



The Municipal Corporation of the
Town of Fort Erie

Regular Council Meeting Agenda

Monday, February 27, 2023 - 6:00 PM

Council Chambers

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

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

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

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

Page

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

- (a) Open House

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

- (b) Open House

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

Public Meeting Notices

- (a) Proposed Zoning By-law Amendment

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

(b) Proposed Zoning By-law Amendment

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

(c) Proposed Zoning By-law Amendment

Re: 0-17100, 0-17101 & 0-17102 Schooley Road - Applicant: A.J. Clarke and Associates Ltd. (Stephen Fraser) - Owner: Marz Homes (Crystal Beach) Inc - Monday, March 6, 2023 - 6:00 p.m. - Council Chambers, Town Hall. The information report will be available by 5:00 p.m. on Wednesday, March 1, 2023.

(d) Proposed Zoning By-law Amendment

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

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

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

(f) Proposed Zoning By Amendment

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

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

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

(h) Municipal Drain

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

7. Presentations

(a) Mary McLelland-Papp, Chair, Municipal Heritage Standing Committee

Re: Presentation of Heritage Plaques for:

(i) 657 Niagara Boulevard (The Forysthe-Pattison-Kilbridge/Bertie Hall) - April Jeffs, Chair and David Adames, CEO

(ii) 1025 Point Abino Road (Holloway Memorial Church) - Holloway Chapel Trustees: Jane Turner, Karen Gregory, Jack Turner, Joe Palumbo, Sarah Pictor, Bill Pictor and Martha Rafmussan

(iii) 1550 Point Abino Road South (Point Abino Lighthouse Keeper's Dwelling) *(not in attendance)*

(iv) 348 Ridge Road North (The Morin/Cutler House) - Robert and Genevieve Blazik

(v) 1340 Ridge Road North - Marion Dunstan *(not in attendance)*

(vi) 2029 Ridge Road North - Larry Keith Miller *(not in attendance)*

8. Public Meetings

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

Re: Crescent Acres (0-10747 Kraft Road) - Owner: Crescent Acres Ltd. (Mark Basciano) - Agent: Upper Canada Consultants (Matt Kernahan). The Applicant is proposing to develop 67 lots for single detached dwellings, 4 blocks for a total of 8 semi-detached dwellings, 24 blocks for 145 street townhouse dwellings, 1 block for a stormwater management pond, 1 block for a future road connection and 1 block for a watercourse. The lands are located within the Urban Area and are currently designated Urban Residential and Environmental Conservation, and zoned Residential 2 (R2) Zone, Residential Multiple 1 (RM1) Zone and Environmental Conservation (EC) Overlay Zone. The proposal seeks to change the zoning in order to implement the proposed plan of subdivision. The zoning is proposed to change to a site-

specific Residential Multiple 1 (RM1) Zone to permit the single detached dwellings, semi-detached dwellings, townhouse dwellings and the stormwater management pond. The proposed RM1 zoning also contains special provisions to permit the following:

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

To participate residents can attend in person in Council Chambers, Town Hall, OR virtually via audio/video, web or telephone. Send an email to Daryl Vander Veen, Intermediate Development Planner (dvanderveen@forterie.ca) or 905-871-1600 ext. 2509 for information on joining the zoom meeting.

Link: <https://www.forterie.ca/pages/CurrentPublicNotices>

17 - 64

PDS-15-2023

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

Resolution:

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

[PDS-15-2023 Crescent Acres Information Report](#)

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

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

To participate residents can attend in person in Council Chambers, Town Hall, OR virtually via audio/video, web or telephone. Send an email to Daryl Vander Veen, Intermediate Development Planner (dvanderveen@forterie.ca) or 905-871-1600 ext. 2509 for information on joining the zoom meeting.

Link: <https://www.forterie.ca/pages/CurrentPublicNotices>

65 - 81

PDS-16-2023 Proposed Combined Official Plan and Zoning By-law Amendment - 214 Courtwright Street - NPG Planning Solutions Ltd. - Jeremy Tran (Agent) - 2550663 Ontario Inc. - Greg Walker (Owner)

Resolution:

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

[PDS-16-2023 214 Courtwright Street Information Report](#)

9. Regional Councillor Report

10. Delegations

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

Re: 2023 Updates and Initiatives
(PowerPoint Presentation)
- (b) Martine Esraelian, 159 York Street, St. Catharines

Re: By-law for Land Lease/Other Private Communities (Black Creek Leisure Homes)
- (c) Anthony Bovell, o/b Gwendolyn Collins, 3692 Crystal Beach Drive

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

Re: MPAC 101
(PowerPoint Presentation)

11. Consent Agenda Items

11.1 Request to Remove Consent Agenda Items

11.2 Consent Agenda Items for Approval

1. Minutes

- 82 - 104 (a) Approve - Regular Council Meeting - January 23, 2023
[01.23 - Regular Council](#)
- 105 - 108 (b) Approve - Special Council Meeting - February 13, 2023
[02.13 - Special Council](#)
- 109 - 127 (c) Approve - Council-in-Committee Meeting - February 13, 2023
[02.13 - Council-in-Committee](#)
- 128 - 136 (d) Approve - Council-in-Budget Committee Meeting No. 3 - February 15, 2023
[02.15 - Council-in-Budget Committee Meeting No. 3](#)
- 137 - 142 (e) Approve - Special Council-in-Committee Meeting - February 22, 2023
[02.22 - Special Council-in-Committee](#)

2. Correspondence

- 143 - 145 (a) Proclamation - The Canadian Amyloidosis Support Network - March as Amyloidosis Awareness Month
Resolution:

That: Council proclaims March as "Amyloidosis Awareness Month" within the Town of Fort Erie.
[Comm\(a\)-CASN](#)
- 146 - 160 (b) Receive - Ontario Land Tribunal - Applicant/Appellant: Joseph Moore - 214 Windmill Point Road South - Variances Allowed Subject to the Condition Outlined in the Staff Report - Favour of the Appellant (Owner)
[Comm\(b\)-OLT-214 Windmill Point Road South](#)
- 161 - 162 (c) Receive & Support - Town of Niagara-on-the-Lake - Bill 23, *More Homes Built Faster Act, 2022 Act*
[Comm\(a\)-NOTL-Bill23](#)

3. Board/Committee Minutes

- 163 - 164 (a) Receive - Ridgeway Business Improvement Area Board of Management - January 4, 2023
[RBIA-Jan4](#)
- 165 - 175 (b) Receive - Mayor's Youth Advisory Committee - December 12, 2022; January 23, 2023
[MYAC-Dec12](#)
[MYAC-Jan23](#)
- 176 - 181 (c) Receive - Bridgeburg Station Downtown Business Improvement Area Board of Management - November 8, 2022; January 27, 2023
[BBIA-Nov8](#)
[BBIA-Jan27](#)
- 182 - 188 (d) Receive - Community Gaming Development Corporation - November 30, 2022
[CGDC-Nov30](#)
- 189 - 190 (e) Receive - Senior Citizens Advisory Committee - January 4, 2023
[SCAC-Jan4](#)

Page

191 - 196

- (f) Receive - Accessibility Advisory Committee - January 31, 2023
[AAC-Jan31](#)

197 - 202

- (g) Receive - Community Health Care Services Committee - December 6, 2022
[CHSC-Dec6](#)

4. Report

203 - 206

IS-05-2023

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

Recommendation:

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

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

[IS-05-2023 - Leisureplex Plant Receiver Supply and Install - Tender Award](#)

5. Other Matters

Consent Agenda Resolution

Resolution:

That: Council approves the Consent Agenda Items as recommended.

11.3 Items Removed to be Dealt with Separately

12. Reports

207 - 216

PDS-81-2022

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

Resolution:

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

That: Council directs staff to submit the necessary by-law.

[PDS-81-2022-13365 Pettit Road ZBA Recommendation Report - FINAL](#)

217 - 234

CAO-05-2023

2022 Storm Elliott Report

Resolution:

That: Council receives this report for information purposes.

[CAO-05-2023 - 2022 Storm Elliott Report](#)

13. New Business/Enquiries

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

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

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

- (b) Appointment - Environmental Advisory Committee - Councillor
Resolution:

That: Council appoints Councillor _____ to the Environmental Advisory Committee.

- (c) Appointment - Accessibility Advisory Committee (**CONFIDENTIAL MEMORANDUM**)

Resolution:

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

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____
- 8. _____, and further

That: Council appoints Councillor _____ to the Accessibility Advisory Committee.

- (d) Appointment - Committee of Adjustment (**CONFIDENTIAL MEMORANDUM**)

Resolution:

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

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____.

- (e) Appointment - Community Gaming Development Corporation (**CONFIDENTIAL MEMORANDUM**)

Resolution:

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

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. (vacancy)
- 8. (vacancy), and further

That: Council appoints Councillor _____ to the Community Gaming Development Corporation.

- (f) Appointment - Fort Erie Public Library Board (**CONFIDENTIAL MEMORANDUM**)

Resolution:

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

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. (vacancy)
- 8. (vacancy), and further

That: Council appoints Councillor _____ to the Fort Erie Public Library Board.

- (g) Appointment - Mayor's Youth Advisory Committee (minimum 11, maximum 19) (**CONFIDENTIAL MEMORANDUM**)

Resolution:

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

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____

- 8. _____
- 9. _____.

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

Resolution:

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

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____
- 8. _____, and further

That: Council appoints Councillor _____ to the Museum and Cultural Heritage Advisory Committee.

(i) Appointment - Property Standards Committee **(CONFIDENTIAL MEMORANDUM)**

Resolution:

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

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____.

(j) Appointment - Senior Citizens Advisory Committee
 (Eighteen (18) citizens comprised of:
 One (1) representative Dandi-Lions;
 Three (3) representatives of Black Creek Leisure Homes Seniors Group;
 One (1) representative of Harmony Hill of Fort Erie;
 Two (2) representatives of Italo Canadian Seniors Club;

One (1) representative 96'ers of Fort Erie;
 Three (3) representatives Beachcombers of Ridgeway;
 One (1) representative Royal Canadian Legion, Branch 71;
 One (1) representative Royal Canadian Legion, Branch 230;
 One (1) representative Fort Erie Native Friendship Centre Seniors;
 Four (4) Community Representatives (at large) (**CONFIDENTIAL MEMORANDUM**)

Resolution:

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

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

That: Council appoints Councillor _____ to the Senior Citizens Advisory Committee.

14. Motions

15. Notice of Motion

16. Consideration of By-laws

235 - 238

18-2023

To Deem Part of a Certain Registered Plan of Subdivision Not to be a Registered Plan of

Page		
		Subdivision – 63 Idylewylde Street - Frank Anthony Alessio - Owner 18-2023 - Deeming By-law - 63 Idylewylde MEMO - By-law No. 18-2023 - Deeming - 63 Idylewylde
239	19-2023	To Authorize the Entry into a Grant Funding Agreement for Physician Recruitment with Dr. Magdy Hanna 19-2023 Entry into Grant Funding Agreement for Physician Recruitment
240	20-2023	To Authorize the Entry into a Lease Agreement with Down the Rabbit Hole Theatre Co. (Crystal Ridge Arena) 20-2023 Entry into Lease with Down the Rabbit Hole Theatre Co. (Crystal Ridge Arena)
241 - 244	21-2023	To Deem Part of a Certain Registered Plan of Subdivision not to be a Registered Plan of Subdivision – 241 Derby Road - Doreen Martin Ferber - Owner 21-2023 - Deeming By-law - 241 Derby MEMO - By-law No. 21-2023 - Deeming - 241 Derby Road
245	22-2023	To Accept and Declare Lands as Public Highway on the North-East Corner of Parkside Avenue and Buffalo Road 589 Scott Avenue - Michel Courchesne & Marilyn Atherton 22-2023 To Accept and Declare Lands as Public Highway - 589 Scott Avenue
246 - 248	23-2023	To Amend Zoning By-law No. 129-90, as amended - 63 Idylewylde Street - Frank Anthony Alessio - Owner 23-2023 63 Idylewylde Street ZBA
249 - 251	24-2023	To Amend Zoning By-law No. 129-90, as amended - 533 & 549 Ridge Road North - 1855838 Ontario Inc. and Richard James Dekorte - Owners 24-2023 533 & 549 Ridge Road North ZBA
252 - 286	25-2023	To Enact an Amendment to the Official Plan Adopted by By-law No. 150-06 for the Town of Fort Erie Planning Area - Amendment No. 67 – 97 Gorham Road - Bomofive Inc. (Ross Boncore and Kam Mofid) - Owner

Page		
		25-2023 97 Gorham Road OPA
287 - 289	26-2023	To Amend Zoning By-law No. 129-90, as amended - 97 Gorham Road- Bomofive Inc. - (Ross Boncore and Kam Mofid) - Owner 26-2023 97 Gorham Road ZBA
290 - 312	27-2023	To Enact an Amendment to the Official Plan Adopted by By-law No. 150-06 for the Town of Fort Erie Planning Area - Amendment No. 68 - 271 Ridgeway Road - DCS Niagara Developments Inc. (Rick Boivin) - Owner 27-2023 - OPA 271 Ridgeway Road
313 - 315	28-2023	To Amend Zoning By-law No. 129-90, as amended - 271 Ridgeway Road - DCS Niagara Developments Inc. (Rick Boivin) - Owner 28-2023 - ZBA 271 Ridgeway Road
316 - 318	29-2023	To Amend Zoning By-law No. 129-90, as amended - 92 Adelaide Street - Niagara Pines Developments Ltd. (Paul Savoia) – Owner 29-2023 92 Adelaide Street ZBA
319 - 321	30-2023	To Amend the Preliminary Capital Budget for the Town of Fort Erie for the Year 2023 30-2023 - 2023 Prelim Capital Budget combined
322 - 327	31-2023	To Adopt the General Capital Budget and the General Levy Operating Budget for the Town of Fort Erie for the year 2023 31-2023 - Levy & Capital Budget combined
328	32-2023	To Re-appoint Edward T. McDermott of ADR Chambers Inc. as Integrity Commissioner for the Town of Fort Erie and Authorize the Renewal of the Current Contract with ADR Chambers Inc. 32-2023 Re-appoint Integrity Commissioner and Authorize the Renewal of Contract with ADR Chambers Inc.
329	33-2023	To Stop Up and Close Part of the Sixth Street Road Allowance and Part of the Abutting Lane on Plan 519 33-2023 To Stop Up and Close Part of the Sixth ST Road Allowance and Part of the Abutting Lane on Plan 519

Page		
330 - 331	34-2023	To Authorize the Sale of Part of the Sixth Street Road Allowance and Part of the Abutting Lane on Plan 519 to 2717041 Ontario Inc. (Vijaykumar Patel) <u>34-2023 To Authorize the Sale of Part of the Sixth ST Road Allowance and Part of the Abutting Lane on Plan 519</u>
332	35-2023	To Confirm the Actions of Council at its Council-in-Committee Meeting Held on February 13, 2023, Council-in-Budget Committee Meeting No. 3 Held on February 15, 2023, Special Council-in-Committee Meeting Held on February 22, 2023, Special Council Meeting Held on February 27, 2023 and its Council Meeting Held on February 27, 2023 <u>35-2023 Confirmatory</u>

17. Scheduling of Meetings

18. Adjournment



Planning and Development Services

Prepared for	Council	Report No.	PDS-15-2023
Agenda Date	February 27, 2023	File No.	350308-0129 & 350309-0553

Subject	<p>PROPOSED DRAFT PLAN OF SUBDIVISION AND ZONING BY-LAW AMENDMENT CRESCENT ACRES - 0-10747 KRAFT ROAD UPPER CANADA CONSULTANTS (MATT KERNAHAN) - AGENT CRESCENT ACRES LTD (MARK BASCIANO) - OWNER</p>
----------------	--

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

Relation to Council's 2018-2022 Corporate Strategic Plan	<p>Priority: Managed Growth through Responsibility, Stewardship and Preservation</p>
---	--

List of Stakeholders	<p>Upper Canada Consultants - Matt Kernahan (Agent) Crescent Acres Ltd. - Mark Basciano (Owner) Residents and Property Owners in the Town of Fort Erie</p>
-----------------------------	--

Prepared by:	Reviewed by:	Submitted by:	Approved by:
Original Signed	Original Signed	Original Signed	Original Signed
Daryl Vander Veen Intermediate Development Planner	Anamika Dilwaria, M.PI., MCIP, RPP Manager, Development Approvals	Alex Herlovitch, MCIP, RPP Director, Planning & Development Services	Chris McQueen, MBA Chief Administrative Officer

Purpose

Applications for a Draft Plan of Subdivision and a Zoning By-law Amendment were submitted by Matt Kernahan of Upper Canada Consultants, Agent for Crescent Acres Ltd. (Mark Basciano), Owner of the subject property located at 0-10747 Kraft Road. The existing address of the subject property is a bit inaccurate as the property fronts onto Crescent Road. A location map showing the area subject to the applications is attached as **Appendix “1”**.

The proposal is known as Crescent Acres Draft Plan of Subdivision. The development is proposing 67 lots for single detached dwellings, 4 blocks for a total of 8 semi-detached dwellings, 24 blocks for a total of 145 townhouse dwellings, 1 block for a watercourse, 1 block for a stormwater pond and 1 block for a future road connection to the lands to the east. The proposed draft plan of subdivision is attached as **Appendix “2”**.

The proposed Zoning By-law Amendment is required to change the zoning of the subject property from Residential 2 (R2) Zone, Residential Multiple 1 (RM1) Zone and Environmental Conservation (EC) Overlay Zone to a site specific Residential Multiple 1 (RM1) Zone to permit the single detached dwellings, semi-detached dwellings, townhouse dwellings and the stormwater management pond. An Environmental Protection (EP) Zone is proposed for the block associated with the watercourse. The Zoning By-law Amendment also proposes to remove the Environmental Conservation (EC) Overlay Zone from the subject lands.

The purpose of this report is to provide information on the proposed Draft Plan of Subdivision and Zoning By-law amendment applications. A recommendation report will be brought forward for Council’s consideration at a future Council-in-Committee meeting.

Nature of the Site

The subject site is located on the east side of Crescent Road in the Crescent Park neighbourhood of Fort Erie inside the Urban Boundary and is 10.68 hectares in area. The property is municipally known as 0-10747 Kraft Road and is vacant land.

The following are the land uses surrounding the subject property:

- North:** Commercial uses along Garrison Road, vacant commercial land, vacant residential land, some existing single detached dwellings and Garrison Public School.
- South:** Single detached dwellings and largely vacant land that is also the site of a radio transmission tower facility.
- East:** Largely vacant land that is also the site of a radio transmission tower facility.
- West:** Single detached dwellings.

Planning Context

2020 Provincial Policy Statement (PPS)

The subject lands are located within a Settlement Area under the 2020 Provincial Policy Statement (PPS). The policies of the PPS direct growth to settlement areas and encourage building strong communities through the efficient use of land, resources, and infrastructure. The PPS supports development of complete communities with an appropriate range and mix of housing types.

2020 Growth Plan for the Greater Golden Horseshoe (Growth Plan)

The subject property is within a Settlement Area in the Growth Plan and is designated as Designated Greenfield Area. In general, the Growth Plan directs new residential development within the delineated Built-up Area and encourages opportunities for efficient use of urban land and a range and mix of housing types.

2022 Niagara Official Plan (NOP)

The NOP notes that development in urban areas will integrate land use planning and infrastructure planning to responsibly manage growth. The NOP promotes intensification, compact built form and a diverse range and mix of housing types. Similar to the Growth Plan, the NOP establishes a minimum density of 50 residents and jobs per hectare for designated greenfield areas.

2011 Town of Fort Erie Official Plan

Official Plan Schedule A - Land Use Plan

The subject lands are designated Urban Residential and Environmental Conservation on Schedule A of the Town's Official Plan. Section 4.9 of the Official Plan states that lands with Urban Residential designation are intended for a variety of housing forms including single detached dwellings and multi-unit residential dwellings including townhouses. Subsection 4.7.4.1 of the Official Plan provides guidance to Council when considering medium density residential uses and infill residential intensification on vacant land. Planning staff will provide analysis with respect to these criteria in the future recommendation report to Council.

The Environmental Conservation designation requires environmental review and the Agent has completed a [Natural Heritage Assessment](#) that is summarized later in this report.

Site Specific Policy Area 5 - Kraft Drain Area

The subject property is identified as being located within the Site Specific Policy Area (SSPA) 5 - Kraft Drain Area on Schedule A of the Town's Official Plan. The SSPA states that development within this area should be completed in association with an Environmental Planning Study and a Neighbourhood Plan outlining how the land will be developed and serviced in accordance with the policies of the Official Plan. A Comprehensive Servicing Study and overall Storm Water Management Plan will form important components of the Neighbourhood Plan. The Frenchman's Creek Trunk Sanitary Sewer Project must be constructed prior to development proceeding.

Planning staff note that the subject property is clearly shown to be within the Crescent Park neighbourhood on Schedule A1- Neighbourhoods of the Official Plan and not within the Kraft neighbourhood area. It is also functionally part of the Crescent Park neighbourhood. The subject property does not have any direct frontage onto Kraft Road. Instead, it has two connections to Crescent Road. Further, the [Functional Servicing Report](#) and a [Stormwater Management Plan](#) submitted as part of the application demonstrate that the proposed development will utilize the existing water, sanitary and storm sewer infrastructure within the Crescent Road road allowance. Staff note that the Frenchmen's Creek Trunk Sanitary Sewer project was completed a number of years ago. The Agent has also submitted a [Natural Heritage Assessment](#) that demonstrates that there are no major environmental concerns on the subject property provided the block for the watercourse is protected with an Environmental Protection (EP) Zone.

The integration of this parcel with the Crescent Park neighbourhood along with the studies that were submitted in support of this development satisfy the intent of Site Specific Policy Area 5 without the need for a Neighbourhood Plan.

Official Plan Schedule B - Mineral Aggregate & Petroleum Resources

Schedule B of the Official Plan illustrates that the subject property is not within a petroleum resource area and staff note that there are no active wells within 75.00 metres of the subject property.

Official Plan Schedule C - Natural Heritage Features & Schedule C1 - Natural Hazards & Fish Habitat

Schedule C of the Official Plan identifies the property as being within a Significant Natural Area (SNA). Schedule C1 identifies an unclassified stream fish habitat corresponding to the drainage feature that is under the regulation of the Niagara Peninsula Conservation Authority (NPCA). While this drainage feature is largely east of the subject property a small portion is located on the very eastern edge of the property. This area will be protected within a block of land that will be zoned Environmental Protection (EP) Zone.

Official Plan Schedule D - Cultural Heritage Archaeological Zones of Potential

Schedule D of the Official Plan illustrates the subject property as being within area identified as having potential for archaeological resources. The Agent has completed a [Stage 1 and 2 Archaeological Assessment](#) to address the zone of potential.

Plan of Subdivision Design

The proposed draft plan of subdivision is attached as **Appendix “2”** and consists of the following elements:

- 67 lots for single detached dwellings,
- 4 blocks for a total of 8 semi-detached dwellings
- 24 blocks for a total of 145 townhouse dwellings
- 1 block for a watercourse
- 1 block for a stormwater pond
- 1 block for a future road connection to the lands to the east

The proposed dwellings will front onto internal roads within the proposed development. All lots that back onto existing single detached dwellings along Crescent Road are proposed for single detached dwellings to mitigate impacts on existing dwellings. The proposed semi-detached and townhouse dwellings are internalized within the development or back onto commercial properties. The overall density of the plan of subdivision is 21.20 units/ha.

Comprehensive Zoning By-law No. 129-1990

The lands are currently zoned Residential 2 (R2) Zone, Residential Multiple 1 (RM1) Zone and Environmental Conservation (EC) Overlay Zone in accordance with Zoning By-law No. 129-1990. The Agent is requesting to rezone the subject lands to a new site-specific Residential Multiple 1 (RM1) Zone for the proposed single detached dwellings, semi-detached dwellings, townhouse dwellings and the stormwater pond. An Environmental Protection (EP) Zone is proposed for the watercourse block to protect the NPCA-regulated drainage feature. The Zoning By-law Amendment also proposes to remove the Environmental Conservation (EC) Overlay Zone from the site.

The proposed site-specific RM1 Zone contains special provisions for the various dwelling unit types. A series of charts illustrating the zoning departures are below.

Table 1: Zone Comparison Chart - Proposed Site-specific RM1 Zone for Single Detached Dwellings

Zoning Regulation	Base Regulations(R2A) Zone	Proposed Regulations
Minimum Lot Frontage	12.00 m 15.00 m for a corner lot	No change
Minimum Lot Area	375.00 sq m	No change

Maximum Lot Coverage	50%	Removal of maximum lot coverage
Minimum Front Yard	6.00 m to garage 3.00 m to other parts of dwelling	No change
Minimum Interior Side Yard	1.20 m 3.00 on one side if no attached garage or carport	No change
Minimum Exterior Side Yard	3m, except that an attached garage or attached carport which faces the exterior side lot line shall be located no closer than 6m to the exterior side lot line.	No change
Minimum Rear Yard	6.00 m	No change
Maximum Building Height	2.5 storeys and 12.00 m	No change
Minimum Landscaped Area	20% overall 30% of front yard	No change

Table 2: Zone Comparison Chart - Proposed Site-specific RM1 Zone for Semi-Detached Dwellings

Zoning Regulation	Base Regulations (R3 Zone)	Proposed Regulations
Minimum Lot Frontage Per Dwelling	9.50 m for an interior lot	8.00 m for an interior lot
	10.50 m for a corner lot	No change for a corner lot
Minimum Lot Area Per Dwelling	305.00 sq m	No change
Maximum Lot Coverage	1 storey - 60% 2 storey - 40%	No change
Minimum Front Yard	6.00 m to garage 3.00 m to other parts of dwelling	No change
Minimum Interior Side Yard	1.20 m plus an additional 0.50 m for every storey or part thereof above the ground floor	1.20 m

	3.00 m on one side if no attached garage or carport	No change
Minimum Exterior Side Yard	3.00 m, except that an attached garage or attached carport which faces the exterior side lot line shall be located no closer than 6.00 m to the exterior side lot line.	No change
Minimum Rear Yard	6.00 m	No change
Maximum Building Height	2.5 storeys and 9.00 m	No change
Minimum Landscaped Area	20% overall 30% of front yard	No change

Table 3: Zone Comparison Chart - Proposed Site-specific RM1 Zone for Street Townhouse Dwellings

Zoning Regulation	Base Regulations	Proposed Regulations
Minimum Lot Frontage	6.00 m for street townhouse lots 9.00 m for street townhouse corner lots	No change
Minimum Lot Area	200.00 sq m for an interior lot 270.00 sq m for a corner lot	180.00 sq m for an interior lot 215.00 sq m for a corner lot
Minimum Front Yard	6.00 m to garage 4.00 m to other parts of dwelling	No change
Minimum Interior Side Yard	1.50 m	1.20 m
Minimum Exterior Side Yard	3m, except that an attached garage or attached carport which faces the exterior side lot line shall be located no closer than 6m to the exterior side lot line.	No change
Minimum Rear Yard	6.00 m	No change
Maximum Building Height	3 storeys and 12.00 m	No change

Minimum Landscaped Area	25% overall 30% of front yard	No change
Maximum Density	35 units per hectare	21.20 units per hectare
Maximum Lot Coverage	Interior street townhouse - 60% Exterior street townhouse - 40%	Removal of maximum lot coverage
Planting Strips	In accordance with Section 6.21 and 4.5m where it abuts a street, except for points of ingress/egress.	Delete requirement.

The site-specific RM1 Zoning will also contain a special provision to permit a stormwater management pond as a permitted use.

Planning analysis for the proposed zoning will be provided in the future recommendation report to Council.

The removal of the Environmental Conservation (EC) Overlay Zone will be subject to review by the Town’s Environmental Advisory Committee (EAC). The application has been circulated to EAC and a site visit by the Committee will take place in late February.

Studies

Archaeological Assessment

A [Stage 1 and 2 Archaeological Assessment](#) was completed by Detritus Consulting Ltd. in support of this project in October 2022. The Stage 1 is a background research study and concluded that the subject property exhibited moderate to high potential for cultural heritage features resources and therefore a Stage 2 Archaeological Assessment was recommended. The Stage 2 assessment involved a test pit survey at 5 m intervals in scrub land areas and pedestrian survey at 5 m intervals in agricultural areas. No archaeological resources were identified. The Stage 2 assessment concluded that no further archaeological assessment of the subject property was required.

Niagara Region Comments

Niagara Region reviewed the Archaeological Assessments and did not object to the conclusions of the studies. However, Regional staff have not been provided with a Letter of Acknowledgement from the Ministry of Citizenship and Multiculturalism for the completed Stage 1-2 Archaeological Assessment. This Letter is necessary to confirm that all archaeological resource concerns have met the Ministry’s licensing and resource conservation requirements. The Letter of Acknowledgement can be addressed through a condition of draft plan approval.

Environmental Noise Feasibility Study

An [Environmental Noise Feasibility Study](#) was completed by Valcoustics Canada Ltd. in October 2022 to assess impacts to the proposed development from noise generated by Garrison Road and the commercial uses adjacent to the site, including a Tim Hortons with a drive-thru. This study was requested by Niagara Region during pre-consultation. The feasibility study concluded the following:

- Noise impacts to the development from Garrison Road will be greatest to Blocks 71, 76, 77, 78 & 79 on the draft plan of subdivision.
- To mitigate the noise impacts on these blocks the study recommends that ducted forced air heating systems with air conditioning units be utilized, in addition the construction of the exterior wall and windows of the proposed dwelling must meet the minimum non-acoustical requirements of the Ontario Building Code.
- A 1.80 m high sound barrier along these blocks is recommended along the rear yards.
- The study concludes that the 1.80 m high sound barrier will also be sufficient to reduce noise impacts to the outdoor living areas of these blocks resulting from the Tim Hortons with a drive-thru and the commercial uses along Garrison Road.
- These measures will reduce noise impacts to meet the Ministry of Environment, Conservation and Parks (MECP) NPC-300 noise guidelines for new development.

Niagara Region Comments

Regional staff concur with the recommendations of the Study and offer no further comments at this time. Niagara Region will also require a Detailed Noise Study as a condition of draft plan approval if this development is approved.

Mississaugas of the Credit First Nation (MCFN) Comments

The MCFN Department of Consultation and Accommodation reviewed the Stage 1 and Stage 2 Archaeological Assessment. They did not object to the assessment but noted that some areas of the subject property are partially covered by grass and do not appear to offer optimal visibility to find artifacts lying on the ground. MCFN also note that they did not have field liaison representatives present for this assessment so it is unclear what measures were taken to address this situation.

Functional Servicing Brief (FSR) & Stormwater Management Plan (SWP)

A [Functional Servicing Report](#) and a [Stormwater Management Plan](#) was prepared by Upper Canada Consultants in November 2022 for this proposal. The conclusions of the FSR and the SWP are as follows:

- The existing 200mm diameter watermain on Crescent Road is sufficient to provide capacity for domestic water supply and fire protection for the proposed development.
- The existing 300mm diameter sanitary sewer is expected to have sufficient capacity for the proposed subdivision. The sanitary sewer system flows south down Crescent Road into a Regional sanitary sewer along Dominion Road, which then connects to the Regional Pump Station located to the east on Dominion Road. The proposed development is expected to outlet 10.06 L/s to the 300mm sanitary sewer, utilizing approximately 21.3% of the capacity of the total sanitary sewer.
- The SWP concludes that a stormwater management pond is required. Roof water leaders from the dwelling units shall discharge to grade to enhance infiltration. Grassed swales are to be utilized to collect and convey rear lot drainage to storm sewers. Stormwater discharge from the pond will outlet to the storm sewer along Crescent Road.

Niagara Region Comments

The 200 mm diameter PVC watermain on Crescent Road is owned by the Region. Therefore, a Connection Permit will be required.

Natural Heritage Assessment

A [Natural Heritage Assessment](#) was completed by Beacon Environmental in October of 2022. The Niagara Region Official Plan Schedule C – Core Natural Heritage (2015) does not identify natural heritage features to be associated with the subject land or the immediate adjacent lands. The Town’s Official Plan Schedule C – Natural Heritage Features identifies that the subject lands are part of a 130 ha Significant Natural Area (SNA). This SNA designation is based on the findings of a Natural Areas Inventory Study (NAIS) completed by the Town in 2003 that identified Significant Natural Areas (SNA’s), Corridors, and Linkages on the subject property.

The assessment of the subject lands for the NAIS was undertaken in 2002, however, Beacon’s 2022 site survey found that subject lands no longer support the ecological communities identified in 2002 field assessment. Based on current conditions, apart from the area within the watercourse block (Block 97 in the draft plan), the remainder of the subject lands no longer support a Significant Natural Area designation as identified in the Town’s Official Plan.

Block 97 will retain the vegetation community that is part of the area designated as SNA on Schedule C of the Town’s OP. In addition, the Niagara Peninsula Conservation Authority (NPCA) has requested that Block 97 be revegetated and naturalized to a meadow/thicket community. The vegetated Block will also provide for a 15 m buffer to the watercourse, and will meet the policy requirements of the Niagara Region, the Town and NPCA for the protection of fish habitat and watercourses.

The assessment concludes that the proposed development is in conformity with the natural heritage policies of Niagara Region, the Niagara Peninsula Conservation Authority and the Town of Fort Erie.

NPCA Comments

The NPCA is supportive of the proposed Zoning By-Law amendment and agrees with the proposal to zone the watercourse block as Environmental Protection (EP) Zone. The NPCA has conducted a site visit in relation to the subject lands for development. Further to the site visit and review of the subject documents with this application, the NPCA does not offer objections to the approval of this application, subject to conditions of draft plan approval.

Niagara Region Comments

Regional Environmental Planning staff has reviewed the proposed Applications and note that the subject lands are not impacted by the Region's Core Natural Heritage System. As such, staff does not offer any environmental requirements at this time.

Buffer Planting Plan for Watercourse Block

In association with the Natural Heritage Assessment, Beacon Environmental also completed a [Buffer Planting Plan](#) for the watercourse block (Block 97).

Financial/Staffing Implications

All costs associated with processing the application and the development of the property is the responsibility of the owner.

Policies Affecting Proposal

Notice of the statutory Public Meeting was circulated in accordance with the *Planning Act* by placing an advertisement in the February 2, 2022 edition of the *Fort Erie Post*.

Land use policies for the subject lands are contained in the Town's Official Plan, and applicable Regional and Provincial regulations.

Comments from Relevant Departments/Community and Corporate Partners

A request for comments regarding this Draft Plan of Subdivision and Combined Official Plan and Zoning By-law amendment was circulated to relevant Departments/Community and Corporate Partners on January 3, 2023. Comments received to date are summarized below and are attached as **Appendix "3"**.

Agency Comments

Bell Canada

No objection. Bell Canada provided several conditions of approval required for this development in their emailed comment.

Canada Post

Canada Post noted that the proposed development will receive mail service via centralized mail facilities provided via community mailboxes. Canada Post also provided some conditions of approval related to the use of community mailboxes.

Cogeco and Enbridge

No objection.

Mississaugas of the Credit First Nation (MCFN)

No objections to the proposed development. The MCFN did provide some comments on the Archaeological Assessment which are included in the 'Studies' section of this report.

Niagara Catholic District School Board (NCDSB)

The NCDSB did not object to the proposed development, but noted that it is likely to generate a significant enrollment increase at St. Philomena Catholic Elementary School. The agency requests to be circulated on future development applications pertaining to his development.

Niagara Region

Niagara Region notes that the subject lands are Designated Greenfield Area in accordance to Provincial and Regional Plans. Policies set out for these lands require them to be developed at a minimum density of 50 people and jobs per hectare. Based on total developable area of the site (10.378 ha), proposed density of the subject lands is approximately 52 people and jobs per hectare, which achieves the density target. The proposed development will be consistent with the PPS and conform to Provincial and Regional growth management policies.

Niagara Region does not object to the proposed Draft Plan of Subdivision and Zoning By-law Amendment Applications, subject to the Region's conditions of approval that were provided as part of their comments.

Staff Comments

Chief Building Official

No objection.

Public Comments

A public information open house was held in-person in the Atrium of Town Hall on January 26, 2023 from 5 to 6 pm. All property owners within 120 metres of the subject lands were notified of the information open house via a notice mailed by Staff on January 12, 2023. Town planning staff, two representatives from the Agent and two representatives from the Owner attended the information open house meeting. Approximately 15 members of the public attended the information open house meeting. Comments and feedback from the public are outlined below. Email correspondence was also received and is attached for review as **Appendix "4"**.

Drainage Issues resulting from the Development

Several members of the public noted that there are existing drainage issues in the area and were concerned that the proposed development may cause further drainage impacts.

Staff Response

Detailed engineering review will occur by Town Infrastructure Services staff if the proposed Plan of Subdivision is approved. The development will not proceed until it is demonstrated that there will be no adverse drainage impacts on adjacent lands. Planning staff note that the Agent has provided a Stormwater Management Plan (SWP) to address stormwater runoff and drainage from the proposed development. The development will utilize a system of rear yard swales, catch basins, storm sewers and a stormwater detention pond that are designed to prevent drainage issues and flooding resulting from the proposed development.

Pedestrian Connection from Crescent Road to Garrison Public School

One resident suggested an easement or right-of-way along the northern edge of the development for a sidewalk to provide a passageway to Garrison Public School to the east.

Staff Response

Planning staff note that there is an existing sidewalk network in place along Crescent Road and both sides of Garrison Road that provide pedestrian access to Garrison Public School to the east. Staff note that all of the parcels between the subject property and Garrison Road to the north are under private ownership. It would be difficult to

obtain a land connection east of Crescent Road to Garrison Road will the current parcel configuration of the area.

Town Park in the Development

Several members of the public had questions regarding if the Town had any plans for a neighbourhood park in the area or within the proposed development itself.

Staff Response

Future park provision in the Crescent Park neighbourhood is planned and the location of any new park will be refined through a Parks and Open Space Master Plan to be initiated by the Town at a future date. Collection of funds for cash in lieu of parkland dedication from this development will assist the Town in securing land for parkland purposes in the area. It is noted that the Town of Fort Erie does not have the financial resources to construct a park in every new subdivision.

Traffic and Speeding

Several of the residents expressed concern regarding traffic impacts in the area resulting from the proposed development and in particular speeding along Crescent Road. It was noted by several residents that there is only one stop sign on Crescent Road, located at the intersection with Phillips Street. This results in speeding issues. Another issue that was identified was left turns from Crescent Road onto Garrison Road. The intersection is unsignalized.

Staff Response

A Traffic Impact Study was not requested during pre-consultation by the Town or by Niagara Region for this development. The existing road network can accommodate the additional vehicles. Further, Niagara Region was not supportive of installation of a traffic signal at the intersection of Crescent Road and Garrison Road due to the close proximity of traffic signals at Daytona Drive/Pettit Road and Garrison Road to the west and Garrison Public School to the east.

Issues with speeding are largely an existing issue and planning staff note that enforcement of posted speed limits are the responsibility of the Niagara Regional Police Service (NRPS).

Alternatives

N/A.

Communicating Results

There are no communication requirements at this time.

Conclusion

This report is submitted for information purposes. A report with recommendations on the proposed Draft Plan of Subdivision and Zoning By-law Amendment will be presented to Council at a future Council-in-Committee meeting.

Attachments

Appendix "1" - Location Plan

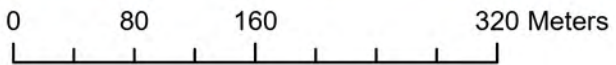
Appendix "2" - Draft Plan of Subdivision

Appendix "3" - Comments from Staff/Agencies

Appendix "4" - Comments from the Public



**Subject Lands
Crescent Acres
(0-10747 Kraft Road)**



LOCATION PLAN
Proposed Plan of Subdivision and Zoning By-law Amendment - Crescent Acres

Subject Lands - Crescent Acres (0-10747 Kraft Road)



APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-15-2023 DATED FEBRUARY 27, 2023

Draft Plan of Subdivision (350309-0553) and ZBLA (350308-0129); 0-10747 Kraft Rd.,
 Fort Erie circulations to DVanderVeen 2023-01-08 10:38 PM
 From <circulations@wsp.com>
 To <DVanderVeen@forterie.ca>
 Please respond to <circulations@wsp.com>

2023-01-08

Darryl Vander Veen

Fort Erie

, ,

Attention: Darryl Vander Veen

**Re: Draft Plan of Subdivision (350309-0553) and ZBLA (350308-0129); 0-10747 Kraft Rd.,
 Fort Erie; Your File No. 350309-0553,350308-0129**

To Whom this May Concern,

We have reviewed the circulation regarding the above noted application. The following paragraphs are to be included as a condition of approval:

“The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.”

Upon receipt of this comment letter, the Owner is to provide Bell Canada with servicing plans/CUP at their earliest convenience to planninganddevelopment@bell.ca to confirm the provision of communication/telecommunication infrastructure needed to service the development.

It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada’s existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

To ensure that we are able to continue to actively participate in the planning process and provide detailed provisioning comments, we note that we would be pleased to receive circulations on all applications received by the Municipality and/or recirculations.

APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-15-2023 DATED FEBRUARY 27, 2023

We note that WSP operates Bell Canada's development tracking system, which includes the intake and processing of municipal circulations. However, **all responses to circulations and requests for information, such as requests for clearance, will come directly from Bell Canada, and not from WSP.** WSP is not responsible for the provision of comments or other responses.

Should you have any questions, please contact the undersigned.

Yours truly,

Juan Corvalan

Senior Manager - Municipal Liaison

Email: planninganddevelopment@bell.ca92;#Infrastructure|99ba27ae-002d-47ab-aa90-899ac195e6e7

Bell Canada Bell Canada

NOTICE: This communication and any attachments ("this message") may contain information which is privileged, confidential, proprietary or otherwise subject to restricted disclosure under applicable law. This message is for the sole use of the intended recipient(s). Any unauthorized use, disclosure, viewing, copying, alteration, dissemination or distribution of, or reliance on, this message is strictly prohibited. If you have received this message in error, or you are not an authorized or intended recipient, please notify the sender immediately by replying to this message, delete this message and all copies from your e-mail system and destroy any printed copies. You are receiving this communication because you are listed as a current WSP contact. Should you have any questions regarding WSP's electronic communications policy, please consult our Anti-Spam Commitment at www.wsp.com/casl. For any concern or if you believe you should not be receiving this message, please forward this message to caslcompliance@wsp.com so that we can promptly address your request. Note that not all messages sent by WSP qualify as commercial electronic messages.

AVIS : Ce message, incluant tout fichier l'accompagnant (« le message »), peut contenir des renseignements ou de l'information privilégiés, confidentiels, propriétaires ou à divulgation restreinte en vertu de la loi. Ce message est destiné à l'usage exclusif du/des destinataire(s) voulu(s). Toute utilisation non permise, divulgation, lecture, reproduction, modification, diffusion ou distribution est interdite. Si vous avez reçu ce message par erreur, ou que vous n'êtes pas un destinataire autorisé ou voulu, veuillez en aviser l'expéditeur immédiatement et détruire le message et toute copie électronique ou imprimée. Vous recevez cette communication car vous faites partie des contacts de WSP. Si vous avez des questions concernant la politique de communications électroniques de WSP, veuillez consulter notre Engagement anti-pourriel au www.wsp.com/lcap. Pour toute question ou si vous croyez que vous ne devriez pas recevoir ce message, prière de le transférer au conformitelcap@wsp.com afin que nous puissions rapidement traiter votre demande. Notez que ce ne sont pas tous les messages transmis par WSP qui constituent des messages électroniques commerciaux.

-LAEmHhHzdJzBITWfa4Hgs7pbKl



CANADA POST
955 Highbury Ave N
London ON N5Y 1A3
CANADAPOST.CA

POSTES CANADA
955 Highbury Ave N
London ON N5Y 1A3
POSTESCANADA.CA

JANUARY 10, 2023

DARYL VANDER VEEN
TOWN OF FORT ERIE
1 MUNICIPAL CENTRE DRIVE
FORT ERIE, ONTARIO, L2A 2S6

Re: Crescent Acres Draft Plan of Subdivision

Dear Daryl,

This development will receive mail service to centralized mail facilities provided through our Community Mailbox program.

I will specify the conditions which I request to be added for Canada Post Corporation's purposes.

The owner shall complete to the satisfaction of the Director of Engineering of the town of Fort Erie and Canada Post:

- a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i) that the home/business mail delivery will be from a designated Centralized Mail Box.
 - ii) that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
- b) The owner further agrees to:
 - i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.



- ii) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes
 - iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
 - iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
- c) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service.

If you have any questions or concerns regarding these conditions, please contact me.

I appreciate the opportunity to comment on this project.

Regards,

A. Carrigan

Officer, Delivery Planning
(226) 268-5914

Andrew.Carrigan@Canadapost.ca

APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-15-2023 DATED FEBRUARY 27, 2023

Re: Request for comments - proposed Plan of Subdivision & Zoning By-law Amendment application, Crescent Acres subdivision, Town of Fort Erie (file nos. 350309-0553 & 350308-0129) Craig Krueger to Daryl Vander Veen 2023-01-04 09:07 AM
 From "Craig Krueger" <craig.krueger@cogeco.com>
 To "Daryl Vander Veen" <DVanderVeen@forterie.ca>

Received thank you Daryl.

Cogeco has no comments regarding this development.

Craig

On Tue, Jan 3, 2023 at 3:47 PM Daryl Vander Veen <DVanderVeen@forterie.ca> wrote:

Good afternoon,

Complete applications for a Plan of Subdivision and Zoning By-law Amendment were been received from Matt Kernahan of Upper Canada Consultants on behalf of Crescent Acres Ltd. for 0-10747 Kraft Road in the Town of Fort Erie. The proposed subdivision includes 67 single detached dwellings, 8 semi-detached dwellings, 145 townhouses, a block for a watercourse, a block for a future road connection and a block for a stormwater management facility.

The lands are located within the Urban Area in the Crescent Park neighbourhood of Fort Erie and are currently designated Urban Residential and Environmental Conservation in the Town's Official Plan. The lands are currently zoned Residential Multiple 1 (RM1) Zone, Residential 2 (R2) Zone, Open Space (OS) Zone and Environmental Conservation (EC) Overlay Zone in accordance with the Town's Comprehensive Zoning By-law No. 129-1990. The application is proposing to change the zoning to a site-specific Residential Multiple 1 (RM1) Zone and an Environmental Protection (EP) Zone corresponding to the watercourse. The site-specific zoning seeks to remove the lot coverage requirement for single detached dwellings, reduced lot frontage for semi-detached dwellings, reduced side yard setbacks for semi-detached dwellings, reduced lot area for townhouses, remove the lot coverage requirement for townhouses and to remove the planting strip requirement for multi-residential development along a street line.

The following documents are submitted for review at the following link:

0. Final Pre-consultation Agreement PA-2022-026 (0-10747 Kraft Road).pdf
1. Application for Plan of Subdivision & Zoning By-law Amendment.pdf
2. Draft Plan of Subdivision.pdf
3. Planning Justification Report.pdf
4. Stage 1 and 2 Archaeological Assessment.pdf
5. Stormwater Management Report.pdf
6. Functional Servicing Report.pdf
7. Environmental Noise Feasibility Study.pdf
8. Natural Heritage Assessment.pdf
9. Buffer Planting Plan.pdf
10. PIN Map & Parcel Register.pdf

The documents can be downloaded from the following link: <https://filr.forterie.ca:8443/filr/public-link/file-download/ff808082854a3b020185796109166ea3/1439/-561725999031272376/Crescent%20Acres%20Digital%20Submission.zip>

Please provide any comments you have on the application no later than **Monday, January 23, 2023**. If your agency has a review fee it has been mailed to your attention. Please contact me if you have any questions or require any further information.

Regards,

Daryl

Daryl Vander Veen, BES



Enbridge Gas Inc.
500 Consumers Road
North York, Ontario M2J 1P8
Canada

January 23, 2023

Daryl Vander Veen, BES
Intermediate Development Planner
Planning & Development Services
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Dear Daryl,

Re: Draft Plan of Subdivision, Zoning By-Law Amendment
Crescent Acres Ltd.
Crescent Road
Part of Lot 4, Concession 3
Town of Fort Erie
File No.: 350309-0553, 350308-0129

Enbridge Gas Inc. does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions.

This response does not constitute a pipe locate, clearance for construction or availability of gas.

The applicant shall contact Enbridge Gas Inc.'s Customer Connections department by emailing CustomerConnectionsContactCentre@Enbridge.com to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.


If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phased construction, all costs are the responsibility of the applicant.

In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas Inc. at no cost.

Sincerely,

Jasleen Kaur
Municipal Planning Coordinator
Engineering

ENBRIDGE
TEL: 437-929-8083
500 Consumers Rd, North York, ON M2J1P8
enbridge.com
Safety. Integrity. Respect. Inclusion.

Re: Request for comments - proposed Plan of Subdivision & Zoning By-law Amendment application, Crescent Acres subdivision, Town of Fort Erie (file nos. 350309-0553 & 350308-0129) 

Keegan Gennings to Daryl Vander Veen

2023-01-25 09:11 AM

From Keegan Gennings/FortErie
To Daryl Vander Veen/FortErie@TownOfFortErie

Hi Daryl,

I have reviewed the plan of subdivision and zoning by-law amendment and I have no comments.

Regards,

Keegan Gennings C.B.C.O
Chief Building Official
Town of Fort Erie
905-871-1600 ext. 2515

Daryl Vander Veen Good afternoon, Complete applications for a Pl... 01/03/2023 03:47:23 PM

From: DVanderVeen@forterie.ca
To:
Date: 01/03/2023 03:47 PM
Subject: Request for comments - proposed Plan of Subdivision & Zoning By-law Amendment application, Crescent Acres subdivision, Town of Fort Erie (file nos. 350309-0553 & 350308-0129)

Good afternoon,

Complete applications for a Plan of Subdivision and Zoning By-law Amendment were been received from Matt Kernahan of Upper Canada Consultants on behalf of Crescent Acres Ltd. for 0-10747 Kraft Road in the Town of Fort Erie. The proposed subdivision includes 67 single detached dwellings, 8 semi-detached dwellings, 145 townhouses, a block for a watercourse, a block for a future road connection and a block for a stormwater management facility.

The lands are located within the Urban Area in the Crescent Park neighbourhood of Fort Erie and are currently designated Urban Residential and Environmental Conservation in the Town's Official Plan. The lands are currently zoned Residential Multiple 1 (RM1) Zone, Residential 2 (R2) Zone, Open Space (OS) Zone and Environmental Conservation (EC) Overlay Zone in accordance with the Town's Comprehensive Zoning By-law No. 129-1990. The application is proposing to change the zoning to a site-specific Residential Multiple 1 (RM1) Zone and an Environmental Protection (EP) Zone corresponding to the watercourse. The site-specific zoning seeks to remove the lot coverage requirement for single detached dwellings, reduced lot frontage for semi-detached dwellings, reduced side yard setbacks for semi-detached dwellings, reduced lot area for townhouses, remove the lot coverage requirement for townhouses and to remove the planting strip requirement for multi-residential development along a street line.

The following documents are submitted for review at the following link:

APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-15-2023 DATED FEBRUARY 27, 2023

RE: Request for comments - proposed Plan of Subdivision & Zoning By-law Amendment application, Crescent Acres subdivision, Town of Fort Erie (file nos. 350309-0553 & 350308-0129) Marie-Annick Prevost to DVanderVeen@forterie.ca 2023-01-12 09:50 AM
Cc "Adam LaForme", "Abby LaForme"
From "Marie-Annick Prevost" <Marie-Annick.Prevost@mncfn.ca>
To "DVanderVeen@forterie.ca" <DVanderVeen@forterie.ca>
Cc "Adam LaForme" <Adam.LaForme@mncfn.ca>, "Abby LaForme" <Abby.LaForme@mncfn.ca>

Aanii Daryl,

On behalf of the Mississaugas of the Credit First Nation, Department of Consultation and Accommodation, I reviewed the Stage 2 Archaeological Assessment report prepared by Detritus for the Crescent Acres subdivision in Fort Erie.

I noted that some areas shown in photos 5 and 6 are partially covered by grass and do not appear to offer optimal visibility to find artifacts lying on the ground. As far as I am aware, MCFN did not have field liaison representatives present for this assessment so it is unclear to me what measures were taken to address this situation.

Photo 5: Study Area Property Extent, facing East



Photo 6: Study Area Property Extent, facing South-West



We look forward to collaborating with you on future projects.

Miigwech,

Marie-Annick Prevost, Ph.D. (she/her)

Field archaeologist



Mississaugas of the Credit First Nation (MCFN)
Department of Consultation and Accommodation (DOCA)
4065 Highway 6 North, Hagersville, ON N0A 1H0
Cell: 905-870-5844

APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-15-2023 DATED FEBRUARY 27, 2023

NCDSB Comments: Request for comments - proposed Plan of Subdivision & Zoning By-law Amendment application, Crescent Acres subdivision, Town of Fort Erie (file nos. 350309-0553 & 350308-0129)Pasquini-Smith, Alexsandria to DVanderVeen@forterie.ca
2023-01-24 06:01 PM
From "Pasquini-Smith, Alexsandria" <Alexsandria.PasquiniSmith@ncdsb.com>
To "DVanderVeen@forterie.ca" <DVanderVeen@forterie.ca>

Hello,

Thank you for circulating the above-noted application to Niagara Catholic. The proposed development is likely to generate a significant enrollment increase at St. Philomena CES.

Niagara Catholic requests to be circulated on future development applications pertaining to the development.

Thank you.
Alex

Alexsandria Pasquini-Smith, MCIP, RPP

Administrator of Planning & Properties

Niagara Catholic District School Board
427 Rice Road, Welland, ON, L3C 7C1
Tel: 905-735-0240 Ext. 131
Cell: 905-933-1734



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

Sent: Tuesday, January 3, 2023 3:47 PM

Subject: Request for comments - proposed Plan of Subdivision & Zoning By-law Amendment application, Crescent Acres subdivision, Town of Fort Erie (file nos. 350309-0553 & 350308-0129)

This email originated from outside Niagara Catholic.
Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

Complete applications for a Plan of Subdivision and Zoning By-law Amendment were been received from Matt Kernahan of Upper Canada Consultants on behalf of Crescent Acres Ltd. for 0-10747 Kraft Road in the Town of Fort Erie. The proposed subdivision includes 67 single detached dwellings, 8 semi-detached dwellings, 145 townhouses, a block for a watercourse, a block for a future road connection and a block for a stormwater management facility.

The lands are located within the Urban Area in the Crescent Park neighbourhood of Fort Erie and are currently designated Urban Residential and Environmental Conservation in the Town's Official Plan. The lands are currently zoned Residential Multiple 1 (RM1) Zone, Residential 2 (R2) Zone, Open Space (OS) Zone and Environmental Conservation (EC) Overlay Zone in accordance with the Town's Comprehensive Zoning By-law



Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
(905) 980-6000 Toll-free: 1-800-263-7215

Via Email

January 27, 2023

Region Files: D.11.01.SD-23-0001
D.18.01.ZA-23-0001

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

Dear Mr. Vander Veen:

**Re: Regional and Provincial Comments
Draft Plan of Subdivision & Zoning By-law Amendment Applications
Town Files: 350309-0553 & 350308-0129
Applicant: Crescent Acres Ltd.
Agent: Upper Canada Consultants (c/o Matt Kernahan)
0-10747 Kraft Road (Crescent Acres Subdivision)
Town of Fort Erie**

Regional Development Services staff has reviewed the proposed Draft Plan of Subdivision and Zoning By-law Amendment Applications related to the above noted property. The Region received its circulation from the Town of Fort Erie on January 3, 2023, and receipt of its review fees on January 26, 2023. The subject lands are approximately 10.7 hectares in size.

The proposed subdivision will have 220 residential units consisting of 67 single-detached dwellings, 8 semi-detached dwellings, 145 townhouse dwellings, a development blocks for a watercourse, road, and stormwater management facility. The subject lands are designated 'Urban Residential' and 'Environmental Conservation' in the Town of Fort Erie's Official Plan, and zoned 'Residential Multiple 1 (RM1) Zone' in part, 'Residential 2 (R2) Zone' in part, 'Open Space (OS) Zone' in part, and 'Environmental Conservation (EC) Overlay Zone', in part, in accordance with the Town's Zoning By-law No. 129-1990, as amended.

The Applicant is proposing is proposing to change the zoning to a site-specific 'Residential Multiple 1 (RM1) Zone' and an 'Environmental Protection (EP) Zone' corresponding to the watercourse. The site-specific provisions are requested to address various technical zoning requirements including lot coverage, lot frontage, lot area, and yard setbacks associated to the different proposed dwelling types, as well as the

removal of the planting strip requirements for multi-residential development along a street line.

A pre-consultation meeting for the proposal occurred on March 10, 2022 with Town staff, Regional staff, and Agent in attendance. The following comments are provided from a Regional and Provincial perspective to assist the Town in considering these Applications.

Provincial and Regional Policies

The lands are located within the Urban Area of the Town of Fort Erie and designated 'Settlement Area' under the *Provincial Policy Statement, 2020* ("PPS"), and 'Designated Greenfield Area' under the *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan") and the *Niagara Official Plan, 2022* ("NOP").

Provincial and Regional policies direct growth to the Urban Area and supports development that contributes to the overall goal of providing a sufficient supply of housing that is affordable, accessible, and suited to the needs of a variety of households and income groups in Niagara. A full range of residential, commercial and industrial uses are permitted generally within the Urban Area, subject to the availability of adequate municipal services and infrastructure, and other policies relative to urban design, compatibility and environmental conservation.

The subject lands are Designated Greenfield Area ("DGA") in accordance to Provincial and Regional Plans. DGA policies set out for these lands to be developed at a minimum density of 50 people and jobs per hectare ("ppj/ha") across the municipality (Town of Fort Erie). Based on total developable area of the site (10.378 ha), proposed density of the subject lands is approximately 52 ppj/ha, which achieves the DGA target of 50 ppj/ha as set out in Provincial and Regional policies.

Regional staff has reviewed the "*Planning Justification Report*" ("PJR") prepared by Upper Canada Consultants (dated November 11, 2022) and finds its contents acceptable. Staff concur that the proposed development will make better use of existing underutilized urban lands while improving the efficiency of available municipal services and contributing to the diversification of Niagara's housing supply (semi-detached and townhouse units). Town staff should be satisfied that the proposed development compatible with the surrounding local urban fabric.

Land Use Compatibility – Noise

The subject lands are in proximity to several known stationary and transportation-related facilities that could pose the risk for adverse impacts to the proposed development. At the pre-consultation meeting, staff required the submission of a Noise Impact Study completed in accordance with the Ministry of the Environment, Conservation and Parks' ("MECP") NPC-300 Guidelines for review. The requirement for

this Study is to assess potential adverse impacts from nearby noise sources on the development and to recommend any necessary mitigation measures through site / building design.

Regional staff have reviewed the "*Environmental Noise Feasibility Study*" prepared by Valcoustics Canada Ltd. (dated October 6, 2022). The Study's methodology provides an assessment of potential environmental noise impacts experienced from Garrison Road, as well as nearby highway-commercial uses.

Through its analysis, the Study determined that Blocks 1-5 of the proposed development would experience noise impacts that exceed the MECP's sound limit thresholds with respect to a nearby commercial use (Tim Horton's, 1167 Garrison Road) and Garrison Road. The Study recommends that the proposed development can meet sound level requirements through the implementation of the following measures:

- The provision for the installation of air conditioning units for Blocks 1-5.
- A 1.8 m high sound barrier at the rear yards of Blocks 1-5.
- Warning clauses to be registered on title and included in Offers of Purchase and Sale for all units in Blocks 1-5.

Regional staff concur with the recommendations of the Study and offer no further comments at this time. Appropriate conditions with respect to ensuring that the recommendations of the Study will be implemented into the proposed development are provided in the attached Appendix.

Archaeological Potential

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 6.4.2.1 of the NOP state that development and site alteration is not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

Regional staff have reviewed the "*Stage 1-2 Archaeological Assessment*" prepared by Detritus Consulting Ltd. (dated December 18, 2022). The Assessment investigated the entirety of the subject lands and included a methodology consisting of a background literature review of surrounding historical settlement patterns, an on-site inspection, a Pedestrian Survey at 5 m intervals, and a Test Pit Survey at 5 m intervals. It is noted that approximately 90% of the subject lands was a large agricultural field that was accessible to ploughing and criteria for the Pedestrian Survey, while the other 10% of the site required Test Pit Survey due to natural heritage feature encumbrances.

The investigation did not result in the identification and documentation of any archaeological resources and concludes that no additional archaeological assessment of the Study Area is warranted.

At the time of preparing these comments, Regional staff has not been provided with a Letter of Acknowledgement from the Ministry of Citizenship and Multiculturalism for the completed Stage 1-2 Archaeological Assessment. This Letter is necessary to confirm that all archaeological resource concerns have met the Ministry's licensing and resource conservation requirements and can be addressed through a condition of the Draft Plan Agreement. An appropriate condition is provided in the attached Appendix.

Natural Heritage

Regional Environmental Planning staff has reviewed the proposed Applications and note that the subject lands are not impacted by the Region's Core Natural Heritage System. As such, staff does not offer any environmental requirements at this time.

Site Servicing

Servicing will be under the jurisdiction of the Town of Fort Erie and will require the construction of new water mains, storm sewers and sanitary sewers. Any new sanitary / storm sewers must be reviewed by the Region under the Ministry of the Environment's Transfer of Review Program, or by the Town through the Consolidated Linear Environmental Compliance Approval ("ECA") System. Drawings with calculations for the services must be submitted to this department for approval.

At this time, the 200 mm diameter PVC watermain on Crescent Road is owned by the Region. Therefore, a Connection Permit will be required. As part of the Connection Permit process, detailed plan and profile drawings of the proposed connection must be provided to the Region for review and approval, as well as an Application Letter from the Town of Fort Erie requesting the connection, and a Connection Permit fee of \$1,250. Materials can be provided to Susan Dunsmore, Manager of Development Engineering at Susan.Dunsmore@niagararegion.ca, (905) 980-6000 ext. 3661.

Stormwater Management

Regional staff have reviewed the "*Stormwater Management Plan*" prepared by Upper Canada Consultants (dated November 2022) offer the following comments:

- The plan proposes the development 2-year up to and including the 5-year stormwater outlet to the storm sewer on Crescent Road with flow control to the sewer spare capacity. Please supplement the site's existing peak flow during 25mm, 2-year and 5-year storms in order to demonstrate the flow control target is lower than pre-development.
- A stormwater management wet pond is sized to meet a Normal standard of water quality treatment and water quantity/erosion control criteria prior to discharge to Crescent Road. The 100-year overland flow from the subdivision will be directed to the pond and then released to Crescent Road. The Stormwater Management Plan will be subject to the satisfaction of Town to ensure the local infrastructure requirements be adequately addressed.

- The pond drainage area also includes the land of 1107 Garrison Road that is under a separate development application. Staff does not object to a communal stormwater management pond; however, coordination would be required to ensure that the development plan (i.e., impervious coverage) for 1107 Garrison Road is adequately represented in pond storage sizing, if the adjacent private property were determined to discharge to the pond.

Waste Collection

The Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of the Region's Waste Collection Policy. The proposed development is eligible to receive Regional curbside waste and recycling collection provided that the Owner(s) bring their waste and recycling to the curbside on the designated pick up day, and that the following limits are met:

- Recycling blue/grey bins – no limit (collected weekly).
- Organic green bins (no limit collected weekly).
- Garbage/waste bags or cans – 2 maximum per unit (collected every-other-week).

If the above limits cannot be met, then waste collection will be the responsibility of the Owner through a private contractor and not the Niagara Region.

The Region will require the submission of a Waste Collection Plan that shows the Regional truck route and turning templates, and that vehicles are able to enter and exit the subdivision from both directions at each entrance onto Crescent Road. It is recommended these routes be depicted individually on the Plan in order to maintain a clear view of the line dimensions.

Conclusion

In conclusion, Regional Planning and Development Services staff does not object to the proposed Draft Plan of Subdivision and Zoning By-law Amendment Applications, subject to the Region's Conditions of Draft Plan Approval as listed in the attached Appendix being satisfied, as well as any local requirements / provisions. Once the Region's have been fulfilled, it is staff's opinion that the proposed development will be consistent with the PPS and conform to Provincial and Regional growth management policies.

Please contact the undersigned at Alexander.Morrison@niagararegion.ca should you have any questions with regards to the comments of this Letter. Please send Notice of Town Council's Decision on these Applications once available.

APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-15-2023 DATED FEBRUARY 27, 2023

D.11.01.SD-23-0001

D.18.01.ZA-23-0001

January 27, 2023

Respectfully,



Alexander Morrison, MCIP, RPP
Senior Development Planner

cc: Pat Busnello, Manager of Development Planning, Niagara Region
Susan Dunsmore, Manager, Development Engineering, Niagara Region
Chris Pirkas, Development Approvals Technician, Niagara Region
Adam Boudens, Senior Environmental Planner, Niagara Region

Appendix: Niagara Region's Conditions of Draft Plan Approval

APPENDIX

Niagara Region's Conditions of Draft Plan Approval

0-10747 Kraft Road (Crescent Acres Subdivision), Fort Erie

1. That the Owner submits a copy of the Letter of Acknowledgement from the Ministry of Citizenship and Multiculturalism to the Town of Fort Erie and Niagara Region with respect to the completed "*Stage 1-2 Archaeological Assessment*" prepared by Detritus Consulting Ltd. (dated October 18, 2022) which confirms that all archaeological resource concerns have met licensing and resource conservation requirements prior to any development on the site.
2. That the Owner agrees to include the following warning clause within the Draft Plan Agreement to protect for any potential archaeological resources that may be discovered during construction activities:
 - "*Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Citizenship and Multiculturalism (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.*

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the Ministry should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.
3. That the Owner agrees to implement recommendations of the "*Environmental Noise Feasibility Study*" prepared by Valcoustics Canada Ltd. (dated October 6, 2022).
4. That the Owner agrees to include the following warning clauses in the Subdivision Agreement and in all Agreements of Purchase and Sale or Lease or Occupancy for all residential units in Blocks 1-5:
 - "*Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road and rail traffic may occasionally interfere with some activities of the dwelling occupants as the sound level may exceed the noise criteria of the Ministry of the Environment, Conservation and Parks and/or the municipality.*"

APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-15-2023 DATED FEBRUARY 27, 2023

D.11.01.SD-23-0001

D.18.01.ZA-23-0001

January 27, 2023

- *“This dwelling unit has been designed with the provision for adding central air conditioning at the occupant’s discretion. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Ministry of the Environment, Conservation and Parks and/or the municipality.”*
 - *“Purchasers/occupants are advised that the acoustical berm and/or barrier as installed shall be maintained, repaired or replaced by the owner. Any maintenance, repair or replacement shall be with the same material, to the same standards, and having the same colour and appearance of the original.”*
 - *“Purchases/tenants are advised that due to the proximity to commercial establishments, noise from these facilities may at times be audible.”*
5. That the Owner provides a written acknowledgement to the Niagara Region Planning and Development Services Department stating that draft approval of this subdivision does not include a commitment of servicing allocation by the Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.
 6. That the Owner provides a written undertaking to the Niagara Region Planning and Development Services Department stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision, shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the condominium agreement between the Owner and the Town.
 7. That prior to final approval for registration of this plan of subdivision, the Owner shall submit the design drawings [with calculations] for the sanitary and storm drainage systems required to service this development and obtain Ministry of the Environment, Conservation and Parks, Compliance Approval under the Transfer of Review Program or the pending Consolidated Linear Environmental Compliance Approval.
 8. That the Subdivision Agreement include a condition that the Owner shall apply for a Connection Permit and provide detailed plan and profile drawings of the proposed connection to the Regional watermain to the Region for review and approval by Water / Wastewater Engineering staff.
 9. That prior to approval of the final plan or any on-site grading, the Owner shall submit a Detailed Stormwater Management Plan for the subdivision and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment, Conservation and Parks documents entitled *Stormwater Management Planning and Design Manual March 2003* and *Stormwater Quality Guidelines for New Development, May 1991*, or their

successors to Niagara Region Planning and Development Services for review and approval:

- a) Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site; and
 - b) Detailed erosion and sedimentation control plans.
10. That the Subdivision Agreement between the Owner and the Town contain provisions whereby the Owner agrees to implement the approved plan(s) required in accordance with the Condition above.
11. That the Owner ensures that all streets and development blocks can provide access in accordance with the Regional Municipality of Niagara Corporate Policy for Waste Collection, and By-laws relating to the curbside collection of waste.

Clearance of Conditions

Prior to granting final approval, the Town of Fort Erie must be in receipt of written confirmation that the requirements of each condition have been met satisfactorily and that all fees have been paid to the satisfaction of Niagara Region.

Subdivision Agreement

Prior to final approval for registration, a copy of the executed Subdivision Agreement for the proposed development should be submitted to Niagara Region for verification that the appropriate clauses have been included. Niagara Region recommends that a copy of the draft agreement be provided in order to allow for the incorporation of any necessary revisions prior to execution.

Note: Clearance requests shall be submitted to the Region in accordance with the Memorandum of Understanding, which stipulates that requests for formal clearance of conditions are to be received and circulated to the Region by the Town of Fort Erie. The Town of Fort Erie is also responsible for circulating a copy of the Draft Agreement, and the Region is unable to provide a final clearance letter until the Draft Agreement is received. The Region is committed to reviewing submissions related to individual conditions prior to receiving the formal request for clearance. In this regard, studies and reports (one hard copy and a PDF digital copy) can be sent directly to the Region with a copy provided to the Town of Fort Erie.



January 17, 2023

Via Email Only

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

NPCA File No.: PLCOC202300007

Dear Mr. Vander Veen,

**Re: Niagara Peninsula Conservation Authority (NPCA) Comments
Conditions of Draft Plan Approval
Town of Fort Erie: Crescent Acres Subdivision**

The NPCA has received a request to review the complete application in relation to a proposed subdivision, inclusive of 67 single detached units, 8 semi-detached units, and 145 townhouses. These plans are also inclusive of a watercourse block, future road connection block, and a block for a stormwater management facility. In response to this request, we offer the following comments.

The NPCA is supportive of the proposed Zoning By-Law amendment and is in agreement with the watercourse zoning of Environmental Protection. The NPCA has previously conducted a site visit in relation to the subject lands for development. Further to the site visit and review of the subject documents with this application, the NPCA does not offer objections to the approval of this application, subject to the following conditions of draft plan approval.

Conditions of Draft Plan Approval

The NPCA requests the following conditions be incorporated into the Conditions of Draft Approval for the Subdivision application.

1. That the Developer provide detailed grading, construction sediment and erosion control drawings to the Niagara Peninsula Conservation Authority for review and approval. The Owner agrees that all Sediment and Erosion Control Measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized.
2. That the Developer submit a revised Planting Plan which incorporates a native seed mix into Block 97, in addition to the proposed shrub and tree plantings.
3. That Conditions 1 to 2 be incorporated into the Subdivision Agreement between the Developer and the Town of Fort Erie, to the satisfaction of the Niagara Peninsula Conservation Authority. The Town of Fort Erie shall circulate the Draft Subdivision Agreement to the Niagara Peninsula Conservation Authority for its review and approval.



Conclusion

At this time, NPCA staff have no objections to the application subject to the above Conditions of Draft Plan Approval. I hope this information is helpful. If you have any questions, please let me know.

Thank you,

A handwritten signature in black ink, appearing to read "Taran Lennard", is written over a horizontal line.

Taran Lennard
Watershed Planner
(905) 788-3135 ext. 277
tlennard@npca.ca

Fw: Comments for Crescent Acres

Anamika Dilwaria ^t [redacted]

2023-01-02 04:44 PM

Cc Daryl Vander Veen

From Anamika Dilwaria/FortErie
To [redacted]
Cc Daryl Vander Veen/FortErie@TownOfFortErie

Hi Dan,

Thank you for your email. Daryl Vander Veen is the Planner on the file. I have forwarded your email to him. In future, please feel free to contact him directly. Additionally, I have also copied him on this email.

Regards,

**Anamika Dilwaria, M.A, M.PI., MCIP, RPP
Manager, Development Approvals**

The Corporation of the Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario L2A 2S6
TEL: 1-905-871-1600 ext.2507
E-mail-adilwaria@forterie.ca

----- Forwarded by Anamika Dilwaria/FortErie on 01/02/2023 04:41 PM -----

From: "Dan Andrews" <[redacted]>
To: "ADilwaria@forterie.ca" <ADilwaria@forterie.ca>
Cc: "F.E.A.T. Advisory Committee" <F.E.A.T._Advisory_Committee@forterie.ca>
Date: 12/12/2022 10:21 PM
Subject: Comments for Crescent Acres

Dan Andrews
820 Grandview Rd,
Fort Erie, ON L2A 4V7
[redacted]

Dear Anamika Dilwaria,

Concerning File No: 350309-0518

I recently noticed a new sign with the date November 25th 2022. Before that there was an old sign that was falling down and illegible. I have always had concerns about this development and should have been on a list for more than a decade but was never contacted. When I look at this project on the town website it shows public input happened in September and December of 2021. Long before this sign went up.

I am a supporter of this development for the most part and would be willing to speak in favour

before counsel if my concerns are addressed.

My suggestion is simple. A 6 foot or 2 meter right-of-way behind the strip mall from Crescent Rd all the way to the eastern boundary with an outlet to Garrison Rd east of the strip mall and drive throughs to create a safer passage for children walking to school. Ideally a sidewalk or fenced in easement all the way around the outside perimeter which would also make an attractive dog walking route. There are quite a few coyotes using this property and I forecast them to be an issue when the development begins and on completion. Especially where the green space is located.

Also a pathway from each East/West running street to the Northern boundary for safe passage of children or bicycles. This much added traffic will make Crescent Rd and any other outlets dangerous for active transportation. Safety of pedestrians, especially children must come first. I suppose another street light will be needed at Crescent Rd which may eliminate the need for the current one at Garrison Rd School. Too many lights will cause congestion thus test driver patience.

The previous development I addressed was put out by Mountainview Homes prior to the Frenchman's Creek Sewer Trunk expansion to this area. I supported that development also but I suspect that was the sign that we saw rotting off the post over the past few years. Here you can find a letter I submitted back then.

<https://docs.google.com/document/d/1HbqGwLYjr10Mc1RpqR0ZcuKEd-HLsuTjREDyMCvr1RE/edit?usp=sharing>

Now instead of being concerned for my children it is my Grandchildren I am concerned about. I hope there is still time to get this development right and it's not already set in stone.

Sincerely

Dan Andrews

APPENDIX "4" TO ADMINISTRATIVE REPORT PDS-15-2023 DATED FEBRUARY 27, 2023

Dan Andrews
820 Grandview Rd
Fort Erie, ON
L2A 4V7
[REDACTED]

TEAL, John T.
393 Niagara Boulevard:
Fort Erie, ON
L2A 3H2
[REDACTED]

Re: Garrison Rd Catwalk

Hello John,

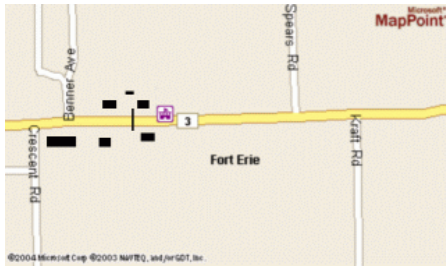
My name is Dan Andrews and I live in Crescent Park and I am a very concerned parent. The Danger involved for children going to Garrison School when walking from Crescent Park or anywhere on the South side of Garrison Rd, is comparable to the annual turtle runs you see on those nature shows. The Danger at the corner of Garrison and Crescent has been significantly reduced since I worked with Paul Fell and the manager of Becker's Variety to remove a sign that obstructed a drivers view while approaching the intersection from the south. Unfortunately the signs keep returning.

I feel it is our obligation to eliminate as much of the danger to these children as possible wherever we can. With the many driveways to businesses, four lanes of traffic, a bus lane and a heavy volume going in and out of a school parking lot that is not designed to handle that amount of traffic, the danger is still significant.

My idea is to build a catwalk across the Garrison. If this is possible, I believe we could eliminate the need for some busses and reduce the amount of traffic going in and out of the school parking lot. The reason this intersection is so busy is that the parents of these students recognize the danger to their children but bypassing it by driving their children to school creates even more danger for those who walk. Also by building a catwalk, we could free up a crossing guard to be moved to the corner of Crescent road.


I am asking you to point me in the right direction or show me the correct channels to follow with my inquiry regarding a catwalk as this is a regional road. I'd like to find out who owns the vacant lot between the coffee shop and the market, the large open lot directly across the highway and the land behind the Avonmart plaza for a later land use proposal.

APPENDIX "4" TO ADMINISTRATIVE REPORT PDS-15-2023 DATED FEBRUARY 27, 2023



<http://maps.google.ca/maps?hl=en&ie=UTF8&hq=&hnear=Fort+Eric,+Niagara+Regional+Municipality,+Ontario&ll=42.904883,-78.958027&spn=0.001041,0.002642&t=h&z=19>

Sincerely yours
Dan Andrews

Re: Proposed subdivision 

Anamika Dilwaria to Trent Carr

2023-01-03 08:42 AM

C
C Daryl Vander Veen

From: Anamika Dilwaria/FortErie
To: "Trent Carr" <[redacted]>
Cc: Daryl Vander Veen/FortErie@TownOfFortErie

Hi Trent,

Daryl Vander Veen is the lead planner on the file. By copy of this email to him, I am requesting him to add your contact details to the circulation list.

Regards,

**Anamika Dilwaria, M.A, M.Pl., MCIP, RPP
Manager, Development Approvals**

The Corporation of the Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario L2A 2S6
TEL: 1-905-871-1600 ext.2507
[E-mail-adilwaria@forterie.ca](mailto:adilwaria@forterie.ca)

"Trent Carr" Thanks for the reply, There's a sign at the north... 01/02/2023 03:59:20 PM

From: "Trent Carr" <[redacted]>
To: "Anamika Dilwaria" <ADilwaria@forterie.ca>
Date: 01/02/2023 03:59 PM
Subject: Re: Proposed subdivision

Thanks for the reply,
There's a sign at the north end of crescent rd. but there isn't a town file no. on the sign. I've included a photo of the sign.
Thank you,

APPENDIX "4" TO ADMINISTRATIVE REPORT PDS-15-2023 DATED FEBRUARY 27, 2023

From: "Trent Carr" <[redacted]>
To: adilwaria@forterie.ca
Date: 01/01/2023 01:23 PM
Subject: Proposed subdivision

Hello,
I am interested in attending the town meeting and being kept up to date
for the proposed subdivision.
Thanks very much.

Trent

APPENDIX "4" TO ADMINISTRATIVE REPORT PDS-15-2023 DATED FEBRUARY 27, 2023

New home development David Precepa to dvanderveen 2023-01-22 02:49 PM

Cc "Teresa Rice"

From "David Precepa" <[redacted]>

To dvanderveen@forterie.ca

Cc "Teresa Rice" <[redacted]>

I am extremely concerned about the future development next to crescent park. The development area is going to be in what is known as the Kelly watershed. Development of this area is going to restrict natural drainage backing it up into the existing homes. The effects of the excessive water backup to the existing homes will be devastating. Homes with basements have a difficult time getting rid of the water now and who is going to pick up the cost of upgrading to protect their homes. Homes without basements will most definitely have a an additional cost to protect their homes from structural damage from too much moisture under their homes because of the raised water levels, the same question applies

I am out of the country and will not be able to attend the meeting but it does not mean that I am not extremely concerned about the future development next to crescent park as our home will be directly affected.

Thank you very much for your time and we look forward to hearing from you

David Precepa and Teresa Rice

APPENDIX "4" TO ADMINISTRATIVE REPORT PDS-15-2023 DATED FEBRUARY 27, 2023

New homes Crescent Park Teresa Rice to dvanderveen, [redacted] 2023-01-22 11:54 AM
From "Teresa Rice" <[redacted]>
To dvanderveen@forterie.ca, [redacted]

Hello Daryl

I have received your proposal, I cannot attend your meeting this week as I am away on Holiday however I am having a hard time understanding why this is happening, Crescent Park already has a big problem with the water table in the area and many homes flood, and you want to add another 220 homes, also our wildlife that lives in our area, Fort Erie has already taken so much of our natural habitat around the Lake, our community does not need this, I don't want to see our Crescent Park looking like what is happening in Ridgeway, I moved to Fort Erie a Year and a half ago to enjoy our lovely area of Parks wildlife trails and the Beach not to be run over by all the traffic from this subDivision.

My vote is no

Teresa Rice
956 Crescent Rd
Fort Erie

APPENDIX "4" TO ADMINISTRATIVE REPORT PDS-15-2023 DATED FEBRUARY 27, 2023



Crescent AcresJanelle Sauer to dvanderveen 2023-01-27 10:47 AM
From "Janelle Sauer" <[redacted]>
To dvanderveen@forterie.ca
History: This message has been replied to.

2 Attachments



20221111_164725.jpg 20221111_164646.jpg

Good Morning Daryl,
Very nice to meet you last evening, where you listened to our concerns about the proposed subdivision.

I do believe that we have identified some concerns:
Several special provisions that will set a precedent for future building in the Town of Fort Erie.
Lack of a safe playground for children.
Street A and Street B enter onto Crescent Road and exit into the subdivision from Crescent Road.
Last but not least, the pictures attached show the flooding behind our properties.

I have to send pictures in 2 separate emails.

Thanks Janelle









Planning and Development Services

Prepared for	Council	Report No.	PDS-16-2023
Agenda Date	February 27, 2023	File No.	350302-0164 & 350309-0557

Subject	<p>PROPOSED COMBINED OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT 214 COURTWRIGHT STREET NPG PLANNING SOLUTIONS LTD. - JEREMY TRAN (AGENT) 2550663 ONTARIO INC. - GREG WALKER (OWNER)</p>
----------------	---

Recommendation	<p>THAT Council receives for information purposes Report No. PDS-16-2023 regarding a proposed Combined Official Plan and Zoning By-law Amendment for 214 Courtwright Street.</p>
-----------------------	---

Relation to Council's 2018-2022 Corporate Strategic Plan	<p>Priority: Managed Growth through Responsibility, Stewardship and Preservation</p>
---	--

List of Stakeholders	<p>NPG Planning Solutions Ltd. - Jeremy Tran (Agent) 2550663 Ontario Inc. - Greg Walker (Owner) Residents and Property Owners in the Town of Fort Erie</p>
-----------------------------	--

Prepared by:	Reviewed by:	Submitted by:	Approved by:
Original Signed	Original Signed	Original Signed	Original Signed
Daryl Vander Veen Intermediate Development Planner	Anamika Dilwaria, M.Pl., MCIP, RPP Manager, Development Approvals	Alex Herlovitch, MCIP, RPP Director, Planning & Development Services	Chris McQueen, MBA Chief Administrative Officer

Purpose

The purpose of this report is to provide information for the February 27, 2023 Public Meeting for the proposed Combined Official Plan and Zoning By-law Amendment application for 214 Courtwright Street. Jeremy Tran of NPG Planning Solutions Ltd. (Agent) submitted the application on behalf of 2550663 Ontario Inc. (Greg Walker), the Owner of the subject property. The intent of this application is to bring an existing apartment building into conformity with the Town’s Bridgeburg Secondary Plan and Comprehensive Zoning By-law No. 129-1990. The apartment building contains five dwelling units and one home occupation (a barber shop with one chair).

A location map showing the subject lands is attached as **Appendix “1”**. A preliminary site plan is attached as **Appendix “2”**.

Background

The Agent has noted that the subject property previously contained a commercial establishment and two residential dwelling units on the main floor and two residential units on the second floor. In 2009 the commercial unit was converted into a residential unit. Staff has no building permit records showing the conversion of the commercial unit into a residential unit. Further, the property is currently being assessed as a fourplex by the Municipal Property Assessment Corporation (MPAC). According to MPAC data the structure originally dates back to 1945. The Owner acquired this property in 2021 and is looking to bring the parcel into compliance with the Official Plan and the Zoning By-law.

Nature of the Site

The subject property is located in the Bridgeburg neighbourhood of the Town of Fort Erie on the north side of Courtwright Street and west of Central Avenue. The following summarizes the land uses surrounding the subject property:

- North: Single detached dwellings, a multi-residential dwelling and commercial and mixed-use buildings along Jarvis Street.
- South: A commercial operation and land owned by the Canadian National Railway company, including an active railway.
- East: A commercial building, vacant commercial land, and a mix of existing residential uses and commercial uses east of Central Avenue.
- West: Single detached dwellings along Courtwright Street.

Planning Context

2020 Provincial Policy Statement (PPS)

The subject lands are located within a Settlement Area under the 2020 Provincial Policy Statement (PPS). The policies of the PPS direct growth to settlement areas and promote building strong communities through the efficient use of land, resources, infrastructure and public service facilities that are planned or available. The PPS encourages opportunities for intensification and addition of housing variety where appropriate.

2020 Growth Plan for the Greater Golden Horseshoe (Growth Plan)

The subject property is within the Greater Golden Horseshoe Growth Plan Area and designated Built-up Area. In general, the Growth Plan directs new residential development within the delineated Built-up Area and encourages opportunities for intensification.

2022 Niagara Official Plan (NOP)

The NOP notes that development in urban areas will integrate land use planning and infrastructure planning to responsibly manage growth. The NOP promotes intensification, compact built form and a diverse range and mix of housing types. The subject property is considered to be Built-up Area under the NOP.

2011 Bridgeburg Secondary Plan & 2011 Official Plan

Bridgeburg Secondary Plan

The subject property is currently designated Policy Area 4 - Bridgeburg Core Mixed Use Area in the Bridgeburg Secondary Plan and the Official Plan. The current land use designation does not permit stand-alone residential uses and also does not permit residential dwellings on the ground floor. This application is proposing an amendment to the Official Plan to add a Site Specific Policy Area (SSPA) designation to the subject lands to permit a stand-alone residential building.

The Bridgeburg Secondary Plan is supportive of intensified residential use in the Core Mixed Use area. Policy 4.15.8.1 a) notes that lands designated as Policy Area 4 shall be reserved for Core Mixed Use, including higher density residential use and limited commercial use on the ground floor only, in order to provide additional housing opportunities in the core area of Bridgeburg.

Official Plan

In 2015 the Town approved By-law No. 059-2015, a Town-initiated amendment to the Official Plan that modified the policies of the General Commercial provisions of Section

4.9.2 of the Official Plan to permit residential use on the ground floor in downtown commercial areas of Fort Erie, including the Bridgeburg downtown area. The subject property was included in the amendment.

The following policy was added to Official Plan Policy 4.9.2 II:

Within Crystal Beach, Ridgeway, Bridgeburg, Stevensville and South End downtown commercial centres, a portion of the ground storey may contain residential dwelling units to be situated behind the commercial use of the main floor, provided the unit does not front onto the street and it does not detract from the primary at-grade commercial purpose.

Planning staff note that most areas in the Town of Fort Erie designated as Core Mixed Use in the Official Plan have zoning that permits up to 49% of the ground floor to be used for residential dwellings. It is generally accepted that increased numbers of residential dwelling units in downtown areas are beneficial as they provide opportunities for affordable housing and improve the viability of commercial operations by having a year-round population base in the downtown area.

Schedule B - Mineral Aggregate & Petroleum Resources

Schedule B of the Official Plan illustrates that the subject property is within a petroleum resource area. There are no active wells within 75 metres of the subject property as identified on MNR map data of petroleum resources. The subject property is not within area identified as having potential for mineral aggregate resources.

Schedule C - Natural Heritage Features & Schedule D - Natural Hazard Areas & Fish Habitat

There are no natural heritage, natural hazard or fish habitat on the subject property as identified in Schedule C and C1 of the Town's Official Plan. The subject property also does not appear to be within area under the regulation of the Niagara Peninsula Conservation Authority (NPCA).

Schedule D - Cultural Heritage Archaeological Zones of Potential

The subject property is not located within an area identified as having archaeological potential on Schedule D of the Official Plan. Further, the site is considered to be disturbed

Comprehensive Zoning By-law No. 129-1990

The subject property is currently zoned General Commercial (C2-418) Zone in the Town's Comprehensive Zoning By-law No. 129-1990. The General Commercial zoning permits residential dwelling units but does not permit dwelling units on the ground floor nor a stand-alone residential building. The existing building has three residential

dwelling units located on the ground floor. Under the C2-418 zoning the ground floor is to be reserved for commercial uses only.

The existing apartment contains five dwelling units and one home occupation (a barber shop with one chair). The Zoning By-law requires 1.5 parking spaces per dwelling unit for apartment buildings and one parking space per home occupation. Therefore the subject property requires nine parking spaces under the Zoning By-law.

Currently, five parking spaces are provided on-site. However, none of the parking spaces comply with the provisions of the Zoning By-law.

The site plan provided by the Agent shows 6 parking spaces, however, only one parking space, the parking space shown as # 3 on the site plan (**Appendix “2”**), will comply with the Zoning By-law provisions. The Zoning By-law requires each parking space to be 6m in length and 2.7 m in width with a 6.0 m manoeuvring aisle. The Agent is requesting a reduction in the parking requirement from 9 parking spaces to 6 parking spaces. However, as only one parking space will comply with the zoning requirements the reduction of the parking spaces is actually from 9 spaces to 1 parking space. As there is a limited area available on-site for additional parking spaces Staff suggest that the Owner to explore the option of providing additional parking spaces off-site as an alternative. The Agent may wish to explore the option of providing some off-site parking spaces on nearby properties via an easement.

Planning staff will provide options to Council on how to address the parking deficiency in the future staff recommendation report as well as commentary on the other zoning departures recognizing that most are an existing situation.

An overview of the zoning departures is provided in the zoning chart below.

214 Courtwright Street Zoning Chart

Zoning Regulation	Residential Multiple 2 (RM2) Base Zone Regulations	214 Courtwright Street
Is the Use Permitted	Apartment Building	Yes
Minimum Lot Frontage	30.00 m	15.24 m (existing)
Minimum Lot Area	115.00 sq m per dwelling unit (575.00 sq m for 5 dwelling units)	128.45 sq m per dwelling unit (642.21 sq m for 5 dwelling units)
Maximum Lot Coverage	40%	45.73% (existing)
Minimum Front Yard	7.50 m	5.14 m (existing)
Minimum Side Yard		0.45 m west side (existing)

	One half of the building height or 4.00 m, whichever is greater	5.69 m east side
Minimum Rear Yard	One half of the building height or 7.50 m, whichever is greater	0.48 m (existing)
Maximum Height	9 storeys or 26.00 m whichever is greater	2 storeys, < 26.00 m
Landscaped Area (does not include parking areas or access or maneuvering space)	25%	The Agent is proposing 29.56% landscaped area. The current situation is less than 25%.
Parking Spaces	1.5 parking spaces per dwelling unit, and 1 parking space per home occupation (5 dwelling units + 1 home occupation = 9 parking spaces required)	1 parking space in compliance with Zoning By-law requirements
Ingress and Egress (Section 6.20 (D) (i))	7.50 m for two-way traffic	0.00 m - 2.70 m
Driveway width for Residential Zone	9.00 m	13.07 m
Number of Driveways	Up to the first 30.0 m of frontage - not more than 2 driveways	2 driveways
Parking Area Location on Lot	All yards provided that no part of any parking area, other than a driveway, is located closer than 3.0 m to any street line and any lot line.	0.00 m to front street line 2.17 m to west property line 0.00 m to east property line (existing)
Dimensions of Parking Spaces	Generally, 2.70 m width by 6.00 m depth	2.70 m width by 5.14 m to 5.20 m depth
Planting Strip Width Abutting a Residential Zone	3.00 m	2.17 m west side 0.48 m north side (existing)
Minimum Landscaped Open Space Area in a Residential Zone	30% front yard, 20% overall	16% front yard (existing)
		20% overall (existing)

Studies

No studies were required for this Combined Official Plan and Zoning By-law Amendment application.

Financial/Staffing Implications and Accessibility (AODA) Implications

All costs associated with processing the application and the development of the property is the responsibility of the owner. No impediments to the AODA legislation are expected as a result of this proposal.

Policies Affecting Proposal

Notice of the February 27, 2023 Public Meeting was circulated in accordance with the *Planning Act* by placing an advertisement in the February 2, 2023 edition of the *Fort Erie Post*. In addition, all property owners within 120 metres of the subject lands were mailed a “Notice of Complete Application and Public Meeting” on February 6, 2023.

Land use policies for the subject property are contained in the Town’s Official Plan and applicable Regional and Provincial regulations.

Comments from Relevant Departments/Community and Corporate Partners

A request for comments regarding this Zoning By-law amendment was circulated to relevant Departments/Community and Corporate Partners. Comments received to date are summarized below. Agency/Staff comments are attached as **Appendix “3”**.

Agency Comments

Canada Post, Enbridge

No comments or objections.

Niagara Region

Provincial and Regional policies promote development that contributes to the overall goal of providing a sufficient supply of housing that is affordable, accessible, and suited to the needs of a variety of households and income groups in Niagara. The existing building on the subject property is a residential use that offers rental units of a marginal housing type (apartment units) in Niagara. Region staff are supportive of the proposed Amendments.

Staff Comments

Building Division

No comments or objections.

Public Comments

A public information open house meeting was held in the Atrium of Town Hall on February 8, 2023 from 5.00 p.m. to 6.00 p.m. All property owners within 120 metres of the subject lands were notified of the information open house on January 25, 2023 via mailed notice. The open house meeting was attended by Town staff and two representatives of the Agent. No members of the public attended the meeting.

As of the writing of this report no written comments from the public were received in regard to this application.

Alternatives

N/A

Communicating Results

There are no communication requirements at this time.

Conclusion

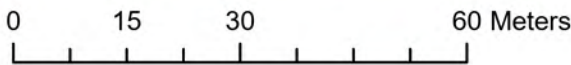
This report is submitted to Council for information purposes. Should Council approve the Staff recommendation contained herein, Staff will prepare a recommendation report to Council on the proposed Zoning By-law Amendment for a future Council meeting.

Attachments


Appendix "1" - Location Plan

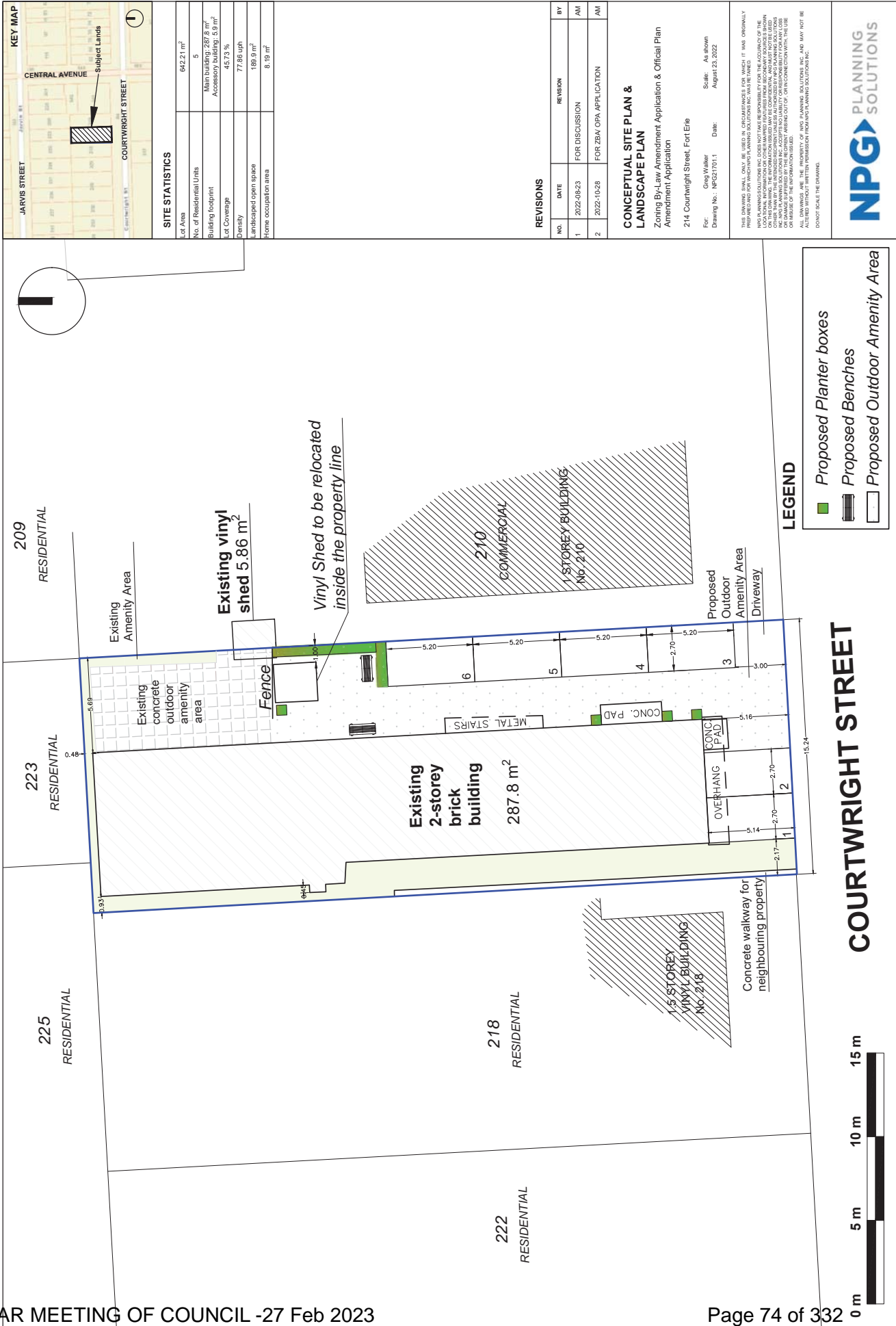
Appendix "2" - Site Plan

Appendix "3" - Agency and Staff Comments



LOCATION PLAN
Proposed Combined Official Plan & Zoning By-law Amendment - 214 Courtwright Street

 Subject Lands - 214 Courtwright Street



APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-16-2023 DATED FEBRUARY 27, 2023

RE: Request for comments - proposed Combined Official Plan and Zoning By-law Amendment application, 214 Courtwright Street, Bridgeburg, Town of Fort Erie (file nos. 350302-0164 and 350309-0557)CARRIGAN, Andrew to Daryl Vander Veen 2023-01-26 01:13 PM

From "CARRIGAN, Andrew" <andrew.carrigan@canadapost.postescanada.ca>
To "Daryl Vander Veen" <DVanderVeen@forterie.ca>

Good Afternoon,

CPC has no comments regarding this application.

Thank you

Andrew Carrigan | Delivery Services Officer | Canada Post | Delivery Planning | 955 Highbury Ave, London, ON N5Y 1A3 | 226-268-5914

 Please consider the environment before printing this email.

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

Sent: January-20-23 9:23 AM

Subject: Request for comments - proposed Combined Official Plan and Zoning By-law Amendment application, 214 Courtwright Street, Bridgeburg, Town of Fort Erie (file nos. 350302-0164 and 350309-0557)

This email is from an EXTERNAL sender. Please be CAUTIOUS, particularly with links and attachments. | Ce courriel est d'un expéditeur EXTERNE. Soyez PRUDENT, en particulier avec des liens et des pièces jointes.

Good morning,

A complete application was received from Jeremy Tran of NPG Planning Solutions Inc. on behalf of 2550663 Ontario Inc. (Greg Walker) for 214 Courtwright Street in the Town of Fort Erie. The application seeks to permit a non-conforming two storey apartment building with five dwelling units and a home occupation (barber shop).

The lands are located within the Urban Area in the Bridgeburg neighbourhood of Fort Erie and are currently designated Special Policy Area 4 - Bridgeburg Core Mixed Use Area in the Bridgeburg Secondary Plan. The subject property is currently zoned general Commercial (C2-418) Zone in accordance with the Town's Comprehensive Zoning By-law No. 129-1990.

This application is proposing to permit the existing non-conforming apartment building. A combined Official Plan and Zoning By-law Amendment is required as the Core Mixed Use land use designation and C2-418 zoning do not permit stand-alone residential uses and do not permit residential dwelling units on the ground floor. This application proposes a Site Specific Policy Area to permit the residential apartment building and a site-specific Residential Multiple 2 (RM2) Zone to permit an apartment dwelling, the existing setbacks and lot coverage of the building, and deficient amount of parking spaces for the number of dwelling units and the home occupation on site.

The following are submitted for review and are attached as PDF documents to this email:

0. Final Pre-consultation Agreement PA-2021-106 (214 Courtwright Street).pdf
1. Complete Application Letter.pdf
2. Application Form.pdf
3. Planning Justification Report.pdf
4. Site Plan.pdf
5. Survey.pdf
6. Location Map.pdf

APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-16-2023 DATED FEBRUARY 27, 2023

RE: [External] Request for comments - proposed Combined Official Plan and Zoning By-law Amendment application, 214 Courtwright Street, Bridgeburg, Town of Fort Erie (file nos. 350302-0164 and 350309-0557)Municipal Planning to 'Daryl Vander Veen' 2023-02-03 12:38 PM

From "Municipal Planning" <MunicipalPlanning@enbridge.com>

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

Thank you for your circulation.

Enbridge Gas Inc. does not object to the proposed application however, we reserve the right to amend our development conditions.

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

Regards,

Jasleen Kaur

Municipal Planning Coordinator
Engineering

ENBRIDGE

TEL: 437-929-8083

500 Consumers Rd, North York, ON M2J1P8

enbridge.com

Safety. Integrity. Respect. Inclusion.

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

Sent: Friday, January 20, 2023 9:23 AM

Subject: [External] Request for comments - proposed Combined Official Plan and Zoning By-law Amendment application, 214 Courtwright Street, Bridgeburg, Town of Fort Erie (file nos. 350302-0164 and 350309-0557)

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.

Good morning,

A complete application was received from Jeremy Tran of NPG Planning Solutions Inc. on behalf of 2550663 Ontario Inc. (Greg Walker) for 214 Courtwright Street in the Town of Fort Erie. The application seeks to permit a non-conforming two storey apartment building with five dwelling units and a home occupation (barber shop).

The lands are located within the Urban Area in the Bridgeburg neighbourhood of Fort Erie and are currently designated Special Policy Area 4 - Bridgeburg Core Mixed Use Area in the Bridgeburg Secondary Plan. The subject property is currently zoned general Commercial (C2-418) Zone in accordance with the Town's Comprehensive Zoning By-law No. 129-1990.

This application is proposing to permit the existing non-conforming apartment building. A combined Official Plan and Zoning By-law Amendment is required as the Core Mixed Use land use designation and C2-418 zoning do not permit stand-alone residential uses and do not permit residential dwelling units on the ground floor. This application proposes a Site Specific Policy Area to permit the residential apartment building and a site-specific Residential Multiple 2 (RM2) Zone to permit an apartment dwelling, the existing setbacks and lot coverage of the building, and deficient amount of parking spaces for the number of dwelling units and the home occupation on site.



Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
(905) 980-6000 Toll-free:1-800-263-7215

Via Email

February 2, 2023

Region Files: D.18.01.ZA-23-0012
D.10.01.OPA-23-0005

Daryl Vander Veen
Intermediate Development Planner
Planning & Development Services
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON, L2A 2S6

Dear Mr. Vander Veen:

**Re: Regional and Provincial Comments
Local Official Plan & Zoning By-law Amendment Applications
Town Files: 350302-0164 & 350309-0557
Applicant / Owner: 2550663 Ontario Inc. (c/o Greg Walker)
Agent: NPG Planning Solutions Inc. (c/o Jeremy Tran)
214 Courtwright Street
Town of Fort Erie**

Regional Planning and Development Services staff have reviewed the materials that were circulated with the Local Official Plan and Zoning By-law Amendment Applications for 214 Courtwright Street. The Region received its circulation from the Town of Fort Erie on January 20, 2023.

The property is designated 'Special Policy Area 4 – Bridgeburg Core Mixed Use Area' under the Bridgeburg Secondary Plan within the Town's Official Plan, and is zoned 'General Commercial (C2-418) Zone' under the Town's Zoning By-law 129-1990.

The Applicant is proposing the Amendments to permit the existing standalone residential use of the property that consists of a non-conforming apartment building with no commercial use. The existing land use and zoning of the property does not allow for stand-alone residential uses, nor dwelling units on the ground floor. The subject Amendments propose a 'Site-Specific Policy Area' and a 'Site-Specific Residential Multiple 2 (RM2) Zone' to permit the existing residential uses and to address deficiencies associated to lot coverage, various setbacks, parking spaces, and to recognize the home occupation on site.

A virtual pre-consultation meeting for this proposal occurred on October 14, 2021. The following comments are offered from a Provincial and Regional perspective to assist the Town with its consideration of these Applications.

Provincial and Regional Policies

The subject property is located within the Urban Area of the Town of Fort Erie and are designated 'Settlement Area' under the *Provincial Policy Statement, 2020* ("PPS") and 'Delineated Built-Up Area' under *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan") and *Niagara Official Plan, 2022* ("NOP").

Provincial and Regional policies direct growth to Settlement Areas and the Delineated Built-Up Area in order to promote an efficient use of existing municipal servicing infrastructure and public service facilities. Infill development within the Delineated Built-Up Areas that respects the scale and transition to the surrounding urban fabric is encouraged. Regional staff acknowledge that the Amendment Applications seek to permit the existing non-conforming residential uses that exist on the property and that no new development is proposed at this time.

Regional staff has reviewed the "*Planning Justification Report*" ("PJR") prepared by NPG Planning Solutions Inc. (dated November 24, 2022) and find its analysis to be sufficient. The PJR details that the existing development is a 2-storey rental apartment building that contains 5 residential dwelling units, with 3 units located on the main floor, and 2 units on the 2nd floor. The Report describes that the Municipal Property Assessment Corporation ("MPAC") recognizes the building as having 4 units, which suggests that the one of the ground floor residential units was converted from a previous commercial use to a residential use. Based on available information and imagery of the property, it is surmised that this conversion occurred around 2009.

Provincial and Regional policies promote development that contributes to the overall goal of providing a sufficient supply of housing that is affordable, accessible, and suited to the needs of a variety of households and income groups in Niagara. The existing building on the subject property is a residential use that offers rental units of a marginal housing type (apartment units) in Niagara. As such, staff is supportive of the proposed Amendments, subject to the comments below.

Land Use Compatibility & Site Condition

The property is located in proximity to several nearby stationary (commercial) and transportation-related (rail corridor) noise sources. The PPS states that major facilities (transportation corridors and employment uses) and sensitive land uses (residential) should be appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise and other contaminants, and to minimize risk to public health and safety.

The proposed Applications seek to legalize the existing standalone residential use of the building into conformity with the Town's Official Plan and Zoning By-law. The proposal is technical in nature, as it does not propose any new development or modifications to the existing building footprint.

The PJR that accompanied these Applications states that the occupants of the building have not experienced any adverse impacts associated to surrounding land uses. The Report also confirms that a commercial unit had once existed on the ground floor of the building and was converted into a residential unit around 2009.

At the pre-consultation meeting, staff had identified that a Record of Site Condition ("RSC") may be needed for the site due to the former commercial use and its conversion to a more sensitive (residential) use. Regional staff defer to the Town's Chief Building Official with respect to whether a RSC is needed for the site.

As such, staff does not offer any requirements with respect to land use compatibility and site condition for the proposed Applications at this time, subject to any local requirements and provisions. Standard warning clauses with respect to potential adverse impacts from nearby land uses will be requested at the time of the future Site Plan Agreement.

Waste Collection

The Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the Owner bring the waste and recycling to the curbside on the designated pick-up day, and that the following limits are not exceeded (property is within the BIA):

- Garbage bags or cans – 4 maximum per unit (collected every-other-week).
- Recycling blue / grey boxes or carts – no limit (collected weekly).
- Organics green bins or carts – no limit (collected weekly).

If the above mentioned waste collection limits cannot be met, then waste collection will be the responsibility of the Owner through a private contractor and not the Region. Notwithstanding the above comment, the site remains eligible for Regional curbside recycling and green bin collection.

Conclusion

In conclusion, Regional Planning and Development Services staff does not object to the proposed Local Official Plan and Zoning By-law Amendment Applications, as the proposal is consistent with the PPS and conforms to Provincial and Regional growth management policies. Town staff should be satisfied that all local requirements and provisions are met, including whether a RSC is necessary for the site.

Given the site-specific nature of the Local Official Plan Amendment Application, the Amendment is exempt from Regional Council approval in accordance with NOP Policy 7.4.1.6, the Memorandum of Understanding, and Regional By-law No. 2019-73.

Should you have any questions related to the above comments, please contact the undersigned at Alexander.Morrison@niagararegion.ca. Please send the Notice of Council's Decision on these Applications when available.

Respectfully,



Alexander Morrison, MCIP, RPP
Senior Development Planner

cc. Pat Busnello, Manager, Development Planning, Niagara Region
Chris Pirkas, Development Approvals Technician, Niagara Region

Re: Request for comments - proposed Combined Official Plan and Zoning By-law Amendment application, 214 Courtwright Street, Bridgeburg, Town of Fort Erie (file nos. 350302-0164 and 350309-0557) 📎

Keegan Gennings to Daryl Vander Veen

2023-01-29 09:12 PM

From Keegan Gennings/FortErie
To Daryl Vander Veen/FortErie@TownOfFortErie

Hi Daryl,

I have reviewed the proposed official plan and zoning by-law amendment and I have no comments.

Regards,

Keegan Gennings C.B.C.O
Chief Building Official
Town of Fort Erie
905-871-1600 ext. 2515

Daryl Vander Veen Good morning, A complete application was rece... 01/20/2023 09:23:08 AM

From: DVanderVeen@forterie.ca
To:
Date: 01/20/2023 09:23 AM
Subject: Request for comments - proposed Combined Official Plan and Zoning By-law Amendment application, 214 Courtwright Street, Bridgeburg, Town of Fort Erie (file nos. 350302-0164 and 350309-0557)

Good morning,

A complete application was received from Jeremy Tran of NPG Planning Solutions Inc. on behalf of 2550663 Ontario Inc. (Greg Walker) for 214 Courtwright Street in the Town of Fort Erie. The application seeks to permit a non-conforming two storey apartment building with five dwelling units and a home occupation (barber shop).

The lands are located within the Urban Area in the Bridgeburg neighbourhood of Fort Erie and are currently designated Special Policy Area 4 - Bridgeburg Core Mixed Use Area in the Bridgeburg Secondary Plan. The subject property is currently zoned general Commercial (C2-418) Zone in accordance with the Town's Comprehensive Zoning By-law No. 129-1990.

This application is proposing to permit the existing non-conforming apartment building. A combined Official Plan and Zoning By-law Amendment is required as the Core Mixed Use land use designation and C2-418 zoning do not permit stand-alone residential uses and do not permit residential dwelling units on the ground floor. This application proposes a Site Specific Policy Area to permit the residential apartment building and a site-specific Residential Multiple 2 (RM2) Zone to permit an apartment dwelling, the existing setbacks and lot coverage of the building, and deficient amount of parking spaces for the number of dwelling units and the home occupation on site.

The following are submitted for review and are attached as PDF documents to this email:



The Municipal Corporation of the
Town of Fort Erie

Regular Council Meeting Minutes

Monday, January 23, 2023

Council Chambers

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

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

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

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

Call to Order

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

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

1. Invocation

The Clerk read the Invocation.

2. Roll Call

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

Staff: A. Carter, A. Herlovitch, J. Janzen, C. McQueen, C. Patton, C. Schofield, and K. Walsh

Also Present: Regional Councillor Insinna

3. Announcements/Addenda

There was one Addendum as follows:

- 1) Deletion under Item No.7(c) – Presentations and Delegations:
Russ Young, 2000 Jewson Road re: December 2022 Storm & Priorities

Mayor Redekop made the following announcements:

- **Emergency Debrief**

This evening's agenda contains a memo from the CAO regarding the debriefing in progress following the December 2022 emergency operations. To date, Town staff have been gathering information, analyzing data and discussing emergency activities with other agencies and participants. Members of Council and staff have received numerous communications from residents and businesses suggesting changes or improvements to the Town's Emergency Plan. All of this information will be considered when the Town conducts the debriefing and staff reports to Council at the end of February.

- **Region and Town Budgets**

Both the Town and Region are proceeding through their 2023 budget processes. Although the municipality collects all property taxes, about 44% of the taxes collected remain with the Town, while about 43% go to the Region and the balance to the school boards. This year will see a shift in those proportions as public transit will be removed from the Town portion of the tax bill and appears as a new levy in favour of the Niagara Regional Transit Commission, which is now responsible for public transit throughout Niagara.

The Town budgets are impacted by what the Region does with respect to its general levy, rates for waste management and Water/Wastewater and funding of agencies such as the Niagara Regional Police Services, the Niagara Peninsula Conservation Authority, Niagara Regional Housing and the new Niagara Region Transit Commission. To date, Regional Council has approved its Waste Management Budget (a 5.5% increase) and its Water/Wastewater budget (8.59% increase). The overall increase for Fort Erie residents for Water and Wastewater, 61% of which relates to charges from the Region, will be an average of 4.25%, taking into account a less than 1% increase for the Town's portion of that bill. In doing so, the Town has been able to manage its obligations to provide safe drinking water and reliable wastewater service, maintain our infrastructure and recognize the financial hardships facing many residents.

The Region will next be dealing with its Agencies, Boards and Commissions budgets, to be followed by general levy deliberations. The

ultimate change in tax bills received by residents of Fort Erie will be a reflection of the prudent financial stewardship of the Town versus the significant increase projected by the Region. The Town will continue to provide the services expected by our residents, invest in our infrastructure and keep taxes low in a time of inflation, supply challenges, significant costs for capital projects and the need to address growth. In essence, the Town will buffer residents as much as possible against the likely significant tax increase from the Region, although I and all Regional Councillors, will continue to impress upon the Region the realities that our taxpayers are facing in 2023. Both budget processes should be finalized by the end of February.

- **Equity, Diversity and Inclusion**

The Town continues to work with the Fort Erie Coalition on Diversity and Inclusion to ensure that Fort Erie is a welcoming and caring community for all. Next steps will involve refinement of the Coalition's mandate and inclusion of EDI objectives in the Council's 2023-2026 Strategic Plan.

4. Declarations of Pecuniary Interest

Councillor Flagg declared a conflict of interest with Item No. 13 By-law No. 12-2023 To Amend Zoning By-law No 129-1990, as amended – Peace Bridge Village Phase 4 Subdivision (0-1-268 Louisa Street) – Ashton Homes (Western) Ltd. (Aldo Vercillo) – Owner, as his son is employed by the company through a contract. He abstained from discussing and voting on the matter.

5. Notice of Upcoming Public Meetings

(a) 2023 Budget Meeting Schedule

Re: Council-in-Budget Committee Meetings: #3 - Wednesday, February 15, 2023 - Library, General Levy Operating Budget & Assessment Analysis; #4 - Wednesday, February 22, 2023 (if required). All Budget Meetings begin at 6:00 p.m. Budget By-laws: Monday, February 27, 2023 - General Levy Budget By-law and General Capital Budget By-law.

(b) Open House

Re: Proposed Zoning By-law Amendment - 4409 Erie Road - Applicant: Mary Lou Tanner (NPG Planning Solutions) - Owner: Crystal Bay Cottages Inc. (Bryan Keenan) - Tuesday, January 24, 2023 - 5:00 p.m. - Town Hall Atrium

(c) Open House

Re: Proposed Zoning By-law Amendment - 0-17100, 0-17101 & 0-17102 Schooley Road - Applicant: Marz Homes (Crystal Beach) Inc. (Dan Gabriele) - Agent: A. J. Clarke and Associates Ltd. (Stephen Fraser) - Monday, January 30 2023 - 5:00 p.m. - Town Hall Atrium

(d) Open House

Re: Short Term Rental Land Use Study - February 1, 2023 - 6:00 p.m. - Town Hall Atrium

(e) Public Meeting - Proposed Draft Plan of Subdivision and Zoning By-law Amendment

Re: 613 Helena Street - Owner: SS Fort Erie Inc. (Hunain Siddiqui & Mohammad Feroz) - Agent: IBI Group (Tracy Tucker) - Monday, February 13, 2023 - 6:00 p.m. - Council Chambers, Town Hall. The information report will be available by 5:00 p.m. on February 8, 2023.

(f) Public Meeting - Proposed Zoning By-law Amendment

Re: 533 & 549 Ridge Road North - Owner: 1855838 Ontario Inc. / Richard James Dekorte - Agent: Upper Canada Consultants (Ethan Laman) - Monday, February 13, 2023 - 6:00 p.m. - Council Chambers, Town Hall. The information report will be available by 5:00 p.m. on February 8, 2023.

(g) Public Meeting - Proposed Combined Official Plan & Zoning By-law Amendment

Re: 271 Ridgeway Road - Applicant: Michael Allen (ACK Architects Studio Inc.) - Owner: DCS Niagara Developments Inc. (Rick Boivin) - Monday, February 13, 2023 - 6:00 p.m. - Council Chambers, Town Hall. The information report will be available by 5:00 p.m. on February 8, 2023.

6. Regional Councillor Report

Regional Councillor Insinna gave the following report:

- **Region of Niagara – Committee Representation**

I would like to advise Council that I have been selected to represent the Region on the Niagara Parks Commission, the Niagara Source Water Protection Committee, and once again, the Board of Directors for

Niagara Regional Housing. I will continue my work on the Public Health and Social Services Committee along with being the Vice-Chair of the Public Works Committee.

- **Budget**

As Town Council has been working on the 2023 budget so too has the Region. With Mayor Redekop at the helm of the Budget Committee proceedings are moving along, some more favourable than others. The rates for Waste Management and the Water/Wastewater have been established and By-laws have been approved. The Transit budget has been sent back to Committee for a further review with the Police, NPCA, Niagara Regional Housing and Court Services budget being next in the cue. A final budget is expected by the end of February.

- **Niagara Regional Housing**

The NRH build on Crescent Rd has been delayed. Tenders were sent out and came back at a much higher rate than expected. Modifications were made to the plan and tenders are again being sought; hopefully, bringing the cost down. As of now the project is scheduled to break ground in March, CMHC has approved the delay as they are the funding agency for the development and providing operating funds.

- **Niagara EMS**

Concerns still exist around Niagara EMS, the Province is responsible for funding for the Emergency Medical Service and the levels of funding have not kept up to the needs. Currently, the Region has funded 2 more ambulances (24/7) to the end of this year and 4 Communication Officers, which is set to run out in March of this year. If funds are not provided by the Province for the Communications Officers, monies will have to come from the levy or the positions will be lost. These officers are the folks that answer the 911 calls. With a decrease, we can expect further delays in service with reduced efficiencies. Niagara EMS continues to have issues related to offload wait times at Emergency Rooms. There are reported cases of ambulances waiting to offload patients for 8 hours in part due to lack of hospital staff and beds. We have not had a situation where there have been no ambulances available, but have come close. To the residents who believe that if they go to the Emergency Department via ambulance that the wait time will be shorter, this is not the case, patients are seen on a priority basis. I will continue to update Council as this has a direct affect on members of our community.

7. Presentations and Delegations

All visual and oral presentations can be viewed as recorded at:

www.youtube.com/townofforterie

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

- (a) Geoffrey Aldridge, 3765 Rebstock Road (*Via Zoom*)

Re: Mission of the Town of Fort Erie

Mr. Aldridge provided a PowerPoint Presentation which can be found on the Town's website.

- (b) *Casey Bruyns, Ridgeway Lions Club

Re: Use of Crystal Ridge Community Centre (CRCC) -
Emergency Shelter

Mr. Bruyns requested that Council reconsider the Ridgeway Lions Club past offer to use the CRCC as an emergency shelter during emergency situations, and partner to provide a generator for that purpose.

- (c) Greg Hunter, 3735 Sussex Lane

Re: Stevensville-Douglastown Sewage Lagoon

Mr. Hunter provided a PowerPoint Presentation which can be found on the Town's website.

Resolution No. A

Moved by: Councillor Noyes

Seconded by: Councillor Dubanow

That: The delegation's time be extended by three (3) minutes.

(Carried)

- (d) Phill Lambert, Director, Infrastructure Planning & Development
Engineering, Niagara Region (*Via Zoom*)

Re: Stevensville-Douglastown Sewage Lagoon

Mr. Lambert provided a PowerPoint Presentation which can be found on the Town's website.

- (e) Dan Favero, 136 Lakeshore Road

Re: Town Policies vs. Law

Mr. Favero referred to his Committee of Adjustment application that was adjourned. Mayor Redekop advised that he could appeal the Decision to the Ontario Land Tribunal. Mayor Redekop advised that Mr. Favero could come back at a later date to discuss policies that are in conflict of law, if Mr. Favero is not successful with the Tribunal.

8. Consent Agenda Items

8.1 Request to Remove Consent Agenda Items

8.2 Consent Agenda Items for Approval

1. Minutes

- (a) Approve - Regular Council Meeting - December 12, 2022
- (b) Approve - Special Council Meeting - January 16, 2023
- (c) Approve - Council-in-Committee Meeting - January 16, 2023
- (d) Approve - Council-in-Budget Committee Meeting No. 2 - January 18, 2023

2. Correspondence

- (a) Receive - FORTIS Ontario - Letter of Appreciation - December 2022 Winter Storm
(Carried)

3. Board/Committee Minutes

- (a) Receive - Affordable Housing Committee - December 14, 2022
- (b) Receive - Mayor's Youth Advisory Committee - June 13, 2022
- (c) Receive - Senior Citizens Advisory Committee - December 7, 2022
- (d) Receive - Crystal Beach Business Improvement Area Board of Management - January 12, 2023

4. Other Matters

Consent Agenda Resolution

Resolution No. 1

Moved by: Councillor Flagg

Seconded by: Councillor Dubanow

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

8.3 Items Removed to be Dealt with Separately

None.

9. Reports

PDS-78-1-2022

Supplemental Recommendation Report - Proposed Draft Plan of Subdivision and Combined Official Plan and Zoning By-law Amendment - Spring Creek Estates - 0-17482 and 0-17484 Black Creek Road - 5009823 Ontario Inc. - Mitch William and Mike Colosimo (Owners) - Upper Canada Consultants - Matt Kernahan (Agent) ***(Postponed from January 16, 2023 Council-in-Committee Meeting - Previously Moved by Mayor Redekop as Recommendation No. 3)***

That: Council approves the amendments to the Town's Official Plan and Zoning Bylaw No. 129-90 as detailed in Report No. PDS-78-1-2022 for the lands known as 0-17482 and 0-17484 Black Creek Road, and further

That: Council approves the Draft Plan of Subdivision for 0-17482 and 0-17484 Black Creek Road, revised on December 16, 2022, showing 54 lots for single detached dwellings, 8 blocks for semi-detached dwellings, 12 blocks for street townhouse dwellings, 1 block for condominium townhouse dwellings, 1 block for an apartment dwelling, 1 block for a stormwater management pond, 5 blocks for 0.3 m reserves, and 1 block for a 20 m reserve, as detailed in Appendix "2" of Report No. PDS-78-1-2022, in accordance with the provisions of the *Planning Act*, R.S.O. 1990 c. P. 13 and the Regulations thereunder, subject to the conditions

contained in Appendix “6” of Report No. PDS-78-1-2022, and further

That: Council directs staff to circulate the Conditions of Draft Plan Approval in Appendix “6” of Report No. PDS-78-1-2022 to the applicable agencies in accordance with the requirements of the Planning Act, and further

That: Council directs Staff to submit the necessary by-laws.

Resolution No. 1A

Moved by: Councillor Noyes

Seconded by: Councillor Christensen

That: There be no access to Netherby Road unless approved by the Ministry of Transportation.

(Carried)

Following approval of the amendment, Recommendation No. 3, previously moved January 16, 2023, was voted on, as amended, as follows:

That: Council approves the amendments to the Town's Official Plan and Zoning Bylaw No. 129-90 as detailed in Report No. PDS-78-1-2022 for the lands known as 0-17482 and 0-17484 Black Creek Road, and further

That: Council approves the Draft Plan of Subdivision for 0-17482 and 0-17484 Black Creek Road, revised on December 16, 2022, showing 54 lots for single detached dwellings, 8 blocks for semi-detached dwellings, 12 blocks for street townhouse dwellings, 1 block for condominium townhouse dwellings, 1 block for an apartment dwelling, 1 block for a stormwater management pond, 5 blocks for 0.3 m reserves, and 1 block for a 20 m reserve, as detailed in Appendix “2” of Report No. PDS-78-1-2022, in accordance with the provisions of the *Planning Act*, R.S.O. 1990 c. P. 13 and the Regulations thereunder, subject to the conditions contained in Appendix “6” of Report No. PDS-78-1-2022, subject to there being no access to Netherby

Road unless approved by the Ministry of Transportation, and further

That: Council directs staff to circulate the Conditions of Draft Plan Approval in Appendix “6” of Report No. PDS-78-1-2022 to the applicable agencies in accordance with the requirements of the Planning Act, and further

That: There be no access to Netherby Road unless approved by the Ministry of Transportation.

That: Council directs Staff to submit the necessary by-laws. **(Carried)**

PDS-78-2022

Proposed Draft Plan of Subdivision and Combined Official Plan and Zoning By-law Amendment - Spring Creek Estates - 0-17482 and 0-17484 Black Creek Road - 5009823 Ontario Inc. - Mitch William and Mike Colosimo (Owners) - Upper Canada Consultants - Matt Kernahan (Agent) **(Postponed from December 12, 2022 Regular Council Meeting - Previously Moved by Councillor Noyes and Seconded by Councillor Dubanow as Resolution No. 2, postponed from the January 16, 2023 Council-in-Committee Meeting to the January 23, 2023 Regular Council Meeting)**

That: Council approves the amendments to the Town's Official Plan and Zoning Bylaw No. 129-90 as detailed in Report No. PDS-78-2022 for the lands known as 0-17482 and 0-17484 Black Creek Road, and further

That: Council approves the Draft Plan of Subdivision for 0-17482 and 0-17484 Black Creek Road, dated December 9, 2021, showing 54 lots for single-detached dwellings, 8 blocks for semi-detached dwellings, 13 blocks for street townhouse dwellings, 1 block for condominium townhouse dwellings, 1 block for an apartment dwelling/stacked townhouses, 1 block for a stormwater management pond, and 5 blocks for 0.3 m reserves, as attached as Appendix “2” of Report No. PDS-78-2022, in accordance with the provisions of the *Planning Act*, R.S.O. 1990 c. P. 13 and the Regulations

thereunder, subject to the conditions contained in Appendix "5" of Report No. PDS-78-2022, and further

That: Council directs staff to circulate the Conditions of Draft Plan Approval in Appendix "5" of Report No. PDS-78-2022 to the applicable agencies in accordance with the requirements of the *Planning Act*, and further

That: Council directs Staff to submit the necessary by-laws. **(Lost)**

PDS-04-2023

Proposed Combined Official Plan and Zoning By-law Amendment - 97 Gorham Road - Urban Environments - Greg Hynde (Agent) - Bomofive Inc. - Ross Boncore & Kam Mofid (Owners)

Resolution No. 2

Moved by: Councillor Lewis

Seconded by: Councillor McDermott

That: Council approves the amendments to the Town's Official Plan and Zoning Bylaw as detailed in Report No. PDS-04-2023 for the lands known as 97 Gorham Road, and further

That: Council directs staff to prepare the necessary by-laws.

Resolution No. 2A

Moved by: Councillor Noyes

Seconded by: Councillor Dubanow

That: Council directs that short-term rentals not be permitted. **(Carried)**

Following approval of the amendment, Resolution No. 2 was voted on, as amended, as follows:

That: Council approves the amendments to the Town's Official Plan and Zoning Bylaw as detailed in Report No. PDS-04-2023 for the lands known as 97 Gorham Road, subject to Council directs that short-term rentals not be permitted, and further

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

PDS-05-2023

Proposed Zoning By-law Amendment - 63 Idylewylde Street - Urban Environments - Greg Hynde (Agent) - Frank Alessio (Owner)

Resolution No. 3

Moved by: Councillor Dubanow

Seconded by: Councillor McDermott

That: Council approves the amendments to the Town's Zoning By-law No. 129-90 as detailed in Report No. PDS-05-2023 for the lands known as 63 Idylewylde Street, and further

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

COS-01-2023

Town of Fort Erie Committees of Council Review

Resolution No. 4

Moved by: Councillor McDermott

Seconded by: Councillor Dubanow

That: Council directs that the Cemetery Advisory Committee is dissolved; and further

That: Council directs that the Communities-in-Bloom Committee is dissolved and directs Staff to submit a by-law to Council to repeal By-law Nos. 24-2020 and 1-2019; and further

That: Council directs that the Transit Advisory Committee is dissolved and directs Staff to submit a by-law to Council to repeal By-law No. 143-2016; and further

That: Council directs that the Parks and Open Space Master Plan Working Group, the Short-Term Rental Options Roundtable and Waverly Beach Ad Hoc Committee are dissolved; and further

That: Council directs Staff to continue with the review of the remaining Committees and submit future reports for Council's consideration of Staff's recommendations; and further

That: Council appoints Councillor Noyes, Councillor Christensen, and Councillor Flagg to the Court of Revision and Councillor Lewis and Councillor McDermott as Alternates; and further

That: Council appoints Councillor Dubanow, Councillor Noyes, and Councillor Christensen to the Gaming Appeals Committee and Councillor McDermott and Councillor Flagg as Alternates; and further

That: Council appoints Councillor Noyes, Councillor Dubanow, and Mayor Redekop to the Dangerous Dog Appeals Committee and Councillor McDermott and Councillor Lewis as Alternates; and further

That: Council appoints Councillor Noyes to the Traffic Coordinating Committee and Councillor Flagg as an Alternate; and further

That: Council appoints Councillor Lewis to the Street Naming and Way Finding Committee and Councillor Dubanow as an Alternate.

(Carried)

10. New Business/Enquiries

- (a) Appointment - Mayor's Youth Advisory Committee - Weston Allen

Resolution No. 5

Moved by: Councillor Christensen

Seconded by: Councillor McDermott

That: Council appoints Weston Allen to the Mayor's Youth Advisory Committee for the period ending November 14, 2026, or until a successor is appointed.

(Carried)

- (b) Appointment - Crystal Beach Business Improvement Area Board of Management - Chris Hawkswell

Resolution No. 6

Moved by: Councillor Lewis
Seconded by: Councillor Christensen

That: Council appoints Chris Hawkswell to the Crystal Beach Business Improvement Area Board of Management for the period ending November 14, 2026, or until a successor is appointed. **(Carried)**

- (c) Great Lakes and St. Lawrence Cities Initiative - Freshwater Health Campaign

Resolution No. 7
Moved by: Councillor Noyes
Seconded by: Councillor Dubanow

Whereas the Town of Fort Erie, as a member of the Great Lakes and St. Lawrence Cities Initiative, supports: protecting source water, planning for climate change impacts and shoreline resilience, ensuring safe and affordable water services for all our residents, and building up a sustainable blue economy in the Great Lakes and St. Lawrence River Basin, and

Whereas ensuring healthy communities and a strong economy for Canadians depend on securing Canada's source water, which includes addressing water quality issues, contaminants and pollution, supporting biodiversity and reversing wetland and fish and wildlife habitat loss and improving community knowledge to empower citizens to safeguard this essential resource, and

Whereas a Freshwater Action Plan and the Great Lakes Protection Initiative it supported were first announced in the 2017 Canadian federal budget with a \$44.84 million investment over five years, and

Whereas the Freshwater Action Plan has combined science and action to address priorities in the Great Lakes such as preventing toxic and nuisance algae, enhancing the resilience of coastal wetlands in the Great Lakes, restoring Great Lakes Areas of Concern and supporting Canada's commitments under the Great Lakes Water Quality Agreement, among other priorities, and

Whereas a commitment was made by the Liberal Party of Canada in the 2021 federal election to strengthen the Freshwater Action Plan with an historic investment of \$1 billion

over ten years to restore and protect large lakes and river systems starting with the Great Lakes and St. Lawrence River Basin, and

Whereas the federal government only committed \$19.6 million in funding in the 2022 Budget for the Freshwater Action Plan, falling short of the aforementioned commitment, and

Whereas the United States has invested \$1.8 billion in the Great Lakes Restoration Initiative (GLRI) since 2017 and will see accelerated funding with the *Infrastructure Investment and Jobs Act*, and

Whereas a 2018 University of Michigan study shows that for every dollar of federal spending on GLRI projects between 2010 and 2016, yielded \$3.35 in additional economic activity, and

Whereas nearly half of Canada's population lives in the Great Lakes and St. Lawrence River Basin, a region that will continue to see accelerated growth, resulting in greater land and resource use pressures that will further contribute to water availability and quality issues, and

Whereas the Stockholm Resilience Centre recently identified the importance of wetlands as carbon sinks and fresh water's role in climate mitigation, and

Whereas the Great Lakes-St. Lawrence Collaborative outlined 30 recommendations to Environment and Climate Change Canada as part of a ten-year, \$2.2 billion Action Plan 2020-2030 to protect the Great Lakes and St. Lawrence (Action Plan 2020-2030), addressing shoreline erosion, outdated infrastructure, invasive species, exposure to toxins and beach contamination, following an 18-month consultation with First Nations, NGOs, academics and other experts, and

Whereas the recommendations outlined in Action Plan 2020-2030 should serve as the basis of programming for strengthened federal action in the Great Lakes and St. Lawrence River Basin through its strengthened Freshwater Action Plan, and

Whereas the newly established Canada Water Agency should play a role in accelerating the rollout of funding made available through a strengthened Freshwater Action Plan, and

Whereas Freshwater Action Plan funding should largely be directed to community groups, local governments and First Nations to ensure that investments made will have the biggest local impact and empower action at the local level, rather than being held back for federal administration and operations, and

Whereas it is critical to implement a strengthened Freshwater Action Plan, including accelerating a \$1 billion over five years, and to creating a Canada Water Agency to consolidate and coordinate federal water efforts and support provinces and territories in addressing systemic issues impacting the viability of the Great Lakes and St. Lawrence River Basin and the communities dependent upon the region's source water;

Now therefore be it resolved,

That: The Town of Fort Erie calls on the federal government to:

- Commit \$1 billion in funding over five years for a strengthened Freshwater Action Plan in Budget 2023, and further
- Guide its Freshwater Action Plan funding to implement recommendations in the Action Plan 2020-2030
- Direct priority funding under the strengthened Freshwater Action Plan to projects in the Great Lakes and St. Lawrence River Basin.
- Make municipalities eligible for future funding in programs announced under the strengthened Freshwater Action Plan, and further

That: The Town of Fort Erie directs its staff to submit this resolution to the Federal Deputy Prime-Minister and Minister of Finance; the Minister of Environment and Climate Change; the Parliamentary Secretary to the Minister of Environment and Climate Change (responsible for the Canada Water Agency), and local Member of Parliament.

Mayor Redekop requested a friendly amendment to the last substantive clause by changing "local Member of Parliament" to "Niagara's Member of Parliament, Local Area Municipalities and Niagara Region" which was accepted by Councillor Noyes and her Seconder.

Following approval of the friendly amendment, Resolution No. 7, as amended, was voted on as follows:

Whereas the Town of Fort Erie, as a member of the Great Lakes and St. Lawrence Cities Initiative, supports: protecting source water, planning for climate change impacts and shoreline resilience, ensuring safe and affordable water services for all our residents, and building up a sustainable blue economy in the Great Lakes and St. Lawrence River Basin, and

Whereas ensuring healthy communities and a strong economy for Canadians depend on securing Canada's source water, which includes addressing water quality issues, contaminants and pollution, supporting biodiversity and reversing wetland and fish and wildlife habitat loss and improving community knowledge to empower citizens to safeguard this essential resource, and

Whereas a Freshwater Action Plan and the Great Lakes Protection Initiative it supported were first announced in the 2017 Canadian federal budget with a \$44.84 million investment over five years, and

Whereas the Freshwater Action Plan has combined science and action to address priorities in the Great Lakes such as preventing toxic and nuisance algae, enhancing the resilience of coastal wetlands in the Great Lakes, restoring Great Lakes Areas of Concern and supporting Canada's commitments under the Great Lakes Water Quality Agreement, among other priorities, and

Whereas a commitment was made by the Liberal Party of Canada in the 2021 federal election to strengthen the Freshwater Action Plan with an historic investment of \$1 billion over ten years to restore and protect large lakes and river systems starting with the Great Lakes and St. Lawrence River Basin, and

Whereas the federal government only committed \$19.6 million in funding in the 2022 Budget for the Freshwater Action Plan, falling short of the aforementioned commitment, and

Whereas the United States has invested \$1.8 billion in the Great Lakes Restoration Initiative (GLRI) since 2017 and will see accelerated funding with the *Infrastructure Investment and Jobs Act*, and

Whereas a 2018 University of Michigan study shows that for every dollar of federal spending on GLRI projects between 2010 and 2016, yielded \$3.35 in additional economic activity, and

Whereas nearly half of Canada's population lives in the Great Lakes and St. Lawrence River Basin, a region that will continue to see accelerated growth, resulting in greater land and resource use pressures that will further contribute to water availability and quality issues, and

Whereas the Stockholm Resilience Centre recently identified the importance of wetlands as carbon sinks and fresh water's role in climate mitigation, and

Whereas the Great Lakes-St. Lawrence Collaborative outlined 30 recommendations to Environment and Climate Change Canada as part of a ten-year, \$2.2 billion Action Plan 2020-2030 to protect the Great Lakes and St. Lawrence (Action Plan 2020-2030), addressing shoreline erosion, outdated infrastructure, invasive species, exposure to toxins and beach contamination, following an 18-month consultation with First Nations, NGOs, academics and other experts, and

Whereas the recommendations outlined in Action Plan 2020-2030 should serve as the basis of programming for strengthened federal action in the Great Lakes and St. Lawrence River Basin through its strengthened Freshwater Action Plan, and

Whereas the newly established Canada Water Agency should play a role in accelerating the rollout of funding made available through a strengthened Freshwater Action Plan, and

Whereas Freshwater Action Plan funding should largely be directed to community groups, local governments and First Nations to ensure that investments made will have the biggest local impact and empower action at the local level, rather than being held back for federal administration and operations, and

Whereas it is critical to implement a strengthened Freshwater Action Plan, including accelerating a \$1 billion over five years, and to creating a Canada Water Agency to consolidate and coordinate federal water efforts and support provinces and territories in addressing systemic issues impacting the viability of the Great Lakes and St. Lawrence River Basin and the communities dependent upon the region's source water;

Now therefore be it resolved,

That: The Town of Fort Erie calls on the federal government to:

- Commit \$1 billion in funding over five years for a strengthened Freshwater Action Plan in Budget 2023, and further
- Guide its Freshwater Action Plan funding to implement recommendations in the Action Plan 2020-2030
- Direct priority funding under the strengthened Freshwater Action Plan to projects in the Great Lakes and St. Lawrence River Basin.
- Make municipalities eligible for future funding in programs announced under the strengthened Freshwater Action Plan, and further

That: The Town of Fort Erie directs its staff to submit this resolution to the Federal Deputy Prime-Minister and Minister of Finance; the Minister of Environment and Climate Change; the Parliamentary Secretary to the Minister of Environment and Climate Change (responsible for the Canada Water Agency), and Niagara's Member of Parliament, Local Area Municipalities and Niagara Region. **(Carried)**

(d) Memorandum - Chris McQueen, Chief Administrative Officer - 2022 Winter Storm Debriefing

(e) Mayor Redekop

Mayor Redekop requested staff to verify that there are steps being taken with respect to a Class 3 Environmental Assessment with respect to Six Mile Creek and its floodplain.

Mr. Walsh responded that Council would see that information in the budget presentation.

(f) Councillor Noyes

Councillor Noyes enquired whether a generator for the Crystal Ridge Community Centre would be consideration in the budget.

Mr. McQueen suggested that this subject be referred to the operational debrief that will be held, just for consideration. He further stated that there are some considerations with respect to locations and also with some of our own Town facilities where we'll be do doing some follow up regarding generators, generator capacity, and costs for both Town-owned facilities, but

we can certainly add this and if there is any budget follow up from that, we certainly would look to bring that forward to Council.

11. Motions

(a) Mayor Redekop

Re: Town's Official Plan and Zoning By-law Revisions

Mayor Redekop gave the Chair to Councillor Dubanow in order to bring forward his motion.

Resolution No. 8

Moved by: Mayor Redekop

Seconded by: Councillor Christensen

That: Staff be directed to expedite the revisions to the Town's Official Plan and Zoning By-law to gain compliance with the new Regional Official Plan and to address misalignments with the Town's planning documents and Council's Strategic Plan and Vision. **(Carried)**

Councillor Dubanow returned the Chair to Mayor Redekop.

12. Notice of Motion

None.

13. Consideration of By-laws

By-law No. 12-2023 was removed from the package due to Councillor Flagg's declared pecuniary interest.

Resolution No. 9

Moved by: Councillor Noyes

Seconded by: Councillor Dubanow

That: The by-law package containing:

2-2023: To Provide for Interim Taxes for the Year 2023

Regular Council - 23 Jan 2023 Meeting Minutes

3-2023: To Authorize the Mayor or Acting Mayor and the Treasurer or Deputy Treasurer of the Corporation of the Town of Fort Erie to Borrow Certain Sums to Meet Expenses for the Year 2023

4-2023: To Adopt the 2023 Water and Wastewater Budget, to Adopt Rates, Fees and Charges For The Year 2023

5-2023: To Rename a Portion of Commerce Parkway to Harbor Court

6-2023: To Accept and Declare Lands as Public Highway on the North-West Corner of Catharine Street and Ellen Street - (82 Ellen Street – Sam Passero, Estate Trustee of the Estates of Frank & Maria Passero)

7-2023: To Exempt a Certain Block in Plan 59M-452 from Part Lot Control - Alderson Court - Block 1 (Parklane Place Subdivision) Park Lane Home Builders Limited

8-2023: To Enact an Amendment to the Official Plan Adopted by By-law No. 150-06 for the Town of Fort Erie Planning Area – Amendment No. 65 – 315 and 0-350 Garrison Road - 2717041 Ontario Inc. (Vijaykumar Patel) – Owner

9-2023: To Amend Zoning By-law No. 129-90, as amended - 315 and 0-350 Garrison Road - 2717041 Ontario Inc. (Vijaykumar Patel) – Owner

10-2023: To Accept and Declare Lands as Public Highway on the South-West Corner of Mathewson Avenue and Dovercourt Road - 3815 Mathewson Avenue - Seguro Import Export Ltd. (R. El Fakih)

11-2023: To Appoint Kennedy Lidstone as a Municipal Law Enforcement Officer and Repeal By-law No. 120-2021

is given first and second reading.

(Carried)

Resolution No. 10

Moved by: Councillor Dubanow

Seconded by: Councillor Noyes

That: By-laws:

2-2023

3-2023

4-2023

5-2023

6-2023

7-2023

8-2023
9-2023
10-2023
11-2023

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

Resolution No. 10A
Moved by: Councillor Noyes
Seconded by: Councillor Dubanow

That: By-law No. 12-2023: To Amend Zoning By-law No. 129-90, as amended - Peace Bridge Village Phase 4 Subdivision (0-10268 Louisa Street) - Ashton Homes (Western) Ltd. (Aldo Vercillo) – Owner, is given first and second reading. **(Carried)**

Resolution No. 10B
Moved by: Councillor Dubanow
Seconded by: Councillor Noyes

That: By-law No. 12-2023 is given third and final reading to be signed by the Mayor and Clerk under the corporate seal. **(Carried)**

Resolution No. 11
Moved by: Councillor McDermott
Seconded by: Councillor Dubanow

That: By-law No. 13-2023: To Confirm the Actions of Council at its Council-in-Committee Meeting Held on January 16, 2023, Council-in-Budget Committee Meeting No. 2 Held on January 18, 2023 and its Council Meeting Held on January 23, 2023, is given first and second reading. **(Carried)**

Resolution No. 12
Moved by: Councillor Christensen
Seconded by: Councillor Lewis

That: By-law No. 13-2023 is given third and final reading to be signed by the Mayor and Clerk under the corporate seal. **(Carried)**

14. Scheduling of Meetings

- Infrastructure Services Business Sub-Committee, Wednesday, January 25, 2023, 3:00 p.m., Conference Room No. 1, Town Hall

- Community Gaming and Development Corporation, Tuesday, January 31, 2023, 5:30 p.m., Conference Room No. 2, Town Hall
- Community Health Care Services Committee, Tuesday, February 14 3:00 p.m., Conference Room No. 1, Town Hall
- Planning and Development Services Business Sub-Committee, Wednesday February 1, 2023 3:00 p.m., Conference Room No. 1, Town Hall

15. Adjournment

Resolution No. 13

Moved by: Councillor Dubanow

Seconded by: Councillor McDermott

That: Council adjourns at 8:38 p.m. to reconvene into a Regular Meeting of Council on February 27, 2023. **(Carried)**

Mayor

Clerk



The Municipal Corporation of the
Town of Fort Erie

Special Council Meeting Minutes

Monday, February 13, 2023

Council Chambers

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

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

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

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

1. Call to Order

Mayor Redekop called the meeting to order at 5:31 p.m.

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

2. Roll Call

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

Staff: A. Herlovitch, J. Janzen, C. McQueen, C. Schofield, K. Walsh
Additional Staff for Closed Session: R. Firenze, K. Gennings

Also Present: Jennifer Matunin-Brown (Daniel & Partners)

3. Announcements/Addenda

None.

4. Declarations of Pecuniary Interest

None.

5. Correspondence

- (a) Proclamation – Kin/Kinsmen/Kinette Clubs in Greater Fort Erie – February 20, 2023 as “Kin Canada Day” and February 19-25, 2023 as “Kin Canada Week”

Resolution No. 1

Moved by: Councillor Dubanow

Seconded by: Councillor Flagg

That: Council proclaims February 20, 2023 as “Kin Canada Day” and February 19-25, 2023 as “Kin Canada Week” and approves that the "Kin" flag be flown at Town Hall. **(Carried)**

6. New Business

- (a) Waiving of Alcohol Policy By-law No. 72-99 - Special Events by Board or Committee

Resolution No. 2

Moved by: Councillor McDermott

Seconded by: Councillor Christensen

That: Council waives Section 1.1 of the Municipal Alcohol Policy By-law No. 72-99, as amended, to permit the consumption of alcohol at special events in 2023 by any board or committee insured by The Corporation of the Town of Fort Erie, pending future staff recommendations to amend the existing policy.

(Carried)

7. Closed Session

Resolution No. 3

Moved by: Councillor Noyes

Seconded by: Councillor Lewis

That: Council will now hold a Closed Session Meeting at 5:34 p.m. to consider the following:

- (a) Pursuant to Section 239 (b) of the Municipal Act, 2001 (personal matters about an identifiable individual, including municipal or local board employees, and Section 239 (e) of the Municipal Act, 2001 (litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board)

Re: Litigation Matter - Proposed Minutes of Settlement

(Carried)

Jennifer Matunin-Brown, legal counsel, provided members of Council with an overview of the matter and legal advice as to the proposed settlement, followed by a question and answer period. Council gave direction to legal counsel.

Resolution No. 4

Moved by: Councillor Lewis

Seconded by: Councillor Christensen

That: Council does now rise and reconvene from closed session at 5:54 p.m. with report that staff proceed as directed. **(Carried)**

8. Consideration of By-laws

Resolution No. 5

Moved by: Councillor Flagg

Seconded by: Councillor Dubanow

That: The By-law package containing:

14-2023: To Amend By-law No. 97-2015 (To Appoint Deputy Clerks for the Purposes of the Commissioners for Taking Affidavits Act and Courts of Justice Act)

15-2023: To Enact an Amendment to the Official Plan Adopted by By-law No. 150-06 for the Town of Fort Erie Planning Area Amendment No. 66 - 0-17482 and 0-17484 Black Creek Road - 5009823 Ontario Inc. and Black Creek Comprop Inc. (Mitch Williams and Mike Colosimo) – Owners

16-2023: To Amend Zoning By-law No. 129-90, as amended - 0-17482 and 0-17484 Black Creek Road - 5009823 Ontario Inc. and Black Creek Comprop Inc. (Mitch Williams and Mike Colosimo) – Owners

is given first and second reading. **(Carried)**

Resolution No. 6

Moved by: Councillor Christensen

Seconded by: Councillor Lewis

That: By-laws:

14-2023

15-2023

16-2023

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

Resolution No. 7

Moved by: Councillor Noyes

Seconded by: Councillor Lewis

That: By-law No. 17-2023: To Confirm the Actions of Council at its Special Council Meeting Held on February 13, 2023, is give first and second reading. **(Carried)**

Resolution No. 8

Moved by: Councillor McDermott

Seconded by: Councillor Christensen

That: By-law No. 17-2023 is given third and final reading to be signed by the Mayor and Clerk under the corporate seal. **(Carried)**

9. **Adjournment**

Resolution No. 9

Moved by: Councillor Dubanow

Seconded by: Councillor Flagg

That: Council adjourns at 5:57 p.m. to reconvene into a Regular Meeting of Council on February 27, 2023. **(Carried)**

Mayor

Clerk



The Municipal Corporation of the Town of Fort Erie

Council-in-Committee Meeting Minutes

Monday, February 13, 2023

Council Chambers

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

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

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

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

1. Call to Order

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

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

2. Roll Call

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

Staff: M. Ceci, T. Davidson, A. Herlovitch, C. McQueen, C. Schofield, K. Walsh, D. Vander Veen.

3. Announcements/Addenda

There was one Addendum to add two delegations under Item No. 9.1 Presentations and Delegations:

- (b) Marcie Jacklin, Community Voices of Fort Erie
Re: Waverly Beach Trail Reconstruction
(Report No. IS-02- 2023) (PowerPoint Presentation)
- (c) June Chipp, 551 Scott Avenue
Re: Waverly Beach Trail Reconstruction
(Report No. IS-02- 2023)

Mayor Redekop made the following announcements:

- **Black History Month**

This is Black History Month and we have an interesting history and connection with the underground railway, in particular in Fort Erie, with the migration of Blacks into this area from as early as the end of the 18th Century into the 19th century. During the last several decades we've had a lot of migration from Africa. So, we have, in Fort Erie, a particularly interesting and rich history, and it's something that we all should be cognizant of and we should celebrate.

- ***Underused Housing Tax Act***

The Federal Government recently passed the *Underused Housing Tax Act*, which has an impact on non-residents who own property in Fort Erie, and in particular, any place in an urban area in Canada. We have a lot of seasonal residents who own property who are caught by this, and I've had a number of communications from some of the residents, as well as ongoing communication with both Tony Baldinelli, our MP, and Vance Badawey, the MP of the neighbouring riding. They have had communication with the Deputy Prime Minister/ Minister of Finance, who is responsible for this legislation. The exemption that's been provided for seasonal residents doesn't really assist a lot of our seasonal residents, many of whom have lived in homes in Fort Erie for generations. I've had that continuing dialogue and will continue to work with them to try to find a solution for our summer residents - many of whom contribute to the life of our community, support a number of our events, organizations, and in many respects are valued members of our community. We're going to keep working to try to support them with respect to this issue.

- **Budget**

The Town is having its General Levy and Library Budget deliberations Wednesday of this week. The Region is winding its way through its challenging budget process, and have another meeting Thursday of this week and will be, by the end of February probably, coming to some conclusions with respect to where the Region and Town budgets will end up. That, of course, is of interest to everyone who owns property or pays property taxes in Fort Erie. I want to assure you that we're working as diligently as we can to try to make sure that the impact is as minimal as possible. We're facing tough challenges, and I know that property owners around the community are facing difficult challenges as well.

4. Declarations of Pecuniary Interest

Councillor Flagg declared a conflict of interest with Item No. 10.2 - Report No. CAO-03/LC-01-2023, Recommendation 3 on Appendix "2" as he is the individual purchasing the land. He refrained from discussing or voting on the matter.

5. Notice of Upcoming Open Houses and Public Meetings

(a) 2023 Budget Meeting Schedule

Re: Council-in-Budget Committee Meetings: #3 - Wednesday, February 15, 2023 - Library, General Levy Operating Budget & Assessment Analysis; #4 - Wednesday, February 22, 2023 (if required). All Budget Meetings begin at 6:00 p.m. Budget By-laws: Monday, February 27, 2023 - General Levy Budget By-law and General Capital Budget By-law.

(b) Open House

Re: Proposed By-law Amendment - 316 Ridgeway Road - Applicant/Owner: Kevin Ronald Reichel - Agent: Carolyn Murray (Crystal Wines Inc.) - Tuesday, February 21, 2023 - 5:00 p.m. - Town Hall Atrium.

(c) Open House

Re: Proposed Zoning By-law Amendment - 3624 Hazel Street - Owner: S.R. Niagara Investments Inc. (Rita and Salvatore Visca) - Applicant: Robert Martin Engineering Inc. (Robert Martin) - Wednesday, February 22, 2023 - 5:00 p.m. - Town Hall Atrium

Public Meeting Notices

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

Re; Crescent Acres (0-10747 Kraft Road) - Owner: Crescent Acres Ltd. (Mark Basciano) - Agent: Upper Canada Consultants (Matt Kernahan) - Monday, February 27, 2023 - 6:00 p.m. - Council Chambers, Town Hall. The information report will be available by 5:00 p.m. on February 23, 2023.

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

Re: 214 Courtwright Street - Owner: 2550663 Ontario Inc. (Greg Walker) - Agent: NPG Planning Solutions (Jeremy Tran) - Monday, February 27, 2023 - 6:00 p.m. - Council Chamber, Town Hall. The information report will be available by 5:00 p.m. on February 23, 2023.

- (c) Proposed Zoning By-law Amendment

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

- (d) Proposed Zoning By-law Amendment

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

- (e) Proposed Zoning By-law Amendment

Re: 0-17100, 0-17101 & 0-17102 Schooley Road - Applicant: A.J. Clarke and Associates Ltd. (Stephen Fraser) - Owner: Marz Homes (Crystal Beach) Inc. - Monday, March 6, 2023 - 6:00 p.m. - Council Chambers, Town Hall. The information report will be available by 5:00 p.m. on Wednesday, March 1, 2023.

- (f) Proposed Zoning By-law Amendment

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

6. Public Meetings

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

- (a) Proposed Zoning By-law Amendment

Re: 533 & 549 Ridge Road North - Owner: 1855838 Ontario Inc. / Richard James Dekorte - Agent: Upper Canada Consultants (Ethan Laman). The Applicant is proposing to rezone the subject lands to permit severance of three new parcels that will front onto Ridge Road North and to consolidate the rear lands for future development. The two existing single detached

dwellings will be retained and will occupy two of the three new lots. The third new lot is intended for future construction of a single detached dwelling. The lands to be consolidated will merge together. The lands are located within the Urban Area and are designated Low Density Residential. The Urban Residential land use designation permits use of the land for single detached dwellings. The lands are currently zoned Residential 1 (R1) Zone and Neighbourhood Development (ND) Zone. The zoning is proposed to change from Residential 1 (R1) Zone and Neighbourhood Development (ND) Zone to Residential 2A (R2A) Zone, a site-specific Residential 2A (R2A) Zone and a site-specific Neighbourhood Development (ND) Zone which is required to facilitate the proposed severances and land consolidation. The site-specific R2A Zone seeks to permit increased lot coverage for an existing detached accessory structure on one of the proposed new parcels. The site-specific ND Zone seeks to permit a minimum lot frontage of 0.00 m and a minimum lot area of 6,300.00 sq m (0.63 ha) for the lands to be consolidated.

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

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

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

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

Ethan Laman, Upper Canada Consultants, Agent for the Applicant, provided a PowerPoint presentation, and summarized the Application.

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

No members of the public came forward

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

No members of the public came forward.

All visual presentations and oral presentations of the members of the public who spoke at this Public Meeting can be viewed as recorded at:

www.youtube.com/townofforterie

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

The Clerk advised that she did not.

Mayor Redekop declared the Public Meeting closed.

PDS-06-2023 Proposed Zoning By-law Amendment - 533 & 549 Ridge Road North - 1855838 Ontario Inc. / Richard James Dekorte - Owners - Upper Canada Consultants (Ethan Laman) – Agent

Recommendation No. 1

Moved by: Councillor Dubanow

That: Council approves the amendment to the Town's Zoning By-law as detailed in Report No. PDS-06-2023 for the lands known as 533 & 549 Ridge Road North, and further

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

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

Re: 613 Helena Street - Owner: SS Fort Erie Inc. (Hunain Siddiqui & Mohammad Feroz) - Agent: IBI Group (Tracy Tucker). The Applicant is proposing to subdivide 8.14 hectares of land known as 613 Helena Street into 135 street townhouse dwellings, a block for stormwater management pond and a block for environmental lands. The subject property is designated as Environmental Conservation, in part Environmental Protection, in part, and Urban Residential in part. The lands are currently zoned Environmental Conservation Overlay (EC) Zone, in part, Environmental Protection (EP) Zone, in part, and Neighbourhood Development (ND) Zone, in part. The Applicant is requesting to change the Neighbourhood Development (ND)

Zone to a site-specific Residential Multiple 1 (RM1) Zone. The site-specific RM1 proposes to permit reduced lot area for interior street townhouse lots, increased maximum density, removal of the maximum lot coverage limits for interior and exterior street townhouses and removal of the requirement for a 4.50 m planting strip where it abuts a street. The Applicant is also proposing to redefine the boundaries of the Environmental Conservation (EC) Overlay Zone to reflect the conclusions of an Environmental Impact Study (EIS) that was completed as part of the submission for this application.

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

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

Tracy Tucker, IBI Group, Agent for the Applicant, provided a PowerPoint Presentation and summarized the Application.

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

No members of the public came forward.

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

(a) Marcie Jacklin, 931 Edgemere Road

Ms. Jacklin spoke in opposition to the Application and provided her concerns.

(b) Bonellie Roxann Burton, 3252 Hyman Avenue

Ms. Burton spoke in opposition to the Application and provided her concerns.

(c) Lene Band, 684 Helena Street

Ms. Band spoke in opposition to the Application and provided her concerns.

- (d) Donna Geest, 91 Bardol Avenue

Ms. Geest spoke in opposition to the Application and provided her concerns.

- (e) Tim Boychuk, 554 Helena Street

Mr. Boychuk spoke in opposition to the Application and provided his concerns.

- (f) Bill Doyle, 3886 Christina Court

Mr. Doyle spoke in opposition to the Application and provided his concerns.

- (g) Karen Lavalley, 184 Bertie Street

Ms. Lavalley spoke in opposition to the Application and provided her concerns.

- (h) Natasha Murphy, 632 Helena Street

Ms. Murphy spoke in opposition to the Application and provided her concerns.

- (i) Laurie Gauthier, 515 Hazel Court

Ms. Gauthier spoke in opposition to the Application and provided her concerns.

- (j) Cheryl Schonewille, 4214 Glenspring Road

Ms. Schonewille spoke in opposition to the Application and provided her concerns.

All visual presentations and oral presentations of the members of the public who spoke at this Public Meeting can be viewed as recorded at:

www.youtube.com/townofforterie

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

- (k) Judith Greaves, 402 Parkdale Avenue, in opposition to the Application; and

- (l) Lawrie Taylor, in opposition to the Application;

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

Mayor Redekop declared the Public Meeting closed.

PDS-07-2023 Proposed Draft Plan of Subdivision and Zoning By-law Amendment - 613 Helena Street - SS Fort Erie Inc. (Hunuan Siddiqui & Mohammad Feroz) - Owner - IBI Group (Tracy Tucker) - Agent

Recommendation No. 2

Moved by: Councillor Flagg

That: Council receives for information purposes Report No. PDS-07-2023 regarding a proposed Draft Plan of Subdivision and Zoning By-law Amendment for 613 Helena Street Subdivision. **(Carried)**

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

Re: 271 Ridgeway Road - Applicant: Michael Allen (ACK Architects Studio Inc.) - Owner: DCS Niagara Developments Inc. (Rick Boivin). The Applicant is proposing to reuse and redevelop the existing building as a pharmacy and medical offices. The subject property is the former site of the Crystal Beach Fire Station No. 6. The subject property is designated Institutional and the Applicant is requesting to amend the Official Plan and redesignate the property to Commercial. The property is zoned Public (P) Zone and the Applicant is requesting to rezone the property to a site-specific General Commercial (C2) Zone, in order to add “medical laboratories” to the list of permitted uses, to recognize the existing southerly interior side yard setback, and to reduce the setback between parking areas and adjacent street lines or residential zones.

Mackenzie Ceci, Intermediate Development Planner, delivered a PowerPoint Presentation which is available for viewing on the Town’s website.

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

Michael Allen (ACK Architects Studio Inc., the Applicant, provided a PowerPoint presentation, and summarized the Application.

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

No members of the public came forward.

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

No members of the public came forward

All visual presentations and oral presentations of the members of the public who spoke at this Public Meeting can be viewed as recorded at:

www.youtube.com/townofforterie

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

Mayor Redekop declared the Public Meeting closed.

PDS-08-2023 Proposed Combined Official Plan and Zoning By-law Amendment - 271 Ridgeway Road - ACK Architects Studio Inc. - Michael Allen (Agent) - DCS Niagara Developments Inc. - Rich Boivin (Owner)

Recommendation No. 3
Moved by: Councillor Lewis

That: Council approves the amendments to the Town's Official Plan and Zoning Bylaw No. 129-90 as detailed in Report No. PDS-08-2023 for the lands known as 271 Ridgeway Road, and further

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

Council recessed for 10 minutes at 8:32 p.m.

At the return from recess, Mayor Redekop announced that Delegation 9.1 (a) under Infrastructure Services and Report No. IS-04-2023, both regarding the Frenchman's Creek Drain, were

removed from the Agenda as it was not clear that proper notification was given.

7. Consent Agenda Items

7.1 Request to Remove Consent Agenda Items

Councillor Noyes requested that Report No. PDS-11-2023 be removed and dealt with separately.

7.2 Consent Agenda Items for Approval

PDS-09-2023 Proposed Zoning By-law Amendment - 92 Adelaide Street - Upper Canada Consultants - Craig Rohe (Agent) - Niagara Pines Developments Ltd. - Paul Savoia (Owners)

That: Council approves the amendments to the Town's Zoning By-law No. 129-90 as detailed in Report No. PDS-01-2023 for the lands known as 92 Adelaide Street, and further

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

PDS-10-2023 Community Improvement Plan 2022 - Program Monitoring and Information Report

That: Council receives Report No. PDS-10-2023 regarding Community Improvement Plan (CIP) Program Monitoring for information purposes, and further

That: Council directs staff to forward a copy of Report No. PDS-10-2023 to the Niagara Region, Local Business Improvement Area Boards and to post Report No. PDS-12-2023 on the Town's CIP webpage for information.
(Carried)

PDS-11-2023 Alternative Approaches for Advancing Secondary Planning Priorities

That: Council approves alternative approaches outlined in Report No. PDS-11-2023 to assist in the preparation of Secondary Plans identified for prioritization, and further

That: Council delegates authority to the Director, Planning and Development Services, to determine the most appropriate implementation for each Secondary Plan.

IS-01-2023 Award of Tender for Idylewylde Street Reconstruction - Contact No. ISE-22T-IDYL20

That: Council accepts and approves the tender submission for the Idylewylde Street Replacement of Watermain, Sanitary Sewers and Road Reconstruction – Contract No. ISE-22T-IDYL20 from 1984370 Ontario Inc. (o/a Alfidome Construction Niagara) in the amount of \$5,441,468.30 (including 13% HST), and further

That: Council authorizes the extension of the Kerry T. Howe Engineering Limited assignment for contract administration and inspection services in the amount of \$224,870.00 (including 13% HST), and further

That: Council amends the 2023 Capital Budget to supplement the Idylewylde Street Replacement of Watermain, Sanitary Sewers and Road Reconstruction – Contract No. ISE-22T-IDYL20 by \$1,529,503 (including non-rebatable HST) as identified in 'Table 5' with \$637,503 from Wastewater Refurbishing Reserve, \$377,500 from Storm Refurbishing Reserve and \$514,500 from Road Refurbishing Reserve.

(Carried)

IS-03-2023 Fort Erie Water Distribution System 2022 Annual Water Quality Report & Annual Water Utility Summary Report

That: Council receives the Annual Water Quality Report for the period of January 1 – December 31 2022, on Fort Erie's Water Distribution System, attached as Appendix '1' to IS-03-2023, prepared as required by O. Reg. 170/03 Section 11, and further

That: Council receives and accepts Report IS-03-2023 as the Annual Water Utility Summary Report to Council as required by O. Reg. 170/03 Schedule 22.

(Carried)

CAO-01-2023 Annual Review of the Corporation's Health and Safety Policy

That: Council receives Report No. CAO-01-1023 for information purposes. **(Carried)**

CAO-02-2023 2022 Health and Safety Report

That: Council receives Report No. CAO-02-2023 for information purposes. **(Carried)**

CAO-04-2023 Funding Request for Dr. Magdy Hanna

That: Council approves the request in the amount of \$100,000 for a Physician Recruitment incentive for Dr. Magdy Hanna, who will practise as a Family Physician at 238 Bertie Street Family Group Practice in the Spring of 2023, and further

That: Council amends the 2023 Operating Budget to provide grant funding to Dr. Magdy Hanna in the amount of \$100,000 with funding from the Community Health and Wellness Reserve. **(Carried)**

COS-02-2023 Renewal of Contract and Re-Appointment of Integrity Commissioner - Council and Local Boards Code of Conduct and Conflict of Interest Investigations

That: Council authorizes and approves the renewal of the current contract with ADR Chambers Inc. for the provision of Code of Conduct and Conflict of Interest Investigations, for a further four (4) year period on the same terms and pricing, and further

That: Council re-appoints Edward T. McDermott of ADR Chambers Inc. as the Integrity Commissioner for The Corporation of the Town of Fort Erie, for a further period of four (4) years, and further

That: Council assigns to the Integrity Commissioner all of the responsibilities required under Subsection 223.3 (1) of the *Municipal Act, 2001*, as amended, which came into force on March 1, 2019. **(Carried)**

Consent Agenda Recommendation

Recommendation No. 4

Moved by: Councillor Dubanow

That: Council approves the Consent Agenda Items as recommended, save and except Report No. PDS-11-2023.
(Carried)

7.3 Items Removed to be Dealt with Separately

PDS-11-2023 Alternative Approaches for Advancing
Secondary Planning Priorities

Recommendation No. 5
Moved by: Councillor Noyes

That: Council approves alternative approaches outlined in Report No. PDS-11-2023 to assist in the preparation of Secondary Plans identified for prioritization, and further

That: Council delegates authority to the Director, Planning and Development Services, to determine the most appropriate implementation for each Secondary Plan.
(Carried)

8. Planning and Development Services

Chaired by: Councillor Dubanow

8.1 Presentations and Delegations

None.

8.2 Reports

None.

8.3 New Business/Enquiries

(a) Councillor Noyes

Councillor enquired about a Report that was requested concerning chickens and hens, and asked what the timeline is.

Mr. Herlovitch advised he would follow up and send an email to members of Council as to the timing.

(b) Councillor Christensen

Councillor Christensen enquired about trees that were clear-cut at 3285 Thunder Bay Road. She stated that the Town has an agreement with the developer that they were not to remove trees without Town permission, but they removed them without permission. The trees that had already been thinned 3 years ago were of a substantial size (about a foot around). Councillor Christensen stated that she has a real concern about constant clear-cutting, and understands that some developers are repeat offenders and asked whether the sanctions that we have and the replacement policy is sufficient to reduce the clear-cutting as we move forward through the years.

Mr. Herlovitch advised that he would review the policies and determine if they could be strengthened.

Mayor Redekop advised that there was a Tree Preservation Plan at that site. Mr. Herlovitch advised he thought there was a Tree Preservation Plan, but was not sure if it was followed.

Mayor Redekop asked that Mr. Herlovitch look into whether there was a Tree Preservation Plan and the status of the Town of Fort Erie Tree By-law and see if it needs to be updated.

A Response to Enquiry will be provided at a future meeting.

(c) Councillor Lewis

Councillor Lewis enquired whether with the Noise By-law being looked at, if there is any opportunity for staggered fines for first offence, second offence, third offence? Further, when there is a “nuisance call”, that leads to nothing, is there an opportunity for the Town to look at that if we’re looking at both the Noise By-law and Property Standards By-law.

Mr. Herlovitch stated that the goal was to have the Noise and Nuisance By-law presented to Council at its meeting being held of February 22, 2023; however, he believed

that some legal advice might be needed as to whether we could put those kinds of penalties in.

8.4 Business Status Report

None.

9. Infrastructure Services

Chaired by Councillor Noyes

9.1 Presentations and Delegations

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

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

- (a) Brandon Widner, Drainage Engineer, Spriet Associates

Re: Frenchman's Creek Drain - Filing of Engineer's Report (Report No. IS-04-2023)

This delegation was previously removed.

- (b) Marcie Jacklin, Community Voices of Fort Erie
Re: Waverly Beach Trail Reconstruction
(Report No. IS-02- 2023)

Ms. Jacklin provided a PowerPoint Presentation and her concerns with reconstruction of the Trail.

- (c) *June Chipp, 551 Scott Avenue
Re: Waverly Beach Trail Reconstruction
(Report No. IS-02- 2023)

Ms. Chipp provided her concerns with respect to reconstruction of the Trail.

9.2 Reports

IS-02-2023 Waverly Beach Trail Reconstruction

Recommendation No. 6
Moved by: Councillor Lewis

That: Council receives the Waverly Beach Trail reconstruction report and LetsTalk survey results for information, and further

That: Council directs staff to proceed with Option "C" and "D" for the Waverly Beach Trail reconstruction.

Recommendation No. 7

Moved by: Mayor Redekop

That: Report No. IS-02-2023 be postponed to the April 17, 2023 Council-in-Committee Meeting to obtain further information with respect to the options for reconstructing the trail and potential additional funding sources, and consult with the environmental community with respect to a management and stewardship plan for the wooded area. **(Carried)**

IS-04-2023 Frenchman's Creek Drain - Filing of Engineer's Report, Pursuant to Section 78 of the *Drainage Act*, R.S.O. 1990, c.D.17

This Report was removed by Mayor Redekop to determine whether proper notice was given.

That: Council accepts the Engineer's Report for the Frenchman's Creek Drain for information purposes, and further

That: Council directs staff to continue with the legislative process in accordance with the *Drainage Act* and establish the date for the Court of Revision.

9.3 New Business/Enquiries

(a) Mayor Redekop

Mayor Redekop enquired whether it is possible for the Town to clean up that portion of the trail at Waverly Beach that hasn't been damaged because there's a lot of debris and it's difficult for people to pass.

Mr. Walsh responded that he has noted to do this.

9.4 Business Status Report

None.

10. Corporate and Community Services

Chaired by Councillor McDermott

10.1 Presentations and Delegations

10.2 Reports

CAO-03/LC-01-2023 Land Matters: January 26, 2023 Land Committee Meeting Minutes

Recommendation No. 8
Moved by: Councillor Lewis

That: Council receives the January 26, 2023, Land Committee meeting minutes attached as Appendix “1” to Report No. CAO-03/LC-01-2023, and further

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

10.3 New Business/Enquiries

(a) Councillor Christensen

Councillor Christensen referred to a meeting that Mayor Redekop recently had regarding the closing of the CIBC Bank Branch in Ridgeway, and asked that the Mayor provide the discussion details.

Mayor Redekop advised that he and the CAO, have had a couple of meetings with CIBC looking for solutions that will meet the needs of the CIBC customers, but more importantly the residents of this community. He further advised that he and the CAO were waiting to hear back from the CIBC with respect to some proposals put to them, and expect to have a further meeting; hopefully soon. The CAO has made it clear that we're very concerned about there being an empty building on Ridge Road, being one of our important downtown areas. The CIBC seems amenable to working on options, although some are challenging to them. The CIBC first opened in 1901 and has had a presence in Ridgeway for 122 years. In closing, he stated that he and the CAO are on it and gave many thanks to

Councillors Christensen and Lewis for their diligence with regard to this matter.

10.4 Business Status Report

None.

11. Scheduling of Meetings

- Community Health Services Committee, Tuesday, February 14, 2023, 3:00 p.m., Conference Room No. 1, Town Hall
- Planning Development Services Sub-Committee, February 16, 2023, 3:00 p.m., Conference Room No. 2, Town Hall

12. Adjournment

Recommendation No. 9

Moved by: Councillor Dubanow

That: Council-in-Committee hereby adjourns at 10:12 p.m. **(Carried)**

Mayor

Clerk



The Municipal Corporation of the
Town of Fort Erie

Council-in-Budget Committee Meeting No. 3 Minutes

Wednesday, February 15, 2023

Council Chambers

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

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

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

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

1. Call to Order

Mayor Redekop called the meeting to order at 6:03 p.m.

2. Roll Call

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

Staff: A. Herlovitch, J. Janzen, C. McQueen, C. Patton, M. Schmitt, C. Schofield, and K. Walsh

3. Announcements/Addenda

None.

4. Declarations of Pecuniary Interest

None.

5. Boards and Committees

Chaired by Councillor McDermott.

The Chair announced that Report No. CBC-04-2023 would be dealt with immediately following Presentation (a); however, the Minutes reflect the order of the Agenda.

(A) Presentations

(a) Craig Shufelt, CAO, Fort Erie Public Library

Gerard McCutcheon, Chair, Fort Erie Public Library Board, provided an introduction. Mr. Shufelt delivered a PowerPoint presentation which is available for viewing on the Town's website.

Mr. Shufelt provided information regarding the following:

- 2022 Highlights
- Annual Circulation 2019-2022
- 2023 Budget Priorities
- 2022 Budget Summary
- 2023 Goals & Objectives
- 2023 Budget Request
- 2022 Supplementary Revenue
- 2023–2025 Budget Summary
- Library Funding Comparison
- Weekly Service Hours
- Account Balances
- 2023–2024 Capital Reserve

(b) Jonathan Janzen, Director, Corporate Services

Mr. Janzen delivered a PowerPoint presentation which is available for viewing on the Town's website.

Mr. Janzen provided information regarding the following:

- Background & 2022 Review
- 2023 Budget: Base & Assessment
- 2023 Budget: Supplementary
- Consolidated Median Household Impact
- Looking Ahead

- Risks
- Opportunities
- Forecasts
- Budget Timelines

In conclusion, Mr. Janzen offered the following key messages:

- Base Budget: Total decrease of (0.82)% which continues existing services and benefits from assessment growth of 1.61%;
- Supplementary Budget: Total increase of 2.02% to address operational, staffing and strategic enhancements;
- Transit services: Transfer to NTC with new Region special levy, removing 3.63% from Town's 2022 Budget;
- Tax Bill changes: An increase to the tax bill of the median household of 1.12% for Town services and 7.0% for all amounts.

(B) Reports

CBC-04-2023 2023 Library Operating Budget

Recommendation No. 1:
Moved by: Councillor Dubanow

That: Council receives for information purposes Report No. CBC-04-2023 regarding the 2023 Fort Erie Public Library Board Budget request as set out in Appendix "1" to be incorporated into the consolidated General Levy Operating Budget.

(Carried)

6. Departmental Operating Budgets

(A) Reports

CBC-05-2023 Analysis of the 2022 Assessment for the 2023 Taxation Year

The Chair moved this report to follow Report No. CBC-06-2023; however, the Minutes reflect the order of the Agenda.

Recommendation No. 2:
Moved by: Mayor Redekop

That: Council receives Report No. CBC-05-2023 regarding the analysis of the 2022 assessment for the 2023 taxation year for information purposes. **(Carried)**

CBC-06-2023 Levy Operating Budget

Recommendation No. 3:
Moved by: Mayor Redekop

PART 1

That: Council approves the following Supplementary Base Budget funding for 2023, subject of previous reports/resolutions:

1. \$79,305 for Supervisor, Roads and Stormwater (IS) staffing costs
2. \$20,000 for Asset Management Co-op Student (IS) staffing costs.

PART 2

That: Council approves the following Supplementary One-Time funding for 2023, subject of previous reports/resolutions:

1. \$45,500 for Electronic Data and Records Management System funded by the General Levy Rate Stabilization (GLRS) Reserve
2. \$150,000 for Black Creek / Douglastown Improved Access Class Environmental Assessment (EA) funded by the GLRS Reserve.

PART 3

That: Council approves the following Supplementary Base Budget new funding requests for 2023:

1. \$20,000 for Community swim lessons grant
2. \$150,000 for OLT Appeals Legal
3. \$71,780 for Parking/By-law Enforcement Officer (PDS) staffing costs

Recommendation No. 4
Moved by: Mayor Redekop

That: Item 3.3 be amended to provide that the Parking/By-law Enforcement Officer continue as a temporary position, funded by the General Levy Rate Stabilization (GLRS) Reserve, and that it be reviewed by the CAO during the course of 2023 for further consideration in 2024. **(Carried)**

4. \$80,000 for Environmental Planner (PDS) staffing costs, net of fees
5. \$54,450 for Parks Beautification crew (IS) staffing costs
6. \$76,000 for Fire Training Officer (FES) staffing costs
7. \$73,355 for Communications Coordinator (CAO) staffing costs.

PART 4

That: Council approves the following Supplementary One-Time new funding requests for 2023:

1. \$75,000 for Heritage Consultant funded by the GLRS Reserve
2. \$100,000 for Urban Design Consultant funded by the GLRS Reserve
3. \$250,000 for Secondary Plans Consultant funded by \$225,000 from the DC Reserve and \$25,000 from the GLRS Reserve
4. \$50,000 for Industrial Land Development and Servicing Study funded by the Industrial Land Development Reserve
5. \$150,000 for New Official Plan funded by \$67,500 from the DC Reserve and \$82,500 from the GLRS Reserve
6. \$100,000 for Ontario Land Tribunal (OLT) Appeals Consultant funded by the GLRS Reserve
7. \$91,320 for Business Systems Analyst (COS) staffing costs funded by the GLRS Reserve.

PART 5

That: Council approves the following grants for 2023:

1. \$24,750 for Fort Erie Lions Senior Citizens complex
2. \$35,448 for business area watering
3. \$28,853 for Beachcombers Seniors Complex
4. \$23,500 for Community events
5. \$1,593,576 for Fort Erie Public Library.

PART 6

That: Council approves the following 2023 Business Improvement Area (BIA) levies:

1. \$40,700 for Bridgeburg Station BIA Levy
2. \$30,000 for Crystal Beach BIA Levy
3. \$35,000 for Ridgeway BIA Levy.

PART 7

That: Council amends the 2023 Capital Budget as per Appendix “2” to Report No. CBC-01-2023 to substitute \$262,500 of Water Refurbishing Reserve funding for the Ridgeway Road Watermain Replacement project (RIDW21) and \$41,615 of Water Refurbishing Reserve funding for the Belleview Boulevard Watermain Replacement project (BELV26) with the Ontario Community Infrastructure Fund (OCIF) Formula-Based grant increase of \$304,115, and further

That: Council amends the 2023 Capital Budget to include a Six Mile Creek Flooding project [SMCF23] for \$500,000 with debenture funding, and further

That: Council amends the 2023 Capital Budget to include a Town Hall Renovation – 2nd Floor project [THRC23] for \$75,000 with funding from the Facilities Maintenance Reserve.

Recommendation No. 5

Moved by: Councillor Noyes

That: Council amends the 2023 Preliminary Capital Budget to defer the Fort Erie Tennis Club allocation of \$150,000 for the Pickle Ball Court [FETC23] until 2024. **(Carried)**

PART 8

That: Council approves the 2023 General Levy of \$31,410,940 comprised of a base budget of \$30,786,050 and a supplementary budget of \$624,890 and approves the 2023 General Capital Budget of \$16,030,689 and directs staff to submit the related By-laws

PART 9

That: Council excludes capital asset amortization of \$7.3 million from the 2023 General Levy Operating Budget.

Following approval of the amendments, Recommendation No. 3 was voted on, as amended, as follows:

PART 1

That: Council approves the following Supplementary Base Budget funding for 2023, subject of previous reports/resolutions:

1. \$79,305 for Supervisor, Roads and Stormwater (IS) staffing costs

2. \$20,000 for Asset Management Co-op Student (IS) staffing costs.

PART 2

That: Council approves the following Supplementary One-Time funding for 2023, subject of previous reports/resolutions:

1. \$45,500 for Electronic Data and Records Management System funded by the General Levy Rate Stabilization (GLRS) Reserve
2. \$150,000 for Black Creek / Douglastown Improved Access Class Environmental Assessment (EA) funded by the GLRS Reserve.

PART 3

That: Council approves the following Supplementary Base Budget new funding requests for 2023:

1. \$20,000 for Community swim lessons grant
2. \$150,000 for OLT Appeals Legal
3. \$71,780 for Parking/By-law Enforcement Officer (PDS) staffing costs continue as a temporary position, funded by the General Levy Rate Stabilization (GLRS) Reserve, and that it be reviewed by the CAO during the course of 2023 for further consideration in 2024
4. \$80,000 for Environmental Planner (PDS) staffing costs, net of fees
5. \$54,450 for Parks Beautification crew (IS) staffing costs
6. \$76,000 for Fire Training Officer (FES) staffing costs
7. \$73,355 for Communications Coordinator (CAO) staffing costs.

PART 4

That: Council approves the following Supplementary One-Time new funding requests for 2023:

1. \$75,000 for Heritage Consultant funded by the GLRS Reserve
2. \$100,000 for Urban Design Consultant funded by the GLRS Reserve
3. \$250,000 for Secondary Plans Consultant funded by \$225,000 from the DC Reserve and \$25,000 from the GLRS Reserve
4. \$50,000 for Industrial Land Development and Servicing Study funded by the Industrial Land Development Reserve
5. \$150,000 for New Official Plan funded by \$67,500 from the DC Reserve and \$82,500 from the GLRS Reserve

6. \$100,000 for Ontario Land Tribunal (OLT) Appeals Consultant funded by the GLRS Reserve
7. \$91,320 for Business Systems Analyst (COS) staffing costs funded by the GLRS Reserve.

PART 5

That: Council approves the following grants for 2023:

1. \$24,750 for Fort Erie Lions Senior Citizens complex
2. \$35,448 for business area watering
3. \$28,853 for Beachcombers Seniors Complex
4. \$23,500 for Community events
5. \$1,593,576 for Fort Erie Public Library.

PART 6

That: Council approves the following 2023 Business Improvement Area (BIA) levies:

1. \$40,700 for Bridgeburg Station BIA Levy
2. \$30,000 for Crystal Beach BIA Levy
3. \$35,000 for Ridgeway BIA Levy.

PART 7

That: Council amends the 2023 Capital Budget as per Appendix "2" to Report No. CBC-01-2023 to substitute \$262,500 of Water Refurbishing Reserve funding for the Ridgeway Road Watermain Replacement project (RIDW21) and \$41,615 of Water Refurbishing Reserve funding for the Bellevue Boulevard Watermain Replacement project (BELV26) with the Ontario Community Infrastructure Fund (OCIF) Formula-Based grant increase of \$304,115, and further

That: Council amends the 2023 Capital Budget to include a Six Mile Creek Flooding project [SMCF23] for \$500,000 with debenture funding, and further

That: Council amends the 2023 Capital Budget to include a Town Hall Renovation – 2nd Floor project [THRC23] for \$75,000 with funding from the Facilities Maintenance Reserve, and further

That: Council amends the 2023 Preliminary Capital Budget to defer the Fort Erie Tennis Club allocation of \$150,000 for the Pickle Ball Court [FETC23] until 2024.

PART 8

That: Council approves the 2023 General Levy of \$31,339,160 comprised of a base budget of \$30,786,050 and a supplementary budget of \$553,110 and approves the 2023 General Capital Budget of \$16,030,689 and directs staff to submit the related By-laws

PART 9

That: Council excludes capital asset amortization of \$7.3 million from the 2023 General Levy Operating Budget. **(Carried)**

7. Date of Next Meeting

(a) Not required.

8. Adjournment

Recommendation No. 6:
Moved by: Councillor Dubanow

That: Council-in-Budget adjourns at 8:53 p.m. **(Carried)**

Mayor

Clerk



The Municipal Corporation of the
Town of Fort Erie

Special Council-in-Committee Meeting Minutes

Wednesday, February 22, 2023 - 6:00 PM

Due to Inclement Weather this meeting was held via ZOOM only and can be viewed at: Town's Website:

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

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

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

1. Call to Order

Mayor Redekop called the meeting to order at 6:02 p.m.

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

2. Roll Call

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

Staff: S. Hansen, A. Herlovitch, C. McQueen, C. Schofield

3. Announcements/Addenda

There was one Addendum to notify the public that due to Inclement Weather this meeting will be via ZOOM only,

Mayor Redekop made the following announcement:

• **Rescheduled Public Information Open Houses**

Due to inclement weather, the Public Information Open Houses that were scheduled for tonight and tomorrow evening have been cancelled and rescheduled to the following dates:

- **3624 Hazel Street - Zoning By-law Amendment Application** to Wednesday, **March 8th, 2023** - 5:00 PM - 6:00 PM, Front Atrium, Fort Erie Town Hall, and
- **Crescent Park Estates - Draft Plan of Subdivision Application** to Thursday, **March 9th, 2023** - 5:00 PM - 6:00 PM, Front Atrium, Fort Erie Town Hall

4. Declarations of Pecuniary Interest

None.

5. Notice of Upcoming Public Meetings

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

Re; Crescent Acres (0-10747 Kraft Road) - Owner: Crescent Acres Ltd. (Mark Basciano) - Agent: Upper Canada Consultants (Matt Kernahan) - Monday, February 27, 2023 - 6:00 p.m. - Council Chambers, Town Hall. The information report will be available by 5:00 p.m. on February 23, 2023.

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

Re: 214 Courtwright Street - Owner: 2550663 Ontario Inc. (Greg Walker) - Agent: NPG Planning Solutions (Jeremy Tran) - Monday, February 27, 2023 - 6:00 p.m. - Council Chamber, Town Hall. The information report will be available by 5:00 p.m. on February 23, 2023.

- (c) Proposed Zoning By-law Amendment

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

- (d) Proposed Zoning By-law Amendment

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

(e) Proposed Zoning By-law Amendment

Re: 0-17100, 0-17101 & 0-17102 Schooley Road - Applicant: A.J. Clarke and Associates Ltd. (Stephen Fraser) - Owner: Marz Homes (Crystal Beach) Inc. - Monday, March 6, 2023 - 6:00 p.m. - Council Chambers, Town Hall. The information report will be available by 5:00 p.m. on Wednesday, March 1, 2023.

(f) Proposed Zoning By-law Amendment

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

6. Planning and Development Services

Chaired by Councillor Dubanow

6.1 Presentations and Delegations

None.

6.2 Reports

PDS-12-2023 Designated Heritage Property Grant Program

Recommendation No. 1

Moved by: Mayor Redekop

Councillor Noyes asked a question about forcing designations on property owners. Mayor Redekop called a point of order as the question was not relevant to the Report. The Point of Order was upheld by the Chair.

That: Council approves the proposed Designated Heritage Property Grant as outlined in Report PDS-12-2023, and further

That: Council directs staff to prepare a by-law for implementing the Designated Heritage Grant Program to support the preservation and conservation of heritage properties, and further

That: Council directs staff to circulate the Designated Heritage Property Grant Program Guide to the owners of designated heritage properties in the Town of Fort Erie. **(Carried)**

PDS-13-2023 Proposed Combined Official Plan and Zoning By-law Amendment - 214 Windmill Point Road South - South Coast Consulting - Steven Rivers (Applicant/Agent) - Joseph & Irene Moore (Owners)

Recommendation No. 2
Moved by: Councillor Lewis

That: Council approves the amendments to the Town's Official Plan and Zoning Bylaw No. 129-90 as detailed in Report No. PDS-13-2023 for the lands known as 214 Windmill Point Road South, and further

That: Council directs Staff to submit the necessary by-laws.
(Carried)

PDS-14-2023 Proposed Noise and Nuisance By-law

Recommendation No. 3
Moved by: Councillor McDermott

That: Council approves the Noise and Nuisance By-law attached as "Appendix 1" to report No. PDS-14-2023 and directs that Noise and Nuisance By-law No. 30-09, be repealed.

Recommendation No. 4
Moved by: Mayor Redekop

That: The recommendation be amended to provide that public notice of Council's intention to pass the by-law be given so that interested residents can comment to Council through the Clerk.

Councillor Lewis requested a friendly amendment that the Business Improvement Associations be given notice and provide them with a copy, and put it on Let's Talk Fort Erie. Mayor Redekop accepted the friendly amendment.

Mayor Redekop made comment that the amendment should be coupled with the deferral of this report to get feedback and report back to Council in 6 weeks. He decided to withdraw the amendment pending a future deferral of the report to address the above.

That: The recommendation be amended to provide that public notice of Council's intention to pass the by-law so that interested residents can comment to Council through the Clerk.

(Withdrawn)

Recommendation No. 5

Moved by: Mayor Redekop

That: Council postpones Report No. PDS-14-2023 to the April 3, 2023 Council-in-Committee meeting to permit notification by staff to the public in "Let's Talk Fort Erie", on the Town's website and Facebook, and the local newspaper, of Council's intention to pass a new Noise & Nuisance By-law, and for staff to provide a supplemental report to Council.

(Carried)

6.3 New Business/Enquiries

(a) Councillor Noyes

Councillor Noyes referred to a posting she saw on Facebook that Niagara District School Board is looking for input from parents concerning the Before and After School Program by March 6th. She asked whether this was something this Council could provide a letter of support.

Mayor Redekop asked if DSBN has provided notification that it is looking into this issue. Councillor Noyes responded that she saw it on Facebook and the school board will be making a decision sometime in April. She will try to get more information. Mayor Redekop suggested that perhaps our Communications Advisor could get this out on our Facebook page as well in order raise the profile.

7. Scheduling of Meetings

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

8. Adjournment

Recommendation No. 6
Moved by: Councillor Dubanow

That: Council-in-Committee hereby adjourns at 8:04 p.m. **(Carried)**

Mayor

Clerk

A

A



Hello Mayor Redekop,

I am a patient and volunteer with the Canadian Amyloidosis Support Network (CASN), a federally registered non-profit organization that supports patients and families impacted by amyloidosis. Amyloidosis is a group of diseases caused by the buildup of abnormal proteins, known as amyloid, in one or more organs and tissues of the body. Left untreated, the disease can result in organ failure and can be fatal.

One of our goals is to raise awareness about amyloidosis so that more Canadians can recognize the signs and symptoms of this disease. As part of our awareness campaign, we are contacting municipalities to have proclamations issued to designate March as Amyloidosis Awareness Month. March is the month recognized internationally by the Amyloidosis Foundation for any awareness campaign.

We wanted to submit a proclamation request to the Town of Fort Erie to recognize March as Amyloidosis Awareness Month.

In the meantime, if you need additional information about amyloidosis, please visit the sites for the Amyloidosis Foundation, the Amyloidosis Research Consortium (ARC), Hereditary Amyloidosis Canada (HAC), and the Amyloidosis Alliance. The website for the Canadian Amyloidosis Support Network (CASN) is not available at this time, but information is available online at One Amyloidosis Voice at <https://www.oneamyloidosisvoice.com/place/canadian-amyloidosis-support-network/>. You can also visit our Facebook page.

For a good background booklet on amyloidosis please see the following link:

https://www.amyloidosisupport.org/AmyloidAware_Booklet.pdf

Thanks, in advance, for any assistance you can provide.

Kind regards,

Jennifer Enright
289-682-1404 or ejennifer569@gmail.com

RECEIVED
FEB 27 2022
BY COUNCIL

Who is The Canadian Amyloidosis Support Network?

The Canadian Amyloidosis Support Network, Inc. is a federally registered, not-for-profit, all volunteer organization, formed by amyloidosis patients and those close to them. We are committed to making a positive difference in the lives of patients and families.

Our Mission

The Canadian Amyloidosis Support Network, Inc. is committed to improving survivability and quality of life of amyloidosis patients in order to:

1. Promote amyloidosis disease awareness in the medical community so it can be recognized earlier and appropriately treated.
2. Provide patient education, advocacy, support groups and resources.
3. Support high-value research projects.

Charitable Registration
85343 1583 RR0001

What Services Are Provided?

We operate the Canadian Amyloidosis Network patient support line and the www.thecasn.org website. Our website offers useful information on patient education; links to treatment centers, and support groups, national and international amyloidosis resources, as well as other important information.

Please visit our website at:
www.thecasn.org

The support network can help patients, caregivers and families stay informed about survivorship concerns and quality of life issues.

All of our activities are operated entirely by volunteers. Our major source of income is from contributions made at our website, fundraisers and patient memorials. All contributions support our mission, including the telephone line and website.

Please contact us anytime. We are here to help.

email: info@thecasn.org

The CASN Support Line:
Toll free number 1-877-303-4999

Marsha McWhinnie 647.351.0532
Norma Gilbert 403.255.1730
En Francais jeanguygiroux@videotron.ca

Canadian Amyloidosis Support Network



Early diagnosis is key to managing the disease

The Canadian Amyloidosis Support Network is committed to:

- ✦ Connecting patients and families with medical and support systems..
- ✦ Supporting awareness and education for patients, families and medical professionals so the disease can be recognized earlier and appropriately treated.

Please visit our website at:
www.thecasn.org



What is Amyloidosis?

Amyloidosis represents a group of diseases in which one or more organ systems in the body accumulate deposits of abnormal proteins causing organ impairment or failure. Only within the past 20 years have physicians understood the specific make up and structure of amyloid protein.

While amyloidosis is not cancer, it is very serious and some types are treated at cancer treatment centres. Amyloidosis may be debilitating or life threatening. If undetected or treated symptomatically, the mortality rate is high.

Early diagnosis allows treatment to begin before the amyloid protein burden in the body becomes too great to overcome. Without treatment, for most forms of the disease, the outlook for patients is not good. Early diagnosis is the key to managing the disease.

8 people in a million are afflicted with Amyloidosis



What is the Challenge?

Because Amyloidosis is a rare disease, most primary care physicians do not recognize when they must test for it. This often results in delays in diagnosis and receiving appropriate and earliest possible treatment.



Types of Amyloidosis

Over twenty different types of amyloid have been described in human amyloidosis, each with a different clinical picture. The three major categories of systemic amyloidosis are:

LIGHT CHAIN (AL) – also called Primary. This is the most common form of amyloidosis, the cause of which is unknown. The bone marrow plasma cells produce mis-folded proteins (parts of antibodies called “light chains”) that travel through the body and deposit as amyloid in various organs (heart, kidney, GI tract and peripheral nerves), ultimately causing organ failure if the deposition is not stopped. AL amyloidosis occurs with multiple myeloma in 10-15% of cases.

SECONDARY (AA) – This is a rarer form of the disease which may occur in the course of a chronic inflammatory disease or chronic infection such as rheumatoid arthritis, familial mediterranean fever (FMF), osteomyelitis, tuberculosis or inflammatory bowel disease. The kidneys are most commonly affected by AA amyloidosis.

FAMILIAL (AF) – As the name implies, this form of amyloidosis can be inherited, is the only form that is hereditary and is not as rare as originally thought. Presence of the disease is due to inheriting a gene which leads to production of proteins that have the potential for forming amyloid.

Other Amyloid Diseases – Other localized diseases involve amyloid protein deposits, but they **do not** have systemic implications. These include b2 Micro Globulin Amyloid, associated with type II diabetes, and Alzheimer's disease (b-Amyloid protein).



Symptoms

Symptoms vary widely because they are related to the organs that become affected with the amyloid deposits. Symptoms could include fatigue, weight loss, edema, a feeling of fullness, tingling and numbness in the lower extremities, shortness of breath, irregular heart rhythm and possibly an enlarged tongue.

With early diagnosis, the outlook for patients has shifted to hopeful in the last decade.



How is Amyloidosis Diagnosed?

The diagnosis starts with a thorough physical examination and history to identify specific body organ involvement. The symptoms presented will help determine tests to be performed.

Biopsy – Any diagnosis of amyloidosis must be confirmed with a positive biopsy. Samples may be taken from tissue or bone marrow.

Immunofixation Electrophoreses (IFE) – blood or 24 hour urine test for free light chains.

Serum Free Light Chain Assay (FLC) – indicates if the precursor protein to AL amyloid is present.

Serum Mutant Transthyretin – confirms gene mutation in familial amyloidosis.

Once amyloidosis is diagnosed, further analysis of type or sub-type is very important, since the treatments may differ.

B

B

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: January 20, 2023 **CASE NO(S):** OLT-22-003950

PROCEEDING COMMENCED UNDER section 45(12) of the *Planning Act, R.S.O. 1990, c. P. 13, as amended.*

Applicant/Appellant	Joseph Moore
Subject:	Minor Variance
Description:	Four variances in order to expand the existing detached dwelling and construct an accessory building.
Reference Number:	A33/22 FE
Property Address:	214 Windmill Point Road S
Municipality/UT:	Fort Erie/Niagara
OLT Case No:	OLT-22-003950
OLT Lead Case No:	OLT-22-003950
OLT Case Name:	Moore v. Fort Erie (Town)

Heard: December 14, 2022 by video hearing

APPEARANCES:

Parties

Counsel

Joseph Moore

Meredith Baker

Town of Fort Erie

Jennifer Stirton

Windmill Point Holdings Corporation

Thomas Richardson
Rachelle Rose (articling student)

DECISION DELIVERED BY S. deBOER AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] This Decision concerns the hearing of the appeal by Joseph Moore (the

RECEIVED

FEB 27 2022

BY COUNCIL

"Appellant") pursuant to s. 45(12) of the *Planning Act* against the Town of Fort Erie (the "Town") Committee of Adjustment's (the "COA") decision to deny the minor variance application requesting relief from the Town of Fort Erie Comprehensive Zoning By-law No. 129-90, as amended.

[2] The Subject Property (the "SP") is municipally known as 214 Windmill Point Road South, Town of Fort Erie.

[3] The original minor variance application was requesting the following variances be approved by COA:

- (1) A reduction in the rear yard setback to 9.2 metres, whereas 11.2 is required
- (2) A reduction in the 1-in-100-year flood minimum elevation setback to 25.2 metres whereas 30 metres is required.
- (3) To increase the maximum permitted building height and number of storeys for a proposed accessory structure to 8.5 metres and two storeys whereas 6.0 metres and 1 storey is permitted.
- (4) A revision to the term "attached". The Zoning By-law states that the term attached means "*that the roof, wall and foundation or structure is shared on common with another building or structure. Where the roof of one part of the structure may be shared in common with the wall of another*" to the following "*that the roof and foundation of a building or structure is shared on common with another building or structure*". The word "wall" would be taken out of this description for this property.

[4] The SP is located is designated Rural (RU) in part, and Environmental Protection (H) in part of the Town's Official Comprehensive Zoning By-law No. 129-90, as amended. The lot is rectangular in shape with an approximate size of 4.668 hectares

("ha"). The lot frontage of approximately 130.08 metres ("m") is located on the east side of Windmill Point Road South. The property is surrounded by single detached dwellings to the east and south. To the north of the SP are rural lands. Located on the west side of Windmill Point Road South are Provincially Significant Wetlands. Located on the SP is one single detached dwelling and two accessory structures.

[5] The Appellant plans for the construction of a new dwelling include twenty (20) bedrooms, twelve (12) full bathrooms, as well as a kitchen in the main building and one kitchen in the west wing of the dwelling. It must be noted that the Zoning By-law does not regulate the number of bedrooms, kitchens or bathrooms that can be contained in a dwelling.

HISTORY OF THE APPLICATION

[6] The original minor variance application was filed and deemed complete with the Town on March 18, 2022, and the original application was presented before the COA at the meeting of May 12, 2022.

[7] In the Staff Report that was presented before the COA, Planning Staff recommended that the variances for the rear yard setback, the flood elevation and permitted height of an accessory building be approved. Planning Staff did not recommend that the variance asking for a new definition of "attached" be approved.

[8] At the COA meeting, there were many public comments by neighbouring residents, including the Windmill Point Holdings Corporation. The common themes of concern were that the minor variances being requested will not result in one single dwelling, but three dwelling units attached with a walkway, which is not a permitted use under the ZBL. The concern is the Appellant will be using the proposed as a private resort or a motel/hotel in the future, which is not a permitted use under the Zoning By-law.

[9] After consideration of the Staff Report and the comments received during the

COA meeting, the COA denied all four of the minor variances as the variances did not meet the four tests of a minor variance as per s. 45(1) of the *Planning Act*.

[10] An appeal package from the Applicant was received by the Ontario Land Tribunal on June 1, 2022.

DAY OF HEARING

[11] At the beginning of the hearing, a request for Party status was made by Mr. Richardson on behalf of Windmill Point Holdings Corporation (the "Association"). The Tribunal found that Mr. Richardson had sent the party request to the Tribunal within the statutory timelines and that the Association had been apart of the public meeting process before the COA. The Appellant and the Town of Fort Erie did not object to the presence of the Association as a Party to this hearing.

[12] The Tribunal found that Windmill Points Holding Corporation met the criteria for Party Status as the Association was going to provide their own expert witness as to their recommendations for the variances being sought and the conditions thereof. The Tribunal ruled that Windmill Point Holdings Corporation met all the needed criteria and the Tribunal ruled that the Association be approved for party status at the Hearing.

[13] The Tribunal heard from three witnesses. The first witness called by the Appellant was Anamika Dilwaria, the Town Planner who presented the Staff Report to the COA for the meeting of May 12, 2022. Ms. Dilwaria was affirmed and qualified without refute to give expert opinion evidence in the area of land use planning. The second witness called by the Appellant was Steven Rivers, who was involved in the minor variance application process and who represented the Applicant at the COA meeting on May 12, 2022. Mr. Rivers was affirmed and qualified without refute to give expert opinion evidence in the area of land use planning. The third witness was Dan Currie who represented the Association. He was affirmed and qualified without refute to give expert opinion evidence in the area of land use planning

Legislative Framework for Minor Variance Appeals

[14] The Tribunal was made aware before the commencement of the hearing that a settlement had been reached between the Appellant and the Town. The Association was not in agreement with the settlement – specifically the conditions that had been agreed upon by the Appellant and the Town. Since all the recognized parties had not come to an agreement on the settlement, the hearing on this day would now be commencing pursuant to s. 45 of the *Planning Act*, meaning that this hearing is a hearing *de novo* and the onus would be on the Applicant to establish that the four tests have been met.

[15] Section 3(5) of the Act requires that decisions of the Tribunal affecting planning matters be consistent with the Provincial Policy Statement, 2020 (“PPS”). The Tribunal must also have regard to matters of Provincial interest in s. 2 of the Act, as well as regard or the decision of the COA and the information it considered in the course of making its decision, in accordance with s. 2.1(1) of the Act.

[16] The Tribunal must evaluate the minor variances in the context of the following four tests under s. 45(1) of the Act:

- a. Do they maintain the general intent and purpose of the Official Plan (“OP”);
- b. Do they maintain the general intent and purpose of the Zoning By-law (“ZBL”);
- c. Are they minor:
- d. Are they desirable for the appropriate development or use of the land.

[17] At the commencement of the evidence, the Tribunal was made aware by the Appellant that the application before the Tribunal had been amended. The new application had three variances before it:

- (1) A reduction in the rear yard setback to 9.2 metres, whereas 11.2 is required
- (2) A reduction in the 1-in-100-year flood minimum elevation setback to 25.2 metres whereas 30 metres is required.
- (3) To increase the maximum permitted building height and number of storeys for a proposed accessory structure to 8.5 metres and two storeys whereas 6.0 metres and 1 storey is permitted.

[18] The original fourth variance pertaining to the revision of the term “attached” was not needed due to changes made to the Applicant’s drawings.

[19] The Tribunal found that the revisions to the application were minor in nature. As such, the Tribunal ruled that the revised application did not need any further notice as per s. 45(18.1.1) of the *Planning Act*.

EVIDENCE

Provincial Policy Statement (2020) (the “PPS”) and Greater Golden Horseshoe Growth Plan and the Region of Niagara Official Plan

[20] All three of the expert witnesses were in agreement that the revised application’s minor variances were a matter of provincial interest. The experts agreed that the Application was consistent with the PPS, conforms with both the “A Place to Grow: Growth Plan for the Greater Golden Horseshoe” (2020) and the Region of Niagara Official Plan.

Four Tests of a Minor Variance

[21] Mr. Rivers took the Tribunal through each of the variances in detail to demonstrate that each of the variances meet the four tests of a minor variance:

Variance 1 Reduction in Size Yard Setback

Maintain the General Intent and Purpose of the OP

[22] In Mr. Rivers' opinion, the SP is designated Rural in the Town of Fort Erie OP, which permits single detached dwellings. The proposed development is compatible with the size of the property. The proposal is similar in size and scale to other adjoined properties located in the Lake Erie shoreline area. The reduced setback is to accommodate the addition of covered walkways. In his opinion, sufficient separation is still available with the approval of this minor variance to meet the intent and purpose of the Town of Fort Erie OP.

Maintain the General Intent and Purpose of the ZBL

[23] Mr. Rivers opined that the ZBL encroachment limits is to ensure that there is adequate spacing between dwellings. The proposed variance still provides a more than adequate space between neighbouring dwellings. Since the variance request is for a covered walkway that is not enclosed, the walkway will not cause any adverse affects on neighbouring properties. The variance requested meets the general intent and purpose of the Town of Fort Erie ZBL.

Desirable for the Appropriate Use and Development of the Lands

[24] Mr. Rivers gave opinion that the proposed variance is an additional walkway to the existing single detached dwelling. The minor variance request ss an appropriate use since the variance in question is not located on the hazard area and complies with the ZBL. The variance does not adversely impact any compatibility with surrounding properties. The variance, in his opinion, is an appropriate use and development of the lands.

Minor In Nature

[25] In Mr. Rivers opinion, the variance is minor in nature as the walkway will not impact adversely the privacy or view from neighbouring properties. The overall size of the property mitigates any impact to the neighbouring properties.

[26] Ms. Dilwaria and Mr. Currie were both in agreement that the requested variance meets the four test and should be approved.

Variance 2 Reduction in the 1-in-100 Year Flood Elevation**Maintain the General Intent and Purpose of the OP**

[27] Mr. Rivers stated that this variance request of 4.8 m is to accommodate the proposed development including the covered walkway. The minor increase requested will not provide any impacts to the fish habitat and there will not be any risk to human health and safety to the dwelling in question. The dwelling and covered walkway are located outside of the natural hazard area. As such, Mr. Rivers' opined that the variance meets the general intent and purpose of the Town of Fort Erie OP.

Maintain the General Intent and Purpose of the ZBL

[28] In Mr. Rivers' opinion, the variance does meet the general intent and purpose of the Zoning By-law. The purpose of the restriction is to protect the Lake Erie fish habitat. There have been similar structures built close to Lake Erie that have not had any impact on the fish habitat. The variance requested is outside of the natural hazard area and does not provide any risk to the natural habitat.

Desirable for the Appropriate Use and Development of the Lands

[29] Mr. Rivers opined that the requested variance is appropriate for the lands as the potential impact to the fish habitat is insignificant. The risk of the proposed structure and

adjected structures is minimal at best. The location of the requested variance is not within the hazard area and not a risk to the hazard area.

Minor in Nature

[30] Mr. Rivers gave opinion that since the variance is outside of the hazard area that is associated with the 1-in-100-year flood elevation, the potential flooding and erosion is minimal as best. The requested variance is minor in nature.

[31] Mr. Currie and Ms. Dilwaria were both in agreement with Mr. Rivers' opinion. The variance requested should be approved as it meets the four tests.

Variance 3 Increase the Maximum Permitted Building Height and Number of Storeys for a Proposed Accessory Structure

Maintain the General Intent and Purpose of the OP

[32] Mr. Rivers stated that the zoning of the SP does allow for one accessory structure. The accessory building's design will be aesthetically pleasing and functional for the purposes of storing equipment and large vehicles including a motorhome. The requested variance is to allow enough room for proper storage and maintenance of the motorhome. The accessory building is located away from the main building and the overall height is less than the main dwelling. In Mr. Rivers' opinion, the accessory structure meets the general intent and purpose of the OP.

Maintain the General Intent and Purpose of the ZBL

[33] Mr. Rivers opined that the maximum height provision is to prevent buildings that would have a significant mass which could lead to negative aesthetic impacts to the neighbourhood. The SP is large enough to accommodate such a structure and will be set back far enough from any of the lot lines and the dwelling itself. These precautions that have been taken as to the size and placement of the accessory building allow this variance to maintain the general intent and purpose of the ZBL.

Desirable for the Appropriate Use and Development of the Lands

[34] In Mr. Rivers' opinion, the requested variance is an appropriate use of the land since the proposed structure does not adversely impact the surrounding properties or the neighbourhood. The location is well within the other setback requirements and is located in an area of the property that separates the building from the main dwelling.

Minor in Nature

[35] Mr. Rivers gave opinion that the requested variance is minor in nature as the proposed height of the accessory structure will be less than main dwelling and the structure location will not have any impact to adjacent properties.

[36] Ms. Dilwaria and Mr. Currie were both in agreement with Mr. Rivers that this variance met the four tests and should be approved by the Tribunal.

Conditions of Approval of the Minor Variances

[37] In the agreement made between the Town and the Appellant before the hearing, there was one agreed upon condition. This condition was:

The Applicant shall provide a legal undertaking affirming that the accessory structure will not be used for human habitation.

[38] The Association was in agreement with this condition. However, the Association felt that a second condition should be imposed on the agreement. The request of the second condition by the Association was:

The Applicant shall provide a restrictive covenant in an agreement registered on title that requires residential use of the main structure shall only be one single detached dwelling and one accessory apartment dwelling with no more than two food preparation areas.

[39] It is this second requested condition by the Association that is the area of dispute between the parties.

[40] Mr. Richardson went into detail as to the reasonings behind the second condition being requested. He stated that through the COA process and even up to the agreement between the Town and the Appellant, the proposed drawings have changed. The connecting walkway is now attached to the walls, this is to only make the dwelling look like one building, instead of the three separate units. There is a great fear and trepidation that this proposal will change once again, and the property will not be used as a private dwelling. There is potential for this to be used as a "private resort" or even a motel or hotel in the future. The Association is afraid that if approved without their requested condition, there is a potential for abuse by the Appellant to use the property for uses other than what is allowed in the Zoning By-law. This requested condition would "guarantee" that the property could only be used as a single dwelling with no more than two kitchens. It is the right of the Tribunal to impose such conditions if the Tribunal deems necessary under s. 45 (9) of the *Planning Act*.

[41] In his questioning of Ms. Dilwaria concerning the settlement, Ms. Dilwaria clarified that under s. 5.103 of the ZBL, there is not any limitation as to the number of food preparation areas a dwelling may have. The ZBL also does not limit the number of bedrooms that a single dwelling may have. Her opinion was that the single dwelling, as purposed, can have one accessory unit – which in this case – is located in the west wing of the dwelling. This proposal would still comply under s. 6.4.3 of the ZBL. She is still under the recommendation that the settlement meets the statutory requirements under s. 45 of the *Planning Act* as the variances meet all the tests. The condition was agreed upon by both the Appellant and the Town and the only condition needed for the settlement.

[42] Mr. Richardson questioned Ms. Dilwaria as to the agreed upon condition. If the ZBL under s. 6.1(a) already stipulates that an accessory building cannot be used for habitation, why the need for the attached condition. Ms. Dilwaria stated that the condition was a recommendation as apart of the original report to the COA. The condition is a redundancy but was the condition that the Town and the Appellant agreed upon as both the COA meeting and the settlement brought forth to the Tribunal.

[43] Mr. Richardson then asked Ms. Dilwaria about the condition that the Association was asking to be approved by the Tribunal at this hearing. She stated that she would not be against the condition if the Tribunal thought it necessary to approve the application before it. However, she stands by her report and the settlement as presented to the Tribunal.

[44] In Mr. Rivers' testimony concerning the extra condition, he stated that the covenant being requested is based on speculation as to what the Association "thinks" may happen in the future with the SP. There is nowhere in the ZBL that restricts the number of bedrooms or food preparation areas that a dwelling may have. To limit the number of food preparation areas and to limit the use of the property with this condition is a "back door" method of adding an extra provision that was not agreed upon by the parties.

[45] Mr. Rivers opined that the RU zoning allows for the use that the application is stipulating. If for some reason the owner changes the use of the property that is outside of the permitted use, the Association has tools at its disposal through the Town's By-law office that can impose fines up to \$25,000.00 for the first offence and up to \$10,000.00 per day after the first conviction as per s. 2.2(a)(i) and (ii) of the ZBL. In his opinion, this is a huge potential penalty for any homeowner. He feels that the potential fines and authority of the Town are enough to prevent any homeowner from stepping outside of the ZBL permitted uses. If this second condition was approved, the homeowner would have to go to court to have this condition removed in the future if the property owner wanted to change the property use. Once this was removed, the property owner would still have to apply for a Zoning By-law Amendment to change the usage. This makes having this condition on title not necessary due to the Town's Zoning By-law Amendment process.

[46] In Mr. Currie's testimony on the requested added condition, he opined that the requested condition is reasonable based on the size of the structure and the number of bedrooms and washrooms. This would ensure that the main dwelling is used as a single

detached dwelling. Even though the ZBL does not limit the number of bedrooms, bathrooms or food preparation areas, it was his opinion that the request being made by the Association was reasonable and would help reinforce the property's current use under the ZBL.

ANALYSIS AND FINDINGS

[47] In arriving at its Decision, the Tribunal reviewed the material evidence provided, considered the evidence and opinions of the witnesses, has given regard to the materials presented to the COA and the decision thereof.

[48] With regards to the revised application that was presented to the Tribunal, the Tribunal finds that the revision to the application reduced the amount of variances being sought from the original application. As such, the Tribunal found that the amended application did not require any further notice pursuant to s. 45 (18.1.1) of the *Planning Act*.

[49] As for the requested minor variances, all the expert witnesses agreed that the application was consistent with the PPS, conforms with the "A Place to Grow: Growth Plan for the Greater Golden Horseshoe" (2020) and the Region of Niagara Official Plan. The Tribunal agrees with the witnesses and finds that the application is consistent with the PPS, conforms with the Growth Plan for the Greater Golden Horseshoe and conforms with the Region of Niagara Official Plan.

[50] With regards to the tests of a minor variance pursuant to s. 45 of the *Planning Act*, all the experts agreed that the variances, as presented, meet the statutory tests and should be approved. The Tribunal agrees and finds that the totality of the evidence proves that the minor variances have met the statutory requirements.

[51] The experts agreed that the condition that was agreed upon by the Town and the Appellant was sound and should remain if the Tribunal were to approve the minor variances. As such, the Tribunal finds that the condition that was agreed upon by the

Town and the Appellant is appropriate and should remain as a condition to the approval of the minor variances.

[52] The area of dispute between the parties is the second condition as proposed by the Association. The Appellant was not in agreement that this condition should be added. The Town's counsel did not take a position on the added condition.

[53] Through its analysis of the proposed condition, the Tribunal took consideration and gave weight to the opinions of the witnesses. The Association's position that this condition will "guarantee" that the use of the property as stipulated under the ZBL. This condition would guarantee this single dwelling use no matter who was the owner of the property unless said owner were to go to court to have this remove from the title of the property.

[54] It was the Appellant's position that the ZBL is the instrument that is used by municipalities to stipulate the use of a property, no matter who the owner of the property is. If restrictions of use were to be put on title without consent of the property owner, then there would not be a need to have a ZBL at all.

[55] The Appellant stated that the ZBL does not limit the number of bedrooms, bathrooms or food preparations areas for a dwelling with the "RU" designation. Conditions such as this are not in the spirit or intent of the ZBL and should not be imposed.

[56] After consideration of the positions of the parties to the Association's proposed condition, the Tribunal accepts the evidence of the Appellant. The Association has not proven to the Tribunal that the Appellant will use the property for anything other than the designated use. The Tribunal does not recognize or accept 'apprehension of impact or use' as a valid consideration in deciding a planning application. Without any contravening evidence that can be demonstrated to the Tribunal supporting these apprehensions, the Tribunal finds that these apprehensions warrant less weight to the Association's argument of potential property use. The ZBL provides significant penalties

that can be imposed by the Town if the use of the property is found to be outside the ZBL. The ZBL does not provide limits to bedrooms, bathrooms or food preparation areas. If the Tribunal were to enforce this condition as requested, the Tribunal finds this would be outside the intent of the ZBL. The Tribunal finds that the proposed condition by the Association would put excessive limits to the elements within the dwelling itself. As such, the Tribunal finds the Association's proposed condition cannot be attached to the approval of the minor variance application.

ORDER

[57] **THE TRIBUNAL** having been asked to consider an application which has been amended from the original application, and the Tribunal having determined as provided for in subsection 45(18.1.1) of the *Planning Act* that no further notice is required;

[58] **THE TRIBUNAL ORDERS** that the appeal is allowed and the variances to the Town of Fort Erie Zoning By-law No. 129-90, as amended, are authorized subject to the following condition:

- That the Applicant shall provide a legal undertaking affirming that the accessory structure will not be used for human habitation.

"S. deBoer"

S. deBOER
MEMBER

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.



Department of Corporate Services
1593 Four Mile Creek Road
P.O. Box 100, Virgil, ON L0S 1T0
905-468-3266 • Fax: 905-468-2959

www.notl.com

SENT ELECTRONICALLY

February 10, 2023

The Honourable Doug Ford
Premier of Ontario
Queen's Park
Toronto, ON M7A 1A7

EMAIL: premier@ontario.ca

Dear Premier Ford,

RE: Bill 23

Please be advised the Council of The Corporation of the Town of Niagara-on-the Lake, at its regular meeting held on January 31, 2023, approved the following resolution:

"WHEREAS the government of Ontario, with Bill 23, has made extensive and transformative changes to the land use planning process without meaningful consultation with the municipalities of Ontario; and

WHEREAS some of these changes will not have the intended effect of increasing a municipalities' ability to provide affordable housing; and

WHEREAS it is important to recognize the significance of the specialty crop area to our economy, to the environmental health of our community, and the food security of Ontario; and

WHEREAS the significant restrictions to the designation of heritage properties and heritage conservation districts proposed to the Ontario Heritage Act will negatively impact our ability to protect heritage, for which Niagara-on-the-Lake is world-renowned and upon which our economy is dependent; and

WHEREAS with the removal of planning responsibilities from the Regional Municipality of Niagara ("Niagara Region") and the change to the core mandate for Niagara Peninsula Conservation Authority (NPCA), many environmental planning review and environmental impact review functions currently provided will be eliminated, thereby, negatively impacting our natural environment, our ability to protect water and natural heritage, and address climate change; and

WHEREAS changes to the development charges will limit municipalities' ability to fund capital costs of growth-related infrastructure and undertake proactive studies to support growth which will lead to significantly increased property taxes

RECEIVED

FEB 27 2022

to provide infrastructure for new development and will reduce the Town's Development Charges revenue by over \$1.3 million over five years; and

WHEREAS "as of right" development does not allow for local context, character or infrastructure capacity considerations;

THEREFORE, BE IT RESOLVED that the Town of Niagara-on-the-Lake requests that the Province of Ontario engage in meaningful consultation with the municipalities of Ontario on the many short and long-term impacts expected as a result of Bill 23;

FURTHER that the Province recognizes and provides feasible solutions to address the negative impacts on municipalities, including, but not limited to, heritage, environment, food security, public consultation, loss of revenue to support growth infrastructure (e.g. development charges), in order to ensure that decision-making regarding growth will address the local needs of the various municipalities while achieving the growth objectives of the Province; and

FURTHER that this motion be distributed to the Premier of Ontario, Minister of Municipal Affairs and Housing, Minister of Heritage, Sports, Tourism and Culture Industries, Minister of Agriculture, Food, and Rural Affairs, Minister of the Environment, Conservation and Parks, Minister of Economic Development, Job Creation and Trade, and Minister of Infrastructure, MPP Wayne Gates, the Niagara Region, and all municipalities within the Region of Niagara."

If you have any questions or require further information, please contact our office at 905-468-3266.

Sincerely,



Victoria Steele
(A) Town Clerk

- c.c. Honourable Steve Clerk, Minister of Municipal Affairs & Housing – minister.mah@ontario.ca
Honourable Neil Lumsden, Minister of Tourism, Culture and Sport – minister.lumsden@ontario.ca
Honourable Lisa M. Thompson, Minister of Agriculture, Food, and Rural Affairs – minister.omafra@ontario.ca
Honourable David Piccini, Minister of the Environment, Conservation and Parks – minister.mecp@ontario.ca
Honourable Victor Fedeli, Minister of Economic Development, Job Creation and Trade – MEDJCT.Minister@ontario.ca
Honourable Kinga Surma, Minister of Infrastructure – Minister.MOI@ontario.ca
MPP Wayne Gates - wgates-co@ndp.on.ca
The Regional Municipality of Niagara
All local area municipalities with the Region of Niagara

**RIDGEWAY BIA BOARD OF MANAGEMENT
MINUTES**

Tuesday January 4, 2023 @ the Crystal Ridge Library Meeting Room

Attendance:

Joan Christensen Councillor, Ward 4, Chuck Lord, Jen Wilkinson, Susan Atkinson, Carol Lacivita, Anna Morlacchetti, William Day, Christine Trombley, Jennifer Priestley

1. **Call to order:** Joan Christenson (Ward 4 Councillor) : The meeting was called to order by Joan Christensen who volunteered to chair the first meeting as she is a neutral party to the Ridgeway Bia.
2. **Introductions:** Board members introduced themselves and gave a little introduction as to who was who.
3. **Selection of Officers- Chair-Co-Chair - Secretary-Treasurer.**
Chair-elect: Chuck Lord
Co- Chair-elect- Jen Wilkinson
Treasurer- Carol Lacivita
Secretary- Jennifer Priestley
Event Co-ordinator - Victoria Macdonald (Paid position not in attendance)
4. **Acceptance of the Previous Minutes:** First meeting no previous minutes.
5. **Acceptance of the Previous Agenda:** First meeting no previous agenda.
6. **Correspondence:** First meeting no previous correspondence.
7. Joan Christenson, advised that Carol Schofield from the Town of Fort Erie is under the assumption that Patty Mountain has handed over all documents to a New Board Member. Still, no new board member has received any documents.
8. **Discussion regarding a complete list of all Ridgeway Area businesses.** The RBIA would like to contact the business for contact information.
9. **Sub Committees:** Financials from previous years - Jen Wilkinson, Carol Lacivita, Anna Morlacchetti
10. **Committee for Events-** Carol Lacivita, Jen Wilkinson, Christine Trombley, Karin Dibiasi and Sara. Discussion about more businesses helping out for Valentine's day events.
11. **Strategic Planning:** Discussing a plan over the next 2 years.
12. **Social Media:** Who is managing the Social Media platforms - Chuck Lord looking into this and will advise
13. **Keys for Mailbox:** Discussion on who has the keys. Jennifer Priestley has 2 sets and will pick up the mail weekly.
14. **Action items:** A discussion was held regarding the success of the GIRLS NIGHT OUT held on December 1, 2022, with a "Gelentines" Event in February - Over 80 women armed with their charge cards landed on Ridge Rd to "SHOP" and they did. Each woman paid \$25.00 and was treated to a glass of wine at 335, as well

as their choice of time in seeing “A ticket to Paradise” at the movie theatre. They were also able to enter their names at each of the locations to be entered in a draw for \$300.00 in Gift Certificates. Customers are already leaving their names for follow-up events.

15. **Open Discussions:** Interaction maps- Partnering with other Bias- Town Support including Direction, assistance with a Town employee at each meeting- asking questions
16. **Job Descriptions:** Event Coordinator- Social media paid positions.
17. Open Discussions.
18. **Adjournment and Next meeting:** January 19, 2023, Crystal Ridge Library at 5:30.



MINUTES

MAYOR YOUTH ADVISORY COMMITTEE



Meeting Date, Time, and Location
Monday December 12th, 2022. Conference Room 1. 4:30pm

Members
<p>PRESENT <i>Fran Vella - Staff Advisor</i> <i>Mayor Redekop</i> <i>Sawyer Smith, Mason Smith, Sydney Steele, Paige Gismondi, Tristan Jagiello,</i> <i>Mackenzie Arts</i> Absent: Thomas Mete Guests: Grace Gismondi, William Macquarie</p>

- 1) **Call to Order**

The meeting was called to order by Chair (Vice Chair) **Sawyer Smith** at **4:35** p.m.

- 2) **Approve Agenda**

The Chair asked if the members were in agreement with the Agenda or if there are any changes/additions. Moved by: Tristan Jagiello Seconded by: Mackenzie Arts, That: The MYAC Agenda for the December 12, 2022 meeting be accepted.

(CARRIED)

- 3) **Declaration of Conflict of Interest**

None

- 4) **Adoption of Minutes**

Board/Committee to pass a motion to adopt the minutes of the previous meeting: Moved by: Mackenzie Arts Seconded by: Tristan Jagiello That: The minutes of the MYAC meeting of *June 13, 2022* be approved.

(CARRIED)

5) **Delegations**

6) **Business Arising from Minutes**

1. *Scholarship recipients Kyle Mullin and Scarlet Lepp were appreciative of the bursary.*
2. *Transit presentation: Many students take advantage of it
Mason suggested possible Co-Op transportation support from the town. Mayor suggested we do background information if this is something the committee would like to be involved in. Fran will add this to the agenda for the next meeting.*

7) **New Business**

1. *Resignation of members: Logan Steele, Enza Wybraniak and Mollee Morin
Moved by: Paige Gismondi
Seconded by: Tristan Jagiello
That. MYAC accept with regret the resignations of Logan Steele and Mollee Morin*

(Carried)
2. *Budget for 2023: See attached proposal: Review last budget 2022 and review and submit 2023 budget*

THAT: The MYAC Committee hereby approves the budget for the year 2023 in the amount of \$4000 and that the Treasurer for the Town of Fort Erie to be notified.

Moved by: Sydney Steele Seconded by: Paige Gismondi

3. **Review application process and update the application**
 - a. **Up to 19 members, try to get applications in by January 2023**
 - b. **Continue with elementary school advertisement**
 - c. **Update application, have it always open and fillable online and have it email option to be sent in.**
 - d. **Reach out to school parent council**
 - e. **Posters - Mackenzie**
 - f. **Make announcements within your school**
4. **Re-applying to MYAC (your date and form will be sent to each member to re submit)**

a) Mayor Redekop spoke about switching it to school calendar instead of calendar year

5. Holiday Free Skate

- a) dates for possible Free Skate will be sent out
- b) possible table with flyers and hot chocolate?
- c) food drive with March Break Free Skate
- d) add March Break Skate to January agenda

6. NEW IDEAS

- a) Crystal Ridge Dream Center
- b) Future agendas add in Christmas events
- c) Fund and Volunteer for Christmas Dinners
- d) Pair with BGC to work with youth
- e) FENFC pairing
- f) Participate in Santa Clause Parade

7. Holiday Decoration Contest

- Graphic (Mackenzie)
- Google Form

8)

Enquiries by Members

None

9)

Next Meeting

The next meeting of **MYAC** will be held on January 23, **2023** in **Conference room #1**.

10)

Adjournment

Chair **Sawyer Smith called to adjourn** at 5:36 p.m.

Moved by: Mackenzie Arts Seconded by: Tristan Jagiello That: The the meeting be adjourned . (CARRIED)

Minutes recorded by: Mackenzie Arts Minutes approved by:

Mackenzie Arts, Secretary

Sawyer Smith, Vice Chair



**Mayor's Youth Advisory Committee
Proposed 2023 Budget**

65200 Youth Programs

2993 Meeting Expenses	\$250
2999 Sundry/Misc.	\$600
3110 Transportation	\$400
3150 Training and Development	\$500
3250 Advertising and Promotions	\$900
3422 Events and Programs	\$1350
TOTAL	\$4000



Meeting Date, Time, and Location	
Monday January 23rd, 2023. Conference Room 1. 4:30pm	

Members	
<p><u>PRESENT</u> Mackenzie Arts, Sydney Steele, Paige Gismondi, Grace Gismondi, William Macquarie</p> <p><u>ABSENT</u> Tristain Jagiello Sawyer Smith Mason Smith</p> <p><u>STAFF</u> Fran Vella, Adult Advisor Cole Patton, Communications Advisor representative Mayor Wayne Redekop Guest: Guilia Piazza, Nicholas Mete, Abby Costello, Hailey Hudson</p>	

- 1) **Call to Order**

The meeting was called to order by Secretary *Mackenzie Arts* at 4:46p.m.

- 2) **Approve Agenda**

The Chair asked if the members were in agreement with the Agenda or if there are any changes/additions.

Moved by: Paige Gismondi

Seconded by: Grade Gismondi

That: The MYAC Agenda for the January 23rd, 2023 meeting be accepted.

(CARRIED)

3) **Declaration of Conflict of Interest**

None.

4) **Adoption of Minutes**

Committee to pass a motion to adopt the minutes of the previous meeting:

Moved by: Paige Gismondi

Seconded by: Grace Gismondi

That: The minutes of the MYAC meeting December 12th, 2022 be approved.

(CARRIED)

5) **Mayor Redekop Report/Announcements**

Mayor Redekop announced that MYAC can review our terms.

Council is trying to engage more youth in our town and mentioned "Let's Talk FE". Mayor Redekop mentioned the reconstruction of the trail and how youth input would be important. He encouraged MYAC members to check out "Let's Talk Fort Erie" to give a youth perspective on events like this.

If issues arise, speak with Fran so we are able to work on them.

He also mentioned a presentation to council (add to next meeting agenda)

6) **Delegations**

7) **Business Arising from Minutes**

1. Budget for 2023: emailed to Nanette General and Jonathan Janzen
 - will be reviewed at budget meeting in February by the Town
2. Review application process and update the application
 - a. Re-applying to MYAC : all of you except Grace and William need to reapply. Fran will email all members that need to reapply the link as well. The new application link is here and can also be found on the town website:

<https://www.forterrie.ca/resource/files/6E9928AE8573A49D8525803700574993/%24File/Application%20Form%20-%20MYAC%202022.11.28%20Fillable.pdf>

- Please fill out ASAP
- Forward to email on application (CC Fran)
- Hand in week before Feb 27th

3. Holiday Free Skate did not happen due to weather
 - a. March Break: Daytime skate during March Break. MYAC to take over a scheduled skate so that the word of MYAC can be brought to youth attention more so.
4. Holiday Decoration Contest: Mackenzie did the Social Media graphic. It was great. Unfortunately no one submitted ..try again next year
5. Left a message for Fort Erie Native Friendship centre, waiting to connect
6. Mason co-op transportation support from the town. Background? Report on findings. (Move to next meeting)

8)

New Business

1. New Executive: Chair (vacant), Vice Chair (presently Sawyer Smith) and Secretary (presently Mackenzie Arts), Treasurer (vacant).

- note positions are only 2 years

- move to next meeting

-if interested you must let Fran know ASAP so that we can put this to a vote at the next meeting

- a. Chair
- b. Vice Chair - Mackenzie
- c. Secretary - Hailey, Giulia
- d. Treasurer - Hailey, Sydney, Giulia

2. Resignation of the following member is put to the committee: Thomas Mete
 Moved by: Mackenzie Arts
 Seconded by: Sydney Steele
 That. MYAC accept with regret the resignation of Thomas Mete **(CARRIED)**

3. Review and recommend: Terms of Reference
 - a. See attached revisions put forth
 - b. Change the year to school calendar instead
 - c. Change so it's not Elementary/High School separate
 - d. Table at school open houses - revisit in Spring
 - e. Parent Council mention of MYAC
 - f. Hailey will mention to Mr Louws
 - g. Composition: discuss and finalize
 - h. Re-applying to MYAC
 - i. Up to 19, quorum is majority (half plus one) of membership

Committee to pass a motion to agree to the proposed changes to the Terms of Reference:

Moved by: Paige Gismondi

Seconded by: Sydney Steele

That: The proposed changes to the Terms of Reference for MYACbe approved.
(CARRIED)

4. March Break free skate: choose date, anyone have plans for March Break
- March 14th (Tuesday) 2:00-3:30pm
 - Sponsored by MYAC poster (Hailey) - before next meeting

5. Canva for MYAC: I have a gmail for MYAC so I will set this up and share it with everyone MYACFORTERIE@gmail.com
- will send link to access canva

6. NEW IDEAS

- a. Spring events? Tree giveaway is in May (I will contact Sean Hutton to let him know we are available to assist)
- b. Easter - volunteer for existing easter egg hunt (FENFC, Kinsmen) Reach out for next meeting - Hailey can reach out to Kinsmen, Mackenzie will reach out to Optimist
- c. Think on ideas and issues that we see in Fort Erie for our next meeting
- d. Mayor Redekop introduced the idea of sub committees (bring up at next meeting)

9) **Enquiries by Members**

None.

10) **Next Meeting**

The next meeting of MYAC will be held on February 27, 2023 in Conference room #1.

11) **Adjournment**

Secretary; Mackenzie Arts called to adjourn at 5:33 p.m.

Moved by: William Macquarie

Seconded by: Sydney Steele

That: The meeting be adjourned

(CARRIED)

Minutes recorded by:

Minutes approved by:

Mackenzie Arts, Secretary

Paige Gismondi

Mayor's Youth Advisory Committee

1. Mandate/Objectives

1.1. The Committee will discuss, plan, and advise about issues concerning the youth of Greater Fort Erie

1.2. The Committee's objectives include:

- a) To keep Town Council informed about important issues affecting youth
- b) To occasionally host youth workshops, forums, conduct surveys, and to address concerns and needs that affect youth
- c) To act as a positive advocate for youth so that youth are valued and seen as contributors to the community
- d) To support events that relate to the mandate
- e) To provide leadership experience for youth

2. Membership

Can we add something about Quorum being half plus one of the majority present? Or does it have to be the whole membership?

2.1. Qualifications

- a) Members shall have access to a computer and an email address to receive meeting invitations and agenda packages with large files
- b) Members shall be residents of the Town of Fort Erie, work in the municipality or have a place of business in the municipality
- c) Members shall fall within the ages of 13-21

2.2. Composition

- a) The Committee shall be comprised of 11 members: **Up to 19 members]**
 - i. 7 High School Student **High School and Elementary representation**
 - ii. 4 Grade 8 Students
 - iii. Adult Advisor (1)
 - iv. Mayor as Ex-Officio

2.3. Term

- a) Committee members shall hold office concurrent with the term of Council, and shall continue until a new Council appoints new Committee members following an election

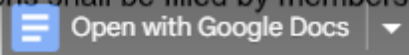
We would like to change the calendar year for MYAC to the school calendar (September to June) as opposed to January to December

3. Roles and Responsibilities

3.1. At the first meeting of the term, Committee members shall appoint a Chair, Vice-Chair, Secretary and Treasurer

In Term
It does not say that it is a year
Make a different smaller reapplication process

a) Executive positions shall be filled by members who are at least 17 years of age



b) Executive positions can be held for a maximum of 2 years

3.2. Chair and Vice-Chair

- a) Chair all regular meetings of the Committee and exercise authority, and perform duties as required
- b) Maintain decorum at each meeting and ensure that the Rules of Procedure are observed under By-law No. 36-2016 (Council Rules of Procedure), as amended or replaced
- c) Ensure that all committee members are provided with an opportunity to comment
- d) Provide guidance and leadership to the Committee in the completion of its mandate
- e) Vice-Chair shall assume all functions of the Chair in the Chair's absence

3.3. Secretary

- a) Circulate agendas and record and prepare minutes of Committee meetings
- b) Distribute the minutes to the Town Clerk

3.4. Treasurer

- a) Administer and manage the financial assets of the Committee
- b) Prepare budgetary documents as required by the Town Treasurer

3.5. Committee Members

- a) Attend meetings of the Committee (if unable to attend, notification should be sent to the Secretary and Staff Liaison as soon as possible before the meeting)
- b) Review agendas and materials before the meeting
- c) Contribute time, knowledge, skill and expertise to the fulfillment of the committee mandate

3.6. Adult Advisor

- a) Attends all meetings
- b) Provide guidance and advice to the Committee in fulfillment of its mandate
- c) Assists with developing and monitoring policy, procedure, and budgets

3.7. Mayor

- a) Assists Committee in reviewing applicants and Adult Advisor
- b) Communicates regularly and works with the Chair, acting as Liaison between the Committee and Council
- c) Attends at least every other meeting

3.8. Parliamentarian

- a) Maintains Committee Terms of Reference and educates Committee on Rules of Procedure

3.9. Historian

- a) Records, updates and maintains Committee scrapbook

4. Reporting

- 4.1. The Committee reports to Town Council through their minutes
- 4.2. Matters requiring approval by Town Council shall be approved by motion

5. Meetings

5.1. Meeting Schedule

- a) Generally, the Committee will meet monthly or as required to conduct business to carry out its mandate
- b) Special meetings may be held at the call of the Chair

5.2. Rules of Procedure

- a) The Committee shall follow the Council's Rules of Procedure By-law, as amended or replaced, with modifications as necessary
- b) In the event of a conflict between the Terms of Reference and any by-law of the Town of Fort Erie, the Terms of Reference shall prevail

5.3. Agendas and Minutes

- a) The format of agendas and minutes shall be in a form approved by the Clerk

6. Remuneration

- 6.1. This Committee operates on a volunteer basis only OR Committee members are paid as per the relative By-law(s); for details, please inquire with the Staff Liaison

7. Amendments to the Terms of Reference

- 7.1. The Committee shall review the Terms of Reference on a bi-annual basis and make recommendations to Council through their minutes, as needed



MINUTES

Bridgeburg Station
Downtown Business
Improvement Association

2022 Board Meeting

Meeting Date, Time, and Location

Tuesday November 8th @ 6:00 pm

Meeting called to order @ 6:05 pm– chaired by Gail Spear

Directors Present

Gail Spear, Katie Miller, Julie Brady, Nick Brady, Dawn Kendrick, Vince Salvatori, Morgan Boenke-Hall, George McDermott

Absent: Bill Thomas

1) Addendums to the Agenda

None

2) Declarations of Conflict or Pecuniary Interest

“pecuniary interest” is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person, parent, spouse, or child based on the outcome of the discussion or vote.

“conflict of interest” occurs when an individual is involved in multiple interests, one of which could possibly corrupt the motivation for an act in the other.

None Declared

3) Adoption of Minutes from previous meeting(s)

Motion to approve the minutes from March 8th 2022 and the emergency meeting on Oct. 15th 2022
Motion by Julie Brady/ Nick Brady 2nd, all in favour, Carried.

4) Presentations & Delegations – 5 minutes maximum per delegation

Delegates must register with the chair at least 48 hours prior to a regular board meeting to be included on the agenda.

None

5) **Correspondence & Items Arising**

All Board members received an email from Kurtis Bottrell with an update on the Jarvis St rebuild and the archway design.

Board members are asking for clarification as to whether the light posts are new or rebuilt old Ones.

6) **Treasurer's Report (a) General Levy (b) Friends of Bridgeburg Station (FOBS)**

Dawn Kendrick shared October's financial report.

No report on Friends of Bridgeburg Station

7) **Committee Reports and Business Items**

Katie Miller sourced the replacement of our garbage receptacles which are rusting and ineffective. She provided quotes and pictures from 3 sources. The Board agreed on the ordering of 16 new garbage receptacles from Classic Displays who offered a product similar to the ones we have now and also the best price. Katie Miller made the motion to order the 16 new garbage receptacles for \$25,000.00 - seconded by Dawn Kendrick. All in favour- carried

Gail Spear informed the Board that 5 of the current Snowflakes that light up Jarvis Street during the winter season need to be replaced. The brackets that hold the snowflakes disappeared when the lamp posts were taken down and cannot be found. Therefore 25 sets of brackets need to be ordered and installed. Gail Spear made a motion to order 5 new snowflakes and 25 sets of brackets, seconded by Katie Miller. The cost being \$8,000.00 All in favour – carried

Katie Miller led the discussion of our 2023 budget. We looked at last year's budget and went through it line by line making changes to reflect the new items needed, the contracts we have in place and the advertising that will be required to attract people and investors to Jarvis street.

Katie Miller made a motion to put \$20,000 of Surplus into the reserve, seconded by Nick Brady. All in favour- carried.

The 2023 budget was developed and will be voted on at our AGM.

Katie Miller made a motion to hire Jason Haywood to post the AGM documents on our website so they were accessible to the general public and anyone who may want to access. Morgan Boenke-Hall seconded. All in favour- carried

Vince Salvatori updated the Board on the next Billboard. We all shared ideas as to its content and decided to highlight the opportunities for investors to our new downtown. Vince will proceed in that direction. The Board discussed the number of vacancies there will be in the New Year. Katie Miller will design a flyer to advertise the vacancies and encourage the public to get involved with the BBIA. Morgan Boenke-Hall will send out the flyer to the BBIA community.

The BBIA AGM will be held on Dec. 6th. 2022 at 14 Jarvis St. Beginning at 6:00pm.

Ashley Carter has agreed to attend our AGM to facilitate the nomination and voting of new members. Gail Spear, Katie Miller, Julie Brady, Nick Brady, and Dawn Kendrick will not be renewing their Board Terms.

8) **Inquiries by Members/ Response to Inquiries**

All Board members wanted feedback on the progress of the street and questions about the lamp posts. Kurtis Bottrell's timely email update was appreciated and any lamp post questions will be taken to Curtis by George McDermott.

9) **Coming Events**

Santa Claus parade will be Saturday Nov. 19th – Julie Brady is heading up the committee

Do to the Jarvis St .Construction, the route will have to be changed. It will begin at the top end of Wintemute, proceed across Jessie to Gilmore, down to Central Ave, ending at the Niagara Pkwy

10) **Closed Session**

No

11) **Scheduling of Meetings & Adjournment**

The Meeting Adjourned @ 7:19 pm am

Next meeting will be our AGM Dec. 6th 6:00pm at 14 Jarvis St.

Minutes prepared by Gail Spear

These minutes will be adopted at the next meeting.



Bridgeburg Station Downtown Business Improvement Area

Friday January 27, 2023

6:00 pm 26 Jarvis St.

Minutes

1. Call to Order

Jesse Boles called the meeting to order at 6:09 pm.

2. Roll Call

Present - Vince Salvatori, Stacie VanKralingen, Todd Bews, Jesse Boles, Dr. Venu Katta, Anne Vella, Councillor George McDermott.

Absent – William (Bill) Thomas

3. Welcome and Introductions

Jesse Boles welcomed everyone in attendance. The Board of Directors introduced themselves.

4. Appoint Executive Positions

Venu Katta nominated as Treasurer
Stacie VanKralingen nominated as Secretary
Vince Salvatori to remain as Vice Chair
Todd Bews nominated as Chair

That: Todd Bews be elected as Chair, Vince Salvatori be elected as Vice-Chair, Stacie VanKralingen be elected as Secretary and Venu Katta be elected as Treasurer.

Moved by: Anne Vella

Seconded by: Venu Katta **(Carried)**

That: The resignation of Brandon Flannigan be accepted.

Moved by: Anne Vella

Seconded by: Venu Katta **(Carried)**

5. Adoption of Minutes

That: November 8, 2022, Bridgeburg Station Downtown Business Improvement Area Board of Management minutes be approved as presented.

Moved by: Vince Salvatori

Seconded by: Venu Katta **(Carried)**

6. Presentations & Delegations

Venu Katta discussed treasury responsibilities, duties and revenue generating programs for the BBIA (presentation attached). Comments shared by all members to support BBIA and business district.

7. Board of Directors Vacancy

Current Board to pick from applicants for vacant position – Nichole Hironnelle (The Barn Swallow) and Walter Deavueau (Left on Central) have submitted applications for positions on the board. Board members have decided to allow time for any others to apply and then revisit for a vote.

8. Business Items

Non-members questioned why Bridgeburg is not noticed as “the downtown”. Vince responded, we will inquire with the Town of Fort Erie to change the current downtown signage directing traffic to Garrison Rd back to the Bridgeburg district.

Non-members suggested a shared marketing campaign opportunity (ie billboard, email and newspaper, marketing) for businesses within the district.

Vince- Discussion of updating the Bridgeburg website, suggestion if someone is knowledgeable and willing to maintain the website or within our marketing budget to consider an outside contract to update and maintain the website.

Vince- I now have access to the Bridgeburg Gmail account and will continue with contact updates, responding to emails, Vince and Stacie.

Vince-BIA to consider ordering 5 more snow flakes for the street lights based on previous quotes. Jesse mentioned possibly he can negotiate a better price by working with the Port Colborne BIA. Vince to follow up with a new street light count.

Vince- Street scape update, light posts will be installed soon weather permitting. There has been no communication or updates with Quartek, specifically about the archway. The town has ordered new, planters, garbage bins, recycling bins and benches which includes replacing/transferring the memory plaques. Planters will be installed on the side walk side to the perimeter of the street parking. Several concerns were addressed to Kurtis Brottel. The Jarvis st and Niagara Parkway intersection is a great concern, the entrance onto Jarvis is very narrow do to the bump out curbs. It is very difficult for two cars to enter or exit Jarvis street.

The original light posts on Jarvis street, crossing Central ave in the vicinity of several businesses such as Regional limousine, Left on Central and the Courthouse will be reused. I emailed Kurtis Brottel and George McDermott that the decision of using the old light posts is not acceptable. In fairness to all businesses on Jarvis the new lights should be consistent on Jarvis and not stop at Central ave. Communication with Kurtis Bottrel and his assistance with the street scape project has been very helpful.

9. Upcoming Events

Bunny Hop; recapped past event and set new date for this year on April 1st, 2023. Leslie North volunteered to approach Bridgeburg district businesses to confirm participation. The Santa Clause parade; is an expensive event and a lot of planning to start early in the year.

Halloween to be discussed in upcoming meetings.

All events to be discussed at the next meeting, to include budgets, committees and initiatives to support events throughout the year

10. Scheduling of Meetings

Next meeting to be held on Feb 28th, 2023 at 26 Jarvis St (The Green Apple) at 6:00pm

11. Adjournment

That: The Bridgeburg Station Downtown Business Improvement Area Board of Management adjourns at 7:15 pm.

Moved by: Anne Vella

Seconded by: Vince Salvatori **(Carried)**



Meeting Date, Time, and Location

Wednesday, November 30, 2022 at 5:30 p.m. at Ming Teh Restaurant, Fort Erie, ON

Members

Board of Directors

John Hill – Chair
John Mollicone – Vice-Chair –
arrived 6:10 pm
Scott Winger – Secretary/Treasurer
Rayomand Darukhanawalla
Yvonne Hopkins - *regrets*
Wyndmill Hoskin - *regrets*
Margo Pinder
Councillor Nick Dubanow

Staff Resources

Grace Gress, Coordinator, Gaming Compliance
Sonja Bovan, Manager, Accounting Services -
regrets

1) **Call to Order**

The Chair called the meeting to order at 5:48 pm.

2) **Approve Agenda**

Resolution No. 65-22
Moved by Councillor Dubanow
Seconded by Margo Pinder

THAT: The agenda for the meeting of November 30, 2022 be accepted.

(CARRIED)

3) **Declaration of Conflict of Interest**

There were no conflicts of interest declared.

4) **Adoption of the Community Gaming Development Minutes of October 26, 2022**

Resolution No. 66-22
Moved by Rayomand Darukhanawalla
Seconded by Margo Pinder

THAT: The Community Gaming Development Corporation hereby adopts the minutes of the meeting held on October 26, 2022.

(CARRIED)

5) **Business Arising from Minutes**

There was no business arising from the minutes.

6) **Correspondence for Board Consideration**

There was no correspondence for the Board to consider.

7) **Financial – Grace Gress**

NET PROCEEDS AVAILABLE TO CHARITIES REPORT

The Board reviewed and discussed the documents.

MONTHLY EVENT SHARE

The Board reviewed and discussed the documents.

8) **New Business**

November Allocation

Resolution No. 67-22

Moved by Rayomand Darukhanawalla

Seconded by Councillor Dubanow

THAT: The CGDC approve a budget allocation to **Port Colborne Marine Auxiliary Rescue of \$20,000.00** for the 2023 budget year, and

THAT: CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

December Allocations

Resolution No. 68-22

Moved by Scott Winger

Seconded by Rayomand Darukhanawalla

THAT: The CGDC approve a budget allocation to **Black Creek Community Centre of \$40,000.00** for the 2023 budget year, and

THAT: CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

Resolution No. 69-22
Moved by Councillor Dubanow
Seconded by Rayomand Darukhanawalla

THAT: The CGDC approve a budget allocation to **Boys & Girls Club of Niagara of \$50,000.00** for the 2023 budget year, and

THAT: CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

Resolution No. 70-22
Moved by Margo Pinder
Seconded by Councillor Dubanow

THAT: The CGDC approve a budget allocation to **Brain Injury Association of Fort Erie of \$50,000.00** for the 2023 budget year, and

THAT: CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

Resolution No. 71-22
Moved by Scott Winger
Seconded by Rayomand Darukhanawalla

THAT: The CGDC approve a budget allocation to **Crystal Ridge Community Centre of \$17,000.00** for the 2023 budget year, and

THAT: CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

Resolution No. 72-22
Moved by Margo Pinder
Seconded by Rayomand Darukhanawalla

THAT: The CGDC approve a budget allocation to **East Bertie Auxiliary Volunteer Fire Association of \$15,000.00** for the 2023 budget year, and

THAT: CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

Resolution No. 73-22
Moved by Margo Pinder
Seconded by Rayomand Darukhanawalla

THAT: The CGDC approve a budget allocation to **Fort Erie Conservation Club of \$12,000.00** for the 2023 budget year, and

THAT: CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

Resolution No. 74-22
Moved by Scott Winger
Seconded by Councillor Dubanow

THAT: The CGDC approve a budget allocation to **Fort Erie Society for the Prevention of Cruelty to Animals of \$25,000.00** for the 2023 budget year, and

THAT: CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

Resolution No. 75-22
Moved by Rayomand Darukhanawalla
Seconded by Margo Pinder

THAT: The CGDC approve a budget allocation to **Fort Erie Tennis Club of \$20,000.00** for the 2023 budget year, and

THAT: CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

Resolution No. 76-22
Moved by Scott Winger
Seconded by Councillor Dubanow

THAT: The CGDC approve a budget allocation to **Friends of Fort Erie's Creeks of \$23,000.00** for the 2023 budget year, and

THAT: CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

Resolution No. 77-22
Moved by Raymond Darukhanawalla
Seconded by Margo Pinder

THAT: The CGDC approve a budget allocation to **Friends of Gilmore Lodge of \$15,000.00** for the 2023 budget year, and

THAT: CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

Resolution No. 78-22
Moved by Scott Winger
Seconded by Councillor Dubanow

THAT: The CGDC approve a budget allocation to **Immaculate Conception Council #3320 Charitable Trust of \$15,000.00** for the 2023 budget year, and

THAT: CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

Resolution No. 79-22
Moved by Rayomand Darukhanawalla
Seconded by Margo Pinder

THAT: The CGDC approve a budget allocation to **Italo Canadian Club of \$20,000.00** for the 2023 budget year, and

THAT: CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

Resolution No. 80-22
Moved by Scott Winger
Seconded by Rayomand Darukhanawalla

THAT: The CGDC approve a budget allocation to **Navy League of Canada of \$23,000.00** for the 2023 budget year, and

THAT: CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

Resolution No. 81-22
Moved by Margo Pinder
Seconded by Councillor Dubanow

THAT: The CGDC approve a budget allocation to **Saint Michael's Church of \$12,000.00** for the 2023 budget year, and

THAT: CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

Resolution No. 82-22
Moved by Scott Winger
Seconded by Rayomand Darukhanawalla

THAT: The CGDC approve a budget allocation to **Special Needs Assistance of \$29,400.00** for the 2023 budget year, and

THAT: CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

Resolution No. 83-22
Moved by Councillor Dubanow
Seconded by Margo Pinder

THAT: The CGDC approve a budget allocation to **St. George's Catholic Church of \$13,000.00** for the 2023 budget year, and

THAT: CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

Resolution No. 84-22
Moved by Rayomand Darukhanawalla
Seconded by Scott Winger

THAT: The CGDC approve a budget allocation to **St. Joseph School Parent Advisory Committee of \$5,665.00** for the 2023 budget year, and

THAT: CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

2023/2024 Bingo Allocation

Annually Board members establish a projected net revenue amount for the upcoming year. In a memo to the Board, staff explained that the bingo industry recovered quicker than expected and in most cases across the province, revenues to charities are higher than they were pre-covid.

Staff recommended that the following resolution be carried:

Resolution No. 85-22
Moved by Rayomand Darukhanawalla
Seconded by Margo Pinder

THAT: The CGDC Board of Directors hereby establishes the projected net revenue amount for 2023/2024 at \$2M and further;

THAT: Staff conducts quarterly reviews for the Board’s review and action. **(CARRIED)**

9) **Board Enquiries and Discussion**

There were no enquiries by members.

10) **Action Item List**

There are no items to be added to the action item list.

11) **Next Meeting**

The next meeting will be held on Wednesday, January 25, 2023 in Conference Room #1.

12) **Adjournment**

Resolution No. 86-21
Moved by Rayomand Darukhanawalla
Seconded by Councillor Dubanow

THAT: The CGDC Board of Directors hereby adjourns at 6:20 pm. **(CARRIED)**

Minutes prepared by:

Minutes approved by:

Grace A. Gress, Coordinator,
Gaming Compliance - CGDC

John Hill, Chair
CGDC

Meeting Date, Time, and Location

Wednesday January 4, 2023 10:00 am Fort Erie Lions' Seniors Centre

Members

Graham Rignall, Barbara Hopkins, Bill Doyle, Maria Scott, Sandra Peitsch, Noreen Smith, Eleanor Hurst, Wyndmill Hoskin, Fran Hill, Deborah Fairlie, Jayne Cruikshank, Helen Rignall, Joan Christensen, Councillor Noyes
Regrets: Rosalie Snyder, Lida Greenaway

1) **Welcome & Announcements**

- Meeting was called to order at 10:06 by Vice-Chair Graham Rignall, who welcomed everyone and thanked them for attending.

2) **Introduction of Special Guests**

- None

3) **Minutes of Previous Meeting**

- Meeting of Dec. 7, 2022 was reviewed with no errors or omissions.
 Motion to accept minutes as corrected was made by H. Rignall 2nd by Fairlie...carried

4) **Treasurer's Report**

- Report submitted by Treasurer Doyle indicating SCAC has received no reply with regards to our proposed budget submission for 2023. Councillor Noyes noted that the Town budget meeting is not until March.
 Motion to accept Treasurer's report made by Hurst, 2nd by Scott... carried

5) **Business Arising from Previous Minutes**

Finalizing January event(s)

- January luncheons at Happy Jacks – Graham Rignall – Tickets for the luncheons at Happy Jack's were distributed prior to the meeting being called to order. Arrangements made pertaining to which committee members will be attending on the 8th or the 15th. On the 8th; Graham, Sandra and Joan will be there to help to the committee members attending. On the 15th Bill Doyle will be in charge with Ellie and 3 other members there to help
- Discussion ensued on how to make things easier for the Treasurer when determining how much we are over on the budgeted amount. The solution was to make sure the tickets are counted and payment taken by ticket number.

- Due to previous complaints of lack of food for some of the guests Alvin is being asked to provide refills when platters are empty. There are 8 courses being served family style. This issue will be discussed with Alvin
- Graham made note that the ad in the observer was incorrect.

Discussion on the March event

- St. Patrick's Day Karaoke at the Ridgeway Legion
- Deborah volunteered to help with this event and will look after the tickets and the advertising
- Poster & tickets will be ready for the next meeting
- Tickets available for sale Feb 5th and will be distributed at the Feb 1st meeting
- Tickets sales cut-off date will be March 5th
- Karaoke will cost around \$250 as the emcee brings their own equipment
- Menu: Choice of Rueben Sandwich or Plain Corn Beef on Rye, Tossed Salad, Green Beer, Coffee & Tea, Water
- Green Beer will be available at the cash bar for those who want it.
- 120 tickets printed
- Cost to SCAC will be \$15.00 per person

Review of Calendar for 2023

- Tabled to the Feb. 1st meeting

6) **Correspondence**

- Nothing the report

7) **Other Business**

- Follow up on committee members for "Connecting our Community" – postponed
- There was a recommendation and discussion that the Committee should have job descriptions for the Executive positions.
- Deborah presented the current Service Agreement and indicated that she would like to revamp it into more of an event checklist. This would make things easier for the Treasurer when doing budget preparation – This issue to be reviewed at the Feb. 1st meeting.

8) **Next Meeting Date and Adjournment**

The next meeting date has been scheduled for Wed. Feb. 1st, 2023 at 10:00 am

Motion for adjournment Doyle, 2nd Hurst

Jan. 4, 2023 meeting adjourned at 11:07 am

Minutes prepared by

Barbara Hopkins

Minutes approved by

Meeting Date, Time, and Location	
Tuesday, January 31, 2023 at 4:00 p.m. at the Town Hall – Conference Room #1	
Members	Staff Resources
Dennis Hernandez-Galeano, Chair Bev Ferris, Vice-Chair Gary Kooistra Adam McLeod Barbara McLeod (regrets) Lori Brant Veronica (Faith) Sparling Councillor Ann-Marie Noyes Ashley Greaves (regrets)	Keegan Gennings, Chief Building Official Sean Hutton, Facilities Supervisor Bev Bradnam, Manager, Strategic Initiatives Guests: Jennifer Pennell-Ajie (to 4:37 p.m.) Joe Kissman Lauren, PSW

1) **Call to Order**

The Vice Chair called the meeting to order at 4:07 p.m.

2) **Approval of Minutes**

Recommendation No. 1:

Moved by: Adam McLeod
Seconded by: Lori Brant

THAT: The November 29, 2022 Minutes of the Fort Erie Accessibility Advisory Committee meeting be approved as printed.

(CARRIED)

3) **Transit Update**

Jennifer Pennell-Ajie, Executive Assistant to the Director of Infrastructure and Division Coordinator (previous Transit Supervisor), provided an update on Fort Erie’s conventional and specialized transit transfer to Niagara Regional Transit that took place on January 1, 2023. Jennifer advised that Fort Erie residents are still receiving service from Regional Limousine (On Demand) and the BTS Network (FAST).

3) **Transit Update, continued**

The new web-site was reviewed and Jennifer noted that Fort Erie's transit web-site is now redirected to the new site. Jennifer advised that to book a ride using the telephone number, it is important to listen to the full menu (Fort Erie service – Press 3). Jennifer advised that nothing has really changed with the transfer to the Region and the old telephone number is still live and you can still purchase smart cards using cash, debit or credit card and they can still be purchased at Fort Erie libraries and at the Town Hall at the Customer Service Unit.

Jennifer advised that service improvements may include later service hours and Sunday service but at present service in Fort Erie remains status quo.

Jennifer advised that to utilize specialized transit an application must be submitted to the Niagara Region Transit. Bev B. noted that the Fort Erie AAC used to be the Appeals Committee for FAST if someone wanted to appeal a decision. Jennifer advised that if the required medical professional has signed off on the application there would be no need for any type of appeal. Bev B. asked about the Universal Support Pass that the Region had instituted a while back and Jennifer advised that the application is available and it is also identified on the specialized transit application. Councillor Noyes stated that sometimes a support person isn't always necessarily needed, depending on the type of use (i.e. doctor's appointment, shopping, etc.) and she questioned if someone could write in occasional. Lori questioned the booking for specialized transit. Jennifer advised that they set out booking 48 hours prior for planning but that you can also call the day of and if there is room they will accommodate the rider. The Region does state that bookings for specialized transit are only up to two weeks as they were overwhelmed; however, BTS is still operating under the Fort Erie contract. Niagara Specialized Transit (NST) can also connect with Hamilton specialized transit.

The transit website can be found at nrtransit.ca.

Jennifer noted that the General Manager of the new transit commission is Carla Stout who was the previous Transit Supervisor for the Town.

Jennifer noted that Fort Erie's ridership numbers are 52% higher than pre-pandemic numbers.

Adam questioned if fares are increasing as he heard that they are going from \$3 to \$6. Jennifer advised that local fares (within city/town) are \$3 and Regional fares (outside the city/town) are \$6, with discounts on the regional fares for seniors and youth.

Jennifer left the meeting at 4:37 p.m. The Chair was turned over to Dennis.

4) **Outstanding Matters**

1) Regional Accessibility Advisory Committee

Faith advised that she has not received any notification for applying to the Region of Niagara's AAC but has heard that meetings will be held exclusively by zoom.

4) **Outstanding Matters, continued**

2) Parking Concerns

Jarvis Street reconstruction and streetscaping is nearing completion. Bev B. also noted that discussions related to parking in Crystal Beach are taking place and improvements to municipal lots are planned for 2023.

3) Fort Erie Active Transportation Committee (FEAT)

Dennis advised that the Fort Erie Active Transportation Committee has not had quorum and have been unable to meet. Dennis advised that one member has left, there presently is no Council member assigned to the Committee, and the youngest member is currently overseas.

4) Stevensville Garden Gallery

Councillor Noyes advised that automatic doors have not been installed at the main entrance and noted that there are sliding doors inside the building from the main area to the patio area. Bev B. was asked to follow-up with the Gallery. Remain on outstanding.

5) Adult size Change Table at Bay Beach

Bev B. advised that this matter is on hold as there are a number of vacant staff positions in the Planning Department. An update response was provided to the individual who had brought this matter to the Committee's attention advising of the delay due to staffing. Dennis noted that the Bay Beach parking lot has been replaced and the accessible parking spots are wonderful. Remain on outstanding.

6) Stop Gap Ramp Project

Bev B. advised that due to her recent surgery she has not moved the project any further but did share a recent conversation with a local restaurant owner who would also be interested in the program. Lori noted that it would also be useful to have the Town Solicitor present at the meetings with the BIA members to explain the lengthy agreement required between the business owner, the Town and the Stop Gap Ramp organization. Bev advised that currently the Solicitor position is vacant. It was agreed that a smaller sub-committee would be established to work on this project once the 2023 – 2026 AAC Committee members are in place.

5) **Site Plans**

1) 3819 Hibbard Street

Keegan reviewed the site plan for 19 town house units to be built between Hibbard Street and the Friendship Trail. There is one accessible parking space shown in the visitor parking lot and Committee members agreed that it should be moved to the other end of the lot for easier access to all of the units. Keegan noted that there is no parking allowed on the laneways and no sidewalks shown on the site plan. Dennis noted that the FEAT Master Plan recommends sidewalks in all new developments.

2) Impacts of Bill 23 – *More Homes Built Faster Act, 2022*

Bev B. advised that the Provincial group she is a member of (Ontario Network of Accessibility Professionals) had reached out to see what everyone's thoughts were on Bill 23, *More Homes Built Faster Act, 2022*, as it relates to consultation with AACs on site plans. Keegan advised that the Bill has taken some of the applications required to go through site plan process out of the mix (i.e. plans with 10 residential units or less no longer requiring site plan review). Councillor Noyes noted that an open house may also not be required but Keegan confirmed that it would depend on the zoning and if an application plan would still be required (i.e. if it is in an RM zone and permitted then it would not have any type of public process). Faith asked if Fire Safety would still be considered and Keegan advised that Fire Safety is still under the Building Code and regulated through the Building Permit process.

6) **Multi-Year Accessibility Plan 2019-2023**

Bev B. advised that she went to Council with the Annual Status Report and planning for the next Multi-Year Accessibility Plan (2024-2029) will begin later in 2023.

7) **Other Matters**

1) Volunteer Applications for next term of Council

Bev B. advised that the Terms of Reference for the AAC are being developed, noting that the Committee was established by By-law in 2002. Applications for the Committee for the 2023-2026 term of Council are due by February 17, 2023. Hard copies were made available at the meeting.

2) Niagara Parks Annual Accessibility Public Information Session

Bev B. showed the slide deck received from the Niagara Parks Commission that highlighted their annual Accessibility accomplishments. The tunnel under the falls was featured and Councillor Noyes noted that there are no washrooms on that floor and it does take 20 minutes there and back so be prepared.

7) **Other Matters, continued**

2) Niagara Parks Annual Accessibility Public Information Session, continued

Committee members were happy to see that the paving stones along the pathway to the Floral Showhouse were removed and replaced with smooth asphalt making it easier to access the Floral Showhouse. Councillor Noyes noted that she recently visited the falls and they had difficulty crossing due to traffic and noted that there should be a cross walk. Committee members noted that the improvements made at Table Rock have a signaled crossing now.

3) Accessible Canada Directorate – Webinar Series on National AccessAbility Week

Bev B. provided an overview of the webinar hosted by the Accessible Canada Directorate that showcased three projects that were funded during National AccessAbility Week.

- Project – Identity, Empowerment and Awareness through Story-Telling – Northwest Territories Disabilities Council;
- Teegatha'oh Zheh presents 'Our Stories'; and
- Manitoba Possible – Mpower: Accessibility Challenge.

Bev advised that the last presentation spoke to what our AAC has always said – start with the youth. The three components of the Challenge were to raise awareness, project development and prizes. Over 700 schools were part of the outreach and opportunities for leadership were provided within the disability community. Students with disabilities became leaders in some of the projects while making lasting changes within their school community. Bev read the following quote that was part of the presentation and represented a letter to teachers from one of the individuals who used their prize money to provide educational books for students in his school division:

“Younger children tend to be very accepting children, and if we can change the way people see children with exceptional needs at a young age, we are making a difference. Please accept these books from me, as a gift to your classrooms. We already have so many challenges ahead of us in life, so being “different” should not be one extra challenge that students have to face. No one should be left behind because of their differences. It starts early in the classrooms. Inclusion will drive change.”

4) The passing of the Honourable David C. Onley

Details were provided on the passing of the Honourable David C. Onley. Mr. Onley served as the province's Lieutenant Governor from 2007 to 2014. He was the first person with a visible disability to hold the post and worked tirelessly to break down barriers for people with disabilities.

Committee members met Mr. Onley at the Provincial session that took place in Burlington several years ago and a picture of Barb and Adam meeting him was shared.

8) **Date for Next Meeting**

The next AAC meeting has been scheduled for Tuesday, February 28, 2023 at 4:00 p.m. in Conference #1.

9) **Adjournment**

Recommendation No. 2:

Moved by: Adam McLeod

Seconded by: Bev Ferris

THAT: The January 31, 2023 meeting of the Fort Erie Accessibility Advisory Committee does now hereby adjourn at 5:42 p.m.

(CARRIED)

Meeting minutes recorded and prepared by:

Meeting minutes approved by:

Bev Bradnam, DPA, CMM III
Manager, Strategic Initiatives

Dennis Hernandez-Galeano
Chair

Meeting Date, Time, and Location

December 6th, 2022, Town of Fort Erie, Town Hall, Conference Room #1, 3:00 p.m.

Members

PRESENT:

Mary Jane Johnson, Mayor Redekop, Amy Deveraux, Jill Croteau, John Walpole, Carol Nagy, Jill Croteau, Councillor McDermott, and Councillor Christensen

REGRETS:

Councillor Dubanow, Dr. Henry, Chris McQueen

TOWN STAFF:

Alice Preston, Community Health Care Services Coordinator

DELEGATIONS / GUESTS

None

1) **Call to Order**

The meeting was brought to order by Vice-Chair John Walpole at 3:09 p.m.

2) **Approve Agenda**

Moved by: Councillor McDermott
Seconded by: Mary Jane Johnson

That: The Community Health Care Services Committee Agenda for the December 6th meeting be accepted. **(Carried)**

3) **Declaration of Conflict of Interest**

None.

4) **Adoption of Minutes**

Moved by: Amy Deveraux
Seconded by: Jill Croteau

That: The minutes of the Community Health Care Services Committee meeting of June 21, 2022 be accepted. **(Carried)**

5) **Delegations**

None

6) **Business Arising from Minutes**

None

7) **New Business**

Ms. Preston stated that this topic of discussion started off with Ms. Moses and Ms. Fyke sharing their experiences within our healthcare system. Subsequently, Ms. Christensen and Ms. Preston met with Ms. Dockstader and Ms. Moses and what came out of that meeting was that it was not entirely about Indigenous Peoples, but a focus on caring that is fundamental to the core. Councillor Christensen suggests that Council pass this on to the next Committee, to continue to support the Community Health Services Committee, continue to improve Primary Healthcare, linkages with the Niagara Health System, maintenance of a 24/7 Urgent Care in the Town of Fort Erie and continue to advocate and support a healthcare framework that acknowledges the fact that improved care for Indigenous Peoples includes having improved care at the center of our healthcare framework.

Mr. Walpole commented that we have talked in length about addressing health services issues and he believes it is for all peoples not just Indigenous Peoples.

Ms. Nagy acknowledged that they still face racism and discrimination. Once we improve services for Indigenous Peoples, it improves for all others, so they can have better services in Health Care. We have done the learning and have the background. The next Committee can look at the reconciliation piece.

Ms. Croteau informed the members that there is a new employee in Public Health, Emily Schultz, Indigenous Relations Advisor. Perhaps she could be invited to come and talk to the new Committee. This is a new position over the last couple of weeks.

Ms. Johnson asked if the Strategic Plan just wrapped up here in Fort Erie and Mayor Redekop added that there will be a new plan in 2023, and there will be a continuation of some of the work and objectives, plus additional new ones. Ms. Johnson asked that working through that plan, if we could weave this topic in. Mayor Redekop added that Council had adopted in

July/August recommendations from the Coalition on Diversity, Equity and Inclusion. We have already hired a CAO with experience in these matters, and are making diversity, equity and inclusion a value for this municipality. There will be something specific to health services. This is a great opportunity as there is a heavy light being placed on all Indigenous issues. We have very good relations with the Fort Erie Native Friendship Centre and we are trying to cultivate a relationship with the Niagara Indigenous Women's Resource Center.

Ms. Nagy asked if this municipality would ever consider that Primary Care Practitioners, other Specialists, demonstrate a certain amount of training of indigenous issues.

Mayor Redekop answered that the problem is that we are begging them to locate here. I would hope that there would be some level of Indigenous knowledge. We are better advised to welcome them and then try to incorporate our Diversity, Equity, and Inclusion as our values. Making sure that there is that level of understanding is important, and Niagara Health is launching an Indigenous Program. This is an opportunity for us to work with Niagara Health.

Mr. Walpole asked what our next steps should be. Mayor Redekop suggested that we have a resolution accompany the minutes encouraging Council to act on those items Ms. Preston referenced and we have something to refer to the strategic plan.

Ms. Croteau suggested we send out a survey to the Family Physicians to see if they have had the training, see if there are any gaps, and if there are, offer some training. Ms. Johnson commented that the type of training would be key. Mr. Walpole added that we would need some funding, and if they get CME credits, that would help. Ms. Croteau stated that the Region does offer a cultural sensitivity course, and Jennifer Dockstader did the video they had to watch, so she would probably be the best person to connect with. Mr. Walpole asked Ms. Preston to see how many physicians might be interested in the training and go from there. Ms. Johnson suggested San'yas Indigenous Cultural on-line training. Ms. Nagy said the modules take about 15 hours of home study but you are in a group so you can share ideas and interact. She will share an outline of the training so Ms. Preston can send it out to the family physicians. NOHT has some free seats available for this training. It might help with recruitment to see the values our municipality has.

Resolution No. 001:

Moved by: John Walpole

Seconded by: Amy Devereaux

That: Council continue to support the Community Health Care Services Committee, to improve Primary Health Care, linkages with Niagara Health, to maintain a 24/7 Urgent Care in the Town of Fort Erie and to continue to advocate and support a health care framework that acknowledges the fact that improved care for Indigenous Peoples includes having improved care at the centre of our health care framework. **(Carried)**

8) **Enquiries by Members**

None

9) **Other Business**

Report from Alice Preston, Health Care Services, Coordinator

Carol Schofield, our Town Clerk has advised that Committee appointments will be delayed until the New Year. Accordingly, the current appointed Committee members remain on their Committee until either re-appointed or replaced.

We are sad to share that Dr. Henry and Dr. Teal have lost their son Christopher to pancreatitis. Visitation starts Friday December 9th at Benner Funeral Services from 6-8pm. Service in the chapel on December 10th at 11:00 a.m.

Dr. Sharma has completed her locum at Fort Erie FHO and she is currently in talks regarding a position for full time starting in the Fall of 2023. They are working out details on a piece of property at this time. Hope to know more in the new year. Councillor McDermott informed us that they have conducted a special oversight on the site. Substantial tree planning is looking promising. Councillor McDermott said they had to delay their closing but they got an extension, so things should move fast now.

Ms. Croteau has introduced a few other prospects to the Bertie Street clinic, and one in particular has shown interest, Dr. Hanna, however negotiations are still in the works.

Dr. Swatski, a McMaster Resident, has voiced an interest in practising in Fort Erie upon graduating in January 2024. I set her up with an elective with Dr. Scher as she has an interest in palliative care, and according to Dr. Scher, we could use her in the future. Her husband is finishing up his residency in Paediatrics.

Chris McQueen and I continue our conversations with Public Health regarding harm reduction in our community specifically around the issue of discarded syringes and paraphernalia. We are talking about the placement of outdoor sharps receptacles for hot spots, and also about additional training for our staff and communication opportunities to educate our residents.

Currently we have two family physicians accepting patients from Port Colborne and Fort Erie only. They are located in Port Colborne, Dr. Mancini and Dr. Van Soelen. Interested residents must register through Healthcare Connect. No other family physician in Fort Erie is accepting patients at this time.

Ms. Croteau and Ms. Preston have a recruitment event with University of Buffalo residents Thursday evening.

Report from Jill Croteau, Niagara Physician Recruiter

Ms. Croteau reported that we have six first, second- and third-year residents attending a recruitment event this Thursday in Niagara Falls, all from the University of Buffalo.

In January, she will be attending a career fair for Western University Residents in Grand Bend. In June, she will be attending a career fair in London England, and Glasgow in October and American Association of Family Physicians event in the United States in July. Connecting with those training in U.S. and UK has far out numbered the numbers connecting from Ontario.

Recently, two physicians have shown interest in Fort Erie, one with an interest in Niagara Health in Addictions Medicine, with a specialty in treating mothers and babies. Another physician, currently living in Scarborough is considering Fort Erie.

Report from Mary Jane Johnson, Niagara Health

South Niagara Hospital: On December 16th the preferred proponent to build the hospital will be announced. Over the next few months, Infrastructure Ontario and Niagara Health will work to finalize the contract details, and expect to award the contract early in the new year. Construction is expected to begin in the summer.

Our SCOPE Program has had a great uptake from Fort Erie primary care providers, with a total of 110 providers across the region now signed on, which is almost half of all of Niagara primary care providers. In comparing with Greater Toronto Area SCOPE Site, Niagara has had a very strong start. SCOPE Niagara just recently added Nephrologist on-call as part of the suite of services. Expansion is planned for the new year and is hopeful to include Mental Health, Fracture Clinic and Paediatrics.

We have been recruiting for three positions for our Indigenous Program, a Manager and two Indigenous Relations Specialists. Just wrapping up interviews.

Niagara Health (NH) is beginning an external assessment of the Emergency Department (ED) in an effort to improve patient care and experiences for Indigenous Peoples. Led by an independent panel of five external experts, the group will review Niagara Health's ED and Psychiatric Emergency Response Team (PERT) at the St. Catharines Site with the understanding that findings will be applied across our three EDs and all NH sites. This is part of our commitment to make the hospital a safe, and culturally welcoming space for Indigenous Peoples that meets their healthcare needs and respects their traditions.

The independent ED Assessment follows the tragic death of Heather Winterstein, an Indigenous patient in our care in December 2021. This ED Assessment is done in Heather's memory.

As part of the assessment, the Panel will be seeking input from Indigenous patients and families, organizations, community services, and healthcare partners to understand experiences and assess opportunities for improvement. Our ED and PERT teams will also have the opportunity to share their perspectives. The Panel will listen and examine all information collected and provide recommendations to Niagara Health to improve the care and experiences of patients, families and communities.

Jill Shimizu-Wilson, has guided this work in her role as an Indigenous Advisor at Niagara Health. Jill will continue to support the work of the Panel by leading the engagement with the Indigenous community to understand experiences and identify opportunities for improvement. The ED Assessment Panel will listen and examine all information collected and provide recommendations to Niagara Health to improve the care and experiences of patients, families and communities. The Assessment will conclude in mid-2023 with a public report of findings and recommendations to help support a high-performing Emergency Department that provides quality care for Indigenous Peoples, extending sensitivity to their cultural needs.

10) **Next Meeting**

The next meeting of Community Health Services Committee will be held on February 14th at 3:00 p.m.

11) **Adjournment**

Moved by: Councillor McDermott

Seconded by: Jill Croteau

That: The meeting of December 6th be adjourned at 4:05 p.m. **(Carried)**

Minutes recorded by:

Original Signed

Alice Preston, Secretary

Minutes approved by:

Original Signed

John Walpole, Vice-Chair



Infrastructure Services

Prepared for	Regular Council	Report No.	IS-05-2023
Agenda Date	February 27, 2023	File No.	230803

Subject	AWARD OF CONTRACT FOR THE SUPPLY AND INSTALLATION OF 2 NEW RECEIVERS IN THE LEISUREPLEX REFRIGERATION PLANT – CONTRACT ISF-22T-LPPR23
----------------	--

Recommendations	<p>THAT Council accepts and approves the proposal from Black & McDonald Ltd. to supply and install new refrigeration plant receivers at the Leisureplex (Contract No. ISF-22T-LPPR23) to the upset limit of \$130,684.50 (including 13% HST; and further</p> <p>THAT Council amends the 2023 Capital Budget to supplement the Leisureplex Plant Receiver Replacement capital project (LPPR23), by \$20,650 with funding from the Facilities Maintenance Reserve.</p>
------------------------	--

Relation to Council’s 2018-2022 Corporate Strategic Plan	
Priority:	2: Effective, Sustainable Infrastructure for the Future
Strategic Objective:	N/A

List of Stakeholders	
<ol style="list-style-type: none"> 1) Mayor and Council of the Town of Fort Erie 2) The Ratepayers of the Town of Fort Erie 3) Leisureplex Patrons 4) Black & McDonald Ltd. 5) Remaining bidders 	

Prepared by:	Submitted by:	Approved by:
<i>Original Signed:</i>	<i>Original Signed:</i>	<i>Original Signed:</i>
Sean Hutton, Manger, Parks and Facilities Division	Kelly Walsh, P.Eng., Director, Infrastructure Services	Chris McQueen, MBA Chief Administrative Officer

Purpose of Report

The purpose of this report is to advise Council of the proposal call process for the supply and installation of new refrigeration plant receivers at the Leisureplex, Contract ISF-22T-LPPR23, and to request Council's authorization to award Black & McDonald Ltd. of Stoney Creek, Ontario the contract at a total upset limit of \$130,684.50 (including 13% HST) and amend the 2023 Capital Budget.

Analysis

Background

With Council's adoption of the 2022 capital budget, Town staff were authorized to proceed with the preparation of the Request for Tender in order to make repairs the mechanical system in the refrigeration plant in the Leisureplex. The receivers are an integral component of the arena refrigeration plant, they are the primary refrigeration storage location within the system. The failure of one of the receivers or associated valves would result in an ammonia leak and the loss of the ice for an extended period of time.

Specifications were created for the replacement of the 2 ammonia receivers, associated valves and piping. New receivers of the same capacity will be installed during the month of June 2023. This construction shut down has been scheduled due to June being our lowest ice demand month of the year. The system will be operational for July allowing the busy summer hockey schools to continue as scheduled.

Proposal Call

The proposal call was initiated on June 10, 2022. The Request for Proposal for Contract ISF-22T-LPPR23 was posted on Biddingo.com and on the Town website, pursuant to the Town of Fort Erie Purchasing By-law No. 2-10, as amended. Proposals were accepted until 2:00 p.m. local time, Tuesday, January 30, 2023 through Biddingo.com. Two (2) submissions for this project were received.

Table 1 shows the Tender Summary:

Table 1: Tender Summary

LEISUREPLEX RECEIVER REPLACEMENT		
\$95,000.00		
ISF-22T-LPPR23 - Submitted Tenders		
Contractor	Tender Price (including 13% HST)	Tender Price (net of non-rebatable taxes)
Black & McDonald Ltd.	\$130,684.50	\$115,650.00
Cimco Refrigeration	\$217,551.60	\$192,523.54

Black & McDonald has been conducting similar work in Ontario for many years. They have been conducting refrigeration plant service repairs in the Fort Erie arenas for over 10 years.

Financial/Staffing and Accessibility (AODA) Implications

Staff is recommending that Replacement of the refrigeration plant receivers be awarded to Black & McDonald Ltd. of Stoney Creek, Ontario, at the tendered amount of \$130,684.50 (including 13% HST).

Table 2: Total Estimated Project Cost (Leisureplex Plant Receiver Replacement)

Project Component	Cost
Construction Contract	\$115,650.00
Total Project Costs	\$115,650.00

The Leisureplex is an ITC facility, all HST amounts are fully rebated.

Table 3: Available Funding Sources

Funding Source	Funds
Capital Project LPPR23	\$95,000.00
Total Project Funds Available	\$95,000.00

All amounts include non-rebated HST

Table 4: Variance Projection

Leisureplex Plant Receiver Replacement Variance		
Total Estimated Project Cost	Total Project Funds	Variance
\$115,650.00	\$95,000.00	\$20,650.00

All amounts include non-rebated HST

An amendment to Capital Project LPPR23 – Leisureplex Plant Receiver Replacement with additional funds from the Facilities Maintenance Reserve in the amount of \$20,650. With the recommended amendment, the Facilities Maintenance Reserve is forecasted to have a projected year ending balance of \$2,039,000.

Facilities staff will oversee this project.

There are no AODA aspects or concerns related to this project.

Policies Affecting Proposal

By-law No. 124-2019 adopted Council's 2018-2022 Corporate Strategic Plan.

Effective and sustainable infrastructure is a priority in the plan. The award and completion of this project supports the ongoing Infrastructure Priority in addressing the initiatives.

The provisions of the Town of Fort Erie Purchasing Policy By-law No. 2010-002 were adhered to during the tender process for this project.

Comments from Relevant Departments/Community and Corporate Partners

Comments from relevant departments have been incorporated into this report.

Communicating Results

All regular ice users during the month of June have been notified of the shut down.

Alternatives

Council has the option of not authorizing the award of this contract and cancelling the project. This alternative is not recommended by staff as the infrastructure improvements will address plant safety concerns by reducing the likelihood of a refrigerant pipe failure.

Conclusion

Council's authorization of Black & McDonald Ltd. based on their tender submission and experience with similar work to supply and install refrigeration plant receivers at the Leisureplex (LPPR23) project will support the Town's effective, sustainable infrastructure objective. A plant shutdown has been scheduled for the month of June, 2023 in order to complete these repairs.

Attachments

N/A



Planning and Development Services

Prepared for	Council-in-Committee	Report No.	PDS-81-2022
Agenda Date	December 12, 2022	File No.	350309-0516

Subject	<p>PROPOSED ZONING BY-LAW AMENDMENT 0-13365 PETTIT ROAD D.C. MCCLOSKEY ENGINEERING LTD. - MARK MCCLOSKEY (AGENT) KRS HOLDINGS INC. - GARY SINGH (OWNER)</p>
----------------	--

Recommendation	<p>THAT Council approves the amendments to the Town’s Zoning By-law as detailed in Report No. PDS-81-2022 for the lands known as 0-13365 Pettit Road, and further</p> <p>THAT Council directs staff to submit the necessary By-law.</p>
-----------------------	---

Relation to Council’s 2018-2022 Corporate Strategic Plan	<p>Priority: Managed Growth through Responsibility, Stewardship and Preservation</p>
---	--

List of Stakeholders	<p>D.C. McCloskey Engineering Ltd. - Mark McCloskey (Agent) KRS Holdings Inc. - Gary Singh (Owner) Residents and Property Owners in the Town of Fort Erie</p>
-----------------------------	---

Prepared by:	Reviewed by:	Submitted by:	Approved by:
ORIGINAL SIGNED	ORIGINAL SIGNED	ORIGINAL SIGNED	ORIGINAL SIGNED
Daryl Vander Veen Intermediate Development Planner	Anamika Dilwaria, M.Pl., MCIP, RPP Manager, Development Approvals	Alex Herlovitch, MCIP, RPP Director, Planning & Development Services	Chris McQueen, MBA Chief Administrative Officer

Purpose

The purpose of this report is to provide a staff recommendation on the proposed Zoning By-law Amendment application for 0-13365 Pettit Road. Mark McCloskey of D.C. McCloskey Engineering Ltd (Agent) submitted the application on behalf of KRS Holdings Inc. (Gary Singh), the Owner of the subject property. This Zoning By-law Amendment intends to permit development of a card locked commercial refuelling station on the subject property.

Background

At the Council-in-Committee meeting on January 10, 2022 staff submitted Report No. [PDS-19-1-2021](#) outlining a revision to the development proposal and additional information from the Applicant in regards to feasibility and the number of jobs to be created by the development. This report was supplemental to the original report, Report No. [PDS-19-2021](#). Notably, two restaurants with drive thrus that were part of the original submission were removed in the revised proposal.

A second supplemental information report, Report No. [PDS-19-2-2021](#), was submitted to Council on October 3, 2022 confirming that there is a fuel supplier (Husky/Esso) in place that is ready to back the development proposal. The letter notes that the facility will be a card lock location that only serves users that have existing accounts for commercial fuel payment cards for the Esso network. There is a need for this facility in Fort Erie as there is currently no refuelling station for card locked Esso network users in the area.

For reference, a location map of the subject property is attached as **Appendix “1”** and the current site plan is attached as **Appendix “2”**.

Nature of the Site

The subject property is located in the Gilmore neighbourhood of the Town of Fort Erie near the highway interchange located at Pettit/Gilmore Road and the Queen Elizabeth Way (QEW). The subject property is bounded by Pettit Road to the north and east, North Service Road to the northwest, Travel Centre Court to the west and Gilmore Road to the south. The following summarizes the land uses surrounding the subject property:

- North:** Pettit Road, vacant industrial land, and a large commercial site with a commercial refuelling station, a truck wash, a restaurant, a convenience store and a gasoline bar.
- South:** Gilmore Road, ramps associated with the QEW highway interchange, and Frenchman’s Creek.

- East:** Vacant industrial land, Provincially Significant Wetlands and an existing industrial use.
- West:** Vacant commercial land and an existing gasoline bar and convenience store.

Planning Context

2020 Provincial Policy Statement

Part IV of the Provincial Policy Statement focuses future growth and development within existing urban settlement areas and seeks to promote efficient development patterns that optimize the use of land, resources and infrastructure. The subject property is within the urban settlement area with access to full services, minimizing land consumption and servicing costs. The proposed development is located inside an industrial business park and will utilize the existing road network, including the 400-class Queen Elizabeth Way highway.

2020 Growth Plan for the Greater Golden Horseshoe

The subject property is identified as Built-up Area in the Growth Plan. This proposal meets the general intent of the Growth Plan through efficient use of land and infrastructure in the designated Built-up Area. The subject property is also in close proximity to the Gateway Economic Zone. This proposal is an example of economic development that facilitates movement of goods.

2022 Niagara Official Plan (NOP)

The Niagara Official Plan Regional Official Plan identifies the subject lands as Delineated Built-up Area and Employment Area. The subject property is within an area identified as FE-2 in the NOP, the International Peace Bridge Trade Hub. The proposed use is well situated inside the FE-2 employment area as it is located adjacent to the QEW major goods movement corridor. The proposed commercial refuelling station will facilitate the movement of goods via transport trucks throughout the Province and into the United States.

2011 Town of Fort Erie Official Plan

The subject property is designated Commercial in the Town's Official Plan and is considered to fall under the Highway Commercial subcategory. An overview of the Official Plan policies that are relevant to this application are provided in Report No. [PDS-19-2021](#).

Planning staff also offer the following additional analysis of the Official Plan policies:

- The Applicant has provided documentation that there is need for the proposed facility for users of card locked commercial refuelling stations operated by the

Husky/Esso refuelling network. There is currently no Husky/Esso card lock facility for transport trucks in southeast Niagara.

- The subject property is well positioned being located adjacent to the QEW and within an existing industrial business park. The subject property has frontage onto travelled municipal roads. The revised traffic impact study has indicated that the proposed development will not significantly impact traffic in the area.
- Sufficient parking will be available on site. Only users of the Husky/Esso supply network will be able to utilize the site.
- Detailed servicing review will occur as part of the site plan approval process. The subject property has access to full municipal services.
- Impacts on natural heritage features will be fully addressed via an Environmental Impact Study (EIS) that will be completed at the site plan approval stage. The Town will work with the Niagara Peninsula Conservation Authority (NPCA) to ensure any impacts are adequately mitigated or addressed.

Town of Fort Erie Comprehensive Zoning By-law No. 129-90

The subject property is currently zoned Highway Commercial Holding C3-173(H) Zone. The Holding (H) provision is in place to ensure that the lands have been serviced to the satisfaction of the Town and to require the Owner to enter into a site plan agreement. The proposed commercial refuelling station use is not currently permitted by the C3-173(H) zoning and so a Zoning By-law Amendment is required. A commercial refuelling station is typically permitted in the Automotive Service Station (C4) Zone.

This application proposes to change the zoning from Highway Commercial C3-173(H) Zone to a site specific Highway Commercial Holding (C3-758(H)) Zone that includes a commercial refuelling station as a permitted use. The Holding (H) provision will remain on the subject property until the proponent has entered into a site plan agreement with the municipality.

The new site specific C3-758(H) Zone will contain special provisions to permit a commercial refuelling station and an increased maximum access driveway width of 23.58 m for two-way traffic into a commercial property. Subsection 6.20 of Section 6 - General Provisions of the Zoning By-law normally limits the access driveway width into a commercial property for two-way traffic to a minimum of 7.50 m and a maximum of 12.00 m.

Planning Analysis

Planning staff are in support of the proposal to rezone the property to C3-758(H) Zone to permit a commercial refuelling station on the subject property. The proposed use is compatible with other commercial and industrial land uses in the industrial business park that the subject lands are within. No undue impacts on sensitive land uses will result as the subject property is located away from any residential or agricultural areas. The Niagara Peninsula Conservation Authority (NPCA) has agreed that any potential impacts on natural heritage features can be addressed via an Environmental Impact

Study (EIS) to be completed at the site plan approval stage. Leaving the base zoning as Highway Commercial (C3) Zone is also appropriate as it will permit future development of other commercial uses on the northern portion of the property.

There is an existing commercial refuelling station to the north on 1640 North Service Road/1637 Pettit Road. The Applicant's supplier has clarified that this operation utilizes a different fuel supplier. Staff have visited the other site and note that the commercial refuelling station to the north is associated with Flying J/Shell whereas the supplier for this project is Husky/Esso. These stations are card locked, meaning only users with activated supplier-linked corporate credit cards may use them, and have a separate customer base from each other. As noted in Report No. [PDS-19-2-2021](#), Husky/Esso's website indicates that the nearest card locked commercial refuelling station associated with their network is located in Niagara-on-the-Lake at a distance of approximately 35 kilometres. The proposed commercial refuelling station on the subject property will therefore not affect the viability of the existing commercial refuelling station to the north.

Planning staff support the requested special provision to permit an increased driveway access width of 23.58 m. The increased width is required to accommodate the ingress and egress turning movements of transport trucks to and from the site. The general intent of regulations for access driveway widths in the Zoning By-law is to control vehicle speed and movements into a commercial property and enhance pedestrian movement and the streetscape. The increased width is not a significant issue as the access to the proposed development will be from Travel Centre Court, which is a dead-end road with very limited pedestrian and vehicle traffic. The development proposal otherwise complies with all of the other regulations of the Highway Commercial (C3) Zone.

Staff also note that upgrades are required to Travel Centre Court. The road will be required to be upgraded to an urban cross section. This will occur at the site plan control stage if this application is approved.

Studies

Archaeological Assessment

A summary of the Stage 1 and 2 Archaeological Assessment is contained in Report [PDS-19-2021](#). The Stage 2 Assessment concluded that the subject property no longer has any archaeological potential for archaeological sites or cultural heritage value.

Niagara Region did not object to the conclusions of the study. An acknowledgement letter from the Ontario Ministry of Tourism, Culture and Sport will be required prior to any site alteration.

Revised Transportation Impact Study

A detailed analysis of the revised traffic study was provided in Report No. [PDS-19-1-2021](#). The study concluded that this proposal will not have significant impacts on traffic movements in the nearby intersections. The Town’s Coordinator, Development Approvals and Niagara Region did not object to the conclusions of the revised traffic study.

Planning staff note that the revised development proposal and revised traffic study was circulated to the Ontario Ministry of Transportation (MTO) for comments. The MTO did not have any objections to the revised study and concluded that their traffic staff has no further concerns with this Zoning By-law Amendment application. If approved, the proposed development will proceed to the site plan control process. The MTO has placed additional intersection upgrade requirements at the site plan phase of another development in the vicinity of this approval. Further, the MTO has indicated that they may have additional requirements at that time including engineering plans, a stormwater management report, a landscape plan and an illumination plan.

Terms of Reference (TOR) for a future Environmental Impact Study (EIS)

During pre-consultation the Niagara Peninsula Conservation Authority (NPCA) noted that potential impacts to natural heritage features under their regulation can be addressed via completion of an Environmental Impact Study (EIS) at the site plan approval stage if this application is approved. The subject property is in proximity to area under the regulation of the NPCA and a drainage feature associated with Frenchman’s Creek. The NPCA is satisfied with the Terms of Reference (TOR) that was submitted by the Applicant for the future EIS. NPCA comments are attached in Report No. [PDS-19-1-2021](#) for reference.

Financial/Staffing Implications and Accessibility (AODA) Implications

All costs associated with processing the application and the development of the property is the responsibility of the owner. No impediments to the AODA legislation are expected as a result of this proposal.

Policies Affecting Proposal

Land use policies for the subject property are contained in the Town’s Official Plan and applicable Regional and Provincial regulations.

Comments from Relevant Departments/Community and Corporate Partners

This application was recirculated for comments on October 15, 2021 to relevant Departments/Community and Corporate Partners. Comments received to date can be

found on Report No. [PDS-19-2021](#) and [Report No. 19-1-2021](#). No additional comments have been received since January 2022.

Public Comments

As of the writing of this report no comments from members of the public have been submitted. Further, no members of the public attended the information open house meeting that was held virtually via Zoom on February 17, 2021. Similarly, no members of the public participated in the formal Public Meeting that was held on March 8, 2021.

Communicating Results

There are no communication requirements at this time.

Alternatives

Council could choose not to approve the proposed Zoning By-law Amendment. This is not recommended as the proposal is consistent with Provincial and Regional Policies, conforms to relevant Town Policies and represents good land use planning. The Applicant has provided information that there is need for the proposed facility on the subject property to provide refuelling service to transport truck operators utilizing the Esso network of card locked commercial refuelling stations.

Second Opinion Clause

Should a motion be placed before Council that does not support Planning Staff's Recommendation, Council is advised to table its decision to consider the matter further or until such time as a second planning opinion on the motion, from an independent planning consultant, can be obtained. If the applicant has an opinion from an independent planning consultant, then Council can consider their report as the second planning opinion. In the event that the second planning opinion, obtained by the clerk or provided by the applicant, is supported by Council, and Council makes a decision based on that second planning opinion, then the planner who has provided the second opinion shall be retained for the purpose of an Ontario Land Tribunal hearing. The procedures under PLA-06 shall be followed as well.

Conclusion

Planning staff recommend approval of this Zoning By-law Amendment application. This proposal will permit development of a commercial refuelling station that is well situated to serve transport trucks utilizing the Husky/Esso fuel network and will facilitate the movements of goods through the Province and into the United States. The proposed amendments are consistent with Provincial, Regional and Town planning policy and the proposed use is similar to and compatible with the other land uses in the area.


Attachments

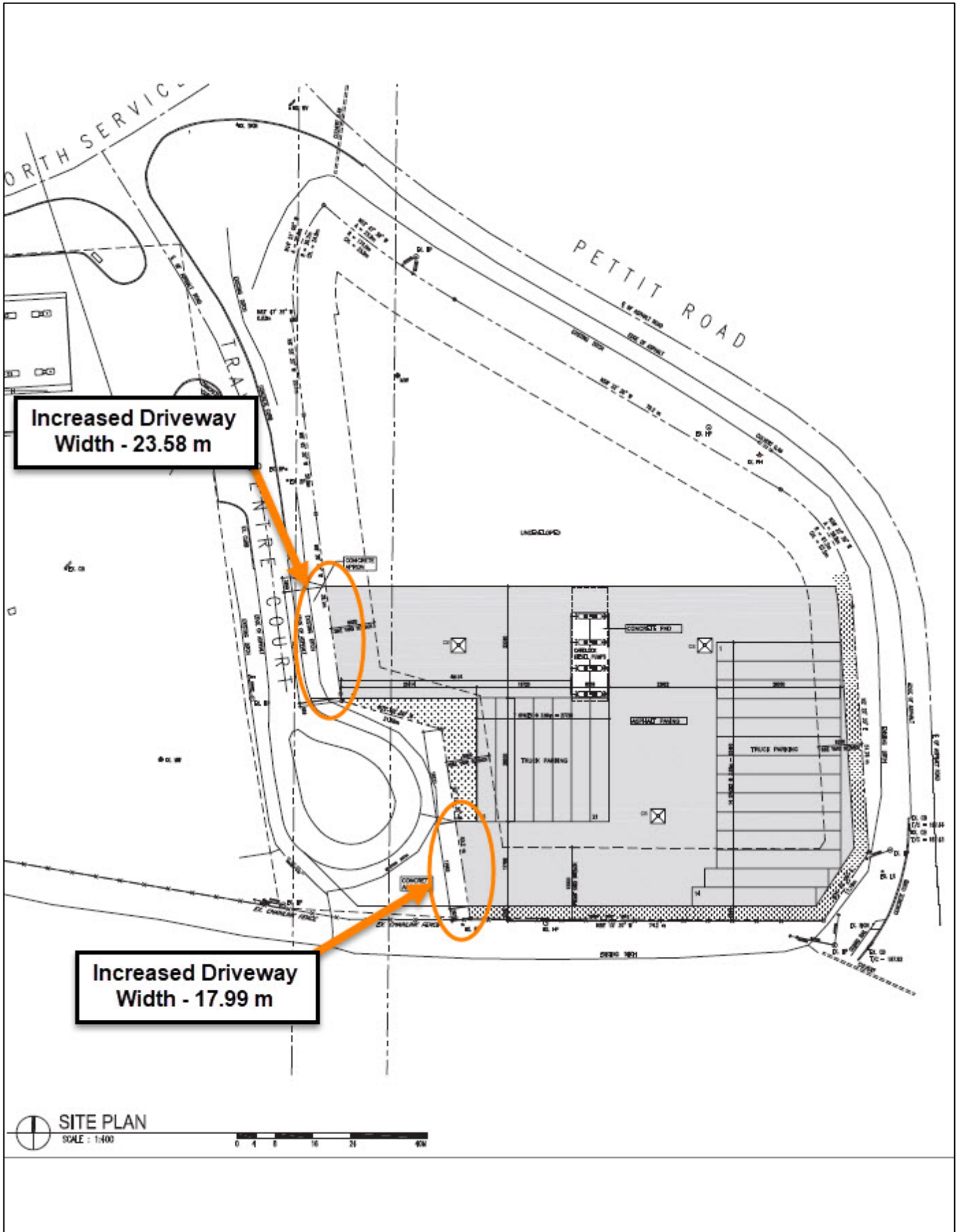
Appendix "1" - Location Plan

Appendix "2" - Revised Site Plan



LOCATION PLAN
Zoning By-law Amendment - 0-13365 Pettit Road

 Subject Lands - 0-13365 Pettit Road





Office of the CAO

Prepared for	Regular Council	Report No.	CAO-05-2023
Agenda Date	February 27, 2023	File No.	210707

Subject	
	2022 STORM ELLIOTT REPORT

Recommendations	
	THAT Council receives this report for information purposes.

Relation to Council's 2018-2022 Corporate Strategic Plan	
Priority:	2. Sustainable Infrastructure for the Future
Objective:	Maintaining and investing in sustainable infrastructure that serves the entire community and builds a strong, vibrant and attractive community.

List of Stakeholders	
	1) Mayor and Council of the Town of Fort Erie
	2) Town of Fort Erie Residents

Prepared by:	Submitted by:	Approved by:
<i>Original signed:</i>	<i>Original signed:</i>	<i>Original signed:</i>
Jennifer Pennell-Ajie, B.A. EA to Director, IS and Division Coordinator	Mark Schmitt, CMMIII Fire Chief	Chris McQueen, MBA Chief Administrative Officer

Purpose of Report

The purpose of this report is to update Council on the Town's response to the 2022 Storm Elliott (which occurred over December 23-25, 2022) and provide a summary of the debriefing process and plans for emergency management moving forward.

AnalysisBackground

Over the week of December 23, 2022, the Town of Fort Erie and a number of Lake Erie south coast communities experienced an historic (according to Environment Canada) winter storm and blizzard conditions. A combination of high winds, accumulation of snow, extreme drifting, lake seiche and whiteout conditions, created dangerous weather conditions that hampered emergency response and recovery efforts by the Town (the downed trees and hydro lines also hindered access), emergency responders and local utilities. The storm additionally caused extensive damage and uprooting to trees, flooding in coastal and low-lying areas, damage to property and utilities, prolonged utility and communication outages. Despite these challenges, the Town, Canadian Niagara Power, Police & Emergency Services, community agencies & businesses, partner municipalities and residents across the community undertook heroic efforts to respond to the health, safety and essential needs of others and the entire community. The Town's Emergency Operations Center (EOC) Control Group was activated on December 22nd, 2022 to discuss the pending storm and continued to meet on a regular basis until Friday, December 30th, 2023. A State of Emergency was declared on December 24th, 2022.

There were many successes, challenges and learnings gleaned from this storm event, that were reviewed and will be incorporated into the Town's Emergency Response Plan and procedures. The Town has conducted operational level debrief sessions with front line staff, first responders, support staff, supervisory and management staff and the Senior Management teams to evaluate its response and incorporate any changes in the Town's Emergency Plan and responses, in the event of a similar winter storm or emergency in the future. The debriefing sessions focused on all aspects of the storm event (e.g. Strengths, Weaknesses, Opportunities, and Threats (SWOT) and Required Actions). Where immediate actions or solutions were identified, staff have proceeded to address them.

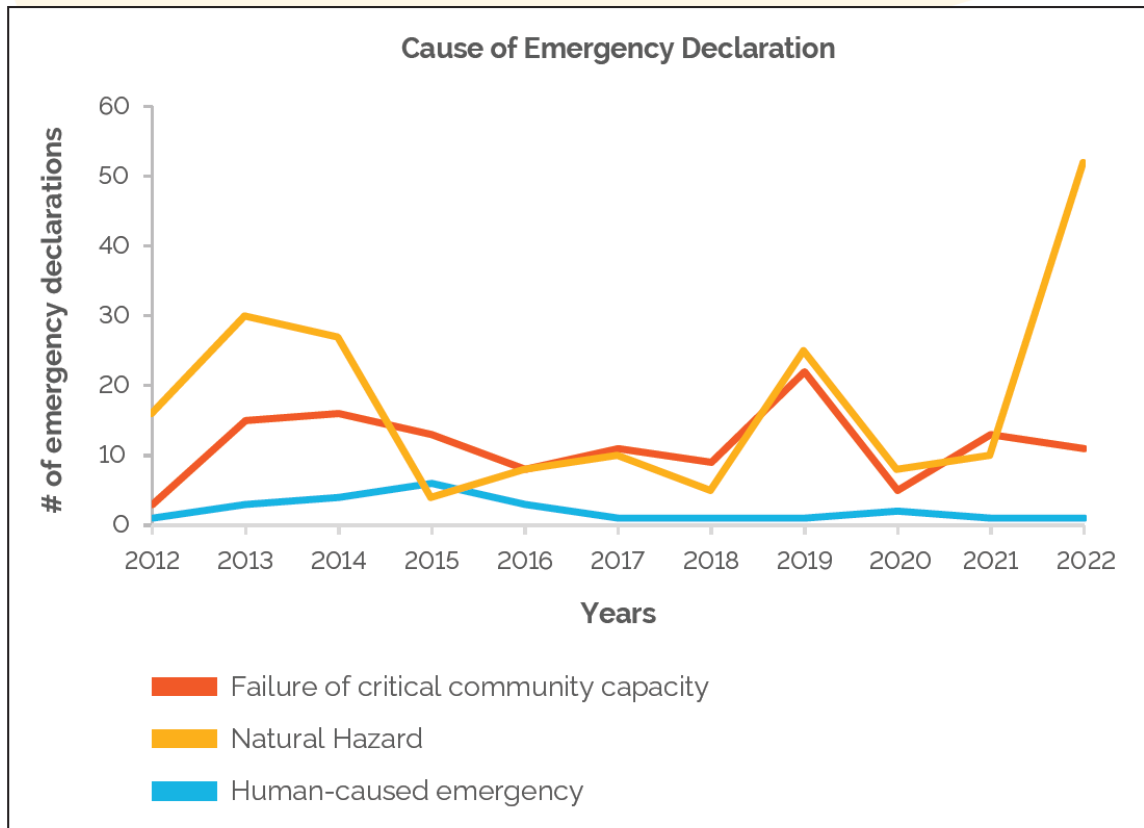
A Town-level consolidated debrief session was held in the last week of January to discuss and consolidate findings, problem solve the challenges and barriers, and develop an action plan to improve our ability to support community-wide resilience and respond to future emergencies. This will include any required updates to the Town's Emergency Management Program and Emergency Plan Governing the Provision of Necessary Services During an Emergency (By-Law No. 40-2017).

The Town also participated in a cross-agency debrief session in early February where each agency and the Town discussed their findings and coordinated planning to effectively respond to future events.

Appendix '1' attached to this report provides a summary of the storm event and several pictures taken during the storm.

In a report published by the office of Emergency Management Ontario, it stated that in 2021-2022 there has been a large spike in Natural Hazards which lead to a spike in more declarations of emergencies across the province at a level not seen before. The following data shows a graph from 2012-2022¹.

Declarations of emergency



Analysis

Whenever a major storm or emergency event occurs it is standard practice to perform a debrief session or several to understand the response, learn from the response and make adjustments for next time. Because you can never be 100% prepared for every emergency or nuances that come up during an event, debriefing allows staff to review the events and make adjustments or improvements where needed. Storm Elliott was unlike any storm seen in a generation (since 1977) in Fort Erie, coupled with the fact that it happened during the holiday break including Christmas Day, presented significant challenges.

The debriefing sessions highlighted that Town staff, responding community agencies and community volunteers performed admirably during this event and did everything

¹ A Safe, Practiced and Prepared Ontario. Provincial Emergency Management Strategy and Action Plan. Emergency Management Ontario. King's Printer for Ontario, 2023 (ISSN 2817-190X)

they could with the tools available to them at the time of the storm. Due the extreme conditions and a multitude of utility outages (i.e. electricity, cellular and internet services, water main breaks) all occurring at one time meant that staff had to pivot from the original plan and adapt to the ever-changing circumstances.

Several common themes came from the debrief sessions including improving communications (both internal and external), preparing for utility outages, community readiness, facilities readiness, adequate equipment/supplies/resources, safety and implementing the redeployment of staff. With each theme or category staff analyzed what went well, the challenges during the storm and take-away actions staff can use to improve the response effort next time.

Staff identified that it would be beneficial to have an internal meeting 48-hr meeting prior to a known or forecasted weather event to review checklists, ensure that there is adequate staffing to cover the event, and to make sure that supplies are well stocked. Town staff and all responding agencies agreed that this approach would be beneficial for future events, and have agreed to collaborate or meet (when necessary) if weather events are likely to require cross-agency collaboration to respond. Staff will be connecting with the relevant agencies and partners to update them on our approach, any updates to our emergency response plan, and coordination of shared efforts in our respective response plans (e.g. emergency contact lists, communication systems, checklists, etc.).

Communications

Staff reviewed both internal and external communications during the event. Starting on Friday, December 23rd communications within the Town started to fail due to the high winds and blowing snow. The NRBN internet network (which serves the Town and other Regional municipalities, emergency services, school boards and hospitals) went down, coupled with cell service outages (mostly along the lakeshore area, Ridgeway & Crystal Beach) and commercial internet providers all went down for a period of time over the course of several days. While staff was able to assist the NRBN to get the network restored for Town servers, the other commercial networks were out for periods of a few hours to as much as a few days following the storm. Since the Town and the community relies on the Town's website and customer service unit (email and phone), the combined communication system outages caused several unanticipated issues with getting messages out to residents and the ability for residents to call for help and receive assistance.

Staff are working with the NRBN network to establish an additional redundant back-up hub for the network so that essential internet services will not be affected again by an outage. The Town is also working towards building relationships with the commercial network/cell providers to provide more resilient and reliable service within the Town, since many residents no longer have a traditional, landline phone.

With respect to internal communications, cell service outages were most prevalent in the hardest hit areas along the lakeshore, Ridgeway & Crystal Beach, which affected plow operators and emergency services who found it difficult to communicate with one another. While most of the Town trucks are equipped with analog radios, they are not portable. This means that if operators had to exit their trucks to respond to a downed

tree or water service, they were left with no ability to communicate their position, report the hazard or request any needed back-up or assistance. The Town is investigating options for a more robust multi-channel radio system across all divisions, including Fire Rescue, to ensure that staff can communicate while in the field when cell service is interrupted or not functioning.

Another area of communications that was reviewed was external communications with our partners in the Region and beyond, including Canadian Niagara Power (CNP), the Niagara Region (NR), Emergency Medical Services (EMS), Niagara Regional Police Services (NRPS), Emergency Management Ontario (EMO), and the Ministry of Transportation (MTO). All players were invited throughout the process to the Emergency Operations Centre (EOC) which conducted zoom meetings prior to and throughout the storm. Some agencies participated more than others in the calls. Part of the debrief process was to establish a better network of contacts and consistency of participation to ensure that all relevant agencies are represented and coordinated in the efforts during an event.

Finally, staff reviewed communication channels to the general public. During the storm, frequent updates were posted on the Town's social media accounts (Facebook, Twitter, Instagram, website) to keep residents updated on the latest weather reports, emergency response, state of emergency declaration and efforts being made by Town Staff, Emergency Responders (Fire, EMS, police), CNP updates, and highway closures, etc. Radio updates were also attempted, however, were hampered due to stations being closed over the holidays and broadcasts were pre-programmed for the holidays. Staff have reviewed all channels and forms of communications in the event that this level of an emergency happens again. The Town will confirm its preferred radio stations for emergency notifications and include it in the communication to the community. A comprehensive review of all forms of communication is taking place and will be updated in the Emergency Management plan as staff move forward with those updates.

Staff did see a significant increase in the use of the Town's social media/website channels during the storm and analyzed the data to determine which forms of communication will be best to serve the residents. This confirms that the public relies on the Town's communication platforms to receive relevant and current information updates during an emergency event.

Utilities

Efforts to restore services were hampered by the treacherous road and weather conditions that made it absolutely unsafe for plow operators and CNP crews to be out working in such conditions during the peak of the storm. On December 24th, it was decided that due to low visibility and severe weather conditions that all crews were pulled from the roads until storm conditions deemed it safe to resume work to restore power and clear roads. Plows were struggling to get through some areas with snow drifts taller than 6ft. In one instance, a Town plow with two (2) operators inside were stuck in their truck for an extended period of time waiting to be rescued. In an effort to ensure the safety of residents and support rescue efforts, the Town was able to get volunteer snowmobilers to conduct welfare checks on stranded residents, assist residents trapped in their cars and assist emergency services personnel.

At the height of the storm, efforts had to be prioritized to essential emergency services, conducting welfare checks and responding to emergency calls when it was safe to do so.

As mentioned earlier, the NRBN system, commercial internet providers, and cell phone services experienced outages at some point during the height of the storm. This was coupled by major outages of the power grid. Prolonged power outages and the severe blowing wind and snow, also resulted in some back-up communication systems failing. And although some utilities successfully transitioned to generators during the storm, some experienced generator failures or exhausted their fuel supply due to the duration of the power outage. For some remote facilities including wastewater facilities, refuelling generators was not possible due to the state of the roads. This led to sewage by-pass systems being activated. There was also some watermain breaks and commercial and private water pipes bursting due to freezing conditions. Town staff attended calls for help to shut-off services as best as they could, considering travel conditions were at their worst.

Equipment/Supplies/Resources

Ahead of the storm, town staff prepared the trucks for deployment, topping up all fuel tanks and bringing in the fuel supplier to top up the refuel tanks at the Gibson Centre. Facilities staff ensured that town facilities and staff were ready to respond to any power outages and prepare facilities for a warming shelter if needed.

Due to the high winds and drifting snow, staff quickly realized that the regular plows were not going to be able to traverse and clear some areas. Loaders were deployed and calls were being made to private contractors and other municipalities that were not as impacted by the storm that was localized around Fort Erie, Port Colborne and Wainfleet. The Town was grateful for the support of contractors and municipalities that responded to the Town's aid when it was safe to reach the Town. Some efforts to get equipment and aid into Town were hampered by the severe weather and the extended closure of the QEW.

As part of the Emergency Plan update, the Town will update and expand its list and contact information for specific types of contractors (e.g. rental companies, generator repair, emergency supplies, etc.) and heavy equipment contractors that could be placed on-call ahead of a known event so they are prepared to respond to the Town (if required). This may also include staging of necessary resources and equipment throughout the Town in advance of the event. Similarly, the Town will work to formalize arrangements with other services, such as snowmobiles and search and rescue agencies so they are available to respond on short notice. It was noted that there was limited supplies (such as food) for staff that were called into facilities and worked long hours on the road. Plans have been made to ensure that those supplies (food, water, shower kits, cots/blankets) are secured and facilities stocked prior to an event so that they are prepared and have supplies in order to be able to remain at Town facilities for longer than 24-hrs. Some additional provisions have been secured for Town vehicles (e.g. phone chargers, extra clothing, etc.) to ensure communication and proper clothing for such events.

It was also noted that many residents in Town were not 72-hr ready (as an Emergency Management best practice) and as a result, were not prepared to be without support or power for the length of time that this storm impacted them. Many residents realized that during this unique storm, generators were susceptible to failure and/or fuel shortages that left many without back up power for the “72-hr ready” period. The Town will undertake a communications campaign to promote the emergency management procedures that encourage everyone to be “72 hour ready”. Some basic essentials noted on the 72-hour ready checklist include flashlights, blankets, a radio, back-up battery chargers, batteries, medication, food and water. The Town will update this checklist in the Emergency Management Plan and its Emergency Management web page to ensure that information is current and relevant for residents to be ready for the next storm or event.

Safety/Redeployment

Safety is always top of mind for employees and Town residents when preparing for known and unknown events and while the event is happening. The EOC was activated and senior management met to discuss the response and how to manage the storm. The response during the storm and the safety of the responders (plow operators, fire fighters, EMS, NRPS, CNP workers) and residents had to be weighed and balanced during the most severe part of the storm (no visibility, downed powerlines, road conditions). First responders wanted to attend to anyone in crisis, however, weather in some cases, seriously hampered the efforts to get to them. Downed trees and powerlines that limited access to some streets, meant that some responders had to walk to their destination causing serious concern for their safety as well. During the peak of the storm, Town staff had to prioritize the most effective and critical roads to maintain to ensure main arteries were accessible and clear for emergency responders and CNP workers.

Staff also recognized that while a lot of front-line staff were actively working throughout the storm trying to clear roads and downed trees, there was an opportunity to redeploy other department staff to assist with the emergency response, either in the office by fielding calls and coordinating efforts behind the scenes. The redeployment of staff will require some further planning and training for specific functions that could be assigned to redeployed staff in a future emergency. Plans are being made to ensure that there is adequate resources and training put into place. As part of the 48-hour pre-event discussions, the need for redeployment of staff as additional resources will be considered.

Following the event, Town staff involved in the storm were offered counselling in order to process the overwhelming exhaustion, long work hours, sleep deprivation, isolation from family experiencing communication and power outages, and the inability to respond immediately to residents in need. We continue to follow up, monitor and promote employee assistance programs for staff impacted by this storm.

Recognition

The Town of Fort Erie would like to recognize the following organizations and agencies for the tremendous assistance to the Town and our community in response to the Storm:

- The Regional Municipality of Niagara
- Town of Niagara-on-the-Lake (plowing equipment/operators)
- City of Thorold (plowing equipment/operators)
- Town of Grimsby (plowing equipment/operators)
- Town of Lincoln (plowing equipment/operators)
- City of St. Catharines (plowing equipment/operators)
- V. Gibbons Contracting Ltd (plowing equipment/operators)
- Alfred Beam Excavating Limited (plowing equipment/operators)
- Anthony's Excavating Central Inc (plowing equipment/operators)
- Regional Limousine (Transportation to and from shelters and welfare checks)
- Red Cross (warming shelter)
- Salvation Army (warming shelter)
- Town of Pelham Fire Department
- Niagara West Fire Department
- City of Thorold Fire Department
- Town of Niagara-on-the-Lake Fire Department

Without the support of these outside groups, the Town's effective response to the storm would not have been possible.

The Town would also like to thank many unnamed, community residents who responded independently to ensure the welfare and safety of the community, their neighbours and strangers who were impacted by the storm.

This report provides a high-level summary of the significant issues and challenges experienced as a result of the storm. Going forward, Town staff will be updating the Emergency Management Plan for Council approval and continuing to work with partner agencies on coordination and information sharing, as a result of the debriefing sessions.

Financial/Staffing Implications

All costs associated with the storm are being tracked under a special expense code and staff continue to pursue any available provincial funding assistance programs.

Below in table 1 includes expenditures from 2022 Storm Elliott

Table 1: 2022 Storm Elliott Costs as of February 14, 2023

2022 Storm Elliott Expenses	
Wages & Benefits 2022	\$ 196,297
Wages & Benefits 2023	\$ 31,975
Total Wages & Benefits	\$ 228,272
Other Expenses 2022	\$ 70,047
Other Expenses 2023	\$ 231,231
Total Expenses	\$ 529,550

Town staff will pursue funding recovery from the Municipal Disaster Recovery Assistance (MDRA) fund if eligible. For the purpose of Municipal Disaster Recovery Assistance, a disaster is defined as a sudden, unexpected, extraordinary, natural event that results in eligible municipal costs at least equal to 3% of a municipality's own purpose taxation levy or over \$900,000. Both operating and capital costs are eligible (with specific criteria), however, normal operating expenses a municipality would have incurred without the occurrence of the natural disaster are not eligible.

Policies Affecting Proposal

By-law No. 124-2018 adopted Council's 2018-2022 Corporate Strategic Plan. This project and the recommendations provided conform to the priorities, goals and initiatives as described herein.

By-Law No. 40-2017 adopted the Town's Emergency Management Program and Emergency Plan Governing the Provision of Necessary Services During an Emergency.

Comments from Relevant Departments/Community and Corporate Partners

Relevant departments, staff, community and corporate partners were consulted throughout the debriefing process.

Communicating Results

An updated Emergency Management Plan will be communicated through a future Council meeting and posted on the Town of Fort Erie's website.

Alternatives

This report is mainly for information purposes and to advise Council of Town staff actions and updates that will be made to the Emergency Management Plan, as required by legislation.

Conclusion

The Town of Fort Erie is very grateful for the coordinated response to the storm and the many staff, contractors, government services, other municipalities and support agencies are to be commended for their heroic actions and response efforts to this extraordinary storm.

As with any event, there are always learnings and improvements to prepare for similar future emergency events. Town staff are working towards an update to the Emergency Management Plan and will update Council at a future meeting in 2023. The Town is committed to reviewing the Emergency Management Plan once a year at a minimum and a comprehensive review every five (5) years or as needed.

Attachments

Appendix '1' – 2022 Winter Storm Elliott (Christmas Storm) Debrief - Power Point

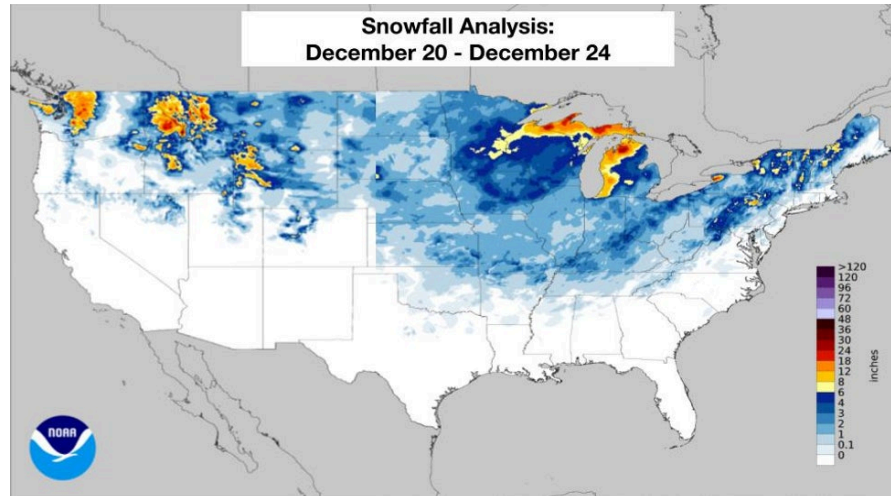
TOWN OF FORT ERIE

2022 Christmas Storm Debrief

Winter Storm Elliott

Winter Storm Elliott Intensified Into Bomb Cyclone With High Winds, Blizzard Conditions, Flooding

Winter Storm Elliott was a cross-country storm that had its origins in the Pacific Northwest, but really intensified in the Great Lakes, bringing blizzard conditions to several states & Ontario, with strong winds and brutally cold temperatures to the eastern two-thirds of the Lower 48. In fact, it became a bomb cyclone.

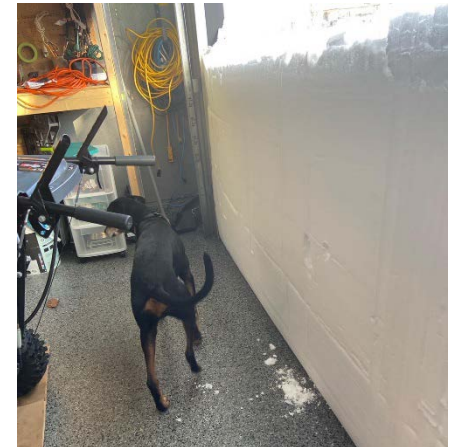


Elliott led to a widespread cold outbreak that encompassed the entire eastern two-thirds of the USA, but even led to a cold air intrusion in Washington and Oregon that led to the formation of Winter Storm Fernando. Its chill brought temperatures not seen in a generation in some spots. Elliott also produced widespread damaging wind gusts and coastal/lakeshore flooding.

Facts:

REGULAR MEETING OF COUNCIL -27 Feb 2023

- Highest wind gust recorded = 127 km/h (79 mph)
- Significant flooding along the lakeshore
- Blizzard/whiteout conditions
- Lake Erie seiche (up to +/- 9ft)
- Significant power outages (~15,000 customers)
- Internet & Cell outages
- 2.5 ft of snow, with drifts over 6 ft



Page 229 of 332

Storm Story Board

Category	December 21st	December 22nd	December 23rd	December 24th	December 25th	December 26th	December 27th - 31st
REGULAR MEETING OF COUNCIL -27 Feb 2023		First EOC Meeting - 10am		STATE OF EMERGENCY DECLARATION EOC Meetings - 8:30am, 11:30am, 4:30pm	EOC Meetings - 9:30am & 3:30pm	EOC Meetings - 9:30am & 6pm	EOC - Meetings - 9:00am & 4:30pm (until December 29th)
	Weather	Storm Warnings from Environment Canada Upgraded to a Blizzard Warning Rain to Freezing Rain. Flooding Started	Blizzard Flash Freeze + Flooding + Wind + Snow + Power + NRBN + Cell + Internet Outages Wind - 8am - rest of day Snow - 8am - rest of day	Wind - continuous - slowed down around 10pm, stopped by midnight Snow - continuous - slowed down around 10pm, stopped by midnight	No further significant weather to report	No further significant weather to report	No further significant weather to report
Operations	Team Meetings ahead of the storm	Road Patrol and road closures put in place for flooding in the usual areas of Town. Salters out for a brief	Plows Deployed in the AM but pulled off due to extreme conditions with many fallen trees and power lines down (one main plow remained out to do main roads) + Water Main Breaks	Plows were stalled during the day due to conditions. Full operations started to roll out around midnight.	Full plowing operations with outside contractor help. Water division attended to many water shut off calls with burst water pipes at both residential and commercial buildings.	Full plowing operations with outside contractor help. Water division attended to many water shut off calls with burst water pipes at both residential and commercial buildings.	Full plowing operations with outside contractor help. Water division attended to many water shut off calls with burst water pipes at both residential and commercial buildings.
Warming Centre					Opened by Red Cross by 2pm	Still open	Closed down on December 29th
Page 230 of 332				STATE OF EMERGENCY			
		Rain/Freezing Rain					
			Snow				
			Wind				
			Flooding				
			Power Outages				
			NRBN Outages				
		Internet Outages (commercial)					
		Cell Service Outages					

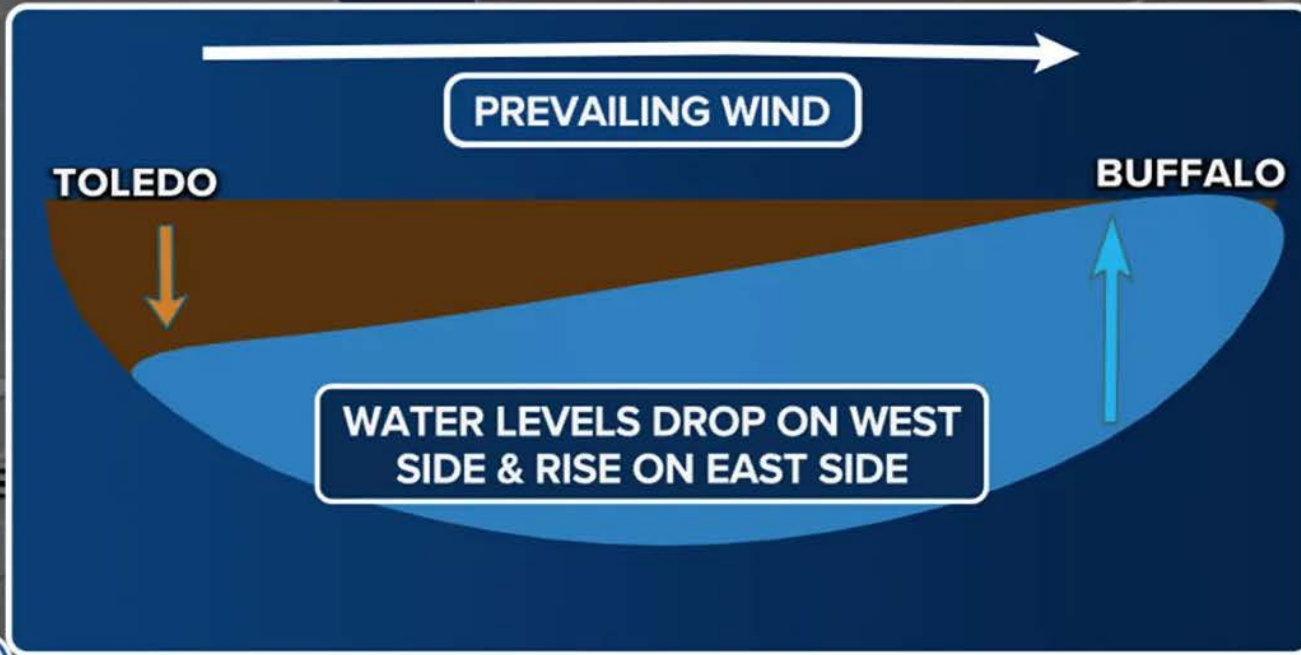


REGULAR MEETING OF COUNCIL

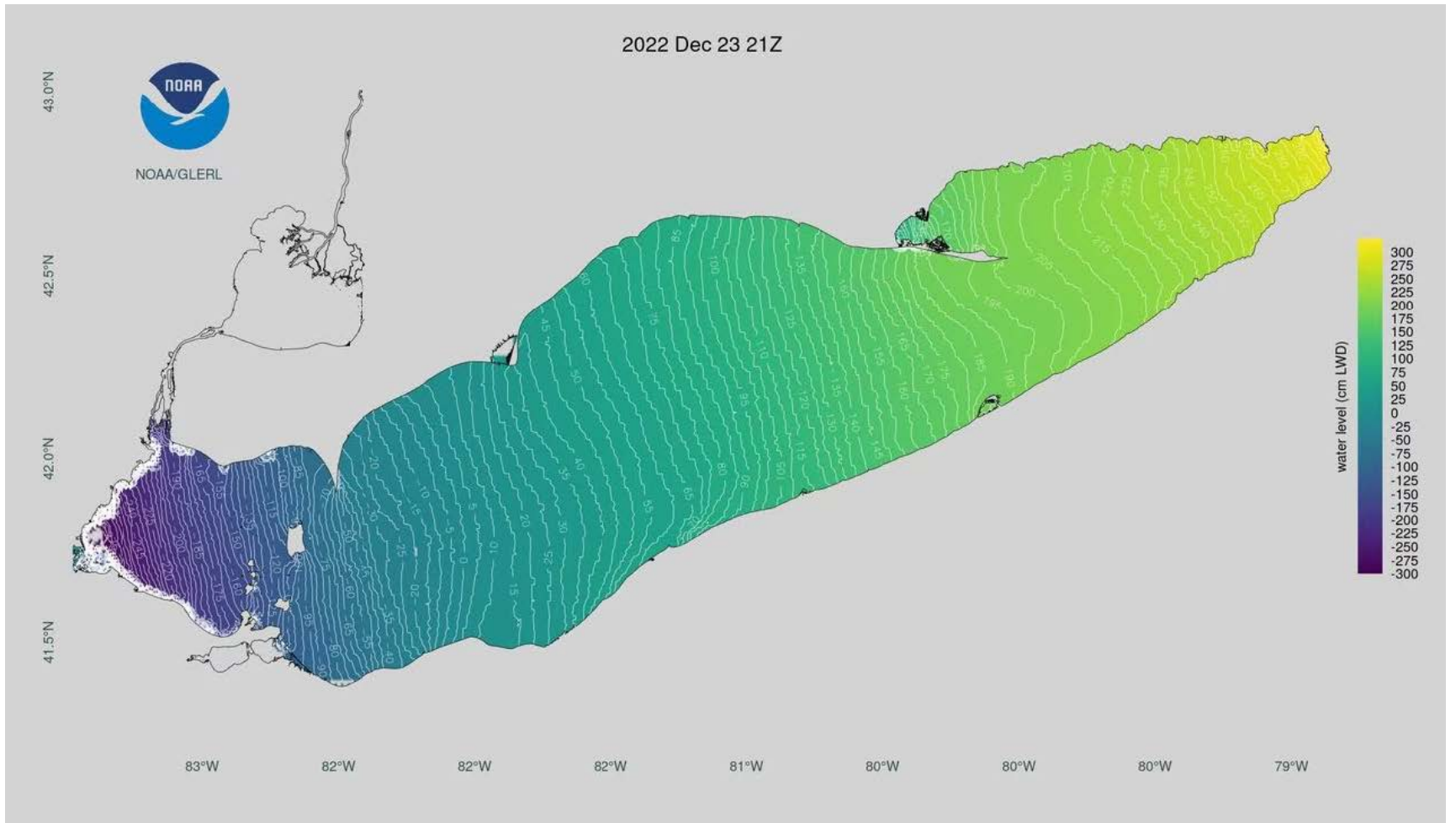
-27 Feb 2023

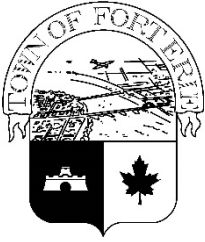
Page 231 of 332

LAKE ERIE SEICHE









The Municipal Corporation of the Town of Fort Erie

By-law No. 18-2023

Being a By-law to Deem Part of a Certain Registered Plan of Subdivision Not to be a Registered Plan of Subdivision 63 Idylewylde Street Frank Anthony Alessio - Owner

Whereas subsection 50(4) of the *Planning Act*, R.S.O. 1990, c. P.13 (the "*Planning Act*") authorizes the Council of a municipality to designate by by-law any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of the subdivision control provisions of subsection 50(3) of the *Planning Act*; and

Whereas Lots 192-195 (inclusive) and Part Lot 196, Plan 511, Village of Fort Erie, are within a plan of subdivision registered for more than eight years; and

Whereas the applicant has made an application to designate these lands pursuant to the provisions of subsection 50(4) of the *Planning Act* to allow the merging of four full lots and a part lot;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

- 1. That** the following lands are designated and hereby deemed not to be within a registered plan of subdivision for the purposes of subsection 50(3) of the *Planning Act*:

Lots 192-195 (inclusive), Plan 511; Village of Fort Erie, Fort Erie, being part of PIN 64227-0060 (LT)
- 2. That** the Town Law Clerk shall cause this by-law to be registered in the local Land Registry Office.
- 3. That** this by-law shall come into force and take effect when registered in the local Land Registry Office by the Town Law Clerk.

- 4. **That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 27th day of February, 2023.

Mayor

Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 18-2023 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20 .

Interoffice Memorandum

February 27, 2023

File No. 350311

To: Mayor and Council

From: Anamika Dilwaria, Manager, Development Approvals
Planning and Development Services

Subject: **Deeming By-law No. 18-2023 - 63 Idylewylde Street**
Owner: Frank Anthony Alessio | Agent: Greg Hynde

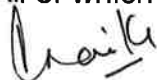
An application for a deeming by-law has been received on behalf of Frank Alessio, to deem certain lots located on Idylewylde Street not to be lots within a registered plan of subdivision pursuant to the provisions of the *Planning Act*, R.S.O. 1990, c. P.13 (the "*Planning Act*"). Included in the Council package for February 27, 2023 is By-law No. 18-2023 deeming Lots 192-195 (inclusive) and Part Lot 196, Plan 511, Village of Fort Erie.

Lots that are located within a registered plan of subdivision are individual, conveyable parcels of land. The property known municipally as 63 Idylewylde Street consists of four separate, conveyable lots within a registered plan of subdivision (Lots 192, 193, 194, and 195) and a part lot (Part Lot 196). The intent is to allow the merger of Lots 192-195 and Part Lot 196, in order to facilitate a future consent application with the intent of creating one buildable lot for four semi-detached units on the subject lands. The subject property is also part of a current Zoning By-law Amendment application.

Pursuant to subsection 50(4) of the *Planning Act*, the Town Council is authorized to designate by by-law, any plan of subdivision, or part thereof, that has been registered for eight years or more, not be a registered plan of subdivision for the purposes of subsection 50(3) of the *Planning Act*.

A certified copy of the deeming by-law is registered by the Town Law Clerk in the Land Registry Office for Niagara South and does not come into effect until such time as the by-law has been registered. All costs associated with the processing of the deeming by-law are the responsibility of the applicant and are covered by the application fee.

All of which is respectfully submitted,



Anamika Dilwaria, M.A, M.PI., MCIP, RPP
Manager, Development Approvals, Planning and Development Services



Attach: Appendix "1" – Location Map

Cc: Chris McQueen, Chief Administrative Officer
Alex Herlovitch, Director of Planning and Development Services
Carol Schofield, Town Clerk
Rosanna Firenze, Law Clerk



APPENDIX 1



PROPOSED DEEMING BY-LAW
63 Idylewylde Street
PLAN 17 LOT 192 TO 195 PT LOT 196
NP511

 Lot Proposed to be Deemed (Lot 192, 193, 194, 195, & Part of Lot 196)
 Subject Lands - 63 Idylewylde Street

Planning and Development Services, Map Created January 16, 2023





The Municipal Corporation of the Town of Fort Erie

By-law No. 19-2023

Being a By-law to Authorize the Entry into a Grant Funding Agreement for Physician Recruitment with Dr. Magdy Hanna

Whereas By-law No. 123-2019 was passed by the Municipal Council of The Corporation of the Town of Fort Erie on August 26, 2019, to adopt a Physician Recruitment, Retention and Medical Education Financial Incentive Guideline for the Town of Fort Erie; and

Whereas Report No. CAO-04-2023 was considered and approved at the Council-in-Committee Meeting held on February 13, 2023, recommending the entry into a Grant Funding Agreement with Dr. Magdy Hanna, for physician recruitment, in the amount of \$100,000; and

Whereas it is deemed desirable to enter into a Grant Funding Agreement with Dr. Magdy Hanna for the above-mentioned purposes and amount;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

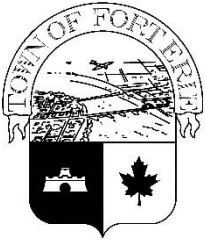
1. **That** the entry into a Grant Funding Agreement with Dr. Magdy Hanna, to provide a grant in an amount not to exceed \$100,000 for physician recruitment is authorized and approved.
2. **That** the Mayor and Clerk are authorized and directed to execute the Grant Funding Agreement, in a form satisfactory to the Town Solicitor, and to affix the corporate seal thereto.
3. **That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 27th day of February, 2023.

Mayor

Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 19-2023 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20



The Municipal Corporation of the Town of Fort Erie

By-law No. 20-2023

Being a By-law to Authorize the Entry into a Lease Agreement with Down the Rabbit Hole Theatre Co. (Crystal Ridge Arena)

Whereas Report No. CAO-17/LC-16-2022 was considered and approved at the Regular Council meeting held on November 21, 2022, to authorize the entry into a three-year Lease Agreement with Down the Rabbit Hole Theatre Co. for the use of a portion of the Crystal Ridge Arena located at 89 Ridge Road South, for the purpose of offering a youth theatre program; and

Whereas it is deemed desirable to enter into a three-year Lease Agreement with Down the Rabbit Hole Theatre Co., for that purpose;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

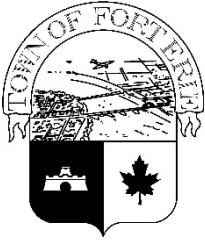
1. **That** the entry into a three-year Lease Agreement with Down the Rabbit Hole Theatre Co. for the use of a portion of the Crystal Ridge Arena for the purpose of offering a youth theatre program, is authorized and approved.
2. **That** the Mayor and Clerk are authorized and directed to execute the Lease Agreement, in a form satisfactory to the Town Solicitor, and to affix the corporate seal thereto.
3. **That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 27th day of February, 2023.

Mayor

Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 20-2023 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20 .



The Municipal Corporation of the Town of Fort Erie

By-law No. 21-2023

Being a By-law to Deem Part of a Certain Registered Plan of Subdivision Not to be a Registered Plan of Subdivision 241 Derby Road Doreen Martin Ferber - Owner

Whereas subsection 50(4) of the *Planning Act*, R.S.O. 1990, c. P.13 (the "*Planning Act*") authorizes the Council of a municipality to designate by by-law any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of the subdivision control provisions of subsection 50(3) of the *Planning Act*; and

Whereas Lots 309 and 310, Plan 398, are within a plan of subdivision registered for more than eight years; and

Whereas the applicant has made an application to designate these lands pursuant to the provisions of subsection 50(4) of the *Planning Act* to allow the merging of two full lots;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the following lands are designated and hereby deemed not to be within a registered plan of subdivision for the purposes of subsection 50(3) of the *Planning Act*:

Lots 309 and 310, Plan 398; Bertie, Fort Erie, being all of PIN 64181-0057 (LT)

2. **That** the Town Law Clerk shall cause this by-law to be registered in the local Land Registry Office.
3. **That** this by-law shall come into force and take effect when registered in the local Land Registry Office by the Town Law Clerk.

- 4. **That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 27th day of February, 2023.

Mayor

Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 21-2023 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20 .



Interoffice Memorandum

February 27, 2023

File No. 350311

To: Mayor and Council

From: Anamika Dilwaria, Manager, Development Approvals
Planning and Development Services

Subject: **Deeming By-law No. 21-2023 – 241 Derby Road**
Owner: Doreen Martin-Ferber

An application for a deeming by-law has been received to deem certain lots located on Derby Road not to be lots within a registered plan of subdivision pursuant to the provisions of the *Planning Act*, R.S.O. 1990, c. P.13 (the "*Planning Act*"). Included in the Council package for February 27, 2023 is By-law No. 21-2023 deeming Lots 309 and 310, Plan 398, Bertie.

Lots that are located within a registered plan of subdivision are individual, conveyable parcels of land. The property known municipally as 241 Derby Road consists of two separate, conveyable lots within a registered plan of subdivision (Lots 309 and 310). The intent is to allow the merger of Lots 309 and 310, for continued residential use with a single detached dwelling that will maintain the address of 241 Derby Road.

Pursuant to subsection 50(4) of the *Planning Act*, the Town Council is authorized to designate by by-law, any plan of subdivision, or part thereof, that has been registered for eight years or more, not be a registered plan of subdivision for the purposes of subsection 50(3) of the *Planning Act*.

A certified copy of the deeming by-law is registered by the Town Law Clerk in the Land Registry Office for Niagara South and does not come into effect until such time as the by-law has been registered. All costs associated with the processing of the deeming by-law are the responsibility of the applicant and are covered by the application fee.

All of which is respectfully submitted,

Anamika Dilwaria, M.A, M.PI., MCIP, RPP
Manager, Development Approvals, Planning and Development Services



Attach: Appendix "1" – Location Map

Cc: Chris McQueen, Chief Administrative Officer
Alex Herlovitch, Director of Planning and Development Services
Carol Schofield, Town Clerk
Rosanna Firenze, Law Clerk



APPENDIX 1

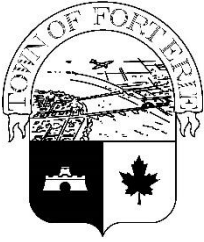


PROPOSED DEEMING BY-LAW
241 Derby Road
PLAN 58 LOT 309 310 NP398

 Lots Proposed to be Deemed (Lots 309 & 310)
 Subject Lands - 241 Derby Road

Planning and Development Services, Map Created February 10, 2023



Our Focus: Your Future



The Municipal Corporation of the Town of Fort Erie

By-law No. 22-2023

Being a By-law to Accept and Declare Lands as Public Highway on the North-East Corner of Parkside Avenue and Buffalo Road 589 Scott Avenue - Michel Courchesne & Marilyn Atherton

Whereas pursuant to the Decision of the Town of Fort Erie Committee of Adjustment, File No. B44/22 F.E., the owners are required to convey lands to The Corporation of the Town of Fort Erie for the purpose of a road widening and daylighting triangle on the north-east corner of Parkside Avenue and Buffalo Road, gratuitously, free and clear of all encumbrances; and

Whereas the *Municipal Act, 2001*, as amended, provides that if a municipality acquires land for the purpose of widening a highway, the land acquired forms part of the highway to the extent of the designated widening; and

Whereas it is deemed desirable to authorize the acceptance of lands for road widening purposes, and declare and assume same as public highway forming part of Buffalo Road;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

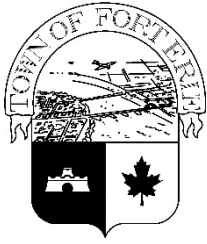
1. **That** the acceptance of land from Michel Courchesne and Marilyn Atherton, legally described as Part of Lot 698, Plan 440, Bertie; Fort Erie, designated as Part 2 on Reference Plan 59R-17506, being part of PIN 64208-0151 (LT) (the "Lands"), for road widening purposes, free and clear of all encumbrances, is authorized and approved.
2. **That** the Lands are established, laid out, declared and assumed as public highway forming part of Buffalo Road, for public use.
3. **That** upon final passage of this by-law, the Town Law Clerk shall cause same to be registered in the Land Registry Office.
4. **That** the Mayor and Clerk are authorized and directed to execute all documentation necessary to complete this transaction.
5. **That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 27th day of February, 2023.

Mayor

Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, hereby certify the foregoing to be a true copy of By-law No. 22-2023 of the said Town. Given under my hand and the seal of the said Corporation, this _____ day of _____, 20____



The Municipal Corporation of the Town of Fort Erie

By-law No. 23-2023

**Being a By-law to Amend Zoning By-law No. 129-90,
as amended
63 Idylewylde Street
Frank Anthony Alessio - Owner**

Whereas an application was received from Greg Hyde of Urban Environments on behalf of Frank Anthony Alessio (Owner) to amend the Town's Comprehensive Zoning By-law No. 129-90, as amended, for the lands known municipally as 63 Idylewylde Street; and

Whereas a Public Meeting pursuant to Section 34(12) of the *Planning Act*, R.S.O. 1990, c. P.13 was held on December 5th, 2022; and

Whereas it is deemed desirable to amend the Comprehensive Zoning By-law No. 129-90, as amended, pursuant to the recommendations of Report No. PDS-05-2023 considered and approved at the Regular Council meeting held on January 23rd, 2023;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** Schedule "A" of By-law No. 129-90, as amended, is further amended by changing the zoning of the lands known municipally as 63 Idylewylde Street as shown on the attached Appendix "1" from "Residential 2 (R2) Zone" to "Residential 3 (R3-766) Zone".
2. **That** By-law No. 129-90, as amended, is further amended by adding to "Section 13 – Residential 3 (R3) Zone" Subsection – "Exceptions to the Residential 3 (R3) Zone" the following exception:

"R3-766 (23-2023) 63 Idylewylde Street

These lands are zoned "Residential 3 (R3-766) Zone" and all of the provisions of By-law No. 129-90, as amended, that relate to lands zoned "Residential 3 (R3) Zone" by this by-law shall apply to those lands zoned "Residential 3 (R3-766) Zone" subject to the following special provisions:

- a) That notwithstanding Subsection 13.4 Regulations for Semi-detached Dwellings the following regulations shall apply:
 - i. Minimum Lot Frontage - 8.32 m
 - ii. Minimum Lot Area - 253.60 sq m
 - iii. Maximum Lot Coverage - 2 storey - 45%

- iv. Minimum Interior Side Yard for a 2 Storey Dwelling - 1.70 m to adjacent parcels; 1.20 m between the proposed semi-detached dwellings on the subject property; except where no private garage or carport is provided a side yard of not less than 3.00 m on one side of each semi-detached dwelling is required.”
- 3. **That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 27th day of February, 2023.

Mayor




Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 23-2023 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20

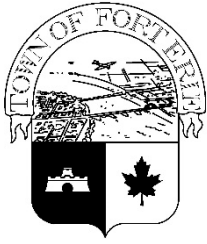
APPENDIX "1"



By-law No. 23-2023
THIS SKETCH FORMS PART OF SCHEDULE "A" TO BY-LAW NO. 129-90
PASSED THIS 27TH DAY OF FEBRUARY, 2023

-  Subject Lands - 63 Idylewylde Street
-  Change from Residential 2 (R2) Zone to Residential 3 (R3-766) Zone
-  Zoning Boundary





The Municipal Corporation of the Town of Fort Erie

By-law No. 24-2023

**Being a By-law to Amend Zoning By-law No. 129-90,
as amended
533 & 549 Ridge Road North
1855838 Ontario Inc. and Richard James Dekorte - Owners**

Whereas an application was received from Ethan Laman of Upper Canada Consultants on behalf of 1855838 Ontario Inc. and Richard James Dekorte (Owners) to amend the Town's Comprehensive Zoning By-law No. 129-90, as amended, for the lands known municipally as 533 & 549 Ridge Road North; and

Whereas a Public Meeting pursuant to Section 34(12) of the *Planning Act*, R.S.O. 1990, c. P.13 was held on February 13th, 2023; and

Whereas it is deemed desirable to amend the Comprehensive Zoning By-law No. 129-90, as amended, pursuant to the recommendations of Report No. PDS-06-2023 considered and approved at the Council-in-Committee meeting held on February 13th, 2023;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** Schedule "A" of By-law No. 129-90, as amended, is further amended by changing the zoning of the lands known municipally as 533 Ridge Road North and 549 Ridge Road North and shown as Parts 1, 2 and 3 on the attached Appendix "1" from "Residential 1 (R1) Zone" to "Residential 2A (R2A) Zone" (Part 1), from "Residential 1 (R1) Zone" to "Residential 2A (R2A-768) Zone" (Part 2), and from "Residential 1 (R1) Zone" and "Neighbourhood Development (ND) Zone" to "Neighbourhood Development (ND-769) Zone" (Part 3).
2. **That** By-law No.129-90, as amended, is further amended by adding to "Section 12 – Residential 2A (R2A) Zone" Subsection – "Exceptions to the Residential 2A (R2A) Zone" the following exception:

"R2A-768 (24-2023) 549 Ridge Road North (Part 2)

These lands are zoned "Residential 2A (R2A-768) Zone" and all of the provisions of By-law No. 129-90, as amended, that relate to lands zoned "Residential 2A (R2A) Zone" by this by-law shall apply to those lands zoned "Residential 2A (R2A-768) Zone" subject to the following special provision:

- a) That notwithstanding Subsection 6.1 Accessory Uses (d) the total lot coverage of all accessory buildings on a lot shall not exceed 12% of the lot area."

- 3. **That** By-law No.129-90, as amended, is further amended by adding to “Section 17 – Neighbourhood Development (ND) Zone” Subsection – “Exceptions to the Neighbourhood Development (ND) Zone” the following exception:

“ND-769 (24-2023) 533 & 549 Ridge Road North (Part 3)

These lands are zoned “Neighborhood Development (ND-769) Zone” and all of the provisions of By-law No. 129-90, as amended, that relate to lands zoned “Neighbourhood Development (ND) Zone” by this by-law shall apply to those lands zoned “Neighbourhood Development (ND-769) Zone” subject to the following special provision:

- a) Minimum Lot Area - 6,300.00 sq m”

- 4. **That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

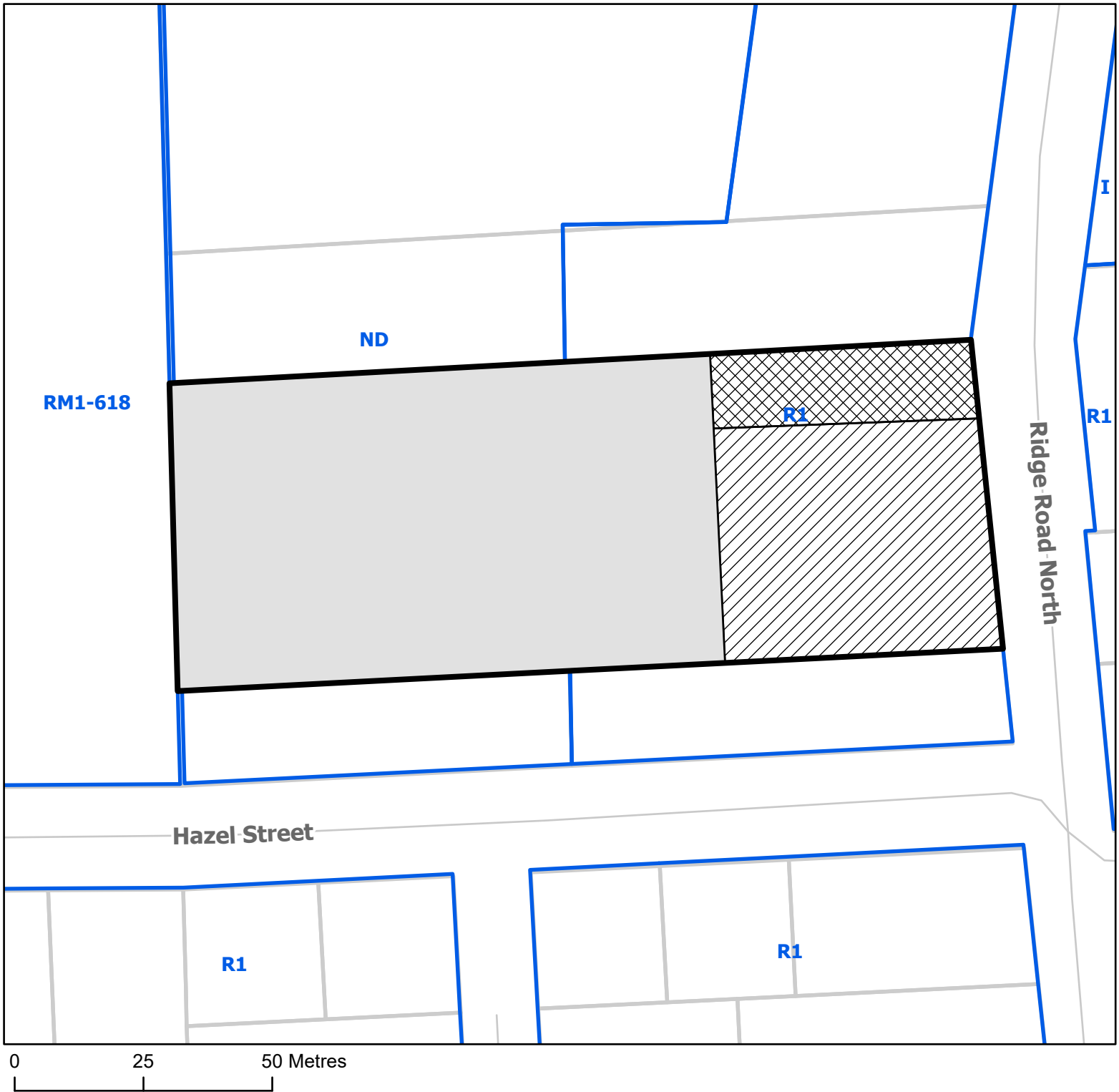
Read a first, second and third time and finally passed this 27th day of February, 2023.

Mayor

Clerk





I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 24-2023 of the said Town. Given under my hand and the seal of the said Corporation, this _____ day of _____, 20

APPENDIX "1"

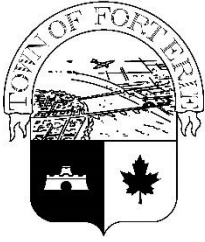


By-law No. 24-2023

**THIS SKETCH FORMS PART OF SCHEDULE "A" TO BY-LAW NO. 129-90
PASSED THIS 27TH DAY OF FEBRUARY, 2023**

-  Subject Lands - 533 & 549 Ridge Road North
-  Part 1 - Change from Residential 1 (R1) Zone to Residential 2A (R2A) Zone
-  Part 2 - Change from Residential 1 (R1) Zone to Residential 2A (R2A-768) Zone
-  Part 3 - Change from Neighbourhood Development (ND) Zone and Residential 1 (R1) Zone to Neighbourhood Development (ND-769) Zone





The Municipal Corporation of the Town of Fort Erie

By-law No. 25-2023

**Being a By-law to Enact an Amendment to the
Official Plan Adopted by By-law No. 150-06 for the Town of Fort
Erie Planning Area**

**Amendment No. 67
97 Gorham Road
Bomofive Inc.**

(Ross Boncore and Kam Mofid) - 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 enacts as follows:

1. **That** amendment No. 67 to the Official Plan for the Town of Fort Erie consisting of the attached explanatory text and mapping is hereby adopted and approved.
2. **That** this by-law shall come into force and take effect on the day of the final passing thereof.
3. **That** the Clerk of the Town of Fort Erie is authorized to affect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 27th day of February, 2023.

Mayor

Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 25-2023 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20 .

AMENDMENT NO. 67
TO THE
OFFICIAL PLAN
FOR THE
CORPORATION OF THE TOWN OF FORT ERIE

CONTENTS

PART "A" - THE PREAMBLE

- Section 1 - Title and Components
- Section 2 - Purpose of Amendment
- Section 3 - Location of this Amendment
- Section 4 - Basis of this Amendment
- Section 5 - Implementation and Interpretation

PART "B" - THE AMENDMENT

Introductory Statement

Details of the Amendment

- Schedule "A" - Land Use Plan

PART "C" - THE APPENDICES

- Appendix 1 - Notice of Public Information Processes
- Appendix 2 - Public Meeting Minutes
- Appendix 3 - Circulation Comments

PART "A" - THE PREAMBLE

SECTION 1

TITLE AND COMPONENTS

This document, when approved in accordance with Sections 17 and 21 of The Planning Act, 1990, shall be known as Amendment No. 67 to the Official Plan adopted by By-law No. 150-06 of the Fort Erie Planning Area.

Part "A", the Preamble does not constitute part of this amendment.

Part "B", the Amendment, consisting of the following text and map (designated Schedule "A") constitutes Amendment No. 67 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area.

Also attached is Part "C", the Appendices, which do not constitute part of this amendment. These Appendices (1 through 3 inclusive) contain the background data, planning considerations and public involvement associated with this amendment.

SECTION 2

PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to change the land use designation of the subject lands shown on Schedule "A" attached hereto from "Medium Density Residential" to "Site Specific Policy Area 43 - 97 Gorham Road" to facilitate the development of two four storey apartment buildings with a total of 72 residential dwelling units.

SECTION 3

LOCATION OF THIS AMENDMENT

The lands, which are the subject of this amendment, are municipally known as 97 Gorham Road and are located on the west side of Gorham Road as shown on Schedule "A" attached hereto.

SECTION 4

BASIS OF THIS AMENDMENT

Subsection 13.7(III) of the Official Plan adopted by By-law No. 150-06 of the Fort Erie planning area provides that amendments may be made to the Official Plan. Policies in Subsection 13.7(III) have been considered in the preparation of this amendment and the following factors have been reviewed in supporting this amendment to the Official Plan:

a) The need for the proposed use:

There is need in Ridgeway and in the Town of Fort Erie in general for provision of additional rental units. According to the most recent data available from the Canadian Mortgage and Housing Corporation (CMHC) dated October 2021, there are approximately 489 apartment rental units in Fort Erie and the vacancy rate is 2.4%. This development will add 72 rental units, representing an increase of 14.7% to the Town's overall apartment rental unit availability.

The Ridgeway-Thunder Bay Secondary Plan Medium Density Residential land use designation also intends for apartments on the subject property and this proposal will assist the Town in achieving that Secondary Plan's goal of 610 new medium density residential units in the neighbourhood over the long term. This proposal will assist in reaching that goal.

b) The extent to which the existing areas in the proposed categories are developed, and the nature and adequacy of such existing development:

Currently the existing area is considered to be underutilized, consisting mainly of single detached dwellings on large lots and existing commercial uses. The site is currently occupied by two single storey apartment buildings which were formerly a motel. The Ridgeway-Thunder Bay Secondary Plan has identified the area as being sufficient for a cluster of medium density residential development. Aside from this site, the lands across the street on the east side of Gorham Road and north of Farr Avenue have also been designated medium density residential. There are also five parcels on the south side of Farr Avenue between Gorham Road and Ridge Road North to the east that have been designated for medium density residential use. Further, staff note that the large agricultural parcel to the west of the subject property is now within the Urban Boundary following the recent approval of the Niagara Official Plan. This area of the Ridgeway-Thunder Bay neighbourhood is intended for intensification over the long term.

c) The physical suitability of the land for such proposed use, and in the case of lands exhibiting or abutting a Natural Heritage feature, demonstration of compliance with the Natural Heritage policies of this plan:

The subject lands are well suited for medium density residential development such as the proposed apartment buildings. The subject property is located near public open space and commercial amenities associated with downtown Ridgeway to the east and the Gorham Commercial Gateway and Friendship Trail to the north. The increased density of the proposal will require some zoning relief for a reduced number of parking spaces, primarily visitor

parking. There is enough landscaped area and private amenity area on-site for the future residents.

Circulation of Niagara Region and the Niagara Peninsula Conservation Authority have indicated that there are no significant natural features on the subject lands.

d) The location of the area under consideration with respect to:

- (i) the adequacy of the existing and proposed highway system in relation to the development of such proposed areas,**
- (ii) the convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety in relation thereto, and**
- (iii) the adequacy of the potable water supply, sewage disposal facilities, and other municipal services in view of the policies contained in this Plan and in accordance with technical reports or recommendations of the Ministry of the Environment and the Regional Niagara Health Services Department and any other appropriate authority deemed advisable;**

The subject property is located on the west side of Gorham Road and slightly north of Farr Avenue. Gorham Road is an arterial road and provides access to Highway 3/Garrison Road and the QEW to the north and Crystal Beach to the south. The Applicant's revised development plan has moved the access driveway to the site to the north to improve visibility and increase distance from the Gorham Road/Farr Avenue intersection. Gorham Road features paved shoulders lending itself to active transportation by bicycle and a sidewalk is available on the east side of Gorham Road.

e) The compatibility of the proposed use with uses in adjoining areas:

The proposed development is compatible with the other residential land uses in the area. The former lands to the west are now also within the Urban Boundary following the approval of the Niagara Official Plan.

f) The effects of such proposed use on the surrounding area in respect of the minimizing of any possible depreciating or deteriorating effect upon adjoining properties:

The Applicant has revised the proposed site plan to relocate the apartment dwellings as far away as possible from the single detached dwellings to the north, which will mitigate privacy and shadowing impacts. Fencing and landscaping along the northern lot line will also be utilized to minimize impacts to the single detached dwelling to the north. No depreciating or deteriorating effects are anticipated on the lands to the west and south, which are currently vacant.

g) The potential effect of the proposed use on the financial position of the Municipality:

This proposal will improve the financial position of the Town through development charges and long-term collection of property taxes from the proposed apartment buildings.

h) The potential effect of the proposed use in relation to the intent and implementing regulations of the Environmental Protection Act.

Consultation with the Niagara Peninsula Conservation Authority (NPCA) and Niagara Region have verified that there are no natural heritage or NPCA-regulated features on the subject property. The Applicant has completed a Tree Preservation Plan (TPP) that contains recommendations for protection of trees on the parcel to the west and south. No conflicts with the Environmental Protection Act are anticipated from this development.

SECTION 5

IMPLEMENTATION AND INTERPRETATION

The relevant policies of the Official Plan adopted by By-law No. 150-06 of the Fort Erie planning area shall apply to the implementation and interpretation of this Amendment.

PART "B" - THE AMENDMENT

All of this part of the document entitled "Part "B" - "The Amendment" consisting of the following policies and attached maps designated as Schedule "A" (Land Use Plan) constitute Amendment No. 67 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area. The Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area is hereby amended as follows:

1. The subject lands described as Part 1 on Schedule "A" attached hereto are hereby redesignated to:

Site Specific Policy Area 43 - 97 Gorham Road

1. The subject lands shall generally be governed by the Medium Density Residential policies of Section 4.18.7 of the Ridgeway-Thunder Bay Secondary Plan.
2. Notwithstanding the density provisions identified on Schedule RTB-2 as Residential - Medium Density (25 - 75 units/ha) and the density policy provisions of Section 4.18.7 (b) of the Ridgeway-Thunder Bay Secondary Plan the subject lands described on the attached Schedule "A" shall be allowed to develop to a maximum density of 111.3 units/ha.

PART “C” - THE APPENDICES

- Appendix 1 - Notice of Public Meeting
- Appendix 2 - Public Meeting Minutes
- Appendix 3 - Circulation comments



SCHEDULE "A"



0 25 50 Metres

By-law No. xx-2023
THIS SKETCH FORMS PART OF SCHEDULE "A" TO THE OFFICIAL PLAN
PASSED THIS 27TH DAY OF FEBRUARY, 2023



-  Subject Lands - 97 Gorham Road
-  Change from Residential - Medium Density to Site Specific Policy Area 43



NOTICE OF COMPLETE APPLICATION AND PUBLIC MEETING


Owner: Bomofive Inc. (Ross Bomcore and Kam Mofid)
Agent: Urban Environments (Greg Hynde)
97 Gorham Road
Combined Official Plan & Zoning By-law Amendment
Application

Application File Nos: 350302-0133 & 350309-0501

DATE: MAY 9, 2022
TIME: 6:00 PM
LOCATION: MUNICIPAL TOWN HALL COUNCIL CHAMBERS

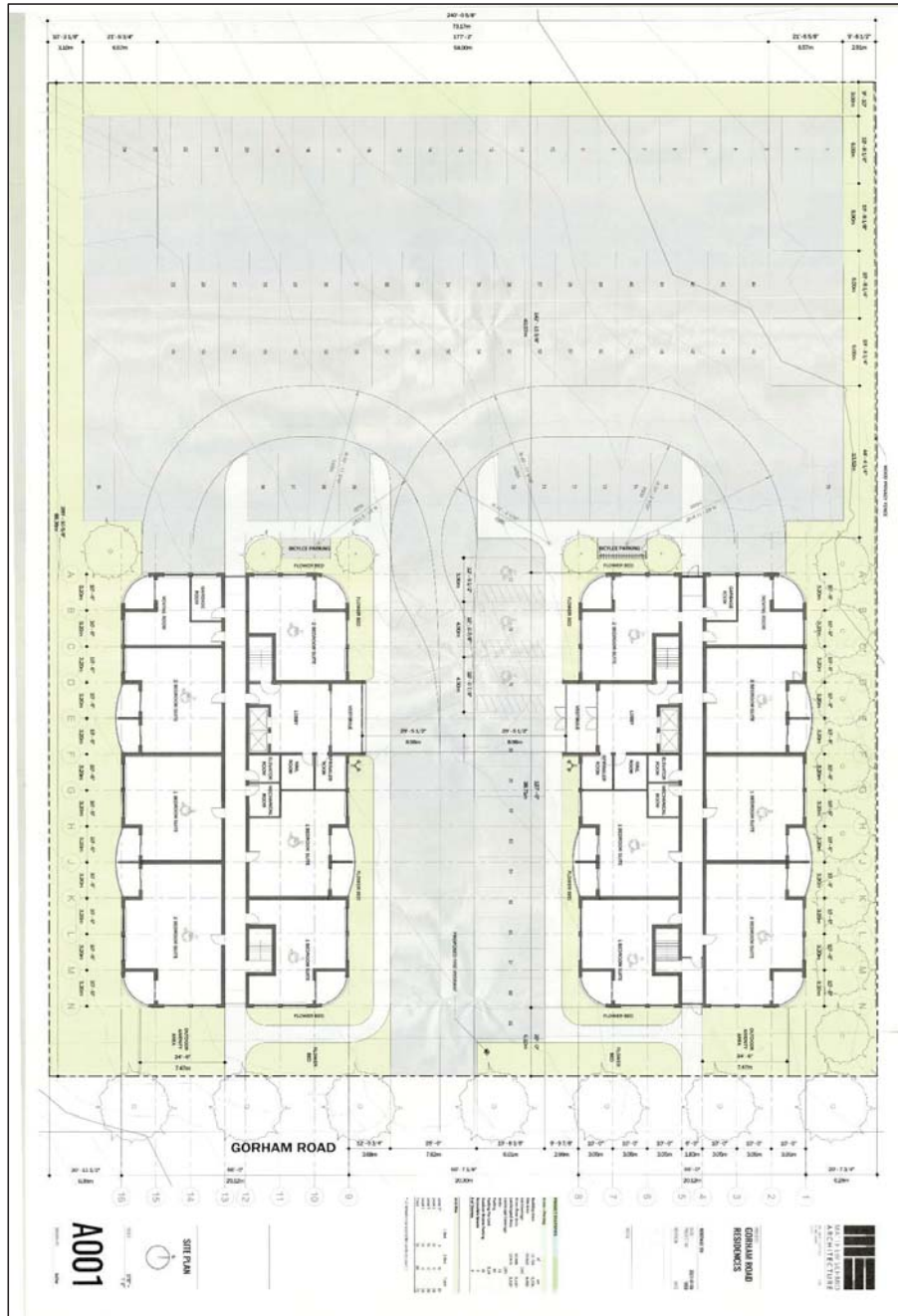
	<p><u>LOCATION OF SUBJECT LANDS</u></p>
	<p><u>PROPOSED CHANGE</u></p> <p>A Combined Official Plan and Zoning By-law Amendment is requested to facilitate development of two apartment buildings that are four storeys in height on the parcel municipally known as 97 Gorham Road. A total of 72 dwelling units are proposed for the development.</p> <p>The lands are located within the Urban Area and are currently designated Medium Density Residential in the Ridgeway-Thunder Bay Secondary Plan. Apartments are permitted in the Medium Density land use designation. An Official Plan Amendment is required as the Medium Density Residential land use designation limits the maximum density to a maximum of 75 units/hectare. This development proposes a density of 111.3 units/hectare.</p> <p>The lands are currently zoned Residential Multiple 1 (RM1-508) Zone in accordance with the Town's Zoning By-law No. 129-90. This proposal seeks to change the zoning from Residential Multiple 1 (RM1-508) Zone to a site-specific Residential Multiple 2 (RM2) Zone that contains provisions for the following:</p> <ul style="list-style-type: none"> • to permit reduced lot area of 6,468.00 sq m for 72 dwelling units (111.30 units/hectare); • reduced amount of on-site parking spaces to 89 (1.24 parking spaces per dwelling unit) and; • reduced front yard setback of 6.00 m.
	<p><u>GETTING MORE INFORMATION</u></p> <p>Input on the Zoning By-law Amendment is welcome and encouraged. You can provide input by speaking at the public meeting or by making a written submission to the Town. Please note that unless you do one of the above now, you may not be able to appeal the decision later.</p>

APPENDIX "1"

	<p>A copy of the Information Report will be available to the public by 5:00 PM on May 4, 2022. The information report will be available in the Council agenda portion of the Town's Web Site: www.forterie.ca or by contacting Daryl Vander Veen, Junior Planner.</p> <p><u>CONTACT INFORMATION</u></p> <p>Daryl Vander Veen, Junior Development Planner Planning and Development Services Department Town Hall, 1 Municipal Centre Drive Fort Erie, Ontario L2A 2S6 905-871-1600 ext. 2509 Or by e-mailing your comments to: dvanderveen@forterie.ca</p> <p><u>PROVIDING YOUR COMMENTS OR REQUESTING NOTICE OF DECISION</u></p> <p>To provide input in writing, or to request written notice of the decision of the combined Official Plan and Zoning By-law Amendment, please send a letter c/o Carol Schofield, Manager, Legislative Services/Clerk, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to cschofield@forterie.ca</p>
	<p><u>PLANNING ACT LEGAL NOTICE REQUIREMENTS</u></p> <p>The Town of Fort Erie has not yet made a decision regarding this application. After considering any written comments and the comments from the public meeting, a Recommendation Report will be prepared for a future Council-in-Committee meeting.</p> <p>If a person or public body would otherwise have an ability to appeal the decision of the Town of Fort Erie's Municipal Council to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written statements to the Town of Fort Erie before the by-law is passed, the person or public body is not entitled to appeal the decision.</p> <p>If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Town of Fort Erie before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.</p> <p>For more information about this matter, including information about appeal rights, please send a letter c/o Carol Schofield, Manager, Legislative Services/Clerk, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to cschofield@forterie.ca</p> <p>Notice dated April 14, 2022.</p>

APPENDIX "1"

SCHEDULE 1



Council-in-Committee - 09 May 2022 Meeting Minutes

contract services to the Fort Erie SPCA. He abstained from discussing the matter.

(b) Councillor Dubanow

Councillor Dubanow declared a pecuniary interest with respect to Report Nos. PDS-26-1-2022 and PDS-26-2022 Re: Supplemental Report and Report respectively, Animal Care and Control Services Award of Contract, as the company he works for provides contract services for the Fort Erie SPCA. He abstained from discussing and voting on the matters.

(d) Mayor Redekop

Mayor Redekop declared a pecuniary interest with respect to Item No. 10.1 (a) delegation by Kim Helsdon and Brian Maskell, and under Item No. 10.2: Item 1) 5) Report No. CAO-28/LC-2021 Land Committee Minutes December 2, 2021, and Item No. 3) 16) Report No. CAO-06/LC-09-2022, as he previously represented the parties in a legal capacity and has declared a pecuniary interest on this issue in the past. He abstained from discussing and voting on the matters.

5. Notice of Upcoming Public Meetings

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

Re: 124 Windmill Point Road South - Owner: Craig and Katie Kuhn - Agent: Quartek Group Inc. (Susan Smyth) - Monday, May 30, 2022 - 6:00 p.m. The information report will be available by 5:00 p.m. on May 26, 2022.

(b) Proposed Draft Plan of Subdivision, Official Plan and Zoning By-law Amendments

Re: 0-17482 & 0-17484 Black Creek Road - Owner: 5009823 Ontario Inc. (Capital Contracting) - Agent: Matt Kernahan (Upper Canada Consultants) - Monday, May 30, 2022 - 6:00 p.m. The information report will be available by 5:00 p.m. on May 26, 2022.

6. Public Meetings

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

Re: 97 Gorham Road - Owner: Bomofive Inc. (Ross Bomcore and Kam Mofid) - Agent: Urban Environments (Greg Hynde). The

Council-in-Committee - 09 May 2022 Meeting Minutes

Applicant's request is to amend the Official Plan Medium Density Residential land use designation which limits the maximum density to a maximum of 75 units/hectare and this development proposes a density of 111.3 units/hectares. The Applicant's request is also to rezone the subject property from Residential Multiple 1 (RM1-508) Zone to a site-specific Residential Multiple 2 (RM2) Zone that contains provisions to permit reduced lot areas, reduced amount of on-site parking and reduced front yard setback. The amendments will facilitate development of two four storey apartment buildings.

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

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

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

Greg Hynde, Urban Environments (Agent), and Matthew Schmid of Matthew Schmid Architecture Inc. (Architect) were present to speak on behalf of the Application.

Mr. Hynde provided the following comments:

- The site is the conversion from motel units to apartment rentals with parking in the front, and on the side, and 1 building.
- The recommendation is instead of 1 building on the site, it is split into 2 for the streetscape, and the building placement is closer to the road for parking in the rear.
- Internal sidewalks will be put in, connecting the parking lots with the street, and landscaping and fencing would be included.
- The traffic consultant advised that the traffic is operationally sufficient, structurally sound, and the roadway is able to accommodate the traffic.
- They will only use 4.2 % of the sewer's capacity and the driveways and parking lot are going to serve as partial detention of storm water.
- There were problems with environmental issues such as oil, heating, and lead paint that will be replaced with new development and environmentally sensitive materials.

Mr. Schmid provided a PowerPoint Presentation and the following commentary:

APPENDIX "2"

Council-in-Committee - 09 May 2022 Meeting Minutes

- The development consists of twin apartment 4 story buildings located to the north and south, and are short in dimension maintaining the required setbacks.
- Accessible parking paths of travel and accessible units are provided to maximise convenience for people with mobility challenges.
- There is a classic AB rhythm created down the length of each building, with the recessed balconies and a glazed facade that creates a sense of lightness.
- The landscape plan involves creating a vegetation buffer around the building consisting of ornamental trees, flower beds, a privacy screen of trees and a wood fence.
- An analysis was run on shadows, and the outcome is that there was little to no impact on neighbouring properties.

Mayor Redekop enquired whether there were any members of the public who wish to speak in favour of the Application.

No members of the public came forward.

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

Available for viewing on the Town's YouTube Channel:

www.youtube.com/townofforterie

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

(a) *Jean-Claude LeLay, 113 Gorham Road, Ridgeway

- The proposed development does not fit with the feel of "small town Ridgeway".
- The Official Plan only allows for 89 parking spots and there are 72 dwellings with possibly 150 – 200 people.
- Concerned with parking, traffic, safety and privacy.

(b) *Pat Huffman, 104 Gorham Road

- The property is 2/3 hectare in size.
- The proposal is to exceed the limits of a full hectare in the number of dwelling units, the amount of on-site parking spaces, and the front yard setback.
- Safety concerns with no sidewalks, increased traffic, and the location of the driveway / entrance.

Council-in-Committee - 09 May 2022 Meeting Minutes

(c) Geoffrey Aldridge, 3765 Rebstock Road, Crystal Beach

Mr. Aldridge provided a PowerPoint Presentation and the following commentary:

- The 3 proposed amendments are: 6 m front vs 7.5, 1.24 parking spaces vs 1.5, and 111.3 u/ha vs (max) 75.
- Concerned with municipal water and sanitary sewer capacity, vegetation, traffic, no sidewalks, and impact on neighbours.
- Evans Planning Inc. requested that the lands be added to the Region's and Town's urban settlement area.

Mayor Redekop enquired whether the Clerk received any written submissions subsequent to the posting of the Report. The Clerk advised that she received a written submission from Faith Blacquiere, Kanata, ON, which will be appended to the Minutes.

Mayor Redekop declared the Public Meeting closed.

Council recessed at 8:20 p.m. for 10 minutes.

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

Re: 3914 Alexandra Road - Owner: Centurion Building Corporation. The Applicant's request is to rezone the subject property from Residential 2 (R2) Zone to Residential 2B (R2B) Zone which permits a minimum lot frontage of 10.00 m to construct a one-story single detached dwelling on the existing undersized lot.

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

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

Matt Kernahan Upper Canada Consultants (Agent), was present to speak on behalf of the Application. He provided a PowerPoint Presentation and the following commentary:

- The property is made up of 2 full lots from the original subdivision. The existing dwelling and detached garage are both located entirely on lot 239, and the applicant is seeking to construct a single detached dwelling on lot 240.

APPENDIX "3"

Re: Request for comments - proposed Combined Official Plan & Zoning By-law Amendment, 97 Gorham Road, Town of Fort Erie (file nos. 350309-0501 & 350302-0133) Email 1 of 2

Craig Krueger to: Daryl Vander Veen 2022-04-26 01:34 PM

From: "Craig Krueger" <craig.krueger@cogeco.com>

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

Thank you. Cogeco has no issues with this.

Craig

On Mon, Apr 25, 2022 at 3:27 PM Daryl Vander Veen <DVanderVeen@forterie.ca> wrote:

Good afternoon,

A complete application for a Combined Official Plan and Zoning By-law Amendment has been received from Greg Hynde of Urban Environments for 97 Gorham Road. The Owner is Bomofive Inc. (Ross Boncore & Kam Mofid).

The Official Plan Amendment proposes to permit an increase in density on the subject property to 111.30 units/hectare. The subject property is currently designated Medium Density Residential and Environmental Conservation in the Ridgeway-Thunder Bay Secondary Plan. The Medium Density Residential land use designation is reserved for multiple-unit structures including apartment dwellings. The Secondary Plan envisions a density of 25 to 75 units/hectare on areas designated Medium Density Residential. An Official Plan Amendment is required to permit the increased density.

The current zoning of the subject property is Residential Multiple 1 (RM1-508) Zone and Environmental Conservation (EC) Overlay Zone in accordance with the Town's Zoning By-law No. 129-1990. The existing zoning permits apartment dwellings up to four storeys in height. This Zoning By-law Amendment proposes to change the zoning of the subject lands from Residential Multiple 1 (RM1-508) Zone to a site-specific Residential Multiple 2 (RM2) Zone with special provisions to implement the Applicant's development plan. The proposed site-specific RM2 zoning contains the following additional special provisions:

- reduced lot area of 6,468.00 sq m for 72 dwelling units (111.30 units/hectare);
- reduced amount of on-site parking spaces to 89 (1.24 parking spaces per dwelling unit) and;
- reduced front yard setback of 6.00 m.

The following documents are submitted for your review. The attachments will be sent out in two parts due to file size limitations.

0. Pre-consultation Agreement - 97 Gorham Road
1. Application for Combined Official Plan & Zoning By-law Amendment
2. Planning Justification Report
3. Site Plan, Floor Plans & Elevations
4. Survey
5. Technical Studies

Please provide any comments you have on the application no later than **Monday, May 16, 2022**. If your agency has a review fee it has been mailed to your attention. Please contact me if you have any questions or require any further information.

Regards,

Daryl

Daryl Vander Veen, BES
Junior Planner

APPENDIX "3"

RE: [External] Request for comments - proposed Combined Official Plan & Zoning By-law Amendment, 97 Gorham Road, Town of Fort Erie (file nos. 350309-0501 & 350302-0133) Email 1 of 2

Municipal Planning to: Daryl Vander Veen 2022-04-25 04:08 PM
 From: "Municipal Planning" <MunicipalPlanning@enbridge.com>
 To: "Daryl Vander Veen" <DVanderVeen@forterie.ca>

Thank you for your circulation.

Enbridge Gas Inc. does not object to the proposed application however, we reserve the right to amend our development conditions.

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

Regards,

Casey O'Neil (she/her)
 Sr Analyst Municipal Planning
 Engineering

—
ENBRIDGE
 TEL: 416-495-5180
 500 Consumers Rd, North York, ON M2J1P8
enbridge.com
 Safety. Integrity. Respect. Inclusion.

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

Sent: Monday, April 25, 2022 3:28 PM

Subject: [External] Request for comments - proposed Combined Official Plan & Zoning By-law Amendment, 97 Gorham Road, Town of Fort Erie (file nos. 350309-0501 & 350302-0133) Email 1 of 2

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.

Good afternoon,

A complete application for a Combined Official Plan and Zoning By-law Amendment has been received from Greg Hynde of Urban Environments for 97 Gorham Road. The Owner is Bomofive Inc. (Ross Boncore & Kam Mofid).

The Official Plan Amendment proposes to permit an increase in density on the subject property to 111.30 units/hectare. The subject property is currently designated Medium Density Residential and Environmental Conservation in the Ridgeway-Thunder Bay Secondary Plan. The Medium Density Residential land use designation is reserved for multiple-unit structures including apartment dwellings. The Secondary Plan envisions a density of 25 to 75 units/hectare on areas designated Medium Density Residential. An Official Plan Amendment is required to permit the increased density.

The current zoning of the subject property is Residential Multiple 1 (RM1-508) Zone and Environmental Conservation (EC) Overlay Zone in accordance with the Town's Zoning By-law No. 129-1990. The existing zoning permits apartment dwellings up to four storeys in height. This Zoning By-law Amendment proposes to change the zoning of the subject lands from Residential Multiple 1 (RM1-508) Zone to a site-specific Residential Multiple 2 (RM2) Zone with special provisions to implement the Applicant's development plan. The proposed site-specific RM2 zoning contains the following additional special provisions:

APPENDIX "3"

RE: Request for comments - proposed Combined Official Plan & Zoning By-law Amendment, 97 Gorham Road, Town of Fort Erie (file nos. 350309-0501 & 350302-0133) Email 1 of 2

Sarah Mastroianni to: Daryl Vander Veen 2022-04-26 03:42 PM

From: "Sarah Mastroianni" <smastroianni@npca.ca>

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

Hi Daryl,

NP NPCA concerns with this property.

Thanks.

Sarah Mastroianni
 Manager, Planning and Permits
 Niagara Peninsula Conservation Authority (NPCA)
 250 Thorold Road West, 3rd Floor | Welland, ON L3C 3W2
 Tel: 905-788-3135 | extension 249
smastroianni@npca.ca
www.npca.ca

NPCA Watershed Explorer

Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. The NPCA main office is open by appointment only with limited staff, please refer to the Staff Directory and reach out to the staff member you wish to speak or meet with directly.

Updates regarding NPCA operations and activities can be found at Get Involved NPCA Portal, or on social media at facebook.com/NPCAOntario & twitter.com/NPCA_Ontario.

For more information on Permits, Planning and Forestry 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 155/06 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>.

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

Sent: April 25, 2022 3:28 PM

Subject: Request for comments - proposed Combined Official Plan & Zoning By-law Amendment, 97 Gorham Road, Town of Fort Erie (file nos. 350309-0501 & 350302-0133) Email 1 of 2

Good afternoon,

A complete application for a Combined Official Plan and Zoning By-law Amendment has been received from Greg Hynde of Urban Environments for 97 Gorham Road. The Owner is Bomofive Inc. (Ross Boncore & Kam Mofid).

The Official Plan Amendment proposes to permit an increase in density on the subject property to 111.30

APPENDIX "3"

units/hectare. The subject property is currently designated Medium Density Residential and Environmental Conservation in the Ridgeway-Thunder Bay Secondary Plan. The Medium Density Residential land use designation is reserved for multiple-unit structures including apartment dwellings. The Secondary Plan envisions a density of 25 to 75 units/hectare on areas designated Medium Density Residential. An Official Plan Amendment is required to permit the increased density.

The current zoning of the subject property is Residential Multiple 1 (RM1-508) Zone and Environmental Conservation (EC) Overlay Zone in accordance with the Town's Zoning By-law No. 129-1990. The existing zoning permits apartment dwellings up to four storeys in height. This Zoning By-law Amendment proposes to change the zoning of the subject lands from Residential Multiple 1 (RM1-508) Zone to a site-specific Residential Multiple 2 (RM2) Zone with special provisions to implement the Applicant's development plan. The proposed site-specific RM2 zoning contains the following additional special provisions:

- reduced lot area of 6,468.00 sq m for 72 dwelling units (111.30 units/hectare);
- reduced amount of on-site parking spaces to 89 (1.24 parking spaces per dwelling unit) and;
- reduced front yard setback of 6.00 m.

The following documents are submitted for your review. The attachments will be sent out in two parts due to file size limitations.

0. Pre-consultation Agreement - 97 Gorham Road
1. Application for Combined Official Plan & Zoning By-law Amendment
2. Planning Justification Report
3. Site Plan, Floor Plans & Elevations
4. Survey
5. Technical Studies

Please provide any comments you have on the application no later than **Monday, May 16, 2022**. If your agency has a review fee it has been mailed to your attention. Please contact me if you have any questions or require any further information.

Regards,

Daryl

Daryl Vander Veen, BES
Junior Planner

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

Thanks for connecting.

For up-to-date information about the Town of Fort Erie's response to the COVID-19 virus, please visit <https://www.forterie.ca/pages/Covid19News>

APPENDIX "3"

We also strongly encourage you to stay-up-to-date with the latest advice from Niagara Region Public Health at <https://www.niagararegion.ca/health/covid-19/default.aspx>

All critical services, including water and wastewater and road operations as well as fire services will continue to operate to support our community. For after-hours services, including road or wastewater operations, please call 905-871-1600. For emergency assistance from fire services please call 911.

As many Town staff are focusing on emergency management at this time, we thank you in advance for your patience.

Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. The NPCA main office is open by appointment only with limited staff, please refer to the [Staff Directory](#) and reach out to the staff member you wish to speak or meet with directly. Our Conservation Areas are currently open, but may have modified amenities and/or regulations.

Updates regarding NPCA operations and activities can be found at [Get Involved NPCA Portal](#), or on social media at [NPCA's Facebook Page](#) & [NPCA's Twitter page](#).

The information contained in this communication, including any attachment(s), may be confidential, is intended only for the use of the recipient(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure of this communication, or any of its contents, is prohibited. If you have received this communication in error, please notify the sender and permanently delete the original and any copy from your computer system. Thank-you. Niagara Peninsula Conservation Authority.

Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
 (905) 980-6000 Toll-free: 1-800-263-7215

Via Email

June 6, 2022

File: D.10.01.OPA-22-0015
 D.18.01.ZA-22-0040

Mr. Daryl Vander Veen
 Junior Development Planner
 Town of Fort Erie
 1 Municipal Centre Drive
 Fort Erie, ON, L2A 2S6

Dear Mr. Vander Veen:

**Re: Regional and Provincial Review Comments
 Local Official Plan Amendment & Zoning By-law Amendment
 Town Files: 350309-0501 & 350302-0133
 Owner: Bomofive Inc. (c/o Ross Boncore & Kam Mofid)
 Agent: Urban Environments (c/o Greg Hynde)
 97 Gorham Road
 Town of Fort Erie**

Regional Planning and Development Services staff has reviewed proposed concurrent Local Official Plan and Zoning By-law Amendment Applications for 97 Gorham Road located in the Town of Fort Erie. Regional staff received circulation of the applications on April 25, 2022, with payment of the required review fees on June 3, 2022.

The Applicant is proposing to permit an increase in density on the property to 111.30 units/hectare. The property is currently designated "Medium Density Residential" and "Environmental Conservation" in the Ridgeway-Thunder Bay Secondary Plan ("Secondary Plan"). The Medium Density Residential land use designation is reserved for multiple-unit structures including apartment dwellings. The Secondary Plan envisions a density of 25 to 75 units/hectare on areas designated Medium Density Residential. The Local Official Plan Amendment is required to permit the increased density.

The property is zoned as "Residential Multiple 1 (RM1-508) Zone" and "Environmental Conservation (EC) Overlay Zone" in accordance with the Town's Zoning By-law (No. 129-1990), as amended. The existing zoning permits apartment dwellings up to 4-storeys in height. The Applicant is proposing a Zoning By-law Amendment to change the current zoning of the property from "Residential Multiple 1 (RM1-508) Zone" to a "Site-Specific Residential Multiple 2 (RM2) Zone" with special provisions to that include

APPENDIX "3"

D.10.01.OPA-22-0015

D.18.01.ZA-22-0040

June 6, 2022

- a reduced lot area of 6,468.00m² for 72 dwelling units (111.30 units/hectare)
- a reduced amount of on-site parking spaces to 89 (1.24 parking spaces per dwelling unit) and;
- a reduced front yard setback of 6.00m.

A pre-consultation meeting for these applications was held on October 10, 2019 with the Regional staff, Town staff, and Agent in attendance. The following comments are provided from a Provincial and Regional perspective to assist Council in its consideration of these applications.

Regional and Provincial Policies

The lands are designated "Settlement Area" within the *Provincial Policy Statement, 2020* ("PPS"), "Delineated 'Built-Up' Area" within the *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan"), and "Urban (Built-Up) Area" of the *Regional Official Plan* ("ROP"). Provincial policies direct growth to Settlement Areas and the Delineated Built-Up Area that provide for an appropriate range and mix of housing types and the efficient use of existing servicing, infrastructure, and public service facilities. Within Delineated Built-Up Areas, intensification and infill in a compact-built form is encouraged that offers a mix of uses at an appropriate scale and transition that respects the surrounding urban fabric.

Regional staff has reviewed the "*Planning Justification Report*" prepared by Urban Environments (dated December 23, 2021) and is satisfied that the proposed amendments will not establish new uses that are less compatible with nearby existing and planned uses. Additionally, the proposed amendments will permit residential uses that contribute to the diversification of Niagara's housing supply (apartment units) and will utilize existing municipal infrastructure. The proposed development will support the Town in achieving its intensification target (15%) as set out in the ROP.

As such, Regional staff does not object, in principle, to the proposed amendments as they are consistent with the PPS and conform to Provincial and Regional growth management policies, subject to the comments below.

Site Condition

The proposed amendments involve the conversion of a commercial use (motel) into a more sensitive (residential) use. In accordance with the *Environmental Protection Act* and Ontario Regulation 153/04 ("O. Reg. 153/04"), as amended, a change in land use of this nature requires obtaining a Record of Site Condition ("RSC") to demonstrate that site's condition meets the appropriate standards to safeguard the health and safety of the future occupants / users of the proposed use.

APPENDIX "3"

D.10.01.OPA-22-0015

D.18.01.ZA-22-0040

June 6, 2022

Regional staff has reviewed the “*Phase One Environmental Site Assessment*” and “*Phase Two Environmental Site Assessment*” (“ESA”) prepared by Hallex Environmental Ltd. (dated March 17, 2020 and September 25, 2020 respectively). The Phase One ESA confirmed that the property could be impacted by a historic potentially contaminating activity involving aboveground storage tanks that typically store heating oil. The Phase One ESA recommended that a Designated Substance and Hazardous Materials Survey and Phase Two ESA be conducted to determine to validate the presence or absence of contaminants on site.

The Phase Two ESA consisted of an investigation that was comprised of a total of 5 boreholes drilled to a maximum depth of approximately 6.1m below ground surface, with soil samples being collected at 0.6m intervals. Groundwater monitoring wells were installed into 3 of the boreholes. The analysis of the boreholes was completed in accordance with the Ministry of the Environment, Conservation and Parks (“MECP”) Soil, Groundwater and Sediment Standards for Use under Part XV.1 of the *Environmental Protection Act*, while the site was compared to Table 3: Full Depth Generic Site Condition Standards in a Non-Potable Ground Water Condition, Residential Land Use, site conditions standards for soil and groundwater samples.

The findings of the Phase Two ESA concluded that all soil and groundwater samples met the MECP’s Table 3 requirements. Based on these results, the Phase Two ESA concluded that the property is suitable for residential land use with no further environmental work required.

In accordance with the *Environmental Protection Act* and O. Reg. 153/04, a RSC shall be obtained for the proposed change in land use and be provided to the Town and Region. Regional staff also requires that a Letter of Reliance from a Qualified Professional be submitted for the Phase One and Phase Two ESAs which indicates that despite any limitations or qualifications included in the assessments, that the Region is authorized to rely on all information and opinions provided in these reports. Staff acknowledge that these requirements can be addressed through conditions of the future Site Plan Agreement.

Archaeological Resources

The PPS and ROP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

Regional staff has reviewed the “*Stage 1-2 Archeological Assessment*” prepared by Detritus Consulting Ltd. (dated April 15, 2020), which was required for the application due to the presence of registered archaeological sites and natural watercourse features within 300m of the property. Its methodology consisted of background research of the

APPENDIX "3"

D.10.01.OPA-22-0015

D.18.01.ZA-22-0040

June 6, 2022

property and the surrounding area, field assessment, and a test pit survey at 5m intervals between individual test pits. The Assessment was scoped to a Study Area that consisted of previously undisturbed areas of the site and resulted in the identification or discovery of no archaeological resources on the property.

At this time, Regional staff has not been provided with a Letter of Acknowledgement from the Ministry of Heritage, Sport, Tourism and Cultural Industries ("MHSTCI") for the completed Stage 1-2 Archaeological Assessment. This letter is necessary to confirm that all archaeological resource concerns have met the Ministry's licensing and resource conservation requirements.

Regional staff acknowledge that the proposed development will require future *Planning Act* Applications (i.e., Site Plan) and note that this requirement can be addressed through a condition of Agreement. Similarly, in recognizing that no archaeological assessment regardless of its intensity can entirely negate the possibility of deeply buried archaeological materials, Regional staff will require that a standard archaeological clause is also included within the future Agreement.

Therefore, Regional staff offer no further archaeological requirements for the proposed Local Official Plan Amendment and Zoning By-law Amendment Applications.

Core Natural Heritage

The property is impacted by the Region's Core Natural Heritage System ("CNHS"), consisting of Significant Woodland located adjacent to the subject lands. As such, consistent with ROP Policy 7.B.1.11, an Environmental Impact Study ("EIS") is typically required in support of site alteration and/or development proposed within 50m of Significant Woodland to demonstrate that there will be no significant negative impact on the feature or its ecological function.

Staff completed a site walk of the property with the Agent on November 15, 2019, and determined that due to the scope, nature, and location of the proposal that the requirement for an EIS could be scoped to the completion of Tree Saving Plan ("TSP"). Staff has reviewed the TSP prepared by Natural Resource Solutions Inc. (dated September 2021), and offer no objection to the findings and/or recommendations contained within the Plan.

In summary, Environmental Planning staff does not object to the proposed amendments, in principle, and will provide conditions of approval at the time that the future Site Plan Application is circulated to ensure that the recommendations of the TSP are sufficiently implemented.

Staff note that the TSP includes a recommendation to develop a Landscape Plan for the subject lands to address the tree removals required to facilitate the proposed development of the subject lands. Therefore, a Landscape Plan should be prepared by

APPENDIX "3"

D.10.01.OPA-22-0015

D.18.01.ZA-22-0040

June 6, 2022

a Qualified Professional as part of the next submission that adequately addresses the recommendations as contained within the TSP.

Site Servicing

Based on the Region's *Master Servicing Plan, 2016* ("MSP"), the property is located within Nigh Road Sewage Pumping Station ("SPS") sewershed. This sewershed has been allocated growth out to the year 2041 in consultation and collaboration with the Town. The MSP was completed at a high level and did not allocate capacities to individual properties.

Currently, the MSP has identified a future upgrade to the Nigh Road SPS to upgrade the capacity from 29 L/sec to 45 L/sec; however, it was noted that flow monitoring and I/I Study was to be completed in order to assess whether the upgrade is required before the project was scheduled for design and construction. The MSP can be found at the following link <http://www.niagararegion.ca/2041/master-servicing-plan/default.aspx>.

An update to the MSP is currently underway and the project information can be found at the following link: <https://niagararegion.ca/projects/www-master-servicing-plan/default.aspx>.

Review of Functional Servicing Report

Regional staff has reviewed the "*Functional Servicing Report*" ("FSR") prepared by Quartek (dated July 2021) and note that the anticipated peak flow from the total development is 3.78 L/sec; however, the timing for the project was not included. Regional staff requests that the consultant provide further timing for the anticipated flows from the development with the future *Planning Act* Application (i.e., Site Plan).

The Applicant is advised that the report has been provided to the Region's Water / Wastewater staff for review in order to understand whether the current flows and the anticipated flows are acceptable.

For information purposes, it is noted that review and design of the Nigh Road SPS upgrade is scheduled for late 2022, with construction commencing in 2025. The timing of this project is subject to changing pending budget approval by Regional Council.

Stormwater Management

Regional staff has reviewed the FSR prepared by Quartek (dated July 2021) and understand that the development is proposing to install new storm sewers and outlet to the northwest across other adjacent private land. Regional staff request clarifications with regards to how the existing site stormwater is accommodated to its outlet. Further, staff offer the following comments for information purposes to assist the Applicant with the preparation of a Detailed Site Plan:

APPENDIX "3"

D.10.01.OPA-22-0015

D.18.01.ZA-22-0040

June 6, 2022

- Stormwater runoff shall be captured and treated to a Normal Level of protection prior to discharge from the site. Staff encourages the Applicant to incorporate Low Impact Development stormwater management measures in site design.
- If the development will discharge to the adjacent private land:
 - a) Assurance that the Owner of adjacent property is aware of the development proposal, the intended outlet location, and the proposed Stormwater Management Plan for the development.
 - b) Post-development flow be controlled to pre-development level for the 2-year up to and including the 100-year storms prior to discharge from the site.
 - c) Stormwater outlet installation provides for adequate erosion protection.
- If the development will discharge to the Gorham Road storm sewer, please confirm the Town's requirements with regards how the additional flow to local infrastructure will be accommodated. Regional staff will defer to Town staff with respect to ensuring that local infrastructure requirements can be met.
- At the future Site Plan Application stage, the Region requires that a Stormwater Management Report (and the associated review fee) be submitted to this office that indicates in detail how the above noted criteria will be achieved. The Report should include a section that addresses inspection and maintenance requirements of the stormwater management measures for the future Owner.
- Prior to construction, the Region requires that detailed grading, storm servicing, stormwater management, and construction sediment control drawings be submitted to this office for review and approval.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The property is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are not exceeded:

- Recycling blue / grey bins or containers – no limit (weekly collection).
- Organic green bins or containers – no limit (weekly collection).
- Garbage / waste containers – 2 per unit to a maximum of 24 containers (bi-weekly collection).
- Collection will be at the curbside only.

Regional staff requests that future *Planning Act* Applications (i.e., Site Plan) clearly indicate the intent for waste collection services.

Conclusion

Based on the discussion above, Regional staff does not object, in principle, to the proposed Local Official Plan and Zoning By-law Amendment Applications as the proposed changes are consistent with the PPS and conform to Provincial and Regional growth management policies. The Applicant is advised that the future Site Plan Application should address the Region's comments and requirements as outlined in this letter.

Regional staff notes that given the site-specific nature of the Local Official Plan Amendment Application, the Amendment is exempt from Regional Council approval in accordance with ROP Policies 14.E.7 and 14. E.8, the Memorandum of Understanding, and Regional By-law No. 2019-73.

Should you have any questions related to the above comments, please feel free to contact me at alexander.morrison@niagararegion.ca. Please send a copy of the staff report and notice of Council's decision on these applications, including a copy of the adopted Local Official Plan Amendment for our files.

Respectfully,



Alexander Morrison, MCIP, RPP
Senior Development Planner, Niagara Region

cc:

Cheryl Selig, Manager (A), Development Planning, Niagara Region
Susan Dunsmore, Manager, Development Engineering, Niagara Region
Maggie Ding, Stormwater Management Engineer, Niagara Region
Adam Boudens, Senior Environmental Planner / Ecologist, Niagara Region

APPENDIX "3"



Re: Request for comments - proposed Combined Official Plan & Zoning By-law Amendment, 97 Gorham Road, Town of Fort Erie (file nos. 350309-0501 & 350302-0133) Email 2 of 2 

Ed Melanson to: Daryl Vander Veen

2022-04-27 08:35 AM

From: Ed Melanson/FortErie
To: Daryl Vander Veen/FortErie@TownOfFortErie

Good Morning Daryl,

I have reviewed the documentation and especially the fire flow calculations and hydrant requirements. I have no objections to this application and appreciate the level of detail provided.



Ed Melanson
Fire Chief / CEMC

Office: (905) 871-1600 ext. 2600

Cell: (905) 329-7255

Daryl Vander Veen Good afternoon, Here is the final attachment for...

04/25/2022 03:29:40 PM

From: Daryl Vander Veen/FortErie
To: Daryl Vander Veen/FortErie@TownOfFortErie
Date: 04/25/2022 03:29 PM
Subject: Re: Request for comments - proposed Combined Official Plan & Zoning By-law Amendment, 97 Gorham Road, Town of Fort Erie (file nos. 350309-0501 & 350302-0133) Email 2 of 2

Good afternoon,

Here is the final attachment for the proposed Combined Official Plan & Zoning By-law Amendment for 97 Gorham Road.

Regards,

Daryl

Daryl Vander Veen, BES
Junior Development Planner

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

APPENDIX "3"

97 Gorham Road - Servicing Preliminary Review

Jeremy Korevaar to: Daryl Vander Veen

2022-04-27 09:16 AM

From: Jeremy Korevaar/FortErie
To: Daryl Vander Veen/FortErie@TownOfFortErie
History: This message has been replied to.

Hi Daryl,

I have reviewed the Functional Servicing Report prepared by Quartek Group Inc. dated July 2021 and have the following comments:

Water Servicing - Based on the numbers and calculations prepared by Quartek Group, the proposed development will not have a negative impact on the existing water distribution system.

Sanitary Sewer Servicing - Quartek Group has provided calculations showing a 4.2% increase in flow to the sewer as a result of the development. No analysis has been provided to evaluate the receiving systems ability to accommodate the development. I would recommend that the Functional Servicing Report be reviewed by the Town's Sewer Model consultant to determine the impact to the receiving system. This analysis would be initiated by the Town at the Developer's expense.

I will conduct a more thorough analysis of the the report in the coming weeks as part of my comments.

Let me know if you need anything else.

Jeremy Korevaar, C.E.T.
Coordinator, Development Approvals

Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario
Canada
L2A 2S6

TEL: 1-905-871-1600 ext.2505
FAX: 1-905-871-6411



Interoffice Memorandum

August 31, 2022

File No. 3503022 -0133 & 350309-0501

To: Daryl Vander Veen, Intermediate Development Planner

From: Jeremy Korevaar, Coordinator, Development Approvals

Subject: **Application for Combined Official Plan and Zoning By-law Amendment – 97 Gorham Road**

On behalf of the Infrastructure Services Department, Engineering Division, I have reviewed the proposed Combined Official Plan and Zoning By-law Amendment and the supporting documentation for **97 Gorham Road** and have the following comments:

- Functional Servicing Report prepared by Quartek Group Inc. dated July 2021
 - I agree with the conclusions of the report that the proposed development will not have a negative impact on the existing water distribution system.
 - The Functional Servicing Report was provided to the GM BluePlan, the consultant that prepared the Town's Wastewater Master Plan and Pollution Prevention Control Plan for review. GM BluePlan also has custody of the wastewater system model and has completed an evaluation of the proposed development's sanitary sewer flows. The outcome of that review has identified that:
 - The existing system downstream of the proposed development is constrained at the Nigh Road SPS.
 - The existing design flows exceed the stations current firm capacity of 21.5 L/s.
 - The existing sewers downstream of the development have sufficient capacity to accommodate the proposed development. However, the 5 year design storm flows exceed the station capacity resulting in sewer surcharging under a 5 year design storm that exceeds the basement protection level of 1.8 m below ground.
 - Without system upgrades the proposed development is expected to further increase sewer surcharging and resulting basement flooding and/or system overflow risk.
 - As such, a combination of pumping upgrades and/or storage upgrades to the Nigh Road SPS and/or wet weather flow reductions are needed to support the development.
- Traffic Impact Brief prepared by Quartek Group Inc. dated November 2020
 - I agree with the conclusion of the report recommending the installation of a modified Entrance Wc-8L warning sign with associated hidden entrance tab be installed at the crest of the hill to warn northbound motorists of the driveway entrance. The proposed driveway entrance will be an improvement to the existing driveway that is located closer to Farr Avenue.

Given the foregoing comments, we recommend that a Holding provision be added to the zoning by-law for this property which can be lifted upon completion of upgrades to the Nigh Road Pumping Station to accommodate the development.

Jeremy Korevaar, C.E.T.
Coordinator, Development Approvals

APPENDIX "3"



Re: Request for comments - proposed Combined Official Plan & Zoning By-law Amendment, 97 Gorham Road, Town of Fort Erie (file nos. 350309-0501 & 350302-0133) Email 1 of 2 

Pieter Wasserman to: Daryl Vander Veen
Cc: Signe Hansen

2022-05-16 04:31 PM

From: Pieter Wasserman/FortErie
To: Daryl Vander Veen/FortErie@TownOfFortErie
Cc: Signe Hansen/FortErie@TownOfFortErie

Hi Daryl,

Please find comment attached.



20220516 - 97 Gorham Road - UD comment.pdf

Thanks!

Kind regards,

**Pieter Wasserman, B.A.S, M.Arch (Prof.), MCPUD
Neighbourhood Planner & Urban Designer
Community Planning**

The Corporation of the Town of Fort Erie | Planning and Development Services
1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6
T: 905-871-1600 x 2503 | F: 905-871-6411

Please note, due to Covid19 regulations please email to set up an appointment, if required, in advance.

Daryl Vander Veen Good afternoon, A complete application for a C... 04/25/2022 03:27:40 PM

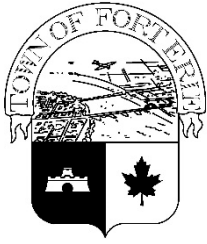
From: Daryl Vander Veen/FortErie
To:
Date: 04/25/2022 03:27 PM
Subject: Request for comments - proposed Combined Official Plan & Zoning By-law Amendment, 97 Gorham Road, Town of Fort Erie (file nos. 350309-0501 & 350302-0133) Email 1 of 2

Good afternoon,

A complete application for a Combined Official Plan and Zoning By-law Amendment has been received from Greg Hynde of Urban Environments for 97 Gorham Road. The Owner is Bomofive Inc. (Ross Boncore & Kam Mofid).

The Official Plan Amendment proposes to permit an increase in density on the subject property to 111.30 units/hectare. The subject property is currently designated Medium Density Residential and Environmental Conservation in the Ridgeway-Thunder Bay Secondary Plan. The Medium Density Residential land use designation is reserved for multiple-unit structures including apartment dwellings. The Secondary Plan envisions a density of 25 to 75 units/hectare on areas designated Medium Density Residential. An Official Plan Amendment is required to permit the increased density.

The current zoning of the subject property is Residential Multiple 1 (RM1-508) Zone and Environmental Conservation (EC) Overlay Zone in accordance with the Town's Zoning By-law No. 129-1990. The



The Municipal Corporation of the Town of Fort Erie

By-law No. 26-2023

**Being a By-law to Amend Zoning By-law No. 129-90,
as amended
97 Gorham Road
Bomofive Inc.
(Ross Boncore and Kam Mofid) - Owner**

Whereas an application was received from Greg Hyde of Urban Environments on behalf of Ross Boncore and Kam Mofid of Bomofive Inc. (Owner) to amend the Town's Comprehensive Zoning By-law No. 129-90, as amended, for the lands known municipally as 97 Gorham Road; and

Whereas a Public Meeting pursuant to Section 34(12) of the *Planning Act*, R.S.O. 1990, c. P.13 was held on May 9th, 2022; and

Whereas it is deemed desirable to amend the Comprehensive Zoning By-law No. 129-90, as amended, pursuant to the recommendations of Report No. PDS-04-2023 considered and approved, as amended, at the Regular Council meeting held on January 23rd, 2023;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** Schedule "A" of By-law No. 129-90, as amended, is further amended by changing the zoning of the lands known municipally as 97 Gorham Road as shown on the attached Appendix "1" from "Residential Multiple 1 (RM1-508) Zone" to "Residential Multiple 2 (RM2-767) Zone".
2. **That** By-law No.129-90, as amended, is further amended by adding to "Section 15 – Residential Multiple 2 (RM2) Zone" Subsection – "Exceptions to the Residential Multiple 2 (RM2) Zone" the following exceptions:

"RM2-767 (26-2023) 97 Gorham Road

These lands are zoned "Residential Multiple 2 (RM2-767) Zone" and all of the provisions of By-law No. 129-90, as amended, that relate to lands zoned "Residential Multiple 2 (RM2) Zone" by this by-law shall apply to those lands zoned "Residential Multiple 2 (RM2-767) Zone" subject to the following special provisions:

- a) Minimum Lot Area - 89.83 sq m per dwelling unit
- b) Prohibited Uses Short Term Rental is prohibited. For the purpose of this provision, "Short Term Rental" means "all or part of a dwelling unit, subject to licencing by the Town, to provide sleeping

accommodation for any period of thirty (30) calendar days at a time or less in exchange for payment, but does not include any type of institutional dwelling, hotels, or other similar uses”

c) That notwithstanding the Parking Area Regulations in Subsection 6.20 (A) for Apartment Dwellings, the Minimum Parking Requirement shall be 1.25 parking spaces per dwelling unit.”

3. That the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 27th day of February, 2023.

Mayor

Clerk




I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 26-2023 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20

APPENDIX "1"

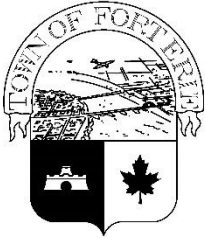


By-law No. 26-2023
THIS SKETCH FORMS PART OF SCHEDULE "A" TO BY-LAW NO. 129-90
PASSED THIS 27TH DAY OF FEBRUARY, 2023



-  Subject Lands - 97 Gorham Road
-  Change from Residential Multiple 1 (RM1-508) Zone to Residential Multiple 2 (RM2-767) Zone
-  Zoning Boundary





The Municipal Corporation of the Town of Fort Erie

By-law No. 27-2023

**Being a By-law to Enact an Amendment to the
Official Plan Adopted by By-law No. 150-06 for the Town of Fort
Erie Planning Area**

**Amendment No. 68
271 Ridgeway Road
DCS Niagara Developments Inc. (Rick Boivin) - 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 enacts as follows:

1. **That** amendment No. 68 to the Official Plan for the Town of Fort Erie consisting of the attached explanatory text and mapping is hereby adopted and approved.
2. **That** this by-law shall come into force and take effect on the day of the final passing thereof.
3. **That** the Clerk of the Town of Fort Erie is authorized to affect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 27th day of February, 2023.

Mayor

Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 27-2023 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20 .

AMENDMENT NO. 68
TO THE
OFFICIAL PLAN
FOR THE
CORPORATION OF THE TOWN OF FORT ERIE

CONTENTS

PART "A" - THE PREAMBLE

- Section 1 - Title and Components
- Section 2 - Purpose of Amendment
- Section 3 - Location of this Amendment
- Section 4 - Basis of this Amendment
- Section 5 - Implementation and Interpretation

PART "B" - THE AMENDMENT

Introductory Statement

Details of the Amendment

- Schedule "A" - Land Use Plan

PART "C" - THE APPENDICES

- Appendix 1 - Notice of Public Information Processes
- Appendix 2 - Public Meeting Minutes
- Appendix 3 - Circulation Comments

PART "A" - THE PREAMBLE

SECTION 1

TITLE AND COMPONENTS

This document, when approved in accordance with Sections 17 and 21 of The Planning Act, 1990, shall be known as Amendment No. 68 to the Official Plan adopted by By-law No. 150-06 of the Fort Erie Planning Area.

Part "A", the Preamble does not constitute part of this amendment.

Part "B", the Amendment, consisting of the following text and map (designated Schedule "A") constitutes Amendment No. 68 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area.

Also attached is Part "C", the Appendices, which do not constitute part of this amendment. These Appendices (1 through 3 inclusive) contain the background data, planning considerations and public involvement associated with this amendment.

SECTION 2

PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to change the land use designation of the subject lands shown on Schedule "A" attached hereto from "Institutional" to "Site Specific Policy Area 44 – 271 Ridgeway Road", to facilitate the adaptive reuse and redevelopment of the former Fire Station No. 6 for the purpose of establishing a medical clinic, pharmacy, and an incidental medical laboratory.

SECTION 3

LOCATION OF THIS AMENDMENT

The lands, which are the subject of this amendment, are located on the west side of Ridgeway Road as shown on Schedule "A" attached hereto.

SECTION 4

BASIS OF THIS AMENDMENT

Subsection 13.7(III) of the Official Plan adopted by By-law No. 150-06 of the Fort Erie planning area provides that amendments may be made to the Official Plan. Policies in Subsection 13.7(III) have been considered in the preparation of this amendment and the following factors have been reviewed in supporting this amendment to the Official Plan:

a) The need for the proposed use:

Currently, the Crystal Beach community does not have a medical clinic, pharmacy or medical laboratory to serve its residents. The proposed use will provide essential services to residents of all ages, and will contribute to the development of a complete community wherein people can live, work, and play.

b) The extent to which the existing areas in the proposed categories are developed, and the nature and adequacy of such existing development:

Commercial establishments are present throughout the Crystal Beach community. However, the proposed designation will introduce proposed uses (medical clinic, pharmacy, and medical laboratory) that are currently absent from the community.

c) The physical suitability of the land for such proposed use, and in the case of lands exhibiting or abutting a Natural Heritage feature, demonstration of compliance with the Natural Heritage policies of this plan:

The subject property is not constrained by any natural heritage features. The site itself is physically suitable for the proposed uses.

d) The location of the area under consideration with respect to:

- (i) the adequacy of the existing and proposed highway system in relation to the development of such proposed areas,**
- (ii) the convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety in relation thereto, and**
- (iii) the adequacy of the potable water supply, sewage disposal facilities, and other municipal services in view of the policies contained in this Plan and in accordance with technical reports or recommendations of the Ministry of the Environment and the Regional Niagara Health Services Department and any other appropriate authority deemed advisable;**

The subject property is located within the urban boundary and will tie into existing municipal water and sanitary services. The property is considered to be fully serviced. Further, pedestrian infrastructure and points of vehicular ingress and egress are available along Ridgeway Road and Cambridge Road East, providing convenient pedestrian and vehicular access to the site.

There are currently no defined points of ingress or egress to the site as there are no curbs along Cambridge Road East or Ridgeway Road. By defining points of ingress and egress, the proposal may improve the circulation of vehicular traffic on and surrounding the site.

e) The compatibility of the proposed use with uses in adjoining areas:

Fire Station No. 6 was constructed in the 1960s and has reached a level of compatibility with adjacent residential uses over the past approximately 60 years. The proposed use and redevelopment will introduce landscaping to an otherwise paved and impervious site, and will increase the separation between parking areas and the adjacent residential uses.

f) The effects of such proposed use on the surrounding area in respect of the minimizing of any possible depreciating or deteriorating effect upon adjoining properties:

There is no evidence to suggest that the proposed redevelopment will have a depreciating or deteriorating effect on adjoining properties.

g) The potential effect of the proposed use on the financial position of the Municipality:

The proposed uses will not negatively affect the financial position of the municipality as all works associated with the proposed redevelopment are the responsibility of the Owner/Developer.

h) The potential effect of the proposed use in relation to the intent and implementing regulations of the Environmental Protection Act.

The proposed uses and redevelopment are not anticipated to impact the intent and implementing regulations of the Environmental Protection Act.

SECTION 5

IMPLEMENTATION AND INTERPRETATION

The relevant policies of the Official Plan adopted by By-law No. 150-06 of the Fort Erie planning area shall apply to the implementation and interpretation of this Amendment.

PART "B" - THE AMENDMENT

All of this part of the document entitled "Part "B" - "The Amendment" consisting of the following policies and attached maps designated as Schedule "A" (Land Use Plan) constitute Amendment No. 68 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area. The Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area is hereby amended as follows:

1. The subject lands shown on Schedule "A" attached hereto are hereby redesignated to:

Site Specific Policy Area 44 – 271 Ridgeway Road

The subject lands shall generally be governed by the Commercial and General Commercial policies of Sections 4.9.1 and 4.9.2, respectively. Notwithstanding the policies of Section 4.9.2, the subject lands shall:

- a) Permit a medical laboratory in addition to the permitted uses identified in Section 4.9.2. A medical laboratory shall be provided incidental to, and in conjunction with a medical clinic.

PART “C” - THE APPENDICES


- Appendix 1 - Notice of Public Meeting
- Appendix 2 - Public Meeting Minutes
- Appendix 3 - Circulation comments


SCHEDULE "A"



By-law No. 27-2023
THIS SKETCH FORMS PART OF SCHEDULE "A" TO THE OFFICIAL PLAN
PASSED THIS 27TH DAY OF FEBRUARY, 2023



 Subject Lands - 271 Ridgeway Road

 Change from Institutional to Site Specific Policy Area 44





NOTICE OF COMPLETE APPLICATION AND PUBLIC MEETING


Owner: DCS Niagara Developments Inc. (Rick Boivin)
Applicant: Michael Allen (ACK Architects Studio Inc.)
271 Ridgeway Road
Combined Official Plan and Zoning By-law Amendment
Application

Application File Nos: 350309-0556 & 350302-163

DATE: Monday, February 13th, 2023
TIME: 6:00 PM
LOCATION: This will be a hybrid meeting. Members of the public may attend the meeting in person in Council Chambers, Town Hall, 1 Municipal Centre Drive OR virtually via Zoom.

	<p><u>LOCATION OF SUBJECT LANDS</u></p>
	<p><u>PROPOSAL</u></p> <p>The Town of Fort Erie has received a Combined Official Plan and Zoning By-law Amendment application for the lands known municipally as 271 Ridgeway Road. The Applicant is proposing to reuse and redevelop the existing building as a pharmacy and medical offices, as detailed on the attached Site Plan (Schedule 1). The subject property is the former site of the Crystal Beach Fire Station (Fire Station No. 6).</p> <p>The subject property is designated Institutional in the Town’s Official Plan. To facilitate the proposal, the Applicant is requesting to amend the Official Plan and redesignate the property to Commercial.</p> <p>The property is correspondingly zoned Public (P) Zone in accordance with the Town of Fort Erie Comprehensive Zoning By-law No. 129-90, as amended. To facilitate the proposal, the Applicant is requesting to amend the Zoning By-law and rezone the property to a site-specific General Commercial (C2) Zone. Site-specific zoning relief is requested in order to add “medical laboratories” to the list of permitted uses, to recognize the deficient southerly interior side yard setback, and to reduce the setback between parking areas and adjacent street lines or residential zones.</p>
	<p><u>GETTING MORE INFORMATION</u></p> <p>Input on any proposed matter is welcomed and encouraged. You can provide input by speaking at the Public Meeting or by providing a written submission to the Town. Please note that unless you do one of the above, you may not be able to appeal the decision later.</p>

APPENDIX "1"

	<p>A copy of the joint Information and Recommendation Report will be available to the public by 5:00 PM on Wednesday, February 8th, 2023. The Report will be available at www.forterie.ca (Government > Agendas & Minutes) or by contacting Mackenzie Ceci, Intermediate Development Planner at mceci@forterie.ca.</p> <p><u>CONTACT INFORMATION</u></p> <p>Mackenzie Ceci, Intermediate Development Planner Planning and Development Services Department Town Hall, 1 Municipal Centre Drive Fort Erie, Ontario L2A 2S6 905-871-1600 ext. 2514 Or by e-mailing your comments to: mceci@forterie.ca</p> <p><u>PROVIDING YOUR COMMENTS OR REQUESTING NOTICE OF DECISION</u></p> <p>To provide input in writing, or to request personal notice if the proposed changes are adopted, please send a letter c/o Carol Schofield, Manager, Legislative Services/Clerk, 1 Municipal Centre Drive, Fort Erie, ON, L2A 2S6 or an email to cschofield@forterie.ca.</p>
	<p><u>PLANNING ACT LEGAL NOTICE REQUIREMENTS</u></p> <p>The Town of Fort Erie has not yet made a decision regarding this application. Alongside any written and verbal comments received, a joint Information and Recommendation Report will be provided to Council for their consideration on February 13th, 2023.</p> <p>If a person or public body would otherwise have an ability to appeal the decision of the Town of Fort Erie’s Municipal Council to the Ontario Land Tribunal but the person or public body does not make oral submissions at a Public Meeting or make written statements to the Town of Fort Erie before the by-law is passed, then the person or public body is not entitled to appeal the decision.</p> <p>If a person or public body does not make oral submissions at a Public Meeting, or make written submissions to the Town of Fort Erie before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.</p> <p>For more information about this matter, including information about your appeal rights, please send a letter c/o Carol Schofield, Manager, Legislative Services/Clerk, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to cschofield@forterie.ca</p> <p>Notice dated at the Town of Fort Erie this 24th day of January, 2023.</p>

APPENDIX "1"

LEGEND

- NEW SOO
- EXISTING ASPHALT (TO REMAIN)
- EXISTING BELONGS (TO REMAIN)
- SB
- PROPERTY LINE

COMMISSION:

LIVWELL MEDICAL

277 RIDGEWAY ROAD, ORVAL, BEAUFORT, ON L6R 3R9

A.C.K.

architects

STUDIO INC.

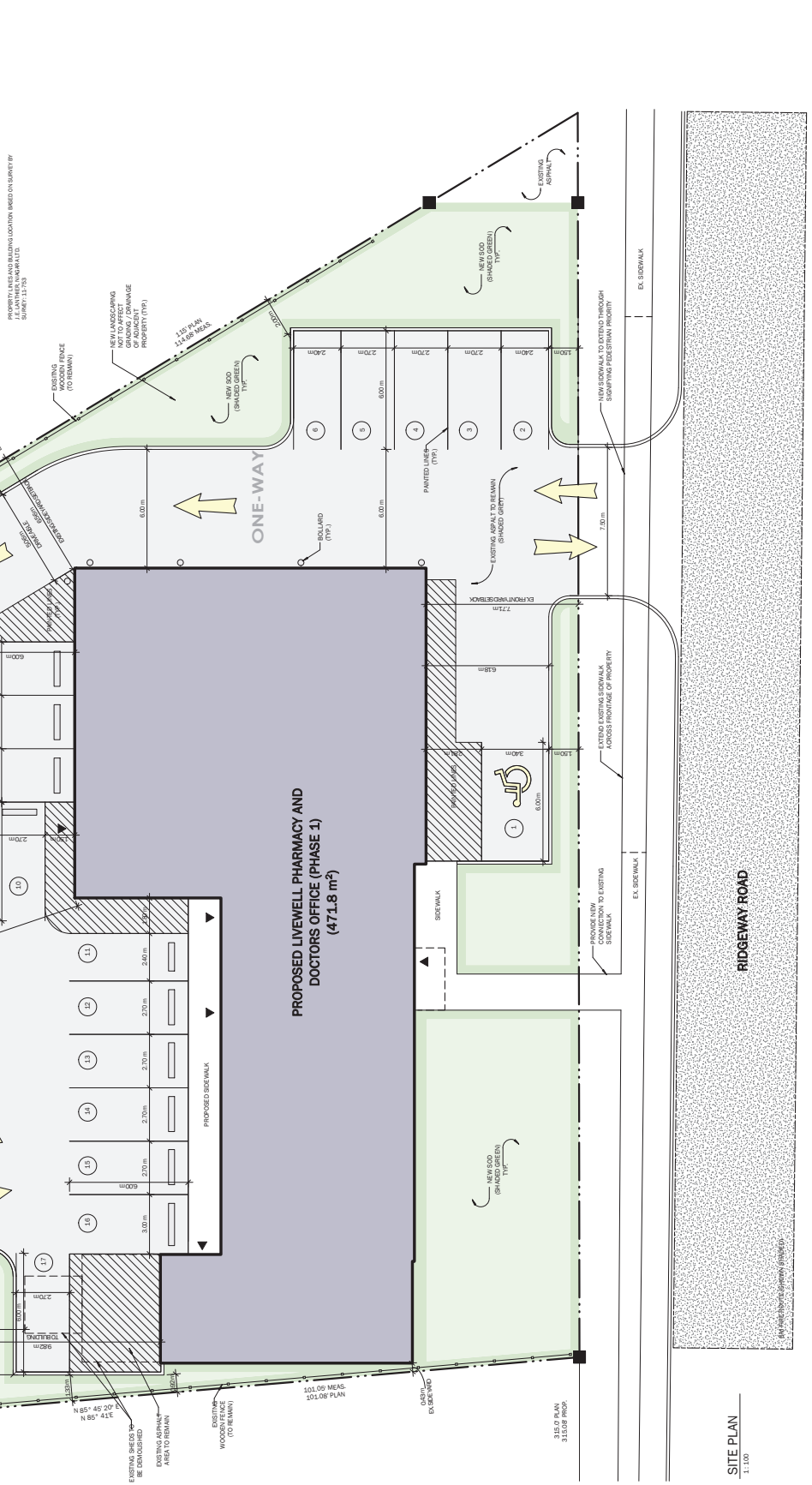
ARCHITECTURAL OFFICE:
290 GERRARD STREET EAST, SUITE 107
TORONTO, ONT. M5E 1B4

SITE PLAN

SP1

DATE: 2022.11.18

ZONING MATRIX	REQUIREMENT (S) ZONING	PROPOSED
OFFICE (COMMERCIAL) (C-1)	450' x 150'	1332' x 623' (EXISTING)
MINIMUM LOT AREA	15 m	2400 (EXISTING)
MINIMUM LOT COVERAGE (%)	40%	27% (EXISTING)
MINIMUM FRONT YARD	6 m	27 m (EXISTING)
MINIMUM SIDE YARD	4.5 m	14.5 m (EXISTING)
MINIMUM REAR YARD	3 m	58 m (EXISTING)
MINIMUM BUILDING HEIGHT	12 m / 25 STOREY	6.0 m / 3 STOREY (EXISTING)
MINIMUM SETBACK	SEAL: 1.190, 2.04, 4.17, 13.71 ALLS	SEAL: 1.190, 2.04, 4.17, 13.71 ALLS
ACCESS DRIVE WIDTH	6 m	6 m
ASPH PAVT	5 m / 15' MIN WAY	5 m / 15' MIN WAY
PAVING AREA WIDTH	5 m / 15' MIN WAY	5 m / 15' MIN WAY
PAVING AREA LOCATION	5 m TO ANY STREET LINES	15 m - NORTH, 15 m - SOUTH, 15 m - WEST
PAVING AREA DRAINAGE	7.5 m	7.5 m
ACCESSIBLE PAVING	1	1
	1	0%



C:\Users\Admin\Downloads\2022.11.18\Copy\Book\Plan Station REV 4 - POSE MEDICAL OPTION 24

APPENDIX "2"

Council-in-Committee - 13 Feb 2023 Meeting Minutes

(l) Lawrie Taylor, in opposition to the Application;

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

Mayor Redekop declared the Public Meeting closed.

PDS-07-2023 Proposed Draft Plan of Subdivision and Zoning By-law Amendment - 613 Helena Street - SS Fort Erie Inc. (Hunuan Siddiqui & Mohammad Feroz) - Owner - IBI Group (Tracy Tucker) - Agent

Recommendation No. 2

Moved by: Councillor Flagg

That: Council receives for information purposes Report No. PDS-07-2023 regarding a proposed Draft Plan of Subdivision and Zoning By-law Amendment for 613 Helena Street Subdivision. **(Carried)**

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

Re: 271 Ridgeway Road - Applicant: Michael Allen (ACK Architects Studio Inc.) - Owner: DCS Niagara Developments Inc. (Rick Boivin). The Applicant is proposing to reuse and redevelop the existing building as a pharmacy and medical offices. The subject property is the former site of the Crystal Beach Fire Station No. 6. The subject property is designated Institutional and the Applicant is requesting to amend the Official Plan and redesignate the property to Commercial. The property is zoned Public (P) Zone and the Applicant is requesting to rezone the property to a site-specific General Commercial (C2) Zone, in order to add "medical laboratories" to the list of permitted uses, to recognize the existing southerly interior side yard setback, and to reduce the setback between parking areas and adjacent street lines or residential zones.

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

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

APPENDIX "2"

Council-in-Committee - 13 Feb 2023 Meeting Minutes

Michael Allen (ACK Architects Studio Inc., the Applicant, provided a PowerPoint presentation, and summarized the Application.

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

No members of the public came forward.

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

No members of the public came forward

All visual presentations and oral presentations of the members of the public who spoke at this Public Meeting can be viewed as recorded at:

www.youtube.com/townofforterie

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

Mayor Redekop declared the Public Meeting closed.

PDS-08-2023 Proposed Combined Official Plan and Zoning By-law Amendment - 271 Ridgeway Road - ACK Architects Studio Inc. - Michael Allen (Agent) - DCS Niagara Developments Inc. - Rich Boivin (Owner)

Recommendation No. 3
Moved by: Councillor Lewis

That: Council approves the amendments to the Town's Official Plan and Zoning Bylaw No. 129-90 as detailed in Report No. PDS-08-2023 for the lands known as 271 Ridgeway Road, and further

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

Council recessed for 10 minutes at 8:32 p.m.

At the return from recess, Mayor Redekop announced that Delegation 9.1 (a) under Infrastructure Services and Report No. IS-04-2023, both regarding the Frenchman's Creek Drain, were



Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
(905) 980-6000 Toll-free: 1-800-263-7215

Via Email

January 5, 2023

Region Files: D.10.01.OPA-22-0044
D.18.01.ZA-22-0100

Mackenzie Ceci
Intermediate Development Planner
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON, L2A 2S6

Dear Ms. Ceci:

**Re: Regional and Provincial Review Comments
Concurrent Local Official Plan & Zoning By-law Amendments
Applicant: ACK Architects (c/o Michael Allen)
Agent: Upper Canada Consultants (c/o Ethan Laman)
271 Ridgeway Road (Phase 1)
Town of Fort Erie**

Regional Planning and Development Services staff have reviewed proposed concurrent Local Official Plan and Zoning By-law Amendment Applications for 271 Ridgeway Road. The Region received its circulation of these Applications from the Town on December 12, 2022. The subject property is the former site of the Crystal Beach Fire Station.

The property is currently designated 'Institutional' in the Town's Official Plan, and zoned 'Public (P) Zone' in the Town's Comprehensive Zoning By-law (No. 129-90). The Applicant is proposing to redesignate the property to 'Commercial' and to rezone it to a site-specific 'General Commercial (C2) Zone' in order to include 'medical laboratories' as a permitted use and to address various technical zoning deficiencies.

A virtual pre-consultation meeting for this proposal occurred on November 10, 2022 with the Regional staff, Town staff, and Applicant in attendance. At the meeting, the Applicant had indicated that the site would be subject to a multi-phased development, with the current Phase 1 Commercial development proceeding ahead of a residential expansion as a future Phase 2. Staff acknowledge that subsequent *Planning Act* Applications (i.e., Local Official Plan Amendment, Zoning By-law Amendment, and Site Plan) will be required to facilitate the Phase 2 development.

The following comments are provided from a Provincial and Regional perspective to assist Council in its consideration of these Applications for the Phase 1 development.

D.10.01.OPA-22-0044

D.18.01.ZA-22-0100

January 5, 2023

Additional Regional comments and requirements for Phase 2 will be provided through its future review under a separate cover.

Regional and Provincial Policies

The lands are designated "Settlement Area" under the *Provincial Policy Statement, 2020* ("PPS"), and designated "Delineated Built-Up Area" under *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan") and the *Niagara Official Plan, 2022* ("NOP").

Provincial policies direct growth to Settlement Areas and the Delineated Built-Up Area that provide for an appropriate range and mix of uses and housing types that make efficient use of existing servicing, infrastructure, and public service facilities. Within Delineated Built-Up Areas, intensification and infill in a compact-built form is encouraged that offers a mix of uses at an appropriate scale and transition that respects the surrounding urban fabric.

Regional staff has reviewed the "*Planning Justification Brief*" prepared by Upper Canada Consultants (dated November 2022) and is satisfied that the proposed Amendments will not establish new uses that are less compatible with nearby existing and planned uses. The proposed Amendments will facilitate the redevelopment of an existing underutilized property that will help support employment and job creation in the Town. Further, the future planned Phase 2 residential expansion will ultimately result in a mixed use development (commercial and residential uses) that will support a complete community concept and contribute to the diversification of Niagara's housing supply (apartment units) in Niagara.

As such, Regional staff does not object proposed Amendments, as they are consistent with the PPS and conform to Provincial and Regional growth management policies, subject to the comments below.

Site Condition

The proposed Amendments associated to Phase 1 of this development involves the conversion of an institutional use (fire station) into a commercial use (pharmacy and medical offices). This proposed change in use does not constitute a change to a more sensitive land use in accordance with the *Environmental Protection Act* and Ontario Regulation 153/04. As such, a Record of Site Condition ("RSC") is not required for these Applications and staff does not offer any site condition requirements at this time.

The Applicant is advised that with respect to the future Phase 2 residential development that the introduction of a new sensitive residential use will require obtaining a RSC in accordance with the *Environmental Protection Act* and Ontario Regulation 153/04, as amended, in order to demonstrate that site's condition meets the appropriate standards to safeguard the health and safety of the future occupants / users of the proposed use.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The property is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are not exceeded:

- Recycling blue / grey bins or containers – no limit (collected weekly).
- Organic green bins or containers – no limit (collected weekly).
- Garbage / waste bags or cans – 8 maximum (collected every-other-week).
- Collection will be at the curbside only.

If the above mentioned collection limit cannot be met, then waste collection will be the responsibility of the Owner through a private contractor and not Niagara Region.

Conclusion

In conclusion, Regional Planning and Development Services staff does not object to the proposed concurrent Local Official Plan and Zoning By-law Amendment Applications, as they are consistent with the PPS and conform to Provincial and Regional growth management policies. Town staff should be satisfied that the proposed development is compatible with the surrounding local context and that the Applications adhere to any local applicable requirements and provisions.

Regional staff notes that given the site-specific nature of the Local Official Plan Amendment Application, the Amendment is exempt from Regional Council approval in accordance with NOP Policy 7.4.1.6, the Memorandum of Understanding, and Regional By-law No. 2019-73.

Please contact the undersigned at Alexander.Morrison@niagararegion.ca with regards to any questions about the comments in this Letter. Please send a copy of the Staff Recommendation Report, as well as the Notice of Council's Decision once available.

Respectfully,



Alexander Morrison, MCIP, RPP
Senior Development Planner, Niagara Region

cc: Chris Pirkas, Development Approvals Technician, Niagara Region

December 12, 2022

Mackenzie Ceci
Intermediate Development Planner
The Corporation of the Town of Fort Erie

Dear Mackenzie,

We are the Mississaugas of the Credit First Nation (MCFN), the descendants of the Mississaugas of the River Credit. Our traditional territory extends from the Rouge River Valley in the east, across to the headwaters of the Thames River, down to Long Point on Lake Erie, and back along the shores of Lake Erie, the Niagara River, and Lake Ontario to the Rouge River Valley. It encompasses present-day London, Hamilton, and Toronto, as well as our communal lands. Our traditional territory has defined and sustained us as a First Nation for countless generations, and must continue to do so for all our generations to come.

Thank you for your notification on **271 Ridgeway Road, Fort Erie Project** dated **December 12, 2022**. The MCFN has treaty rights across its traditional territory, including the area contemplated by your project. For further information, please see our website, <http://www.newcreditfirstnation.com/>. MCFN continues to exercise treaty rights which include, but are not limited to, rights to harvest, fish, trap and gather species of plants, animals and insects for any purpose including food, social, ceremonial, trade and exchange purposes. The MCFN also has the right to use the water and resources from the rivers, creeks and lands across the MCFN traditional territory.

At this time, MCFN *does not* have a high level of concern regarding the proposed project and therefore, by way of this letter, approves the continuation of this project. However, MCFN requests that you continue to notify us about the status of the project. **In addition, we respectfully ask you to immediately notify us if there are any changes to the project as they may impact MCFN's interests and that you please provide us with a copy of all associated environmental and archaeology reports.** This includes, but is not limited to changes related to the scope of work and expected archaeological and environmental impacts.

Additionally, MCFN employs Field Liaison Representatives ("FLRs") to act as official representatives of the community and who are answerable to MCFN Chief and Council through the Department of Consultation and Accommodation. The FLRs' mandate is to ensure that

MCFN's perspectives and priorities are considered in the field and to enable MCFN to provide timely, relevant, and meaningful comment on the Project. Therefore, **it is MCFN policy that FLRs are on location whenever any fieldwork for environmental and/or archaeological assessments are undertaken.** It is expected that the proponent will cover the costs of this FLR participation in the fieldwork. Please also provide the contact information of the person, or consultant, in charge of organizing this work so they may facilitate the participation of the MCFN FLRs.

Nothing in this letter shall be construed as to affect the Aboriginal or Treaty rights and hence shall not limit any consultation and accommodation owed to MCFN by the Crown or any proponent, as recognized by section 35 of the Constitution Act, 1982.

MCFN reserves the right in relation to any development project or decision, to decide whether it supports a project and to: comment to regulators, participate in regulatory processes and hearings, seek intervener funding or status, or to challenge and seek remedies through the courts.

MCFN expects the Crown and all proponents to act according to the following best practices:

- Engage early in the planning process, before decisions are made
- Provide information in meaningful and understandable formats.
- Convey willingness to transparently describe the project and consider MCFN concerns.
- Recognize the significance of cultural activities and traditional practices of the MCFN
- Demonstrate a respect for MCFN knowledge and uses of land and resources.
- Understand the importance of youth and elders in First Nation communities.
- Act with honour, openness, transparency and respect.
- Be prepared to listen and allow time for meaningful discussion.

Sincerely,



Abby (LaForme) Lee
Acting Consultation Coordinator
MCFN Department of Consultation and Accommodation (DOCA)

cc – Mark LaForme; Director, MCFN DOCA

RE: [External] Town of Fort Erie Request for Comments - Proposed Combined Official Plan & Zoning By-law Amendment - 271 Ridgeway Road

Municipal Planning to Mackenzie Ceci

12/20/2022 03:48 PM

From "Municipal Planning" <MunicipalPlanning@enbridge.com>

To "Mackenzie Ceci" <MCeci@forterie.ca>

Thank you for your circulation.

Enbridge Gas Inc. does not object to the proposed application however, we reserve the right to amend our development conditions.

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

Thank you,

Casey O'Neil (she/her)

Sr Analyst Municipal Planning
Engineering

—

ENBRIDGE

TEL: 416-495-5180

500 Consumers Rd, North York, ON M2J1P8

enbridge.com

Safety. Integrity. Respect. Inclusion.



Interoffice Memorandum

December 16, 2022

File No. 350302 -0163 & 350309-0556

To: Mackenzie Ceci, Intermediate Development Planner

From: Jeremy Korevaar, Coordinator, Development Approvals

Subject: **Application for Combined Official Plan and Zoning By-law Amendment –
271 Ridgeway Road**

On behalf of the Infrastructure Services Department, Engineering Division, I have reviewed the proposed Combined Official Plan and Zoning By-law Amendment and the supporting documentation for **271 Ridgeway Road** and have the following comments:

- Functional Servicing Report prepared by Hallex Engineering Ltd. dated November 25, 2022
 - I agree with the conclusions of the report that the proposed development will not have a negative impact on the existing sanitary sewer system and that the proposed development is expected to result in a net decrease of sewage to the system.

Given the foregoing comments, I offer no objections to the proposed Official Plan and Zoning By-law Amendments.

Jeremy Korevaar, C.E.T.
Coordinator, Development Approvals

Fw: 271 Ridgeway - OPA and ZBA Comments

Keegan Gennings to Mackenzie Ceci

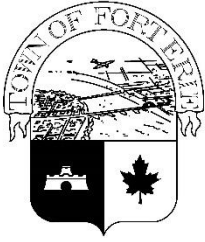
02/02/2023 02:38 PM

From Keegan Gennings/FortErie
To Mackenzie Ceci/FortErie@TownOfFortErie

I have no comments concerning the OPA or ZBA of the property.

Regards,

Keegan Gennings C.B.C.O
Chief Building Official
Town of Fort Erie
905-871-1600 ext. 2515



The Municipal Corporation of the Town of Fort Erie

By-law No. 28-2023

**Being a By-law to Amend Zoning By-law No. 129-90,
as amended
271 Ridgeway Road
DCS Niagara Developments Inc. (Rick Boivin) - Owner**

Whereas an application was received from Rick Boivin of DCS Niagara Developments Inc. (Owner) to amend the Town's Comprehensive Zoning By-law No. 129-90, as amended, for the lands known municipally as 271 Ridgeway Road; and

Whereas a Public Meeting pursuant to Section 34(12) of the *Planning Act*, R.S.O. 1990, c. P.13 was held on February 13th, 2023; and

Whereas it is deemed desirable to amend the Comprehensive Zoning By-law No. 129-90, as amended, pursuant to the recommendations of Report No. PDS-08-2023 considered and approved at the Council-in-Committee meeting held on February 13th, 2023;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** Schedule "A" of By-law No. 129-90, as amended, is further amended by changing the zoning of the lands known municipally as 271 Ridgeway Road and shown on the attached Appendix "1" from "Public (P) Zone" to "General Commercial (C2-764) Zone".
2. **That** By-law No. 129-90, as amended, is further amended by adding to "Section 20 – General Commercial (C2) Zone" Subsection – "Exceptions to the General Commercial (C2) Zone" the following exceptions:

"C2-764 (28-2023) 271 Ridgeway Road

These lands are zoned "General Commercial (C2-764) Zone", and all of the provisions of By-law No. 129-90, as amended, that relate to lands zoned "General Commercial (C2) Zone" by this by-law shall apply to those lands zoned "General Commercial (C2-764) Zone" subject to the following special provisions:

- (a) Notwithstanding the list of Permitted Uses in Subsection 20.2, the lands may also be used for a medical laboratory. A medical laboratory shall be provided incidental to, and in conjunction with a medical clinic.
- (b) Notwithstanding the requirements of Subsection 20.3, the minimum side yard setback shall be no less than:

- 0.4 m between the existing building and Point C along the south property line; and
- 1.5 m between the existing building and Point D along the south property line

(c) Notwithstanding the requirements of Subsection 6.20 (I) - Parking Area Location on Lot, parking areas shall be located no closer than:

- 1.6 m to the Cambridge Road East street line;
- 1.5 m to the Ridgeway Road street line;
- 1.5 m to the north property line; and
- 1.3 m to the south property line

(d) Notwithstanding the requirements of Subsection 6.21 (b) – Landscaping and Planting Strips - Width, planting strips shall have a minimum width of no less than:

- 0 m adjacent to the north property line between Points A and B;
- 1.5 m adjacent to the remainder of the north property line;
- 0.4 m between the existing building and Point C along the south property line; and
- 0.9 m between the existing asphalt area and Point D along the south property line”

3. **That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

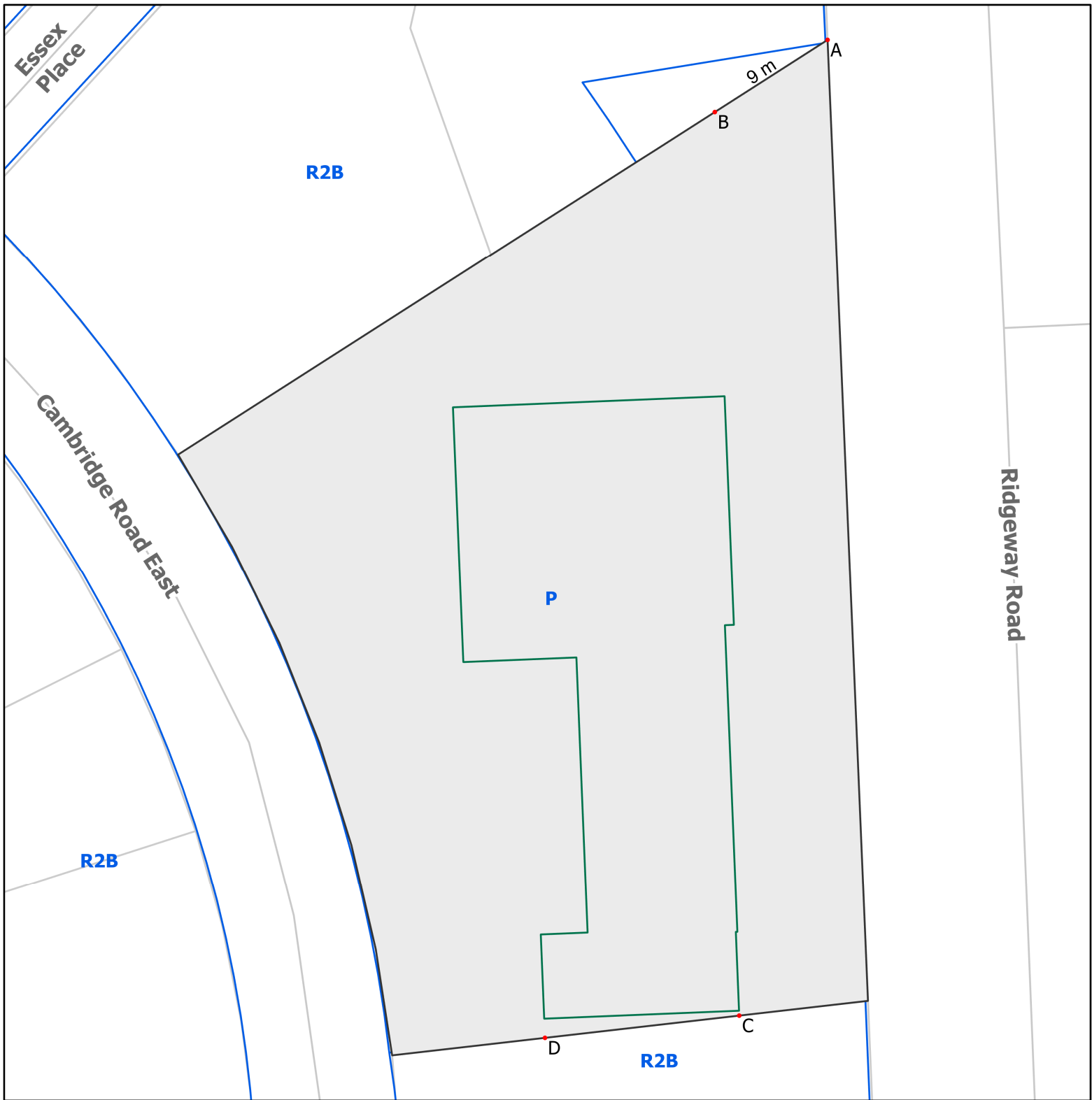
Read a first, second and third time and finally passed this 27th day of February, 2023.

Mayor





Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 28-2023 of the said Town. Given under my hand and the seal of the said Corporation, this day of _____, 20____

APPENDIX "1"

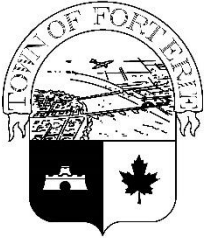


By-law No. 28-2023
THIS SKETCH FORMS PART OF SCHEDULE "A" TO BY-LAW NO. 129-90
PASSED THIS 27TH DAY OF FEBRUARY, 2023

-  Subject Lands - 271 Ridgeway Road
-  Change from Public (P) Zone to General Commercial (C2-764) Zone
-  Building Envelope
-  Zoning Boundary



0 10 20 Metres
 REGULAR MEETING OF COUNCIL - 27 Feb 2023



The Municipal Corporation of the Town of Fort Erie

By-law No. 29-2023

**Being a By-law to Amend Zoning By-law No. 129-90,
as amended
92 Adelaide Street
Niagara Pines Developments Ltd. (Paul Savoia) – Owner**

Whereas an application was received from Niagara Pines Developments Ltd. (Owner) to amend the Town's Comprehensive Zoning By-law No. 129-90, as amended, for the lands known municipally as 92 Adelaide Street; and

Whereas a Public Meeting pursuant to Section 34(12) of the *Planning Act*, R.S.O. 1990, c. P.13 was held on January 16, 2023; and

Whereas it is deemed desirable to amend the Comprehensive Zoning By-law No. 129-90, as amended, pursuant to the recommendations of Report No. PDS-09-2023 considered and approved at the Council-in-Committee meeting held on February 13, 2023;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** Schedule "A" of By-law No. 129-90, as amended, is further amended by changing the zoning of the lands known municipally as 92 Adelaide Street and shown on the attached Appendix "1" from "Residential 2 (R2) Zone" to "Residential Multiple 1 (RM1-765) Zone".
2. **That** By-law No.129-90, as amended, is further amended by adding to "Section 14 – Residential Multiple (RM1) Zone" Subsection – "Exceptions to the Residential Multiple 1 (RM1) Zone" the following exception:

"RM1-765 (29-2023) 92 Adelaide Street

These lands are zoned "Residential Multiple 1 (RM1-765) Zone", and all of the provisions that relate to lands zoned "Residential Multiple 1 (RM1) Zone" by this by-law shall apply to those lands zoned "Residential Multiple 1 (RM1-765) Zone" subject to the following special provision:

- a) That the planting strip shall have a minimum width of 3.82 m where it abuts a street, except for points of ingress/egress"

- 3. That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 27th day of February, 2023.

Mayor




Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 29-2023 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20

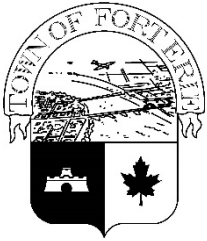
APPENDIX "1"



By-law No. 29-2023
THIS SKETCH FORMS PART OF SCHEDULE "A" TO BY-LAW NO. 129-90
PASSED THIS 27TH DAY OF FEBRUARY, 2023

-  Subject Lands - 92 Adelaide Street
-  Change from Residential 2 (R2) Zone to Residential Multiple 1 (RM1-765) Zone
-  Zoning Boundary





The Municipal Corporation of the Town of Fort Erie

By-law No. 30-2023

Being a By-law to Amend the Preliminary Capital Budget for the Town of Fort Erie for the Year 2023

Whereas Section 290 of the *Municipal Act, 2001* provides that a local municipality shall for each year prepare and adopt a budget including estimates of all sums required during the year for the purposes of the municipality; and

Whereas Report No. CBC-01-2023 was considered at the Council-in-Budget Committee Meeting held on December 7, 2022 and subsequently authorized and approved by Council, to approve the 2023 Preliminary Capital Budget and defer approval of the balance of the 2023 Capital Budget to February 27, 2023 with the consideration of the 2023 General Levy Budget By-law; and

Whereas By-law No. 157-2022 was passed on December 12, 2022 to Adopt the Preliminary Capital Budget for the Town of Fort Erie for the Year 2023; and

Whereas Report No. CBC-06-2023 was approved, as amended, at the Council-in-Budget Committee Meeting held on February 15, 2023 to approve the 2023 General Levy and General Capital Budget and amend the Preliminary Capital Budget approved by By-law No. 157-2022 to defer the Fort Erie Tennis Club allocation of \$150,000 for the Pickle Ball Court [FETC23] until 2024; and

Whereas it is deemed desirable to amend the Preliminary Capital Budget for the Town of Fort Erie for the Year 2023;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** By-law No. 157-2022, is amended by repealing Schedule “A” thereto and replacing it with Schedule “A” attached hereto and forming part of this by-law.
2. **That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 27th day of February, 2023.

Mayor

Clerk

I, Carol Schofield Clerk, of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 30-2023 of the said Town. Given under my hand and the seal of the said Corporation, this _____ day of _____, 20____

Schedule "A" to By-law No. 30-2023

CORPORATION OF THE TOWN OF FORT ERIE PRELIMINARY CAPITAL BUDGET

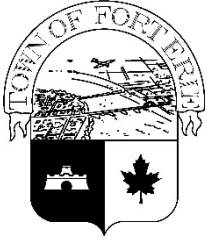
Run Date: 21/02/23 12:21 PM

	2023 Budget	Reserves	Development Charges	Gas Tax	Debenture	Donations & Other Contributions	Fed/Prov Reg/ Grants
ACTIVE CAPITAL							
CORPORATE & COMMUNITY SERVICES							
Digital Capital							
IMIS23 IT Computer Hardware	107,000	107,000					
MSQL23 MS SQL Server	18,000	18,000					
PHON23 Phone Replacement	20,600	20,600					
SERV23 Server & Core Infrastructure Replacement	35,000	35,000					
SWCH22 Town Hall Switches Replacement	25,000	25,000					
Total Digital Capital	205,600	205,600					
Municipal Centre Capital							
COPY23 2023 Photocopier Replacement	16,000	16,000					
Total Municipal Centre Capital	16,000	16,000					
Total CORPORATE & COMMUNITY SERVICES	221,600	221,600					
PLANNING & DEVELOPMENT SERVICES							
Parks & Open Space Capital							
ACQW23 Waterfront Land Acquisition	635,000	635,000					
BCON24 Bill Connolly Field Playground Replacemer	150,000	132,784	17,216				
DOUG20 Douglas Park Revitalization	2,300,000	2,047,000	253,000				
ENHA23 Neighbourhood Park Enhancements	40,000		40,000				
GODR22 Goderich Street Park Playground Replacer	150,000	132,784	17,216				
PPLT23 Park Parking Lot Resurfacing	100,000	100,000					
RBAT23 Ridgeway Battlefield Park Washroom Enck	20,000	20,000					
SUGP23 Lions Sugarbowl Park Pavilion	200,000	130,000				70,000	
SUGR24 Sugbarbowl Park Renewal	100,000	100,000					
WFAQ22 Waterfront Land Acquisition	320,000	320,000					
Total Parks & Open Space Capital	4,015,000	3,617,568	327,432			70,000	
Total PLANNING & DEVELOPMENT SERVICES	4,015,000	3,617,568	327,432			70,000	
FIRE & EMERGENCY SERVICES							
Fire & Emergency Capital							
AUTX23 Auto Extrication Tool Replacement Pump 5	75,000	75,000					
BKGR23 Bunker Gear Replacement	65,000	65,000					
RECR23 Recruit PPE	40,000	40,000					
Total Fire & Emergency Capital	180,000	180,000					
Total FIRE & EMERGENCY SERVICES	180,000	180,000					
INFRASTRUCTURE SERVICES							
Bridges & Culverts Capital							
BRIG23 2023 Bridge & Culvert Replacement	1,000,000			1,000,000			
BRIG24 2024 Bridge & Culvert Replacement	195,000	195,000					
Total Bridges & Culverts Capital	1,195,000	195,000		1,000,000			
Sidewalk Capital							
SIDE23 2023 Sidewalk Repair Program	375,000	375,000					

CORPORATION OF THE TOWN OF FORT ERIE
PRELIMINARY CAPITAL BUDGET

Run Date: 21/02/23 12:21 PM

	2023 Budget	Reserves	Development Charges	Gas Tax	Debenture	Donations & Other Contributions	Fed/Prov Reg/ Grants
Total Sidewalk Capital	375,000	375,000					
Storm Sewer Capital							
ASTP20 Point Abino Rd S. Storm PS	250,000	250,000					
EBCH19 Erie Beach Area Storm Drainage - L3	303,620		303,620				
RTWI23 River Trail Storm Outlet Improvement	106,250	106,250					
STOL23 Storm Outlet Repairs	380,676						380,676
STRM23 2023 Storm Sewer Repairs	100,000	100,000					
Total Storm Sewer Capital	1,140,546	456,250	303,620				380,676
Fleet Capital							
R43623 2023 Roads Dump/Plow Truck	400,000	400,000					
Total Fleet Capital	400,000	400,000					
Wastewater Capital							
SSF23 2023 Sanitary Sewer Flow Monitors	60,000	60,000					
TBLL23 Thunder Bay Lateral Spot Repair	650,000						650,000
Total Wastewater Capital	710,000	60,000					650,000
Water Capital							
ASWE23 Albany Street Watermain Extension	350,000	175,000					175,000
DISW20 Disher St Watermain Replacement	400,000						400,000
WDWS23 2023 Infrastructure Leak Detection - Hydra	45,000	45,000					
WMET23 2023 Water Meter Replacement Program	1,100,000	1,050,000				50,000	
Total Water Capital	1,895,000	1,270,000				50,000	575,000
Cemeteries Capital							
CRCN23 Ridgeway Memorial Cemetery New Colum	80,000	80,000					
Total Cemeteries Capital	80,000	80,000					
Facilities Capital							
ASNR24 Arena Spectator Netting Replacement	45,000	45,000					
CRAW16 Crystal Ridge Accessible Washrooms	20,000	20,000					
CRPD23 Crystal Ridge Park Pavilion Demo	25,000	25,000					
EJFM23 EJ Freeland Centre Mechanical Upgrades	215,000	215,000					
EJFW23 EJ Freeland Centre Window and Door Rep	240,000	240,000					
GCRH21 Gibson Centre Heater Replacement	50,000	50,000					
LPPR23 Leisureplex Refrigeration Receiver Replac	95,000	95,000					
PALR23 Point Abino Lighthouse Repairs	20,000	20,000					
THAS23 Town Hall Building Automation System Rej	45,000	45,000					
Total Facilities Capital	755,000	755,000					
Total INFRASTRUCTURE SERVICES	6,550,546	3,591,250	303,620	1,000,000		50,000	1,605,676
Total ACTIVE CAPITAL	10,967,146	7,610,418	631,052	1,000,000		120,000	1,605,676
Total Preliminary Approval	10,967,146	7,610,418	631,052	1,000,000		120,000	1,605,676



The Municipal Corporation of the Town of Fort Erie

By-law No. 31-2023

Being a By-law to Adopt the General Capital Budget and the General Levy Operating Budget for the Town Of Fort Erie for the Year 2023

Whereas Section 290 of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended, provides that a local municipality shall in each year prepare and adopt a budget including estimates of all sums required during the year for the purposes of the municipality; and

Whereas By-law No. 157-2022, amended, was passed by the Municipal Council of The Corporation of the Town of Fort Erie, to adopt the Preliminary Capital Budget for the year 2023; and

Whereas Report No. CBC-01-2023 was approved, at the Council-in-Budget Committee Meeting held December 7, 2022, to defer approval of the balance of the 2023 Capital Budget to the review of the 2023 General Levy Operating Budget, and to approve the exclusion of amortization from the 2023 General Levy Operating Budget as required by Ontario Regulation 284/09; and

Whereas Report No. CBC-06-2023 was approved, as amended, at the Council-in-Budget Committee Meeting held on February 15, 2023, to approve the Town's General Levy and supplementary budget, and to exclude capital asset amortization from the 2023 General Levy Operating Budget; and

Whereas public notice of the budget meeting schedule and by-law adoption was given in accordance with Public Notice Policy By-law No. 206-07; and

Whereas it is deemed desirable to adopt the General Capital Budget and the General Levy Operating Budget for the Town of Fort Erie for the Year 2023 as provided herein;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the 2023 General Capital Budget for the Town of Fort Erie attached as Schedule "A" and forming part of this by-law, is approved and adopted.
2. **That** the 2023 General Levy Operating Budget for the Town of Fort Erie attached as Schedule "B" and forming part of this by-law, is approved and adopted.

3. **That** the Clerk of the Town is authorized to affect any minor modifications corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 27th day of February, 2023.

Mayor

Clerk

I, Carol Schofield Clerk, of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 31-2023 of the said Town. Given under my hand and the seal of the said Corporation, this _____ day of _____, 20____.

Schedule "A" to By-law No. 31-2023

CORPORATION OF THE TOWN OF FORT ERIE
GENERAL CAPITAL BUDGET

Run Date: 21/02/23 10:08 AM

	2023 Budget	Reserves	Development Charges	Gas Tax	Debenture	Donations & Other Contributions	Fed/Prov Reg/ Grants
ACTIVE CAPITAL							
CORPORATE & COMMUNITY SERVICES							
Digital Capital							
FSOF22 Financial ERP System Replacement	1,485,000	1,485,000					
Total Digital Capital	1,485,000	1,485,000					
Total CORPORATE & COMMUNITY SERVICES	1,485,000	1,485,000					
INFRASTRUCTURE SERVICES							
Roads Capital							
ALBY23 Albany Street - L1c - King Street to Garrisc	113,906	56,953	56,953				
BELV26 Belleview Blvd Watermain Replacement	23,750	23,750					
GRRP23 Guide Rail Replacement	100,000	100,000					
KNGD19 King Street Upgrade - G6	279,968	139,984	139,984				
PARR20 Pt. Abino Road South Reinstatement of the	3,750,000				2,080,000		1,670,000
RCON23 2023 Road Reconstruction Program	578,750	578,750					
RIDW21 Ridgeway Rd Watermain Replacement	262,500	262,500					
RRSI22 Ridgeway Road & Rebstock Road Signal F	250,000	250,000					
RSRF23 2023 Road Resurfacing Program	2,125,000	1,425,000		700,000			
THBY26 Thunder Bay Road Upgrade - Cook Ave Tc	793,626	396,813	396,813				
WALD29 Walden Boulevard Upgrade - W1	70,975	35,487	35,488				
WILD21 Wildwood Avenue Drainage Improvements	550,000	550,000					
Total Roads Capital	8,898,475	3,819,237	629,238	700,000	2,080,000		1,670,000
Storm Sewer Capital							
ALBY23 Albany Street - L1c - King Street to Garrisc	95,326	47,663	47,663				
KNGD19 King Street Upgrade - G6	518,288	129,572	388,716				
RIDW21 Ridgeway Rd Watermain Replacement	671,000						671,000
SMCF23 Six Mile Creek Flooding	500,000				500,000		
THBY26 Thunder Bay Road Upgrade - Cook Ave Tc	750,000	375,000	375,000				
WALD29 Walden Boulevard Upgrade - W1	41,350	20,675	20,675				
WILD21 Wildwood Avenue Drainage Improvements	125,000	125,000					
Total Storm Sewer Capital	2,700,964	697,910	832,054		500,000		671,000
Water Capital							
BELV26 Belleview Blvd Watermain Replacement	88,750	88,750					
KNGD19 King Street Upgrade - G6	937,500	937,500					
PARR20 Pt. Abino Road South Reinstatement of the	750,000	750,000					
RIDW21 Ridgeway Rd Watermain Replacement	578,000	516,000					62,000
THBY26 Thunder Bay Road Upgrade - Cook Ave Tc	442,000	442,000					
WALD29 Walden Boulevard Upgrade - W1	75,000	75,000					
Total Water Capital	2,871,250	2,809,250					62,000
Facilities Capital							
THRC23 Town Hall Second Floor Alteration	75,000	75,000					
Total Facilities Capital	75,000	75,000					

CORPORATION OF THE TOWN OF FORT ERIE
GENERAL CAPITAL BUDGET

Run Date: 21/02/23 10:08 AM

	2023 Budget	Reserves	Development Charges	Gas Tax	Debenture	Donations & Other Contributions	Fed/Prov Reg/ Grants
Total INFRASTRUCTURE SERVICES	14,545,689	7,401,397	1,461,292	700,000	2,580,000		2,403,000
Total ACTIVE CAPITAL	16,030,689	8,886,397	1,461,292	700,000	2,580,000		2,403,000
Total General Approval	16,030,689	8,886,397	1,461,292	700,000	2,580,000		2,403,000

Schedule "B" to By-law No. 31-2023

Run Date: 21/02/23 10:10 AM

**CORPORATION OF THE TOWN OF FORT ERIE
2023 BUDGET AND FORECAST**

	2022 YTD Actuals	2022 Approved Budget	2023 Budget	2024 Forecast	2025 Forecast
Revenue					
General Levy	(31,041,101)	(30,976,350)	(31,823,160)	(33,984,795)	(34,610,833)
BIA Levies	(89,351)	(90,700)	(105,700)	(108,200)	(110,700)
Payments in Lieu of Taxes	(275,357)	(274,471)	(276,933)	(276,933)	(276,933)
Donations	(21,621)	(20,100)	(14,600)	(14,600)	(14,600)
Fine Revenue	(286,831)	(330,800)	(315,000)	(318,000)	(320,000)
Gaming Revenues	(222,026)	(120,000)	(257,000)	(252,000)	(252,000)
Grants	(2,117,727)	(2,068,488)	(1,813,815)	(1,486,872)	(1,296,773)
Interest & Penalties	(1,847,344)	(1,121,000)	(1,740,200)	(1,362,200)	(1,312,200)
Sale of land, buildings and equipment	(1,593,723)	(130,000)	(240,000)	(240,000)	(240,000)
User Fees	(4,402,906)	(3,451,861)	(3,797,084)	(3,885,838)	(3,873,543)
Miscellaneous other revenues	(108,924)	(151,393)	(128,230)	(135,570)	(144,429)
Total Revenue	(42,006,911)	(38,735,163)	(40,511,722)	(42,065,008)	(42,452,011)
Expenses					
Wages & Benefits	16,218,530	16,650,094	18,693,827	19,098,626	19,497,755
Materials & Services	11,330,989	12,135,558	11,508,549	10,891,247	11,327,992
Debt Interest Charges	46,391	110,284	196,755	307,216	275,141
Grants	1,723,981	1,989,257	2,936,127	1,930,513	1,972,492
Partnership Programs	106,414	81,000	71,000	20,125	17,500
Total Expenses	29,426,305	30,966,193	33,406,258	32,247,727	33,090,880
NET BEFORE FINANCING AND TRANSFERS	12,580,606	7,768,970	7,105,464	9,817,281	9,361,131
FINANCING & TRANSFERS					
Interdepartmental Transfers					
Fleet Related Charges	(269,712)	(362,343)	(369,488)	(373,785)	(378,443)
Allocation of Gaming Revenues	0	0	0	0	0
Program Support Charges	(586,903)	(586,903)	(646,830)	(763,281)	(793,007)
Total Interdepartmental Transfers	(856,615)	(949,246)	(1,016,318)	(1,137,066)	(1,171,450)
Debt Principal Charges					
Repayment of Debt	572,306	572,307	586,619	882,504	913,845
Total Debt Principal Charges	572,306	572,307	586,619	882,504	913,845
Reserve Transfers					
Transfers from Reserves	(1,093,504)	(1,595,740)	(2,527,884)	(326,824)	(648,531)
Transfers to Reserves	10,911,283	9,920,450	10,491,547	10,438,667	10,307,267
Transfers from Development Charges Reserve	(19,532)	(142,500)	(384,500)	(20,000)	(20,000)
Transfers to Capital Fund	1,500	0	0	0	0
Total Reserve Transfers	9,799,747	8,182,210	7,579,163	10,091,843	9,638,736
NET FINANCING & TRANSFERS	9,515,438	7,805,271	7,149,464	9,837,281	9,381,131
(SURPLUS)/DEFICIT CARRYFORWARD					

CORPORATION OF THE TOWN OF FORT ERIE
2023 BUDGET AND FORECAST

	2022	2022	2023	2024	2025
	YTD Actuals	Approved Budget	Budget	Forecast	Forecast
General (surplus) deficit	(61,252)	(36,301)	(44,000)	(20,000)	(20,000)
Total (SURPLUS)/DEFICIT CARRYFORWARD	(61,252)	(36,301)	(44,000)	(20,000)	(20,000)
DEPARTMENT NET REVENUE /(EXPENDITURE)	3,126,420	0	0	0	0
Reconciliation to Accrual Basis					
Reserve Transfers					
Transfers from Reserves	(1,093,504)	(1,595,740)	(2,527,884)	(326,824)	(648,531)
Transfers to Reserves	10,911,283	9,920,450	10,491,547	10,438,667	10,307,267
Transfers from Development Charges Reserve	(19,532)	(142,500)	(384,500)	(20,000)	(20,000)
Transfers to Capital Fund	1,500	0	0	0	0
Total Reserve Transfers	9,799,747	8,182,210	7,579,163	10,091,843	9,638,736
Debt Principal Charges					
Repayment of Debt	572,306	572,307	586,619	882,504	913,845
Total Debt Principal Charges	572,306	572,307	586,619	882,504	913,845
Accrual Entries					
Amortization	(3,644,740)	(7,300,400)	(7,289,700)	(7,289,700)	(7,289,700)
Write-off on Disposal	(184,460)	0	0	0	0
Total Accrual Entries	(3,829,200)	(7,300,400)	(7,289,700)	(7,289,700)	(7,289,700)
ACCRUAL BASIS SURPLUS/(DEFICIT)	9,669,273	1,454,117	876,082	3,684,647	3,262,881



The Municipal Corporation of the Town of Fort Erie

By-law No. 32-2023

Being a By-law to Re-appoint Edward T. McDermott of ADR Chambers Inc. as Integrity Commissioner for the Town of Fort Erie and Authorize the Renewal of the Current Contract with ADR Chambers Inc.

Whereas the *Municipal Act, 2001*, as amended, provides that municipalities are required to appoint an Integrity Commissioner who reports to council and who is responsible for performing in an independent manner the functions required pursuant to the *Act*; and

Whereas Report No. COS-02-2023 was considered and approved at the Council-in-Committee Meeting held on February 13, 2023, to appoint Edward T. McDermott of ADR Chambers Inc. as Integrity Commissioner for the Town of Fort Erie and the entry into an agreement for professional services; and

Whereas it is deemed desirable to re-appoint Edward T. McDermott of ADR Chambers Inc. as Integrity Commissioner;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

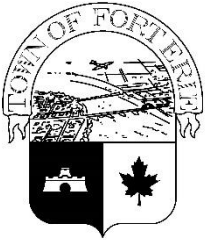
1. **That** Edward T. McDermott of ADR Chambers Inc. is re-appointed as Integrity Commissioner for The Corporation of the Town of Fort Erie, for an additional four (4) year period.
2. **That** the entry into an Agreement for Professional Services for an additional four (4) year period on the same terms and pricing, in a form satisfactory to the Town Clerk and the Town Solicitor, is authorized and approved.
3. **That** the Mayor and Clerk are authorized and directed to execute the Agreement for Professional Services and to affix the corporate seal thereto.
4. **That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 27th day of February, 2023.

Mayor

Clerk

I, _____ Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 32-2023 of the said Town. Given under my hand and the seal of the said Corporation, this _____ day of _____, 20____



The Municipal Corporation of the Town of Fort Erie

By-law No. 33-2023

Being a By-law to Stop Up and Close Part of the Sixth Street Road Allowance and Part of the Abutting Lane on Plan 519

Whereas Report No. PDS-79-2022 was considered and approved at the Regular Council meeting held on December 12, 2022, to authorize the sale of part of an unimproved road allowance and abutting lane south of Walden Avenue in order to facilitate a second access to a proposed Plan of Common Elements Condominium for 315 and 0-350 Garrison Road, requiring the stopping up and closing of part of the Sixth Street road allowance and part of the abutting lane on Plan 519 to effect the sale of the lands as outlined in the said Report; and

Whereas it is deemed necessary to proceed with a by-law to stop up and close part of the Sixth Street road allowance and part of the abutting lane on Plan 519;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

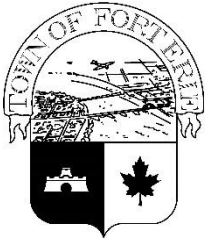
1. **That** the unimproved road allowance and abutting lane legally described as Sixth Street, Plan 519, Village of Fort Erie, Chestnut Street (formerly Sixth Street aka Brook Street) south of Walden Boulevard; Fort Erie, being all of PIN 64220-0126 (LT); and Part of Lanes, Plan 519, Village of Fort Erie, between Erie Street and Mather Boulevard; Fort Erie, designated as Part 1 on Reference Plan 59R-17514, being part of PIN 64220-0120 (LT), are stopped up and closed.
2. **That** the Town Law Clerk shall cause this by-law to be registered in the local Land Registry Office.
3. **That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 27th day of February, 2023.

Mayor

Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 33-2023 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20 .



The Municipal Corporation of the Town of Fort Erie

By-law No. 34-2023

Being a By-law to Authorize the Sale of Part of the Sixth Street Road Allowance and Part of the Abutting Lane on Plan 519 to 2717041 Ontario Inc. (Vijaykumar Patel)

Whereas Report No. PDS-79-2022 was considered and approved at the Regular Council meeting held on December 12, 2022, to authorize the sale of Sixth Street Plan 519; Fort Erie, being all of PIN 64220-0126 (LT) and part of Lanes Plan 519; Fort Erie, designated as Part 1 on Reference Plan 59R-17514, being part of PIN 64220-0120 (LT), for the appraised value of \$330,000, plus HST, to 2717041 Ontario Inc., subject to the Lands legally merging in title with the Purchaser's abutting lands known municipally as 315 and 0-350 Garrison Road and further subject to the condition that the Purchaser obtain Conditional Site Plan Approval for the proposed Common Elements Condominium, before closing, and building permits being applied for, on or before closing, as outlined in the said Report; and

Whereas it is deemed desirable to enter into an Agreement of Purchase and Sale with 2717041 Ontario Inc. for the sale of the said lands;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

- 1. That** the entry into an Agreement of Purchase and Sale with 2717041 Ontario Inc. (the "Purchaser") for the lands legally described as Sixth Street, Plan 519, Village of Fort Erie, Chestnut Street (formerly Sixth Street aka Brook Street) south of Walden Boulevard; Fort Erie, being all of PIN 64220-0126 (LT); and Part of Lanes, Plan 519, Village of Fort Erie, between Erie Street and Mather Boulevard; Fort Erie, designated as Part 1 on Reference Plan 59R-17514, being part of PIN 64220-0120 (LT) (the "Lands"), in the amount of \$330,000 plus HST, in a form satisfactory to the Town Solicitor, is authorized and approved, subject to the Lands legally merging in title with the Purchaser's abutting lands known municipally as 315 and 0-350 Garrison Road and further subject to the Purchaser obtaining Conditional Site Plan Approval for the proposed Common Elements Condominium, before closing, and building permits being applied for, on or before closing, and the Purchaser being responsible for all associated costs.
- 2. That** the Chief Administrative Officer is authorized and directed to execute the Agreement of Purchase and Sale and all other documentation necessary to complete the transaction, and to affix the corporate seal thereto.
- 3. That** the proceeds from the sale shall be credited to the Major Capital Expenditure Reserve Fund of The Corporation of the Town of Fort Erie.
- 4. That** this by-law shall expire on August 15, 2023, if the purchaser has not completed the transaction.

- 5. **That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 27th day of February, 2023.

Mayor

Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 34-2023 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20 .



The Municipal Corporation of the Town of Fort Erie

By-law No. 35-2023

**Being a By-law to Confirm the Actions of Council at its
Council-in-Committee Meeting Held on February 13, 2023,
Council-in-Budget Committee Meeting No. 3 Held on February
15, 2023, Special Council-in-Committee Meeting Held on
February 22, 2023, Special Council Meeting Held on February
27, 2023 and its Council Meeting Held on February 27, 2023**

Whereas it is desirable to have the actions and proceedings of Council adopted, ratified and confirmed by by-law;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the actions of Council at its Council-in-Committee Meeting held on February 13, 2023, Council-in-Budget Committee Meeting No. 3 held on February 15, 2023, Special Council-in-Committee Meeting held on February 22, 2023, Special Council Meeting held on February 27, 2023 and its Council Meeting held on February 27, 2023 including all motions, resolutions and other actions are adopted, ratified and confirmed as if they were expressly embodied in this by-law, except where the law requires the prior approval of any authority.
2. **That** where no individual by-law has been or is passed with respect to the taking of any action authorized in or with respect to the exercise of any powers by the Council, then this by-law is deemed for all purposes to be the by-law required for such authorization or exercise of any powers.
3. **That** the Mayor and officers of The Corporation of the Town of Fort Erie are authorized and directed to do all things necessary to give effect to such actions or to obtain approvals where required.
4. **That** except where otherwise provided, the Mayor and the Clerk are authorized and directed to execute all documents arising from such actions.
5. **That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 27th day of February, 2023.

Mayor

Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certify the foregoing to be a true copy of By-law No. 35-2023 of the said Town. Given under my hand and the seal of the said Corporation, this