined Official Plan Amendment and Zoning By-law Amendment for 848 Garrison Road (file OPA-06-2025 & ZBA-15-2025)

From Keegan Gennings <KGennings@forterie.ca>

Date Thu 2025-10-16 10:25 AM

To Daryl Vander Veen <DVanderVeen@forterie.ca>

Hi Daryl,

I have reviewed the information that was submitted for the OPA and ZBA and have noted the following items:

- 1) The functional servicing report is using Fort Erie Population density numbers in the sanitary sewer calculations. When the apartment units are reviewed, they have an occupant load of 192 persons, if OBC regulations of 2 persons per bedroom are used the occupant load would be 224 persons which will impact the sewer design capacities. This is also similar with the commercial floor areas. It is suggested that development engineering review the calculations.
- 2) The proposed zoning regulations for the apartment buildings include increasing the maximum height to 5 storeys or 20m with yard setbacks of ½ the building height or 7.5m whichever is greater, if the building is constructed the maximum height the indicated setbacks of 8.5m would not be sufficient. It is suggested that the setbacks or proposed zoning provisions be reviewed to ensure additional or future zoning amendments are not required.
- 3) An existing well is noted in the information provided, the location of the well is to be located on the site plan drawing to ensure there are no conflicts between the well location and the proposed development. If the well is to be decommissioned, this is to be done the Ministry of Environment, Conservation and Parks standards.

Additional comments will be provided through the site plan agreement process.

Regards,

Keegan Gennings C.B.C.O.
Manager of Building and By-Law/ CBO
Town of Fort Erie
(905)871-1600 ext 2515

From: Daryl Vander Veen <DVanderVeen@forterie.ca>

Sent: Thursday, September 25, 2025 3:31 PM

Subject: Request for comments - proposed combined Official Plan Amendment and Zoning By-law Amendment for 848 Garrison Road (file OPA-06-2025 & ZBA-15-2025)

Good afternoon,

The Town of Fort Erie has received applications for an Official Plan Amendment and a Zoning By-law Amendment for 848 Garrison Road. The subject lands are located on the north side of

Appendix 3

848 Garrison

The subject lands are designated as Community Area on Schedule E of the adopted Official Plan 2051, which has been submitted to MMAH for review and approval.

The subject lands are located with the Garrison West Strategic Growth Area as per Schedule A.4. As per Table C-4 and policy C.5.5 the permitted Built Form for this site is High-Rise development with a height range of 6 – 10 Storeys.

- Can the proposed apartments be increased to 6 storeys to better align with this policy without negatively impacting the heritage building located on the site? Alternatively, the Official Plan Amendment could speak to the reduced height.

Section D.2.2 of the adopted Official Plan speaks to the Community Area designation, and Policy D.2.2.3 outlines the permitted uses. The proposed apartment buildings would be permitted (if between 6 – 10 storeys) but the proposed Clinic and Restaurant/Banquette Hall would require an Official Plan Amendment to add these as additional permitted uses.

Please provide a copy of the Ministry acceptance letter for the Archaeological Assessment.

As part of the proposed rezoning application for the property located at 848 Garrison Road, which includes the conversion of the existing heritage building into a small-scale commercial use, and the development of two five-storey apartment buildings, a doctor's clinic, and a restaurant with banquet hall, we respectfully request that a Holding Provision (H) be applied to the subject lands.

The purpose of the Holding Provision is to ensure that the proposed development meets the Town's design and aesthetic standards. We request that the Holding Provision be lifted only upon the Town's receipt and acceptance of a complete Site Plan Control Application, which must include:

- Elevation drawings for all proposed buildings;
- Details of exterior building materials and colours;
- Confirmation that these elements are to the satisfaction of the Town of Fort Erie.

This approach will help ensure that the development is compatible with the surrounding area and maintains the integrity of the heritage building while supporting thoughtful urban growth.

Please note that the proposed development, which includes two five-storey apartment buildings, will be subject to the Town of Fort Erie's Community Benefit Charges (CBCs), in accordance with the Community Benefits Charge Strategy prepared by Hemson Consulting and adopted by the Town on June 26, 2023.

As outlined in the strategy, CBCs apply to developments that are five or more storeys in height and contain ten or more residential units. The charges are intended to fund growth-related capital expenditures such as public realm improvements, active transportation infrastructure, affordable housing, and other urban amenities not covered by development charges or parkland contributions.

For further details, please refer to the [Community Benefits Charge Strategy document](#).

Payment in Lieu of Parkland Dedication will be required as a condition of the future Site Plan Control application.

Appendix 3

Additional Comments will be forthcoming once a detailed site plan and elevations drawings are submitted.

Preliminary Site Plan Comments:

- Please ensure that paths/walkways are designed to the Accessibility for Ontarians with Disabilities Act Accessible Exterior Paths of Travel standards.
- How will the garbage containers located on the north side of the proposed clinic be accessed, when the landscape plan shows trees being planted along the walkway?
- Will bicycle parking be provided?
- According to the FSR the entire area between the Clinic and the Eastern property will be used for the new/relocated drainage ditch.
 - o Is there sufficient room between the proposed building and property line to provide for maintenance of the drain?
 - o Will there be any access/egress to the rear of the building in this location? How will this function.
 - o Will there be any utility metres at the rear of the building (east side), how will they get accessed, if there is a ditch located here?
- The location of the western ditch is not being consistently shown across the various submitted drawings. The Landscape Plan shows this ditch as a sidewalk to the western property, this should be corrected, and the east drain should also be added to the Landscape drawing.
- On some drawings, there is a garbage room being shown between the two apartment buildings and on other drawings it is not being shown, please confirm if this is going to be provided.



Interoffice Memorandum

October 15th, 2025
File No. ZBA-15-2025

To: Daryl Vander Veen, Intermediate Development Planner
From: Taylor Boyle, Project Manager, Development Engineering
Subject: **Zoning By-Law Amendment: 848 Garrison Road**

Town of Fort Erie Development Engineering Staff have reviewed the above noted application to address technical concerns related to the Zoning By-law Amendment for 848 Garrison Road.

The Applicant is proposing a development with:

- a 2-storey proposed restaurant and commercial building;
- a 2-storey building with commercial uses on the ground floor (a proposed clinic/pharmacy) and residential dwellings on the second floor (8 dwelling units total);
- two 5-storey apartment buildings that each have 56 dwelling units. According to the Applicant's site plan, 292 parking spaces are proposed as part of the development proposal.
- Cruikshank House is proposed to remain, with potential for adaptive re-use for commercial purposes such as office or commercial uses.

Town Staff have reviewed the following documentation for the purpose of this application:

- Site Plan, prepared by Jason Pizzicarola Design – Architects Inc., dated February 27, 2025;
- Functional Servicing Design Brief, prepared by Hallex Engineering Ltd., REV 0 dated February 03, 2025; and
- Traffic Impact Study, prepared by Paradigm Transportation Solutions Ltd., dated July 2025;

The following comments and conditions shall be addressed to the satisfaction of the Director of Infrastructure Services. These comments are provided on a preliminary basis and are without prejudice to any additional comments, modifications, or requirements that may be identified by the Town through the review of subsequent submissions.

Roads:

Garrison Road (RR 3) is designated as a Regional Road in accordance with the Town's current Official Plan. As such, the Town has no jurisdiction over Garrison Road, and any matters regarding right-of-way width or road condition are subject to review and comment by the Niagara Region.

Alliston Avenue (Unassumed) is designated a LOCAL ROAD per the Town's current Official Plan. The designated road width is 20m. Its current width is sufficient and therefore no road widening will be required.

Linear Municipal Services**Watermains****Garrison Road**

300mm dia. AV (TOFE) (north side of RR3)
400mm dia. AC (RMON) (south side of RR3)

The Owner shall have a suitably sized water distribution system designed by a qualified Professional Engineer to the Director of Infrastructure Services' satisfaction and in accordance with the Town's current standards and connected to the existing water distribution system from Parkdale Avenue. The Owner shall also make themselves familiar with the requirements of the Town's current Water Testing & Disinfection Criteria and ensure these requirements are met, prior to the Town authorizing connections to the existing water system. Fire Hydrants shall also be accommodated at the standard spacing requirements, and subject to review and approval by Town staff.

Sanitary**Garrison Road**

250mm dia. PVC (TOFE) (north side of RR3)

- The Owner shall have an adequately sized sanitary sewer distribution system designed by a qualified Professional Engineer, to the satisfaction of the Director of Infrastructure Services and in accordance with the Town's current standards.
- The Owner has submitted a Functional Servicing Report (FSR), prepared and certified by Hallex Engineering Ltd., REV 0 dated February 03, 2025, in support of this Zoning By-law Amendment application.
- The Report shall be submitted for peer review by the Town's sanitary sewer consultant, GEI Consultants.

The peer review shall include an assessment of the adequacy of the existing downstream system and provide recommendations, if required. The submission of this Functional Servicing Report and any resulting recommendations shall be required as condition of this Zoning By-Law Amendment Application.

In the event that capacity constraints are identified, A HOLD Provision shall remain in place until such a time as any recommended improvements to rectify downstream capacity constraints, if identified, are implemented to the satisfaction of the Town, at the Owner's sole cost.

- The Owner shall also make themselves familiar with the requirements of the Town's current Sanitary Sewer Consolidated Linear Infrastructure license, and ensure these requirements are met, prior to the Town authorizing connections to the existing sewer system.

Conditions for Sanitary Sewers:

- The Functional Servicing Report shall be submitted for peer-review by the Town's Sanitary Sewer Consultant, GEI Consultants. The peer review shall include an assessment of the adequacy of the existing downstream system and provide recommendations, if required.

A HOLD provision may be applied and remain in place until such a time as any recommended improvements to rectify downstream capacity constraints, if identified, are implemented to the satisfaction of the Town, at the Owner's sole cost.

- That the applicant submit a Peer Review Fee to the Town in the amount of \$2,160.00.

Storm

Garrison Road

450mm dia. CONC (RMON) (west side of #848 Garrison)

750mm dia. RCP (TOFE) (east side of #848 Garrison)

- The Owner has submitted a Functional Servicing Report (FSR), prepared and certified by Hallex Engineering Ltd., REV 0 dated February 03, 2025, which includes a stormwater management strategy, in support of this Zoning By-law Amendment application.
- Town Development Engineering staff are committed to promoting the implementation of Low Impact Development (LID) and other green infrastructure measures in stormwater management design. In keeping with this objective, staff recommend that the Applicant explore opportunities to utilize the grassed boulevards within the parking area to provide both quality and quantity control benefits. Specifically, staff suggest that stormwater runoff from the paved surfaces be directed towards these landscaped areas, where feasible, to promote infiltration and initial treatment prior to entering the storm sewer system. Where grading permits, storm flows should be conveyed towards a centrally located catch basin within each landscaped island to facilitate controlled drainage and enhance overall stormwater performance.
- Staff note that a comprehensive and detailed Stormwater Management Report will be required at the future Site Plan Application stage to confirm the feasibility of the proposed 229 m³ storage volume and the outlet configuration to the existing 1800x1500mm culvert at Garrison Road. The final design shall demonstrate that sufficient capacity exists within the downstream municipal system and that major overland flow routes are adequately defined for storm events up to and including the 100-year event. The detailed submission shall include, at a minimum, stormwater management plans, pre- and post-development drainage area plans, and confirmation of compliance with the Town's current stormwater management design standards, the Niagara Region's Stormwater Management Guidelines (2022) and the MECF Stormwater Management Planning and Design Manual (2003).

- Staff note that a comprehensive and detailed Stormwater Management Report will be required at future Site Plan Application stage to confirm the feasibility of the proposed storage volume (229 m³) and the outlet configuration to the existing 1800x1500mm culvert at Garrison Road. The final design must demonstrate that sufficient capacity exists within the downstream municipal system and that major overland flow routes are adequately defined for events up to and including the 100-year storm. This report will also require stormwater management plans, pre and post drainage area plans etc...
- Town Development Engineering staff note that, as previously identified during the pre-consultation stage, the Consulting Engineer will be required to identify the existing storm drainage easement that conveys overland flows from the Alliston Woods Development to the Garrison Road storm sewer. The stormwater management design must ensure that post-development flows conveyed through this easement are controlled to pre-development rates, and that the easement is properly delineated and protected through the detailed design process. This matter shall be addressed as part of the future Site Plan Application and incorporated into the detailed Stormwater Management Plan, with registration of the required easement in favour of the Town to be completed prior to Site Plan Approval.

Transportation Impact Study

Town Development Engineering staff have reviewed the submitted Transportation Impact Study (TIS) prepared by Paradigm Transportation Solutions Limited, dated July 2025, in support of the Zoning By-law Amendment for 848 Garrison Road. The study was completed in accordance with the Niagara Region's Transportation Impact Assessment Guidelines (2023) and appropriately assesses existing, background, and total traffic conditions for the 2028 (build-out) and 2033 (five-year horizon) scenarios.

The TIS concludes that the proposed mixed-use development—comprising 120 residential units, 742 m² of medical office space, 1,327 m² of commercial space, and 1,338 m² of restaurant space—can be accommodated within the existing roadway network without significant operational impacts. All intersections within the study area, including the site's two proposed full-movement driveways to Garrison Road, are forecasted to operate at acceptable levels of service under both opening-year and five-year conditions. Minor storage exceedances are identified at the intersections of Thompson Road/Helena Street and Kraft Road with Garrison Road; however, these are not considered critical and can be accommodated within existing tapers. The report also recommends removal of the raised median west of Driveway 2 to allow eastbound left-turn ingress and minor internal site layout adjustments to improve throat length and circulation.

Town staff generally concur with the findings of the TIS at this stage and accept the conclusions in principle for the Zoning By-law Amendment. At the subsequent Site Plan Application stage, additional design-level detail will be required, including:

- Verification of the proposed driveway throat lengths and turning radii to ensure compliance with Town and Regional access management standards.
- Confirmation from Niagara Region regarding the feasibility of median modification on Garrison Road and the need for any associated road occupancy or works permits.

- Updated trip generation analysis if the site layout, land use mix, or phasing differs from that assessed in the current TIS.

Please be advised that Lot Grading and Drainage Plan will be required at the future building permit application stage.

Development Engineering have no further comments or conditions to impose regarding the submitted Zoning By-Law Amendment applications, subject to the above conditions.

Regards,

A handwritten signature in black ink, appearing to read 'Taylor Boyle'.

Taylor Boyle – Project Manager, Development Engineering

- c. Mark Iamarino, Manager, Development Approvals (email only)

Appendix 3



Updated Comments - Tree Protection Plan - 848 Garrison Road

From Jessica Abrahamse <JAbrahamse@forterie.ca>

Date Wed 2026-04-08 11:06 AM

To Daryl Vander Veen <DVanderVeen@forterie.ca>; Anamika Dilwaria <ADilwaria@forterie.ca>; Meagan Opatovsky <MOpatovsky@forterie.ca>

Hi Please provide the following comments to the applicant:

Based on the recent tree cutting the subject lands, the current Tree Inventory and Protection Plan is not valid and will require a new Tree Inventory and Protection Plan to be completed by a registered ISA Arborist in good standing.

Regards,

Jessica Abrahamse M.E.S.

Senior Environmental Planner

Town of Fort Erie

Planning and Development Services

1 Municipal Centre Drive, Fort Erie, ON L2A 2S6

p: 905-871-1600 ext. 2510

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Appendix 3



848 Garrison Road - Further comments

From Jessica Abrahamse <JAbrahamse@forterie.ca>

Date Tue 2026-03-31 3:09 PM

To Daryl Vander Veen <DVanderVeen@forterie.ca>

Cc Mark Iamarino <MIamarino@forterie.ca>; Anamika Dilwaria <ADilwaria@forterie.ca>; Edward Terry <ETerry@forterie.ca>

Hi Daryl,

Please find my comments below to summarize the direction of the meeting on Friday and outline the current environmental items that are outstanding.

MECP - Ministry of Conservation and Parks

NOP - Niagara Official Plan

EIS - Environmental Impact Study

The applicant will need to contact MECP for further comments on this file with respect to Eastern Red Bat species. The EIS, constraints analysis, addendum and Tree Protection Plan should all be provided to MECP for review. Environmental planning staff are not in a position to support this application without this action being taken. However, this is not the only item that will require further response from the applicant, and it should be noted that the Environmental Impact Study and Tree Protection Plan are not approved at this point in time.

Town staff are willing to consider the relocation of the eastern watercourse once MECP has provided comments and provided the following policies are considered:

NOP. Section 3.1. m, t., u., section 3.1.10.3.,

Town staff note that buffer requirements are listed as 30m for intermittent streams in the NOP under section 3.1.9.2, and that development or site alteration shall not be permitted unless it can be demonstrated that it will not have a negative impact on the interaction and linkage between key hydrologic areas, key hydrologic features, sensitive surface water features and sensitive groundwater features and other components of the natural environment system.

Although section NOP 3.1.9.2 states that a 30m buffer is suggested, there is another policy under NOP Section 3.1.9.9.1. That states that the width of the buffer may be determined through an environmental impact study or hydrological evaluation, and the width of the buffer would be based on the sensitivity of the ecological functions from the proposed development or site alteration. As the watercourse is type 3 fish habitat and it is outletting into a Provincially Significant Wetland across the street the watercourse has ecologically sensitivity and this should be considered when proposing any realignment or channel design. The current buffer width that has been proposed of 3.7m is not sufficient for replanting trees and shrubs to replace the existing bird and bat habitat that is located in the riparian zone of the eastern watercourse. Discussion of water quality and quantity controls are requested, as is a revised plan showing a larger buffer area for the eastern watercourse.

Appendix 3

A riparian planting plan prepared by a biologist is requested.

The following comments require a response.

Technical Comments - EIS, Constraints Analysis & Appendix A

- There is concern that there has been very little discussion of mitigation measures or recommendations in the Constraints Analysis and it is stated that these items will be addressed later in the impact assessment, however the EIS does not identify mitigation measures or enhancement for the site.
 - o Important missing pieces
 - Restoration
 - Invasive Species Management
 - Lighting
 - Wildlife crossings
 - Riparian areas
 - Erosion and Sediment Control
 - Tree Retention
- A fulsome policy analysis of the Region of Niagara OP, and TOFE OP, and any other legislation that may pertain to the subject lands including the Species at Risk Act and the Fisheries Act should be discussed in the EIS
- There has been no discussion of the retention of snag trees to maintain bat habitat that currently exists within the EIS prepared by Myler Ecological Consulting, only discussion of mitigation of the building. Eastern Red Bat is considered a species at risk and was identified in 2020 in the original constraints report, although the Myler report provides evidence that there may not have been calls from this particular bat species, MECP should be notified for further comments and analysis of this evidence. Snag trees were identified in the Constraints Analysis on the eastern edge of open space surrounding the building.
- Buffers have not been discussed in the EIS provided by Myler Ecological Consulting with respect to the proposed realigned channel on the east side of the property, in addition it does not appear to be on the subject lands on any of the site plans or landscape plans, further clarification is requested. In addition, the edge of the east side of the lot does not allocate much buffer space from the proposed building 3.9m per the site plan? (NOP 3.1.9.2 & 3.1.9.9.1) (FE 2025 Table D-1, 15m for warm water watercourses from the high water mark)
- There are two locally rare species that have been identified in the constraints analysis however there have been no efforts to preserve or transplant these species elsewhere on the site. Please provide further detail on how these species can be retained and/or transplanted. Swamp Agrimony (*Agrimonia parviflora*) and Narrow Leaved Sundrops (*Oenothera fruticosa*).
- Town staff are not in a position to support the proposed application without further discussion and information provided, the watercourse that is regulated by the NPCA along with the agreed buffer should be zoned EP and the eastern watercourse and buffer should be zoned EP, enhancement and restoration are requested. (NOP 3.1.4.8.)

Technical Comments - Tree Preservation Plan

- It is noted that only 11 trees of 112 are proposed to be retained, 7 of the 11 trees are neighboring trees
- Town staff request that consideration for the native species in good condition on site be reevaluated for retention.

Appendix 3

- 110 trees are required for either replanting or cash in lieu @ \$1000.00 per tree, totalling \$110 000.00.
- Trees part of a streetscape plan may be counted towards the compensation replanting requirements.

■ **Please add the following notes to the Tree Preservation Plan:**

- If large roots are encountered (typically those with a diameter greater than 5cm), it is recommended that roots be assessed by an arborist prior to pruning to determine impacts on stability and long-term health of the tree.
- Vegetation Enhancement - It is strongly recommended that injured trees be thoroughly watered once per week, from spring to fall, for two years after completion of the work on the site below their drip lines. A layer of mulch should be placed below the drip line of these trees, 7-10cm deep and at least 10 centimeters away from the trunks.
- To reduce the possibility of contravention of the MBCA, and roosting bats, Vegetation removal should be scheduled to occur between October 1 and March 31. Some birds may nest before and after this peak bird nesting season due to seasonal fluctuations.
- **A letter of verification of tree protection by an ISA certified Arborist is required to be submitted to the satisfaction of the Director of Planning prior to pre-grading on the subject lands**

NO TREES ARE TO BE REMOVED WITHOUT APPROVAL IN WRITING FROM ENVIRONMENTAL PLANNING STAFF.

Other Comments:

- The landscape plan does not show the buffer areas from the watercourse on the east side of the development or the west side of the new realigned"watercourse on the west side. Both water courses with buffer width measurements are requested to be shown on all figures.
- Town staff recommend treating stormwater to an enhanced standard as both watercourses are considered to be type 3 fish habitat per the Constraints Analysis (LCA). Other opportunities to enhance and water quality are encouraged.

Please let me know if you have any questions or need clarification on any of these items.

Regards,

Jessica Abrahamse M.E.S.

Senior Environmental Planner

Town of Fort Erie

Planning and Development Services

1 Municipal Centre Drive, Fort Erie, ON L2A 2S6

p: 905-871-1600 ext. 2510

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Appendix 3



Re: Revised submission - combined Official Plan Amendment and Zoning By-law Amendment for 848 Garrison Road

From Jessica Abrahamse <JAbrahamse@forterie.ca>

Date Tue 2026-03-24 5:18 PM

To Daryl Vander Veen <DVanderVeen@forterie.ca>

Cc Edward Terry <ETerry@forterie.ca>; Breanna Antonio <bantonio@forterie.ca>; Devon Morton <DMorton@forterie.ca>; Kartiki Sharma <ksharma@npca.ca>; Walker, Roberta (MECP) <roberta.walker@ontario.ca>

Hi Mark,

To answer your earlier questions, yes the applicant can attend the EAC meeting on April 1st and can provide a brief overview of their project (10 minutes maximum).

Also, the Town's new OP has been adopted by council, however is not currently enforceable. As such I have revised my comments with the Region's policies which will still apply. I would suggest that the applicant have regard for the Town's new OP policies as they have been approved by council.

Please see my revisions below:

Technical Comments - EIS, Constraints Analysis & Appendix A

- There is concern that there has been very little discussion of mitigation measures or recommendations in the Constraints Analysis and it is stated that these items will be addressed later in the impact assessment, however the EIS does not identify mitigation measures or enhancement for the site.
 - o Important missing pieces
 - Restoration
 - Invasive Species Management
 - Lighting
 - Wildlife crossings
 - Riparian areas
 - Erosion and Sediment Control
 - Tree Retention
- A fulsome policy analysis of the Region of Niagara OP, and TOFE OP, and any other legislation that may pertain to the subject lands including the Species at Risk Act and the Fisheries Act should be discussed in the EIS
- A conceptual restoration plan was proposed in the Constraints Analysis, as the watercourse was remaining in situ in this plan. Restoration along the riparian edges and retention of native trees this concept is preferred. (NOP 3.1.27.1)
- There has been no discussion of the retention of snag trees to maintain bat habitat that currently exists within the EIS prepared by Myler Ecological Consulting, only discussion of mitigation of the building. Eastern Red Bat is considered a species at risk and was identified in 2020 in the original constraints report, although the Myler report provides evidence that there may not have been

Appendix 3

calls from this particular bat species, MECP should be notified for further comments and analysis of this evidence. Snag trees were identified in the Constraints Analysis on the eastern edge of open space surrounding the building.

- There is concern that the original interpretation of the headwater drainage feature is not being followed as a medium constraint feature per the Constraints analysis completed by LCA. Town staff request further efforts to keep the existing watercourse in situ, even if it is low or marginal type 3 fish habitat, it would enable retaining mature native trees, bat habitat and further measures such as removing invasive species through a management plan can improve the functionality of the area. Further discussion is requested. (NOP 3.1. C. E. J.) (3.1.1.2. B.i), (3.1.3.1.) (3.1.10.1.d.,e)
- (FE 2025 D.4.1.21 & D.4.1.22) (FE 2025 D.4.1.19.3. - 4.)
- Town staff reject the notion that the drainage functionality of the water course on the eastern portion of the lot has been disabled due to the storm pond on the adjacent lot as there was water flowing through top eastern side of the watercourse to the bottom discharging out of a culvert to the property across the street at 825 Garrison road, on a site visit attended on March 24, 2026.
- Buffers have not been discussed in the EIS provided by Myler Ecological Consulting with respect to the proposed realigned channel on the east side of the property, in addition it does not appear to be on the subject lands on any of the site plans or landscape plans, further clarification is requested. In addition, the edge of the east side of the lot does not allocate much buffer space from the proposed building 3.9m per the site plan? (NOP 3.1.9.9.1) (FE 2025 Table D-1, 15m for warm water watercourses from the high water mark)
- There are two locally rare species that have been identified in the constraints analysis however there have been no efforts to preserve or transplant these species elsewhere on the site. Please provide further detail on how these species can be retained and/or transplanted. Swamp Agrimony (*Agrimonia parviflora*) and Narrow Leaved Sundrops (*Oenothera fruticosa*).
- Town staff are not in a position to support the proposed application without further discussion and information provided, the watercourse that is regulated by the NPCA along with the agreed buffer should be zoned EP and the eastern watercourse and buffer should be zoned EP, enhancement and restoration are requested. (NOP 3.1.4.8.)

Regards,

Jessica Abrahamse M.E.S.

Senior Environmental Planner

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Appendix 3

From: Jessica Abrahamse <JAbrahamse@forterie.ca>

Sent: Thursday, March 19, 2026 11:48 AM

To: Daryl Vander Veen <DVanderVeen@forterie.ca>

Cc: Edward Terry <ETerry@forterie.ca>; Breanna Antonio <bantonio@forterie.ca>; Devon Morton <DMorton@forterie.ca>; Kartiki Sharma <ksharma@npca.ca>; Walker, Roberta (MECP) <roberta.walker@ontario.ca>

Subject: Re: Revised submission - combined Official Plan Amendment and Zoning By-law Amendment for 848 Garrison Road

Hi Daryl,

Please note that this file will go to the Town's Environmental Advisory Committee on April 1st, 2025.

Senior Environmental Planning staff have reviewed the following document as part of the Combined OPA/ZBA for 848 Garrison Road:

- Concept Landscape Plan, dated February 2025, prepared by James McWilliam Landscape Architect
- Functional Servicing Design Brief, dated February 3, 2025 prepared by Hallex Engineering
- Revised Site Plan, dated January 12, 2025
- Environmental Impact Study, dated August 8, 2025, prepared by Myler Ecological Consulting
- Appendix A - Mapping, prepared by LCA Consulting, dated October 21, 2020
- Garrison Road Constraints Analysis, prepared by LCA Consulting, dated October 21, 2020
- Comment Response letter to EIS, prepared by Myler Ecological Consulting, dated November 14, 2025
- Tree Preservation Plan, dated March 20, 2025, prepared by Jackson Arboriculture Inc.

Note, environmental planning staff review the PJR, FSR, Landscape Plan and Site Plan as they relate to the natural environment system, not to provide technical comments on the merits or faults of these reports

Technical Comments - EIS, Constraints Analysis & Appendix A

- There is concern that there has been very little discussion of mitigation measures or recommendations in the Constraints Analysis and it is stated that these items will be addressed later in the impact assessment, however the EIS does not identify mitigation measures or enhancement for the site.
 - o Important missing pieces
 - Restoration
 - Invasive Species Management
 - Lighting
 - Wildlife crossings
 - Riparian areas
 - Erosion and Sediment Control
 - Tree Retention
- A fulsome policy analysis of the Town's new OP, the Region of Niagara OP and any other legislation that may pertain to the subject lands including the Species at Risk Act and the Fisheries Act should be discussed in the EIS
- A conceptual restoration plan was proposed in the Constraints Analysis, as the watercourse was remaining in situ in this plan. Restoration along the riparian edges and retention of native trees

Appendix 3

this concept is preferred. (NOP 3.1.27.1)

- There has been no discussion of the retention of snag trees to maintain bat habitat that currently exists within the EIS prepared by Myler Ecological Consulting, only discussion of mitigation of the building. Eastern Red Bat is considered a species at risk and was identified in 2020 in the original constraints report, although the Myler report provides evidence that there may not have been calls from this particular bat species, MECP should be notified for further comments and analysis of this evidence. Snag trees were identified in the Constraints Analysis on the west edge of open space surrounding the building.
- There is concern that the original interpretation of the headwater drainage feature is not being followed as a medium constraint feature per the Constraints analysis completed by LCA. Town staff request further efforts to keep the existing watercourse in situ, even if it is low or marginal type 3 fish habitat, it would enable retaining mature native trees, bat habitat and further measures such as removing invasive species through a management plan can improve the functionality of the area. Further discussion is requested. (FE 2025 D.4.1.21 & D.4.1.22) (FE 2025 D.4.1.19.3. - 4.)
- Buffers have not been discussed in the EIS provided by Myler Ecological Consulting with respect to the proposed realigned channel, in addition it does not appear to be on the subject lands on any of the site plans or landscape plans, further clarification is requested. In addition, the edge of the east side of the lot does not allocate much buffer space from the proposed building 3.9m per the site plan? This does not meet the minimum threshold for a buffer area from the high water mark of a watercourse. (FE 2025 Table D-1, 15m for warm water watercourses from the high water mark)
- There are two locally rare species that have been identified in the constraints analysis however there have been no efforts to preserve or transplant these species elsewhere on the site. Please provide further detail on how these species can be retained and/or transplanted. Swamp Agrimony (*Agrimonia parviflora*) and Narrow Leaved Sundrops (*Oenothera fruticosa*).
- Town staff are not in a position to support the proposed application without further discussion and information provided, the watercourse that is regulated by the NPCA along with the agreed buffer should be zoned EP and the eastern watercourse and buffer should be zoned EP, enhancement and restoration are requested.

Technical Comments - Tree Preservation Plan

- It is noted that only 11 trees of 112 are proposed to be retained, 7 of the 11 trees are neighboring trees
- Town staff request that consideration for the native species in good condition on site be reevaluated for retention.
- 110 trees are required for either replanting or cash in lieu @ \$1000.00 per tree, totalling \$110 000.00.
- Trees part of a streetscape plan may be counted towards the compensation replanting requirements.

■ Please add the following notes to the Tree Preservation Plan:

- If large roots are encountered (typically those with a diameter greater than 5cm), it is recommended that roots be assessed by an arborist prior to pruning to determine impacts on stability and long-term health of the tree.
- Vegetation Enhancement - It is strongly recommended that injured trees be thoroughly watered once per week, from spring to fall, for two years after completion of the work on the site below their drip lines. A layer of mulch should be placed below the drip line of these trees, 7-10cm deep and at least 10 centimeters away from the trunks.

Appendix 3

- To reduce the possibility of contravention of the MBCA, and rooting bats, Vegetation removal should be scheduled to occur between October 1 and March 31. Some birds may nest before and after this peak bird nesting season due to seasonal fluctuations.
- A letter of verification of tree protection by an ISA certified Arborist is required to be submitted to the satisfaction of the Director of Planning prior to pre-grading on the subject lands

Other Comments:

-The landscape plan does not show the buffer areas from the watercourse on the east side of the development or the west side of the new "realigned" watercourse on the west side. The west side water course is requested to be shown on all figures.

-The FSR makes reference to using two of the existing box culverts, on site, however it is noted that the culvert on the west side of the development is not functional and needs maintenance and a possible replacement. If this culvert is to be replaced, town staff request that animal crossing structures are added to this new culvert.

- Town staff recommend treating stormwater to an enhanced standard as both watercourses are considered to be type 3 fish habitat per the Constraints Analysis (LCA).

With Best Regards,

Jessica Abrahamse M.E.S.

Senior Environmental Planner

Town of Fort Erie

Planning and Development Services

1 Municipal Centre Drive, Fort Erie, ON L2A 2S6

p: 905-871-1600 ext. 2510

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From: Daryl Vander Veen <DVanderVeen@forterie.ca>

Sent: Thursday, March 12, 2026 5:57 PM

To: Jessica Abrahamse <JAbrahamse@forterie.ca>

Subject: Re: Revised submission - combined Official Plan Amendment and Zoning By-law Amendment for 848 Garrison Road

Hello Jessica,

Appendix 3



Re: Revised submission - combined Official Plan Amendment and Zoning By-law Amendment for 848 Garrison Road

From Jessica Abrahamse <JAbrahamse@forterie.ca>
Date Mon 2026-01-05 8:54 AM
To Daryl Vander Veen <DVanderVeen@forterie.ca>

Hi Daryl,

Thanks for passing this information along, I am satisfied that the applicant has provided information sufficient for review.

Regards,

Jessica Abrahamse M.E.S.
Senior Environmental Planner

Town of Fort Erie
Planning and Development Services
1 Municipal Centre Drive, Fort Erie, ON L2A 2S6
p: 905-871-1600 ext. 2510

[forterie.ca](https://www.forterie.ca) | jabrahamse@forterie.ca



From: Daryl Vander Veen <DVanderVeen@forterie.ca>
Sent: Friday, December 12, 2025 2:12 PM
To: Jessica Abrahamse <JAbrahamse@forterie.ca>
Subject: Fw: Revised submission - combined Official Plan Amendment and Zoning By-law Amendment for 848 Garrison Road

Hello Jessica,

Can you please take a look at the revised submission for 848 Garrison Road (attached) and let me know if it is satisfactory to deem the application complete? Thanks!

Appendix 3



Fw: RE: Request for comments - proposed combined Official Plan Amendment and Zoning By-law Amendment for 848 Garrison Road (file OPA-06-2025 & ZBA-15-2025)

From Jessica Abrahamse <JAbrahamse@forterie.ca>
Date Tue 2025-10-21 9:08 AM
To Daryl Vander Veen <DVanderVeen@forterie.ca>

Jessica Abrahamse M.E.S.
Senior Environmental Planner

Town of Fort Erie
Planning and Development Services
1 Municipal Centre Drive, Fort Erie, ON L2A 2S6
p: 905-871-1600 ext. 2510

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From: Jessica Abrahamse <JAbrahamse@forterie.ca>
Sent: Wednesday, October 8, 2025 3:33 PM
To: Edward Terry <ETerry@forterie.ca>
Cc: Zachary George <ZGeorge@forterie.ca>; Kartiki Sharma <ksharma@npca.ca>
Subject: Re: RE: Request for comments - proposed combined Official Plan Amendment and Zoning By-law Amendment for 848 Garrison Road (file OPA-06-2025 & ZBA-15-2025)

Senior Environmental Planning staff have reviewed the following documents for the OPA/ZBA Application at 848 Garrison Road:

- Environmental Impact Study, prepared by Myler Ecological Consulting dated August 8, 2025
- Functional Servicing Design Brief, prepared by Hallex Engineering Ltd. dated Feb.03, 2025
- Site Plan, prepared by Jason Pizzicarola Design Architects, dated Feb.27, 2025
- Tree Inventory and Preservation Plan, prepared by Jackson Arboriculture, dated June 27, 2024

EIS Technical Comments:

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- It is noted that the EIS does not provide field notes or data of the surveys that were completed, this information is requested.
- The EIS does not contain the approved Terms of Reference from the Town, NPCA or Region, this information is requested to be added. This was requested in an email to the Town's development planner on May 7th, 2025.
- It is unclear to environmental planning staff if a HDF assessment was completed per the TRCA HDF protocol (2013)? This is a usual step to justify the relocation and realignment of a watercourse.
- The Significant Wildlife habitat screening has not been completed appropriately, this is normally done using a chart format and going through each classification.
- Environmental planning staff disagree with the conclusion of the author that the site does not contain bat maternity habitat, per the Eco-Region 7e schedules, Big Brown Bat is listed as a species that should be considered in evaluating this habitat. There is no discussion of any of the trees on the subject lands that may be potential snag trees providing habitat. "Maternity colonies can be found in tree cavities, vegetation and often in buildings xxii, xxv, xxvi, xxvii, xxxi (buildings are not considered to be SWH). • Maternity roosts are not found in caves and mines in Ontario xx."

Tree Inventory and Preservation Plan - Technical Comments:

- It would appear that the applicant provided the wrong document as this is a quotation vs. an Arborist report that was requested to determine the trees and compensation requirements for removals as this application is subject to the Town's tree by-law 53-2025. I will reiterate that this work needs to be completed regardless of if the proposal is to remove all of the trees on site.

FSR & Site Plan - Technical Comments:

- Further work is to be provided by the EIS to support the proposed plan(s) as there are concerns for Significant Wildlife Habitat.

Regards,

Jessica Abrahamse M.E.S.

Senior Environmental Planner

Town of Fort Erie

Planning and Development Services

1 Municipal Centre Drive, Fort Erie, ON L2A 2S6

p: 905-871-1600 ext. 2510

forterie.ca | jabrahamse@forterie.ca



Appendix 3



Outlook

Re: Request for comments - proposed combined Official Plan Amendment and Zoning By-law Amendment for 848 Garrison Road (file OPA-06-2025 & ZBA-15-2025)

From Jessica Goodings <JGoodings@forterie.ca>

Date Fri 2025-10-03 9:13 AM

To Daryl Vander Veen <DVanderVeen@forterie.ca>

Good Afternoon Daryl,

Thank you for providing the opportunity to review the proposed official plan and zoning bylaw amendments for 848 Garrison Rd.

At this time the fire department has no comments or concerns relating to the proposed amendments. Any concerns we have will be brought forward at the pre-consultation phase for the development.

Thank you and kind regards,

Jessica Goodings

Senior Fire Prevention Officer

Town of Fort Erie

Fire Department

1 Municipal Centre Drive, Fort Erie, ON L2A 2S6

p: 905-871-1600 ext. 2605 | c: 289-321-0019

[forterie.ca](https://www.forterie.ca) | jgoodings@forterie.ca



From: Daryl Vander Veen <DVanderVeen@forterie.ca>

Sent: Thursday, September 25, 2025 3:31 PM

Subject: Request for comments - proposed combined Official Plan Amendment and Zoning By-law Amendment for 848 Garrison Road (file OPA-06-2025 & ZBA-15-2025)

Good afternoon,

The Town of Fort Erie has received applications for an Official Plan Amendment and a Zoning By-law Amendment for 848 Garrison Road. The subject lands are located on the north side of Garrison Road east of Alliston Avenue in the Spears-High Pointe neighbourhood of the Town of Fort Erie. Notably, the subject lands are the site of an existing dwelling with heritage value, the General Cruikshank house. The Applicants are NPG Planning Solutions Ltd. on behalf of the Owner, 2723005 Ontario Inc.

Appendix 3



RE: Request for comments - proposed combined Official Plan Amendment and Zoning By-law Amendment for 848 Garrison Road (file OPA-06-2025 & ZBA-15-2025)

From Sidin, Alex <Alex.Sidin@cnpower.com>

Date Fri 2025-09-26 11:29 AM

To Daryl Vander Veen <DVanderVeen@forterie.ca>

You don't often get email from alex.sidin@cnpower.com. [Learn why this is important](#)

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Hi Daryl.

Owner to approach CNP with electrical requirements prior to construction. No concerns from Canadian Niagara Power.

Thanks,
Alex.

From: Daryl Vander Veen <DVanderVeen@forterie.ca>

Sent: September 25, 2025 3:31 PM

Subject: Request for comments - proposed combined Official Plan Amendment and Zoning By-law Amendment for 848 Garrison Road (file OPA-06-2025 & ZBA-15-2025)

WARNING: This email originated from outside of FortisOntario. Pause and look for any **RED FLAGS** or signs of phishing.

If this is a suspicious email, **before you delete it** use the "Phish Alert Report" in Outlook or log a helpdesk ticket.

Good afternoon,

The Town of Fort Erie has received applications for an Official Plan Amendment and a Zoning By-law Amendment for 848 Garrison Road. The subject lands are located on the north side of Garrison Road east of Alliston Avenue in the Spears-High Pointe neighbourhood of the Town of Fort Erie. Notably, the subject lands are the site of an existing dwelling with heritage value, the General Cruikshank house. The Applicants are NPG Planning Solutions Ltd. on behalf of the Owner, 2723005 Ontario Inc.

The Applicant is proposing a development with a 2-storey proposed restaurant and commercial building, a 2-storey building with commercial uses on the ground floor (a proposed clinic/pharmacy) and residential dwellings on the second floor (8 dwelling units total), and two 5-storey apartment buildings that each have 56 dwelling units. According to the Applicant's site plan, 292 parking spaces are proposed as part of the development proposal. The proposed residential density of the site is approximately 59.11 units per hectare. The Cruikshank House is proposed to remain, with potential for adaptive re-use for commercial purposes such as office or commercial uses.

Appendix 3



Outlook

Re: Request for comments - proposed combined Official Plan Amendment and Zoning By-law Amendment for 848 Garrison Road (file OPA-06-2025 & ZBA-15-2025)

From Mike Embleton <mike.embleton@cogeco.com>

Date Wed 2025-10-01 8:01 AM

To Daryl Vander Veen <DVanderVeen@forterie.ca>

 External Email Warning:

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Good morning Daryl,

Cogeco has no comment.

Thank you,

Mike Embleton

Network Delivery Coordinator
7170 McLeod Rd, Niagara Falls ON, L2H 3H2
C 905-246-8621



Join the conversation

#cogecommunity



On Thu, Sep 25, 2025 at 3:31 PM Daryl Vander Veen <DVanderVeen@forterie.ca> wrote:

Good afternoon,

The Town of Fort Erie has received applications for an Official Plan Amendment and a Zoning By-law Amendment for 848 Garrison Road. The subject lands are located on the north side of Garrison Road east of Alliston Avenue in the Spears-High Pointe neighbourhood of the Town of Fort Erie. Notably, the subject lands are the site of an existing dwelling with heritage value, the General Cruikshank house. The Applicants are NPG Planning Solutions Ltd. on behalf of the Owner, 2723005 Ontario Inc.

The Applicant is proposing a development with a 2-storey proposed restaurant and commercial building, a 2-storey building with commercial uses on the ground floor (a proposed clinic/pharmacy) and residential dwellings on the second floor (8 dwelling units total), and two 5-storey apartment buildings that each have 56 dwelling units. According to the Applicant's site plan, 292 parking spaces are proposed as part of the development proposal. The proposed residential density of the site is approximately 59.11 units per hectare. The

Appendix 3



Outlook

RE: Request for comments - proposed combined Official Plan Amendment and Zoning By-law Amendment for 848 Garrison Road (file OPA-06-2025 & ZBA-15-2025)

From Municipal Planning <MunicipalPlanning@enbridge.com>

Date Fri 2025-10-03 4:07 PM

To Daryl Vander Veen <DVanderVeen@forterie.ca>

⚠ External Email Warning:

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Thank you for your circulation.

Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions. This response does not signify an approval for the site/development.

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Regards,

Willie Cornelio CET (he/him)

Sr Analyst, Municipal Planning

Engineering

ENBRIDGE

TEL: 416-495-6411

500 Consumers Rd, North York, ON M2J1P8

enbridge.com

Safety. Integrity. Respect. Inclusion.

From: Daryl Vander Veen <DVanderVeen@forterie.ca>

Sent: Thursday, September 25, 2025 3:31 PM

Subject: [External] Request for comments - proposed combined Official Plan Amendment and Zoning By-law Amendment for 848 Garrison Road (file OPA-06-2025 & ZBA-15-2025)

CAUTION! EXTERNAL SENDER

Were you expecting this email? TAKE A CLOSER LOOK. Is the sender legitimate? DO NOT click links or open attachments unless you are 100% sure that the email is safe.

This email was sent from DVanderVeen@forterie.ca.

Good afternoon,

Appendix 3

October 22, 2025

Project Name: 848 Garrison Road, Fort Erie
DOCA Project Number: 2024-0135
Proponent: 2723005 Ontario Inc,
Project Location: 848 Garrison Road, Fort Erie

Dear Samantha Yeung,

This letter is to confirm receipt of the project-related correspondence sent by the Town Fort Erie, on September 25, 2025, regarding 848 Garrison Road, Fort Erie.

The Mississaugas of the Credit First Nation (MCFN) are the Treaty Holders of the land on which the project will take place – specifically, the Mississaugas Treaty at Niagara of 1781. The MCFN holds Indigenous and Treaty Rights specific to the project location and its environs, which may be adversely impacted by it. The Department of Consultation and Accommodation (DOCA) is designated by the MCFN to handle consultation matters on its behalf.

The DOCA consultation team has reviewed the project-related correspondence identified above, in addition to any associated documentation. The following DOCA Units have completed a review and their questions and comments have been included below.

Archaeology Unit

Primary Reviewer: **Adrian Blake, MCFN DOCA- Archaeologist**

Questions and Comments- *After reviewing the Stage 1 & 2 archaeological reports, MCFN DOCA has no comments or concerns at this time. Please note that for any future projects involving development on MCFN Treaty Lands, MCFN must be notified early in the project planning process. This ensures that MCFN DOCA can work collaboratively with the proponent to meet their obligations under the Duty to Consult and Accommodate.*

Environment Unit

Primary Reviewer: **Lindsay Wong, MCFN DOCA- Manager of Environment**

Questions and Comments- *I'm concerned about this application because of the impacts of a previous subdivision on 848 Garrison. It appears that the Alliston Woods subdivision has had substantial impacts on water flows to 848 Garrison. The report suggests that the alteration / reduction of the catchment area has led to even less flow to the eastern watercourse. I'm not clear if the Town of Fort Erie has done enough to ensure that natural features remain as intact as possible. If developments are permitted to have significant impacts on surrounding properties, then the planning process has not led to sustainable practices. If Alliston Woods subdivision hadn't been built or had been built in a more*

Appendix 3

sustainable way, then the eastern watercourse at 848 Garrison could've been viable fish habitat. Now we're relying on the word of a consultant that the eastern watercourse is not viable fish habitat and thus can be destroyed or altered in any way the developer likes. Mississaugas of the Credit would really like to see Fort Erie do more to ensure that their development practices are as protective of the natural environment as possible.

Heritage and Culture Unit

Primary Reviewer: **Darin Wybenga, MCFN DOCA- Acting Manager of Culture**

Questions and Comments- *I have had the opportunity to review the Heritage Impact Assessment Report for 848 Garrison Road, Fort Erie prepared by NPG Planning Solutions and dated February 26, 2025. The purpose of the report is to evaluate potential impacts of proposed commercial development to the Cultural Heritage Value of a farmhouse formerly owned by Brigadier Ernest Cruikshank, a person of Nation Historic Significant Interest. The report anticipates no direct negative impacts to the Cultural Heritage Value of the property.*

From the First Nation's perspective, an inclusion of a brief paragraph describing Indigenous land use and treaty history related to the property would add to the completeness of the report. While it is recognized that the report's primary focus is the built heritage on the property, authors are encouraged to acknowledge, even briefly, the Indigenous presence on the land before the arrival of settlers. A simple land acknowledgement at the beginning of the report would not have been remiss.

Until the questions, concerns, and/or interests identified in this letter have been satisfactorily addressed, the project must not receive approval or proceed with any ground-altering activities. We request a response to our feedback within two to three weeks' time.

DOCA expects to be notified of any and all future project updates and/or changes.

If you have any questions for the DOCA consultation team, please feel free to contact us.

Thank you,



Abby (LaForme) Lee
Consultation Coordinator
Department of Consultation and Accommodation
Phone: 905-768-4260
Email: abby.laforme@mncfn.ca

Appendix 3

CC:

Megan DeVries, MCFN DOCA- Manager of Consultations, megan.devries@mncfn.ca

Adrian Blake, MCFN DOCA- Archaeologist, Adrian.Blake@mncfn.ca

Lindsay Wong, MCFN DOCA- Manager of Environment, Lindsay.Wong@mncfn.ca

Darin Wybenga, MCFN DOCA- Acting Manager of Culture, Darin.Wybenga@mncfn.ca

Via Email Only

October 15, 2025

Daryl Vander Veen
Intermediate Development Planner
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Regional File Numbers: PLOPA202502122 & PLZBA202502123
LAM File Numbers: OPA-06-2025 & ZBA-15-2025

Dear Mr. Vander Veen:

Re: Regional Comments
Application Type: Official Plan Amendment and Zoning By-law Amendment
Applicant: NPG Planning Solutions Inc. (Owner – 2723005 Ontario Inc.)
848 Garrison Road
Town of Fort Erie

Staff of the Regional Public Works Infrastructure Planning and Development Division have reviewed the Official Plan Amendment (OPA) and Zoning By-Law Amendment (ZBA) applications as circulated by the Town of Fort Erie on September 25, 2025. The OPA and ZBA applications propose to facilitate the development of commercial and residential buildings. The applications propose to redesignate the subject property from Low Density Residential with an Environmental Conservation Area Overlay to Core Mixed Use designation.

Planning Act Changes

Staff advise pursuant to the *Planning Act*, as of March 31, 2025, Niagara Region is an upper-tier municipality without planning responsibilities. The council of an upper-tier municipality, on conditions agreed upon with the council of a lower-tier municipality, may provide advice and assistance to lower-tier municipalities in respect of planning matters generally. Niagara Region has not entered into a Planning Services Agreement (PSA) with the Town of Fort Erie to continue providing planning support and advice to the Town.

Through Bill 23 changes to the Planning Act, the *Niagara Official Plan, 2022* (NOP) is effectively an official plan of the Town of Fort Erie, which remains in effect until the Town revokes or amends it to provide otherwise. The Town should be satisfied that the application conforms to the NOP.

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Staff further notes that Regional staff continue to be involved in reviewing development applications related to Regional infrastructure and waste collection in accordance with the Memorandum of Understanding (MOU) for Engineering Services between the Region and the Town.

Noise and Air Quality Impacts

The subject development is located next to the Region's Alliston Sewage Pumping Station (SPS). Given that the Town did not enter a PSA with the Region for continued planning review, the Town is responsible for ensuring that potential noise and air quality impacts are properly assessed and appropriately mitigated in accordance with applicable Provincial and Niagara Official Plan policies and guidelines.

Accordingly, Regional staff strongly recommend that the noise and air quality studies for the application be peer reviewed. It is noted that NPC-300 stationary sources need to be able to maintain compliance with the legal requirements of Ministry, Environment, Conservation and Parks (MECP) approval, when the development of new noise sensitive land uses are introduced in their proximity. Best practice is for any required mitigation measures to be located on the subject lands (and not the SPS lands).

Furthermore, the future Site Plan Agreement should at minimum include a warning clause advising prospective purchasers of potential noise and odour impacts from the operation of the SPS and stating that the Owner agrees to include the required warning clause in all future Agreements of Purchase and Sale or Lease. Regional staff will provide specific wording for the warning clause when future development applications are circulated for review.

Servicing

Regional Infrastructure

There is a 400 mm diameter Regional watermain on Garrison Road at the subject property. Regional infrastructure is not to be damaged or disturbed by any future construction works for the proposed development.

Functional Servicing Review (FSR)

Regional staff have reviewed the submitted Functional Servicing Design Brief (prepared by Hallex Engineering and dated February 3, 2025) and offer the following comments:

- An infiltration allowance of 0.280 L/ha/s is used, instead of Regional standard of 0.286 L/ha/s and should be revised.
- An average daily per capita flow of 320 L/cap/d is used, instead of the Regional standard of 255 L/cap/day for residential and 310 L/cap/day for business. This should be revised.
- The FSR is to be updated to assess the capacity of the Alliston Sewage Pumping Station (SPS) capacity have been reviewed.

Appendix 3

Sewer Use By-Law

Niagara Region has a Sewer Use By-Law that requires the owner / occupant of commercial, institutional or industrial premises to install and maintain a suitable maintenance access (manhole) at each sanitary connection to allow observation, sampling and flow measurement of sewage effluent from the development. Each maintenance access point must be located entirely on the property of the owner, as close to the property line as possible.

The full requirements of the Region's Sewer Use By-Law are available online:

<https://www.niagararegion.ca/living/sewage/sewage-bylaw.aspx>

Regional Road

Road Allowance

The subject property has frontage along Regional Road 3 (Garrison Road). The existing right-of-way satisfies Regional requirements.

Road Use Permits

The applicant is responsible for obtaining any applicable Regional Road Use Permits:

- Construction Encroachment Permit – needed for any construction work to be completed on or below the Regional Road allowance
- Entrance Permit – needed for any private road entranceway, driveway, gate or facility constructed as a means of access to a Regional Road
- Sign Permit – needed for placing any sign, notice or advertisement within 20 metres of the centreline of Regional Road.
- Road Occupancy Permit – needed for any item that will be installed and remain on a Regional Road allowance for a period of time.

Permit applications can be made through the following link:

<https://www.niagararegion.ca/living/roads/permits/>

Restorations within the Regional right-of-way are to be to Niagara Region standards:

<https://www.niagararegion.ca/living/roads/permits/construction-encroachment-specifications.aspx>

An Issued for Construction (IFC) drawing set must be submitted with any construction encroachment permit application, in addition to any previously submitted drawings.

Protection of Survey Evidence

Survey evidence adjacent to Regional Road allowances is not to be damaged or removed during the development of the property. Any development agreements entered should include a clause requiring for the applicant to obtain a certificate from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of the development.

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Transportation

Transportation Study

Regional staff have reviewed the submitted Transportation Impact Study (TIS) (prepared by Paradigm Transportation Solutions and dated July 2025) and offer the following comments:

- The TIS recommends removing the raised curb median on Garrison Road west of the 'Site Driveway 2'. The eastbound left-turn queues are not shown to reach this median. Regional staff do not support removing this median, and note it was installed as an outcome of a Town/Region streetscaping project. Please revise the TIS to remove the recommendation.

The revised TIS, removing the reference as noted above, is to be submitted to the Region at Site Plan.

Engineering Drawings

Regional staff have reviewed the submitted Site Plan (prepared by Jason Pizzicarola Design and dated February 27, 2025) and offer the following comments:

- Catch basins shall not be placed within the intersection, or the radius of the intersection, as currently shown at 'Site Driveway 2'. The catch basin shown within 'Site Driveway 2' is to be relocated.

Detailed civil engineering plans will be required at Site Plan, and are to address the above.

Stormwater Management

A detailed stormwater management (SWM) plan is required to be submitted at the time of Site Plan or Draft Plan stage to address the following:

- The post-development flow to Garrison Road (Regional Road 3) must not exceed the pre-development level during all design storms (i.e., the 2-year up to and including the 100-year storm). Note that the 2-year and 100-year storm flows must be analyzed and documented in the submission.
- Given the proximity to the site to the Kraft Drain Welland – a Provincially Significant Wetland, the development must provide an Enhanced Level of water quality treatment prior to discharge from the site.
- The SWM Plan must incorporate Low Impact Development practices to mitigate the effects of urbanization and reduce the impact on the downstream receiver.

Waste Collection

Niagara Region provides curbside waste collection services for developments that satisfy its Procedure for Requirements for Waste Collection. The proposed development may be eligible to receive Regional collection provided that the owners/tenants bring the waste to the curbside on their designated pick-up day, and that the following limits are not exceeded:

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Multi-Residential

- Green – no limit (weekly collection)
- Waste – 2 bags/cans per unit to a max. of 24 bags/cans per building (bi-weekly collection)

Industrial, Commercial, Institutional

- Green – 8 green carts (weekly collection)
- Waste – 8 bags/cans (bi-weekly collection)

Regional staff have reviewed the submitted site plan (SP-1) and acknowledge that the development is proposing to utilize in-ground waste containers and a garbage room. The applicant is advised that this method of waste storage is not eligible for Regional collection, and waste collection for the subject property will be the responsibility of the owner through a private waste collection and not the Niagara Region.

Circular Materials Ontario is responsible for the delivery of residential blue and grey box recycling collection services, and related information can be found at the following link: <https://www.circularmaterials.ca/resident-communities/niagara-region/>

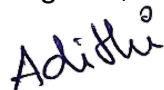
Conclusion

Regional Infrastructure Planning and Development staff provides the above comments pursuant to the MOU for engineering services for the Town's consideration and subject to the Town's review of the noise and air quality studies to ensure that they are in accordance with applicable Provincial and NOP policies and guidelines.

Please be advised that through changes to the Planning Act, the NOP is effectively an official plan of the Town of Fort Erie, which remains in effect until the Town revokes or amends it to provide otherwise. As such, Town staff should be satisfied that the application conforms to NOP policies.

Please send copies of the staff report and notice of the Town's decision on these applications. If you have any questions related to the above comments, please contact me at Adithi.Luckyreddy@niagararegion.ca

Regards,



Adithi Lucky Reddy
Development Planner

cc: Jessica Fajta, Development Approvals Technician
Josh Wilson, P.Eng., Manager, Development Engineering
Pat Busnello, MCIP, RPP, Manager, Development Planning.

Appendix 3



NPCA Response - OPA/ZBA 848 Garrison Road

From Taran Lennard <tlennard@npca.ca>

Date Thu 2026-03-26 10:35 AM

To Daryl Vander Veen <DVanderVeen@forterie.ca>

 External Email Warning:

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Hi Daryl,

First, there may be reasonable grounds to believe an offence has occurred within the NPCA's regulated features. Officer Sean Callaghan of our Office has completed a drive-by review of this property and has concerns on this matter. The applicant must connect with Officer Callaghan of our Office at their earliest availability to discuss. Officer Callaghan can be reached via email at: scallaghan@npca.ca

Respecting our Planning comments: We recognize and appreciate the progress to date which includes incorporating the watercourses within the site plans. This has allowed us to proceed further on our review of the application. A few points of clarity remain from our original email of October 15, 2025 that we will need addressed at this stage, prior to proceeding to detailed design.

In support of this revised application, the NPCA has reviewed the:

- Revised Site Plan as prepared by Jason Pizzicarola Design & Architects Inc (dated Dec 1, 2025)
- FSR & SWM Reports, as prepared by Hallex Engineering Ltd (dated Feb 3 2025)
- EIS and EIS Comment response both as prepared by Myler Ecological Consulting (dated Aug 8, 2025 and Nov 14, 2025 respectively)
- Please clarify on the plans, the setback distances from the top of bank of the newly realigned watercourses to show its new blocks.
 - We recognize the need for realignment of the watercourses, to which the NPCA can in principle be supportive. However, the realigned channel block still needs to be sized appropriately to convey the 100 year flows. Please provide a calculation or report to support this. In our October 15th response, it is noted that Natural Channel Design Principles will need to be used on the new channel. While the overall specifics on the Principle will be for future applications at detailed design, the NPCA needs to be satisfied at a high level that it can be achieved and 100-year peak flows will be contained within the new channel block. As such, certain high-level calculations will be required now. This can be achieved through a Hydraulic Analysis or similar FSR/SWM Report or Memo that confirms no negative impacts to the 100 year flows within a new channel.
 - Ensure that the culverts at the driveway and Garrison Rd are also sized appropriately to convey the peak 100-year flows. If new or replacement culverts are proposed, the specifics will be addressed at details design and works permits. Please provide clarity to ensure that appropriately sized culverts will be used for conveyance of flows.
 - Watercourses should be within their own block (or similar protective area) and zoned an appropriate Environmental Protection, Conservation, or similar Municipal Zone category that protects the feature. Clarity / drawing revisions should show this update.

Appendix 3

- We are supportive of a reduced buffer for the channel provided the block is sized correctly to convey 100 year flows.

Should clarity be provided on the above with appropriate principles used in the design of the realigned channels, the NPCA will likely soon be in a position to move forward with support, provided any possible Enforcement Matters are addressed to the satisfaction of NPCA.

As a kind note for future detailed design and works permits (not required at this time), the applicant should simply be aware of the following:

- Final details to natural channel design used on the realigned channels.
 - Restoration and Monitoring Plan included.
 - Erosion and Sediment Control Plan(s)
 - Grading, Staging and Sequencing Plans
- Culvert design details for the driveway and any manipulations to the existing headwall at Garrison Rd.
- Any other details as requested by NPCA at the time of a works permit.

Thank you.



Taran Lennard
Watershed Planner II

Niagara Peninsula Conservation Authority (NPCA)
3350 Merrittville Highway | Unit 9 | Thorold, ON L2V 4Y6

905.788.3135 ext. 277

www.npca.ca

tlennard@npca.ca

For more information on Permits & Planning, please go to the Permits & Planning webpage at <https://npca.ca/administration/permits>.

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

To send NPCA staff information regarding a potential violation of Ontario Regulation 41/24 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>

From: Daryl Vander Veen <DVanderVeen@forterie.ca>

Sent: March 12, 2026 5:53 PM

To: Taran Lennard <tlennard@npca.ca>

Cc: Kartiki Sharma <ksharma@npca.ca>

Subject: Re: Revised submission - combined Official Plan Amendment and Zoning By-law Amendment for 848 Garrison Road

Hello Taran and Kartiki,

Just circling back to this application since we are looking to hold the public meeting for it in April. If you can let me know if you have any additional comments by Thursday, March 26, 2026, it would be greatly appreciated.

We have a new file system that is somewhat half baked right now, so let me know if you have any problems accessing these files: 📁 [848 Garrison Road](#)

Appendix 3



RE: Revised submission - combined Official Plan Amendment and Zoning By-law Amendment for 848 Garrison Road

From Taran Lennard <tlennard@npca.ca>
Date Tue 2025-12-16 8:23 AM
To Daryl Vander Veen <DVanderVeen@forterie.ca>
Cc Kartiki Sharma <ksharma@npca.ca>

 External Email Warning:

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Hi Daryl,

I had spoken with Aaron at NPG about this file as well shortly after the comment submission. We had a good conversation about the site and what we needed to see. It does appear that the features have now been included so we can deem this file complete.

As a friendly heads up, I am out of the Office starting this afternoon and returning on January 5th. We have a number of other Staff holidays starting next week as well as you can imagine. We will still like to see the formal circulation so we can review the reports, but I won't be able to provide you comments until the New Year. Still circulate me once you are ready to do so, but I simply may need a bit more time.

Thank you. Have a great holiday. Looking forward to continuing to work with you and your Staff at the Town in 2026.



Taran Lennard
Watershed Planner II

Niagara Peninsula Conservation Authority (NPCA)
3350 Merrittville Highway | Unit 9 | Thorold, ON L2V 4Y6

905.788.3135 ext. 277

www.npca.ca

tlennard@npca.ca

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To send NPCA staff information regarding a potential violation of Ontario Regulation 41/24 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>

Appendix 3

From: Daryl Vander Veen <DVanderVeen@forterie.ca>

Sent: December 12, 2025 2:15 PM

To: Taran Lennard <tlennard@npca.ca>

Cc: Kartiki Sharma <ksharma@npca.ca>

Subject: Fw: Revised submission - combined Official Plan Amendment and Zoning By-law Amendment for 848 Garrison Road

Hello Taran,

We have recieved a revised submission for 848 Garrison Road. Can you please take a look at the attached and let me know if it addresses NPCA concerns? We are looking to determine if the application is adequate to be deemed complete. Thanks!

Regards,

Daryl

Daryl Vander Veen
Intermediate Development Planner
Planning & Development Services
Town of Fort Erie

1 Municipal Centre Drive
Fort Erie, Ontario L2A 2S6

(905) 871-1600 ext. 2509
dvanderveen@forterie.ca

From: Max Fedchyshak <mfedchyshak@npgsolutions.ca>

Sent: December 10, 2025 9:04 AM

To: Daryl Vander Veen <DVanderVeen@forterie.ca>

Cc: Aaron Butler <abutler@npgsolutions.ca>; Mark Iamarino <MIamarino@forterie.ca>; Konstantinos Kentros <kkentros@serottelaw.com>; Anthony Infurna <ainfurna@hallex.ca>; Devon Morton <DMorton@forterie.ca>

Subject: RE: Notice of incomplete application - combined Official Plan Amendment and Zoning By-law Amendment for 848 Garrison Road

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Hi Daryl,

As discussed yesterday, the materials needed to circulate to the NPCA and Town Environmental department are attached to this email. Can you please confirm when they are circulated and if you have any comments and concerns.

As also discussed we are still waiting on the fee confirmation from you to pay the peer review fee.

We would like to get this deemed complete ASAP so we can proceed with having the Open House and Public Meeting scheduled early in the new year. Thanks!

[Max Fedchyshak, MCIP, RPP](#)

Appendix 3



Outlook

NPCA Review: Official Plan Amendment and Zoning By-law Amendment for 848 Garrison Road

From Taran Lennard <tlennard@npca.ca>

Date Wed 2025-10-15 2:13 PM

To Daryl Vander Veen <DVanderVeen@forterie.ca>

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Hi Daryl,

The NPCA has reviewed the provided information associated with this first circulation for OPA-06-2025 and ZBA-15-2025.

The NPCA is not yet in a position to express support of this application.

Our Agency has reviewed the Functional Servicing Report as prepared by Hallex Engineering (dated Feb 3, 2025), and the Environmental Impact Study as prepared by Myler Ecological Consulting (dated August 8, 2025). We offer the following:

- As confirmed by NPCA Staff through a site visit, two watercourses have been confirmed on site. Drawing CSK2, the Post Development Catchment Area Plan, show these two watercourses present.
 - In principle, the NPCA can support the realignment of these two watercourses provided principles of natural channel design are incorporated into the realignment and that the channel blocks are sized appropriately to convey the 100-year flows.
- Through the incorporation of the two watercourses, the applicant shall be aware that the watercourse buffer shall not cross property boundaries and will need to be kept within this property.
 - A discussion on NPCA Policy 9.2.3.2 for watercourse realignments shall also be included which justifies the need to realign. This discussion should also include a demonstration of no negative impacts to the hydrologic function, specifically in relation to flooding and erosion around natural hazards.

The NPCA has reviewed the proposed Site Plan by Jason Pizzicarola Design (dated Feb 27, 2025) and the Landscape Plan by James McWilliam Landscape Architecture (dated February 2025) and notes that the watercourse channels are absent from both plans. The NPCA will require that the realigned watercourses be shown on all plans and include the appropriate zoning to protect these watercourses. The NPCA will note that the westernmost feature drains the subdivision to the rear and must remain present.

While certain elements can be focused to detailed design, the appropriate sizing of the channel blocks and justification shall be provided at this present time. Applicable zoning categories will also need to be placed over the watercourses.

Thank you.



Taran Lennard
Watershed Planner II

Niagara Peninsula Conservation Authority (NPCA)

Appendix 3

3350 Merrittville Highway | Unit 9 | Thorold, ON L2V 4Y6

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For more information on Permits & Planning, please go to the Permits & Planning webpage at <https://npca.ca/administration/permits>.

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

To send NPCA staff information regarding a potential violation of Ontario Regulation 41/24 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>

From: Daryl Vander Veen <DVanderVeen@forterie.ca>

Sent: September 25, 2025 3:31 PM

Subject: Request for comments - proposed combined Official Plan Amendment and Zoning By-law Amendment for 848 Garrison Road (file OPA-06-2025 & ZBA-15-2025)

Good afternoon,

The Town of Fort Erie has received applications for an Official Plan Amendment and a Zoning By-law Amendment for 848 Garrison Road. The subject lands are located on the north side of Garrison Road east of Alliston Avenue in the Spears-High Pointe neighbourhood of the Town of Fort Erie. Notably, the subject lands are the site of an existing dwelling with heritage value, the General Cruikshank house. The Applicants are NPG Planning Solutions Ltd. on behalf of the Owner, 2723005 Ontario Inc.

The Applicant is proposing a development with a 2-storey proposed restaurant and commercial building, a 2-storey building with commercial uses on the ground floor (a proposed clinic/pharmacy) and residential dwellings on the second floor (8 dwelling units total), and two 5-storey apartment buildings that each have 56 dwelling units. According to the Applicant's site plan, 292 parking spaces are proposed as part of the development proposal. The proposed residential density of the site is approximately 59.11 units per hectare. The Cruikshank House is proposed to remain, with potential for adaptive re-use for commercial purposes such as office or commercial uses.

The subject lands are currently designated Low Density Residential and Environmental Conservation Area (Overlay) in the Spears-High Pointe Secondary Plan in the Town's Official Plan. An Official Plan Amendment is required as the current land use designation only permits low density residential uses such as single detached, semi-detached or duplex dwellings. The Applicant is proposing to change the land use designation to Core Mixed Use and a Site Specific Policy Area (SSPA) to permit the proposed development. The SSPA proposes special policies to permit an increased maximum density of 60 units per hectare, a maximum building height of 5 storeys and to permit development on the same site as the Cruikshank House.

The subject lands are currently zoned Neighbourhood Development (ND) Zone and Environmental Conservation (EC) Overlay Zone in accordance with the Town's Comprehensive Zoning By-law No. 129-90. A Zoning By-law Amendment is required as the ND Zone only permits existing single detached dwellings. The Applicant is proposing to change the zoning to a

Appendix 3



Fw: Comments 848 Garrison Road

From Anamika Dilwaria <ADilwaria@forterie.ca>

Date Tue 2026-03-24 2:15 PM

To Daryl Vander Veen <DVanderVeen@forterie.ca>; Mark Iamarino <MIamarino@forterie.ca>

Hi Daryl,

Included below is an email from Dan Andrews regarding 848 Garrison Road. Please ensure to include the comments in the public comments section of your report.

Anamika Dilwaria, M.A, M.Pl, MCIP, RPP, Dipl.M.M
Director, Planning, Building and By-law Services

Town of Fort Erie
Planning, Building and By-law Services
1 Municipal Centre Drive, Fort Erie, ON L2A 2S6
p: 905-871-1600 ext. 2500

forterie.ca | adilwaria@forterie.ca



From: Dan Andrews [REDACTED]

Sent: March 24, 2026 1:38 PM

To: Wayne Redekop <wredkop@forterie.ca>

Cc: Mayor and Council <council@forterie.ca>; Anamika Dilwaria <ADilwaria@forterie.ca>

Subject: Re: Council Chambers foreign symbolism

You don't often get email from wildniagara@gmail.com. [Learn why this is important](#)

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Sorry for the mix up Mayor Wayne. My comment were meant for the 848 Garrison Rd property as it was on Councils agenda. I already added comment on 825 Garrison when it was before council. My apologies for the confusion.

Sincerely
Dan Andrews

Only dead fish go with the flow.

On Tue, Mar 24, 2026, 1:10 p.m. Wayne Redekop <wredekop@forterie.ca> wrote:

Thank you for your message, Dan.

The Ukrainian flag is properly staffed, with the blue on top.

To my knowledge, there is no plaque on the sidewalk outside 825 Garrison Road. There is one outside 848 Garrison Road, the Cruikshank homestead. It is historically designated as the home of Brigadier-General Ernest Alexander Cruickshank, first chair of the Historic Sites and Monuments Board of Canada and a former Reeve of the village of Fort Erie.

To ensure that your comments regarding 825 Garrison are on record, I have copied your message to the Planning Director.

Wayne

From: Dan Andrews [REDACTED]
Sent: March 23, 2026 19:37
To: Wayne Redekop <wredekop@forterie.ca>
Cc: Mayor and Council <council@forterie.ca>
Subject: Re: Council Chambers foreign symbolism

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Thank you Mayor Wayne

I am watching from home tonight and it appears as though the Ukranian flag behind the staff is being flown upsidedown at the moment. I'm not sure if that is intentional or not.

With that said I'd like to throw support behind the 825 Garrison Rd development. Hopefully drainage can be redirected away from the Kraft Drain or that drain can be cleaned and enhanced to offset all the development. The Beaver Creek restoration would be a wonderful example.

Also there may be a need to add charcoal scrubbers to the sanitary infrastructure there if people are going to be living next door. It's already hard to walk past in a hot summer day. The smell is overwhelming.

Appendix 3

I have no desire to save that historical building. I haven't been inside and have never seen an opportunity to. It's not a museum and the only interaction I've had was to stop and read a plaque out near the sidewalk. If there was a historical home that had belonged to my ancestors and it was doing nothing except replacing an opportunity to build high density housing during a housing crisis, I would be embarrassed to oppose that development.

I welcome almost all high density housing within the Urban boundary and will always let you know when I oppose it but unfortunately most people don't speak in favour when not opposed so I will take this moment to support this newest housing effort. Lastly it would be beneficial to open the road through into the super centre so we don't have to plug the Garrison with more signal crossings.

Sincerely
Dan Andrews

Only dead fish go with the flow.

On Wed, Mar 11, 2026, 10:08 p.m. Wayne Redekop <wredekop@forterie.ca> wrote:

I appreciate your comments, Dan. I don't agree with all of your analysis of the situation, but I also did not think that the war between Russia and Ukraine would drag on for over 4 years. I will discuss the matter with members of Council.

Wayne

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From: Dan Andrews [REDACTED]
Sent: Wednesday, March 11, 2026 7:20:33 PM
To: Mayor and Council <council@forterie.ca>
Subject: Council Chambers foreign symbolism

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Dan Andrews
[REDACTED]

Good evening,

I have a concern about the current setup in Council chambers. When I mistakenly showed up 2 weeks early for the 825 Garrison proposal and was instead treated to the Bob Gale presentation I was shocked by the state of council chambers. It's been nearly a decade since I last



Interoffice Memorandum

August 5th, 2026
File No. ZBA-15-2025

To: Daryl Vander Veen, Intermediate Development Planner

From: Taylor Boyle, Project Manager, Development Engineering

Subject: **Zoning By-Law Amendment – Revised Submission: 848 Garrison Road**

Town of Fort Erie Development Engineering Staff have reviewed the above noted application to address technical concerns related to the revised Zoning By-law Amendment submission for 848 Garrison Road.

The Applicant is proposing a development with:

- a 2-storey proposed restaurant and commercial building;
- a 2-storey building with commercial uses on the ground floor (a proposed clinic/pharmacy) and residential dwellings on the second floor (8 dwelling units total);
- two 5-storey apartment buildings that each have 56 dwelling units. According to the Applicant's site plan, 292 parking spaces are proposed as part of the development proposal.
- Cruikshank House is proposed to remain, with potential for adaptive re-use for commercial purposes such as office or commercial uses.

Town Staff have reviewed the following documentation for the purpose of this application:

- Revised Site Plan (SP-1), prepared by Jason Pizzicarola Design – Architects Inc., dated June 08, 2026; and
- DRAFT Functional Servicing Design Brief, prepared by Hallex Engineering Ltd., REV 2A dated July 31, 2026;

The following comments and conditions shall be addressed to the satisfaction of the Director of Infrastructure Services. These comments are provided on a preliminary basis and are without prejudice to any additional comments, modifications, or requirements that may be identified by the Town through the review of subsequent submissions.

Roads:

Garrison Road (RR 3) is designated as a Regional Road in accordance with the Town's current Official Plan. As such, the Town has no jurisdiction over Garrison Road, and any matters regarding right-of-way width or road condition are subject to review and comment by the Niagara Region.

Appendix 3

ZBA-15-2025

848 Garrison Road (RR3)
Development Engineering Comments

October 15, 2025

Alliston Avenue (Unassumed) is designated a LOCAL ROAD per the Town's current Official Plan. The designated road width is 20m. Its current width is sufficient and therefore no road widening will be required.

Linear Municipal Services

Watermains

Garrison Road

300mm dia. AV (TOFE) (north side of RR3)
400mm dia. AC (RMON) (south side of RR3)

The Owner shall have a suitably sized water distribution system designed by a qualified Professional Engineer to the Director of Infrastructure Services' satisfaction and in accordance with the Town's current standards and connected to the existing water distribution system from Parkdale Avenue. The Owner shall also make themselves familiar with the requirements of the Town's current Water Testing & Disinfection Criteria and ensure these requirements are met, prior to the Town authorizing connections to the existing water system. Fire Hydrants shall also be accommodated at the standard spacing requirements, and subject to review and approval by Town staff.

Sanitary

Garrison Road

250mm dia. PVC (TOFE) (north side of RR3)

- **The revised Functional Servicing Design Brief acknowledges the existing sanitary servicing capacity constraints associated with the Alliston Sewage Pumping Station and proposes that the development proceed in phases based on available sanitary servicing capacity. Development Engineering staff are supportive of a phased approach to development; however, the Functional Servicing Design Brief does not identify the proposed development phases, nor has a phasing plan been provided.**

While staff acknowledge that the proposed development remains conceptual at this stage of the planning process, additional information is required to identify the proposed development phases, including the number of dwelling units and associated sanitary flows within each phase. This information is necessary to determine the extent of development that may proceed initially and the remaining lands or development that may be subject to a Holding ("H") Provision until sufficient sanitary servicing capacity is demonstrated, to the satisfaction of the Director of Infrastructure Services.

- The Owner shall have an adequately sized sanitary sewer distribution system designed by a qualified Professional Engineer, to the satisfaction of the Director of Infrastructure Services and in accordance with the Town's current standards.
- The Owner shall also make themselves familiar with the requirements of the Town's current Sanitary Sewer Consolidated Linear Infrastructure license, and ensure these requirements are met, prior to the Town authorizing connections to the existing sewer system.

Appendix 3

ZBA-15-2025

848 Garrison Road (RR3)
Development Engineering Comments

October 15, 2025

Conditions for Sanitary Sewers:

- That the Owner submit a Proposed Phasing Plan, prepared by a qualified Professional Engineer, identifying the proposed development phases, the buildings and dwelling units within each phase, and the associated sanitary design flows. The phasing plan shall demonstrate how the proposed development will proceed based on available sanitary servicing capacity and shall be to the satisfaction of the Director of Infrastructure Services. The approved phasing plan shall form the basis for determining the extent of development that may proceed and any lands or development to be subject to a Holding ("H") Provision.
- The Functional Servicing Report shall be submitted for peer-review by the Town's Sanitary Sewer Consultant, GEI Consultants. The peer review shall include an assessment of the adequacy of the existing downstream system and provide recommendations, if required.

A HOLD provision may be applied and remain in place until such a time as any recommended improvements to rectify downstream capacity constraints, if identified, are implemented to the satisfaction of the Town, at the Owner's sole cost.

- That the applicant submit a Peer Review Fee to the Town in the amount of \$2,160.00.

Storm

Garrison Road

450mm dia. CONC (RMON) (west side of #848 Garrison)
750mm dia. RCP (TOFE) (east side of #848 Garrison)

- The Owner has submitted a Functional Servicing Report (FSR), prepared and certified by Hallex Engineering Ltd., REV 0 dated February 03, 2025, which includes a stormwater management strategy, in support of this Zoning By-law Amendment application.
- Town Development Engineering staff are committed to promoting the implementation of Low Impact Development (LID) and other green infrastructure measures in stormwater management design. In keeping with this objective, staff recommend that the Applicant explore opportunities to utilize the grassed boulevards within the parking area to provide both quality and quantity control benefits. Specifically, staff suggest that stormwater runoff from the paved surfaces be directed towards these landscaped areas, where feasible, to promote infiltration and initial treatment prior to entering the storm sewer system. Where grading permits, storm flows should be conveyed towards a centrally located catch basin within each landscaped island to facilitate controlled drainage and enhance overall stormwater performance.
- Staff note that a comprehensive and detailed Stormwater Management Report will be required at the future Site Plan Application stage to confirm the feasibility of the proposed 229 m³ storage volume and the outlet configuration to the existing 1800x1500mm culvert at Garrison Road. The final design shall demonstrate that sufficient capacity exists within the downstream municipal system and that major overland flow routes are adequately defined for storm events up to and including the 100-year event. The detailed submission shall include, at a minimum, stormwater management plans, pre- and post-development drainage area plans, and confirmation of

Appendix 3

ZBA-15-2025

848 Garrison Road (RR3)
Development Engineering Comments

October 15, 2025

compliance with the Town's current stormwater management design standards, the Niagara Region's Stormwater Management Guidelines (2022) and the MECP Stormwater Management Planning and Design Manual (2003).

- Staff note that a comprehensive and detailed Stormwater Management Report will be required at future Site Plan Application stage to confirm the feasibility of the proposed storage volume (229 m³) and the outlet configuration to the existing 1800x1500mm culvert at Garrison Road. The final design must demonstrate that sufficient capacity exists within the downstream municipal system and that major overland flow routes are adequately defined for events up to and including the 100-year storm. This report will also require stormwater management plans, pre and post drainage area plans etc...
- Town Development Engineering staff note that, as previously identified during the pre-consultation stage, the Consulting Engineer will be required to identify the existing storm drainage easement that conveys overland flows from the Alliston Woods Development to the Garrison Road storm sewer. The stormwater management design must ensure that post-development flows conveyed through this easement are controlled to pre-development rates, and that the easement is properly delineated and protected through the detailed design process. This matter shall be addressed as part of the future Site Plan Application and incorporated into the detailed Stormwater Management Plan, with registration of the required easement in favour of the Town to be completed prior to Site Plan Approval.

Transportation Impact Study

Town Development Engineering staff have reviewed the submitted Transportation Impact Study (TIS) prepared by Paradigm Transportation Solutions Limited, dated July 2025, in support of the Zoning By-law Amendment for 848 Garrison Road. The study was completed in accordance with the Niagara Region's Transportation Impact Assessment Guidelines (2023) and appropriately assesses existing, background, and total traffic conditions for the 2028 (build-out) and 2033 (five-year horizon) scenarios.

The TIS concludes that the proposed mixed-use development—comprising 120 residential units, 742 m² of medical office space, 1,327 m² of commercial space, and 1,338 m² of restaurant space—can be accommodated within the existing roadway network without significant operational impacts. All intersections within the study area, including the site's two proposed full-movement driveways to Garrison Road, are forecasted to operate at acceptable levels of service under both opening-year and five-year conditions. Minor storage exceedances are identified at the intersections of Thompson Road/Helena Street and Kraft Road with Garrison Road; however, these are not considered critical and can be accommodated within existing tapers. The report also recommends removal of the raised median west of Driveway 2 to allow eastbound left-turn ingress and minor internal site layout adjustments to improve throat length and circulation.

Town staff generally concur with the findings of the TIS at this stage and accept the conclusions in principle for the Zoning By-law Amendment. At the subsequent Site Plan Application stage, additional design-level detail will be required, including:

- Verification of the proposed driveway throat lengths and turning radii to ensure compliance with Town and Regional access management standards.

Appendix 3

ZBA-15-2025

848 Garrison Road (RR3)
Development Engineering Comments

October 15, 2025

- Confirmation from Niagara Region regarding the feasibility of median modification on Garrison Road and the need for any associated road occupancy or works permits.
- Updated trip generation analysis if the site layout, land use mix, or phasing differs from that assessed in the current TIS.

Please be advised that Lot Grading and Drainage Plan will be required at the future building permit application stage.

Development Engineering have no further comments or conditions to impose regarding the submitted Zoning By-Law Amendment applications, subject to the above conditions.

Regards,

A handwritten signature in black ink, appearing to read 'Taylor Boyle'.

Taylor Boyle – Project Manager, Development Engineering

c. Leo Ferreira, Manager of Engineering (email only)



Public Works Infrastructure Planning and Development Division

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

Via Email Only

August 7, 2026

Regional File Numbers: PLOPA202502122 & PLZBA202502123

Daryl Vander Veen
Intermediate Development Planner
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Dear Mr. Vander Veen:

Re: Updated Regional Comments – 2nd Submission
Application Type: Official Plan Amendment and Zoning By-law Amendment
Town Files: OPA-06-2025 & ZBA-15-2025
Applicant: NPG Planning Solutions Inc. (Owner: 2723005 Ontario Inc.)
848 Garrison Road
Town of Fort Erie

Staff of the Regional Infrastructure Planning and Development Division have reviewed the updated Functional Servicing Design Brief in the 2nd submission of Official Plan Amendment (OPA) and Zoning By-Law Amendment (ZBA) applications as circulated by the Town of Fort Erie on July 31, 2026. The OPA and ZBA applications propose to facilitate the development of commercial and residential buildings. The applications propose to redesignate the subject property from Low Density Residential with an Environmental Conservation Area Overlay to Core Mixed Use designation.

A pre-consultation meeting was held with the applicant on May 9, 2024, with Town and Regional staff in attendance. The Region had previously provided comments on October 15, 2025 (1st submission) and July 30, 2026 (2nd submission).

The following comments pertaining to Regional infrastructure, servicing and waste collection are Regional requirements that must be addressed in accordance with the Memorandum of Understanding (MOU) for Engineering Services between the Region and the Town.

Noise and Air Quality Impacts

Previous comments dated October 15, 2026 in response to the first submission remain applicable. Regional staff reiterate that the Town is responsible for ensuring that

Appendix 3

PLOPA202502122 & PLZBA202502123

August 7, 2026

potential noise and air quality impacts are properly assessed for compatibility with the Region's Alliston Road Sewage Pumping Station.

Regional Road

Road Allowance

Previous comments dated October 15, 2025, in response to the first submission remain applicable. Staff reiterate that the existing right-of-way satisfies Regional requirements.

Road Use Permits

Previous comments dated October 15, 2025, in response to the first submission remain applicable. Regional staff reiterate that the applicant is responsible for obtaining any applicable Regional road use permits.

Protection of Survey Evidence

Previous comments dated October 15, 2025, in response to the first submission remain applicable.

Servicing

Regional Infrastructure

Previous comments dated October 15, 2025, in response to the first submission remain applicable with respect to the Regional watermain on Garrison Road.

Functional Servicing Design Brief

Further to the comments dated July 30, 2026, Regional staff have reviewed the updated Functional Servicing Design Brief – New Sanitary and Water Services (prepared by Hallex Engineering Ltd., dated July 31, 2026) and provide the following comments with respect to the Regional Pumping Station.

- A section has been added to provide comments on the Alliston Sewage Pumping Station (SPS); however, the report only provides analysis based on the future upgrading of the station and that through future planning applications for the various phases of the development, further analysis of the available capacity will be completed. Based on the proposed development, the total peak wet weather flow from the entire development will be 5.549 L/sec.
- The firm capacity at the Alliston SPS was verified in early 2025 and found to be 75 L/sec; however, based on the SCADA data it looks as though at the end of 2025, the firm capacity was 65 L/sec. Regional staff will continue to monitor the firm capacity of the station.

Appendix 3

PLOPA202502122 & PLZBA202502123

August 7, 2026

- In 2024 and 2025, several peak wet-weather flow events were recorded at the Alliston SPS, ranging from 55 L/sec to 74 L/sec. Wet-weather flow removal within the system should be ongoing.
- The peak dry weather flows at the station are between 16-20 L/sec based on Regional flow monitoring information.
- As this sewershed does experience significant wet weather flows and there has been several development applications - evaluation at future applications will be required based on the current flows and capacity of the SPS. On-going infiltration and inflow reduction programs are encouraged, and future agreements will require post flow monitoring to ensure that new developments are meeting the wet weather flow from new sanitary connections.

Sewer Use By-Law

Previous comments dated October 15, 2025, in response to the first submission remain applicable.

Transportation

Transportation Study (TIS)

Previous comments dated October 15, 2025, in response to the first submission remain applicable and staff reiterate that a revised TIS is required at Site Plan stage to address the revisions outlined in the previous review comments.

Engineering Drawings

Previous comments dated October 15, 2025, in response to the first submission remain applicable and staff reiterate that revised engineering drawings is required at Site Plan stage to address the revisions outlined in the previous review comments.

Stormwater Management

Previous comments dated October 15, 2025, in response to the first submission remain applicable. Regional staff reiterate that a detailed stormwater management plan is required to be submitted at Site Plan stage.

Waste Collection

Previous comments dated October 15, 2025, in response to the first submission remain applicable. Regional staff reiterate that the waste collection for the subject property will be the responsibility of the owner through a private contractor and not Niagara Region.

Appendix 3

PLOPA202502122 & PLZBA202502123

August 7, 2026

Conclusion

In conclusion, Regional Infrastructure Planning and Development staff have no objections to the OPA and ZBA applications and reiterate that Stormwater Management Brief, and revised TIS and Engineering drawings will be required at the Site Plan stage.

Please send copies of the staff report and notice of the Town's decision on these applications. If you have any questions related to the above comments, please contact me at Adithi.Luckyreddy@niagararegion.ca

Regards,



Adithi Lucky Reddy
Planner

cc: Susan Dunsmore, P.Eng., Associate Director, Development Engineering
Jessica Fajta, Development Approval Technician
Adam Davidson, Development Transportation Coordinator
Maggie Ding, P.Eng., Stormwater Management Engineer

Thursday, April 9, 2026

NPCA File No. PLVIO202600353

2723005 Ontario Inc. c/o Konstantinos Kentros
2-660 Albert Street
Fort Erie, ON L2A 0A1

SUBJECT: NPCA FILE NO. PLVIO202600353 – 848 GARRISON ROAD, IN FORT ERIE.

This letter serves as notice that the NPCA is satisfied that compliance matters on above noted property have been resolved with regards to the completion of unauthorized works on the property.

The NPCA reserves the right to monitor progress and activities on the subject property with regards to any compliance concerns. This may include requests for additional information and follow-up site inspections to confirm on-going compliance.

Regards,



Sean Callaghan
Regulations Officer
Niagara Peninsula Conservation Authority
3350 Merrittville Highway, Unit #9 | Thorold, ON L2V 4Y6
Tel: 905-788-3135 | extension 266
scallaghan@npca.ca
www.npca.ca

Appendix 3

Ministry of the Environment,
Conservation and Parks

Species at Risk Branch
40 St. Clair Avenue West, Floor 14
Toronto, ON M4V 1M2

Ministère de l'Environnement, de la
Protection de la nature et des Parcs

Direction des espèces en péril
40, avenue St. Clair Ouest
14^e étage
Toronto ON M4V 1M2



April 9, 2026

Dear Client,

On March 30, 2026, the [Species Conservation Act, 2025](#) (SCA) and several implementing regulations came into force and the *Endangered Species Act, 2007* (ESA) was repealed.

Together the SCA and the new regulations modernize species protection and implement a registration-first approach while maintaining strong environmental safeguards. The registration-first approach, a process already in use for other environmental permissions, allows most projects to begin as soon as they are registered, while requiring persons undertaking those projects follow clear, enforceable rules aimed at protecting species and their habitats. It is important to note that in some limited circumstances, some activities will require a permit and cannot be registered. At the same time, the new legislation and regulations also set out many activities that are excepted and can proceed without a registration or permit as long as the conditions and requirements associated with that exception are met.

Depending on your activity and whether it may impact a species that is protected under the SCA or its habitat, you may be required to register, or obtain a permit under the SCA, or may be eligible to proceed under an applicable exception. We would encourage you to review the SCA and its regulations and obtain independent professional advice to understand how the requirements of the SCA may apply to your activity. Contact SAROntario@ontario.ca for further information on the permit process, if applicable to you.

The following regulations are in effect as of March 30th, 2026:

- [Protected Species in Ontario List regulation](#) (O. Reg. 60/26): sets out the species that receive protections under the SCA
- [Registrable Activities regulation](#) (O. Reg. 75/26): sets out registration requirements and rules for conducting registrable activities
- [Permit Activities regulation](#) (O. Reg. 74/26): prescribes activities that require a permit and cannot proceed under a registration
- [Excepted Activities – No Permit or Registration regulation](#) (O. Reg. 61/26): prescribes activities impacting protected species or their habitat that can proceed without a registration or permit
- [Transitional Matters regulation](#) (O. Reg. 62/26): sets out transition rules that apply to existing authorizations (i.e., permits and agreements) or activities registered to conditional exemptions under the ESA, or certain exemptions under the ESA

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To support the launch of the streamlined, registration-first approach, the ministry has launched a new Species Conservation Registry that must be used to register activities online, in accordance with the SCA. If your activity is a registrable activity, please visit [Species Conservation Registry | ontario.ca](https://speciesconservationregistry.ontario.ca) to learn more or begin a registration.

Activities that are excepted under the Excepted Activities regulation do not need to be registered and do not require a permit. Some exceptions have requirements that must be fulfilled. For a small number of excepted activities, an Exception Information Form must be completed through the Species Conservation Registry.

For assistance with submitting information required under the Excepted Activities regulation. Please review the Excepted Activities regulation to determine whether your activity is subject to an exception.

We recommend that, in consultation with appropriate experts and professionals, you assess the potential impacts of your project in the context of the SCA and its regulations to determine whether your proposed activities must be registered, require obtaining a permit or are excepted under the SCA.

If you have questions regarding the new requirements, please contact your current ministry representative or SAROntario@ontario.ca. If you have any questions regarding how to use the new SCR, please contact SCRegistry@ontario.ca.

Thank you,



Manager, Permissions Section
Species at Risk Branch
Ministry of the Environment, Conservation and Parks

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Hi Devon,

These are the most recent comments that I was copied on from the MECP.

Regards,

Jessica Abrahamse M.E.S.

Senior Environmental Planner

Town of Fort Erie

Planning and Development Services

1 Municipal Centre Drive, Fort Erie, ON L2A 2S6

p: 905-871-1600 ext. 2510

forterie.ca | jabrahamse@forterie.ca



From: Jessica Abrahamse <JAbrahamse@forterie.ca>

Sent: Tuesday, July 21, 2026 9:48 AM

To: Daryl Vander Veen <DVanderVeen@forterie.ca>

Subject: Fw: 848 Garrison Rd - Species at Risk

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From: Walker, Roberta (MECP) <Roberta.Walker@ontario.ca>

Sent: Monday, 29 June 2026 14:27:29

To: bmyler@cogeco.ca <bmyler@cogeco.ca>

Cc: Jessica Abrahamse <JAbrahamse@forterie.ca>

Subject: RE: 848 Garrison Rd - Species at Risk



External Email Warning:

This email originated from outside the organization. Please exercise caution before clicking links, opening attachments, or responding.

Hello Barry,

Thank you for your response.

To clarify, I did not commit to facilitating direct contact between you and MECP Species at Risk Branch staff. As outlined previously, I provided you with the input received to support your understanding of the

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considerations relevant to this file. If you think it is necessary, I can facilitate a meeting between yourself, me, and the Species at Risk Branch, which would likely just us be reiterating what has already been said.

The information shared from the Species at Risk Branch reflects the Ministry's position that interpreting older acoustic data, particularly from several years ago, carries inherent uncertainty.

While I acknowledge your description of the methods used and the subsequent expert review, the determination that Species at Risk bats are not present on the site remains the responsibility of the proponent. As noted in my previous email, where such a determination is made, it should be supported by a clear and defensible rationale.

At this time, there remains uncertainty associated with relying solely on the 2020 acoustic data and its reinterpretation. This was the basis for the recommendation I relayed to you, that updated surveys would support due diligence on this file. In the absence of updated survey information, assuming presence of Eastern Red Bat and associated habitat remains a viable and precautionary approach under the Species Conservation Act (SCA).

With respect to site conditions, while you have indicated changes to vegetation and surrounding land use, it is also important to consider that continued development and habitat loss in the broader landscape can increase the relative importance of remaining habitat. The presence of trees and a watercourse on the site continues to provide characteristics that may support bat habitat, and this should be considered when evaluating potential species presence.

As previously noted, proponents are responsible for determining how to proceed under the SCA, including whether to rely on existing information, undertake additional surveys, or assume presence and meet applicable registration and mitigation requirements. This determination should be made in consultation with qualified professionals and, where appropriate, legal counsel.

Best regards,

Roberta Walker

Environmental Compliance Officer | Badge # P1564
Niagara District Office | West Central Region
Ministry of the Environment, Conservation and Parks
(289) 241-7453 | Roberta.Walker@ontario.ca

9th Floor, 301 St Paul Street
St. Catharines ON, L2R 7R4



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Are reporting a spill? Please contact the Ministry of the Environment, Conservation and Parks, Spills Action Centre at (416)325-3000 or 1(800) 268-6060.

Are you reporting a pollution incident or environmental concern? Please use the ministry's [online pollution reporting tool](#) or for more urgent matters contact the Pollution Hotline at 1(866) 663-8477.

From: bmyler@cogeco.ca <bmyler@cogeco.ca>

Sent: June 25, 2026 9:54 AM

To: Walker, Roberta (MECP) <Roberta.Walker@ontario.ca>

Cc: 'Jessica Abrahamse' <jabrahamse@forterie.ca>

Subject: RE: 848 Garrison Rd - Species at Risk

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CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Hello Roberta,

The bat call data was collected and processed as described. The problem with AutoID conservatism that can generate false positive identifications was duly addressed and confirmed through expert analysis by John Chengler, a qualified and experienced bat specialist, consistent with the proper protocol.

The data was collected and analysed using the typical equipment and the procedures that the province has identified in its relevant guidance/protocol documents, and as you have outlined below. Any acoustic data collection includes a range of file quality, including some recordings that are of lower quality and some that are noise. Such is the unavoidable and expected consequence of collecting recordings of motile wildlife "in the wild" and is characteristic of the equipment and methods that the province has stipulated. The presence of some lower quality and noise recordings is not evidence of a failed data collection. The method relies on species identification using the recordings that can be identified, which was completed for the recordings collected at the site.

As documented in the EIS and its supporting studies and analysis by multiple qualified persons, we have determined that SAR bats do not occur at the site and, therefore, that the proposed redevelopment of the site will not harm protected bat species and will not damage or destroy SAR bat habitat. The data clearly indicate that the SCA will not be contravened.

Based on the input you provided below, the age of acoustic data is only a matter of concern if site conditions had changed since it was collected. I understand that resampling could be warranted if site conditions had changed in favour of protected bat species presence, however during our telephone conversation last week I described for you how site conditions of Common Buckthorn Cultural Thicket have not changed over many years, except insofar as many of the dead Ash that may have been standing snags in 2020 have since rotted, fallen or were blown down, leaving fewer snags on site.

Additionally, during our call, you mentioned, and we discussed, that the extensive clearing of the Alliston Woods residential subdivision lands to the north of the site removed the abutting natural habitat that existed in 2020 when acoustic data was collected. That clearing of adjacent lands left the site as an isolated patch of Common Buckthorn Cultural Thicket that is no longer connected to or part of a Locally Significant Natural Area.

Each of those changes substantially reduced the site's potential to host SAR bats, including those species currently on the provincial protected species list. As such, resampling of the site where SAR bats were already determined to be absent is entirely unwarranted.

I cannot ascertain by the format of your message whether the resampling recommendation was received as part of the input you obtained from the Species at Risk Branch or is instead your conclusion and recommendation. The recommendation is not included in the indented block of text from the Species at Risk Branch that you presented in your message. Please clarify.

During our telephone conversation last week you agreed to facilitate discussion with the MECP biologist who provided the input that you have cited. Please provide their contact information so that I may discuss and respond to their technical comments.

Barry Myler
Myler Ecological Consulting
7 Olive Crescent, Stoney Creek ON L8G 2T2
(289)700-3038

Appendix 3

From: Walker, Roberta (MECP) <Roberta.Walker@ontario.ca>

Sent: June 22, 2026 3:57 PM

To: bmyler@cogeco.ca

Cc: Jessica Abrahamse <jabrahamse@forterie.ca>

Subject: 848 Garrison Rd - Species at Risk

Hello Barry,

I am reaching out and have copied Jessica Abrahamse from the Town of Fort Erie so we can ensure alignment on this file.

I received the following input from the Species at Risk Branch regarding the 2020 acoustic data and its interpretation:

The main things to consider for this file are the age of the 2020 acoustic data and the uncertainty that comes with reinterpreting calls years later.

Eastern Red Bat and Big Brown Bat are usually fairly straightforward to distinguish acoustically, particularly based on call frequency at the end of the call. There generally isn't much overlap between the two when recordings are clear and of good quality. That said, issues can come up with low quality, distant, or clipped calls, and leaning heavily on AutoID alone does add uncertainty. Manual expert review is considered more reliable than AutoID on its own, although it's not possible to say whether the original or revised identifications are correct without reviewing the actual recordings and spectrograms.

More broadly, acoustic data can be useful for supporting species presence, but it is much more difficult to use acoustics alone particularly older datasets to confidently rule a species in or out. That determination would depend heavily on survey effort, detection probability, and how site conditions may have changed since the time of monitoring.

Equipment and Software

Wildlife Acoustics SM4 (and comparable SM4Bat/SM5Bat units) remains a standard and widely accepted recording device when deployed appropriately with well maintained microphones. For analysis, software such as Sonobat and Kaleidoscope Pro are both commonly used, neither is without limitations. Best practice is to:

- Use AutoID as a screening tool only
- Manually review all calls flagged as a species of interest, and
- Vet a subset of other recordings to assess potential misclassification.
- Where confidence in species level identification is low, recordings are typically classified to a broader group rather than to species.

Proposed projects involving activities described under section 16 of the *Species Conservation Act, 2025* (SCA), such as killing, possessing, or transporting a member of a protected species, or damaging or destroying the habitat of a protected species, will typically require registration if those activities are not exempt under the SCA and do not require a permit. It is encouraged that the proponent uses a Qualified Professional (QP) for both the determination of which path to take (in determining potential section 16 impacts) and for the development of a Conservation Plan.

Any potential harm or habitat damage or destruction resulting from a proposed activity must be carefully assessed in its specific context and factual circumstances. The proponent is expected to seek professional scientific and technical advice to ensure compliance with the requirements of the SCA. It is also recommended that they obtain appropriate legal advice.

If you determine there are no Species at Risk (SAR) present, or if you feel the activity has no impacts to SAR, and it falls under an excepted activity, then you likely should have a defensible rationale for this determination.

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For due diligence to be done on this file for the determination that there are no SAR bats present on the site, it would be recommended that the proponent complete updated surveys.

In the absence of completing surveys, the proponent may also **assume presence** of Eastern Red Bat and its habitat. With assumed presence, registration would likely be required, however it is the responsibility of the proponent to determine which regulatory requirements under the SCA apply to their activity and comply with applicable requirements. Proponents are advised to do so in consultation with qualified scientific and technical experts and, where appropriate, legal counsel, to ensure compliance with the Act and its regulations.

Ultimately, registration is a client-led process and proponents are responsible for determining how to proceed with an activity that may harm a protected species or damage or destroy their habitat, including determining how to follow the regulatory requirements related to mitigation measures and/or applicable explanations that should be included in a conservation plan for a registrable activity in accordance with paragraphs 11 and 12 of Schedule 1 of O. Reg. 75/26. Mitigation measures must be included and implemented to avoid impacts to protected species in accordance with paragraph 3 of Schedule 2, unless it is not feasible. Feasibility may not depend on a sole factor and must be considered on a case-by-case basis. This should be done in consultation with relevant experts (ie. a QP) and if necessary, legal counsel.

Best regards,

Roberta Walker

Environmental Compliance Officer | Badge # P1564
Niagara District Office | West Central Region
Ministry of the Environment, Conservation and Parks
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1 Municipal Centre Drive, Fort Erie, ON L2A 2S6

p: 905-871-1600 ext. 2510

forterie.ca | jabrahamse@forterie.ca



From: Jessica Abrahamse <JAbrahamse@forterie.ca>

Sent: Friday, July 24, 2026 4:10 PM

To: Daryl Vander Veen <DVanderVeen@forterie.ca>

Cc: Edward Terry <ETerry@forterie.ca>; Leo Ferreira <LFerreira@forterie.ca>; Mark Iamarino <MIamarino@forterie.ca>; Anamika Dilwaria <ADilwaria@forterie.ca>

Subject: Re: Request for comments - revised site plan for proposed Official Plan Amendment and Zoning By-law Amendment for 848 Garrison Road (file OPA-06-2025 & ZBA-15-2025)

Good afternoon Daryl,

Senior Environmental Planning staff have reviewed the revised site plan prepared by Jason Pizzacorola Architects, dated June 8, 2026 and offer the following comments:

Please find my comments from the previous letter provided:

Environmental planning staff have reviewed the Comment Response Memo prepared by Myler Ecological Consulting, dated April 27, 2026 and have provided a fulsome commentary below. The following policies should be noted: Town of Fort Erie OP 2025 - Illegal acts that reduce the form or function of a Natural Heritage Feature, including, but not limited to, tree removal, wetland filling or draining, or the diverting of watercourses, will not be recognized as existing conditions within the development review process. Restoration of the damaged area may be required prior to or as a condition of approval of any development applications. NOP policy 3.1.18.2 - Where a natural heritage feature and area, key natural heritage feature or key hydrologic feature has been removed without authorization in advance of making, or prior to approval of, an application for development or site alteration, Regional, Local, and/or conservation authority staff shall use all available information to determine the limit and classification of the feature that existed, and restoration of the feature shall be required through the approval of the application for development or site alteration. The implication of this policy is that the Town could ask to have the watercourse restored in situ and effectively sterilize a portion of the subject lands. Environmental planning staff understand the importance of this development for the town and are willing to consider waiving this policy to allow the relocation of the watercourse upon the following conditions:

A. Providing a uniform 10m buffer for the newly realigned channel - **Although a 10m buffer has not been provided on the site plan, a realigned watercourse using the principles of natural channel design and native plantings replicating the existing feature can be supported with a 7.5m buffer. A condition**

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requiring a watercourse riparian planting plan and design incorporating riffles to enhance fish habitat will be requested at the draft plan of subdivision/site plan stage of the development.

B. Restoring the existing watercourses on site as soon as possible. (Prior to development approval). **This issue has not been resolved despite attempts from staff to work with the applicant.**

C. Bat surveys are completed per the protocols recommended by MECP and written approval (no redactions) from the MECP is provided. **The applicant has been communicating with MECP and has been informed of the MECP's requirements. Any vegetation removal is at the applicant's own risk.**

D. Both watercourses and buffer areas are re-zoned as Environmental Protection. **The newly realigned channel is to be zoned Environmental Protection and the channel on the Town's owned easement is to be zoned Open Space.**

Further Notations:

- An updated Tree Inventory and Tree Protection Plan prepared by a certified ISA Arborist in good standing using the Town's most recent updated tree by-law 27-2026 will be a condition of future planning applications, draft plan of subdivision or Site Plan Control.
- A Landscape Plan or Cash in lieu will be required for all compensation plantings.

No site alteration or vegetation removal shall be permitted on the subject lands without explicit written permission from the Director of Planning at the Town of Fort Erie or conditions related to the tree protection plan are cleared.

Regards,

Jessica Abrahamse M.E.S.

Senior Environmental Planner

Town of Fort Erie

Planning and Development Services

1 Municipal Centre Drive, Fort Erie, ON L2A 2S6

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Appendix 3

From: Daryl Vander Veen <DVanderVeen@forterie.ca>

Sent: Wednesday, July 15, 2026 4:25 PM

To: Jessica Abrahamse <JAbrahamse@forterie.ca>; Taylor Boyle <TBoyle@forterie.ca>; mbirbeck <mbirbeck@npca.ca>; Taran Lennard <tlennard@npca.ca>; Lucky Reddy, Adithi <Adithi.Lucky.Reddy@niagararegion.ca>; devtplanningapplications@niagararegion.ca <devtplanningapplications@niagararegion.ca>; Kimberlyn Smith <ksmith@forterie.ca>; Aaron Hair <ahair@forterie.ca>

Cc: Edward Terry <ETerry@forterie.ca>; Leo Ferreira <LFerreira@forterie.ca>; Mark Iamarino <MIamarino@forterie.ca>

Subject: Request for comments - revised site plan for proposed Official Plan Amendment and Zoning By-law Amendment for 848 Garrison Road (file OPA-06-2025 & ZBA-15-2025)

Good evening,

A revised site plan for the proposed Official Plan Amendment and Zoning By-law Amendment for 848 Garrison Road was received. Please review the attached and provide any additional comments you may have by **Thursday, July 30th**.

If anyone requires any previous documentation regarding this file please let me know. Thanks in advance.

Regards,

Daryl

Daryl Vander Veen
Intermediate Development Planner
Planning & Development Services
Town of Fort Erie

1 Municipal Centre Drive
Fort Erie, Ontario L2A 2S6

(905) 871-1600 ext. 2509
dvanderveen@forterie.ca