



**The Municipal Corporation of the Town of Fort Erie
Special Council Meeting
Addendum**

Monday, June 30, 2025, 5:30 p.m.

Council Chambers

Pages

8. Public Meetings

***8.2 PBBS-40-2025**

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Proposed Official Plan and Zoning By-law Amendments Information
Report for lands located at 3856 Terrace Lane and Unassigned Parcel
0-15097 Crystal Beach Road.

(Appendix 5 - Public Comments Revised June 30, 2025)

Resolution:

That: Council receive for information purposes, Report PBBS-40-2025
regarding the proposed Official Plan and Zoning By-law Amendment
Applications for lands located at 3856 Terrace Lane and Unassigned
Parcel 0-15097 Crystal Beach Drive.



Planning, Building and By-law Services

Prepared for: Council-in-Committee

Report: PBBS-40-2025

Meeting Date: June 9, 2025

1. Title

Proposed Official Plan and Zoning By-law Amendments
Information Report for lands located at 3856 Terrace Lane and Unassigned Parcel 0-15097
Crystal Beach Road.

2. Recommendations

That: Council receive for information purposes, Report PBBS-40-2025 regarding the proposed Official Plan and Zoning By-law Amendment Applications for lands located at 3856 Terrace Lane and Unassigned Parcel 0-15097 Crystal Beach Drive.

3. Relation to Council's Corporate Strategic Plan

Priority: Comprehensive housing options and sustainable and managed growth.

4. List of Stakeholders

1000054526 Ontario Inc. & 3101669 Nova Scotia Company (Lou Pompili) – Owners
External agencies (e.g. Niagara Region, NPCA, Public Utilities, etc.)
Residents and property owners in the Town of Fort Erie

5. Purpose of Report

The purpose of this report is to provide Council with information on the applications for combined Official Plan and Zoning By-law Amendments for lands municipally known as 3856 Terrace Lane and Unassigned Parcel 0-15097 Crystal Beach Drive. The applications were submitted by Lou Pompili on behalf of the Owners, 1000054526 Ontario Inc. & 3101669 Nova Scotia Company. A location map showing the area subject to the applications is attached as **Appendix 1**.

The Official Plan Amendment proposes to change the land use designation of the subject lands to a Core Mixed Use - Special Policy Area in the Crystal Beach Secondary Plan to facilitate development of a 10-storey, 100-unit, residential apartment building with a density of 385 units per hectare. The Special Policy Area seeks to add apartment buildings as a permitted use and relates to density, land assembly, height, and access.

The Zoning By-law Amendment proposes to rezone the subject lands to a site specific Residential Multiple 1 (RM1) Zone to facilitate development of the proposed apartment building.

The requested site-specific provisions relate to lot area, lot coverage, setbacks, height and density.

6. Analysis

The application proposes development of a 10-storey, 100-unit, residential apartment building with a density of 385 units per hectare. The development proposes common areas (levels 2 and 3), an indoor pool with locker and shower rooms (level 3), a fitness room (level 2), ground floor and rooftop patios, convenience retail and food services (level 3), and common party rooms (levels 9 and 10). Staff note, the Owner has confirmed the convenience retail and food service component of the proposal, labeled “Commercial” on the Floor Plans, is intended for the exclusive use of owners, renters and guests. Vehicular access to the site is proposed from Crystal Beach Drive by way of three parking ramps leading to under and above ground parking levels.

6.1 Site Context

The subject lands are located within the Urban Boundary in the Crystal Beach Neighbourhood. The subject lands are municipally addressed as 3856 Terrace Lane, Fort Erie and include an unassigned parcel identified as 0-15097 Crystal Beach Drive, Fort Erie. The subject lands are comprised of two interior lots that, when assembled, form a through lot with 30.5 meters of frontage onto Crystal Beach Drive and a smaller portion fronting onto Terrace Lane. The subject lands are approximately 0.26 hectares in area and are currently vacant but support a remnant dune landform and woodland vegetation.

The subject lands are adjacent to existing low density residential uses, the Crystal Beach Waterfront Park and Boat Launch and the Crystal Beach Wastewater Treatment Plant. The subject lands are surrounded by the following uses:

- North: Crystal Beach Drive and the Crystal Beach Wastewater Treatment Plant;
- East: Single detached dwellings, semi detached dwellings and vacant land;
- South: Apartment Building (Palmwood), Crystal Beach Waterfront Park and Boat Launch;
- West: Single Detached Dwellings;

6.2 Planning Policy Framework

6.2.1 Planning Act, R.S.O. 1990, c.P.13

The *Planning Act* provides for a land use planning system led by Provincial policy, integrating provincial interests with municipal decision making, promoting sustainable economic development in a healthy natural environment and encouraging coordination among various interests. The *Planning Act* identifies matters of Provincial interest that Council must consider in carrying out their legislative responsibilities. These matters include, but are not limited to, the adequate provision of a full range of housing, including affordable housing, the protection of public health and safety, the appropriate location of growth and development and the promotion of built form that is well designed, encourages a sense of place and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant. Decisions of Council must also be consistent with provincial policy statements and conform with provincial plans and municipal official plans that are in force and effect.

6.2.2 Provincial Planning Statement, 2024

On October 20, 2024, the Provincial Planning Statement, 2024 (PPS, 2024) came into force and effect. The PPS, 2024 replaces the Provincial Policy Statement, 2020 and repeals A Place to Grow: Growth Plan for the Greater Golden Horseshoe. Land use planning decisions are required to be consistent with the PPS, 2024.

The subject property is located within a Settlement Area under the PPS, 2024. The PPS, 2024 continues to direct growth and development to settlement areas and encourages intensification to support the achievement of complete communities (2.3.1). Furthermore, the PPS requires Major Facilities and sensitive land uses be planned and developed to avoid potential adverse effects from odour and noise and to ensure the long term operational and economic viability of Major Facilities.

The PPS also directs that natural features and areas shall be protected for the long term (4.1.1). Specifically, the PPS states that development and site alteration shall not be permitted in significant woodlands (4.1.5).

Staff will provide an analysis of the proposal with respect to the PPS, 2024 in a future Recommendation Report presented to Council.

6.2.3 Niagara Official Plan, 2022

Schedule B of the Niagara Official Plan, 2022 (NOP) identifies the subject lands within the Delineated Built-Up Area.

With respect to managing urban growth, the NOP supports opportunities for intensification, infill development and redevelopment (2.2.1.1(g)). Further, the NOP supports opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods (2.2.1.1(h)). The NOP additionally supports the development of a mix of residential built form in appropriate locations, such as local growth centres, to ensure compatibility with established residential neighbourhoods (2.2.1.1(i)). To mitigate and adapt to the impacts of climate change, the NOP promotes built forms, land use patterns and street configurations that improve community resilience and sustainability, reduce greenhouse gas emissions and conserve biodiversity (2.2.1.1(l)(iii)).

To ensure intensification is strategic, the NOP requires forecasted population growth to be accommodated primarily through intensification in built-up areas with a focus on strategic growth areas that include protected major transit station areas, regional and local growth centres, and locations with planned transit service, among others (2.2.2.1). Furthermore, the NOP establishes a minimum intensification target in Fort Erie that requires 50% of all residential units occurring annually to be constructed within built-up areas (2.2.2.6).

Within Settlement Areas, providing a range and mix of densities, lot and unit sizes and housing types, including affordable and attainable housing, to meet housing needs at all stages of life is a priority of the NOP (2.3.1.1). Furthermore, new residential development and intensification is encouraged to be designed to mitigate and adapt to the impacts of climate change by facilitating a compact built form that incorporates sustainable construction materials and practices, green infrastructure, energy conservation standards, water efficient technologies and low impact development (2.3.1.4).

In accordance with Provincial requirements, the NOP emphasizes the importance of protecting and conserving Archaeological Resources. Prior to development and site alteration, areas of archaeological potential and those containing archaeological resources must be investigated and cleared or mitigated following clearance from the Province (6.4.2.1).

Staff will provide an analysis of the proposal with respect to the NOP in a future Recommendation Report presented to Council.

6.2.4 Town of Fort Erie Official Plan, 2021 Consolidation

Schedule A of the Town of Fort Erie's Official Plan, 2021 designates 3856 Terrace Lane as Urban Residential and Environmental Protection and Unassigned Parcel 0-15097 Crystal Beach Drive as Urban Residential.

Lands subject to the Urban Residential designation are intended for a variety of housing forms such as single detached dwellings, duplexes, semidetached dwellings, townhouses, multiple unit dwellings, and apartments, among others, including neighbourhood commercial uses (4.7.4).

Lands subject to the Environmental Protection designation are to be protected from incompatible development by restricting development and site alterations within such areas (8.2(I)). Uses permitted within this designation include conservation activities, flood and erosion control, forestry, fish and wildlife management, passive recreational pursuits and other uses permitted by the Natural Hazards policies of the Plan.

Staff note, due to an ongoing appeal at the Ontario Land Tribunal, related to the subject lands, the policies and land use designations of the Crystal Beach Secondary Plan are not in force and effect as it relates to the proposed development. Although not in force and effect, the Crystal Beach Secondary Plan designates 3856 Terrace Lane as Medium Density and Unassigned Parcel 0-15097 as Medium Density and Environmental Protection. With respect to the subject lands, the Crystal Beach Secondary Plan envisions built form limited to three storeys in height with a maximum density range of 25 – 50 units per hectare.

The Town's Official Plan (4.7.4.1(II)) states that in considering medium density and high-density residential uses, redevelopment and infill residential intensification on vacant land, regard shall be given to the following:

- a. The height, bulk and arrangement of buildings and structures to achieve a harmonious design, compatible integration with the surrounding area and not negatively impact on lower density residential uses;
- b. Appropriate open space, including landscaping and buffering to maximize privacy and minimize the impact on adjacent lower density uses;
- c. Parking areas that are sufficient size to satisfy the need of the development and are well designed and properly related to buildings and landscaped areas;
- d. The design and location of refuse pick-up and recycling service areas meets Regional Waste Collection design requirements;
- e. e. Driveway access, internal roadways and pedestrian walkways that are safe and properly designed;
- f. Convenient access to a collector or arterial road;
- g. Location in regard to the elements of traditional neighbourhood design and within convenient walking distance of the central focus of the neighbourhood;

- h. Building designs that place windows and balconies to overlook pedestrian routes and parking areas to encourage “eyes on the street”; and
- i. Site planning considerations that facilitate walking and cycling activity such as secured bike storage, lighting and bikeways.

Staff will provide an analysis of the proposal with respect to the Town’s Official Plan in a future Recommendation Report presented to Council.

Schedule C – Natural Heritage Features

Schedule C of the Official Plan identifies the subject lands within an Environmental Corridor.

The Applicant has submitted a Scoped Environmental Impact Study, prepared by Beacon Environmental and dated March 25, 2025 that concludes no significant natural heritage features will be impacted by the development.

According to the Scoped Environmental Impact Study, the subject lands support two regionally rare plant species. The Scoped Environmental Impact Study recommends transplanting the two regionally rare plant species to an undisturbed location on or adjacent to the subject lands.

To mitigate impacts on birds, the Scoped Environmental Impact Study recommends vegetation removal occur between September 1 and March 31 (when birds are no longer actively nesting). Furthermore, the Scoped Environmental Impact Study provides options to reduce bird collisions with buildings by way of patterns or films applied to glass and bird friendly lighting.

Senior Environmental Staff have provided comments with respect to the Environmental Impact Study that are included in Section 9.1 below.

Schedule D – Cultural Heritage Archaeological Zones of Potential

Schedule D of the Official Plan identifies the subject lands in an area of archaeological potential.

The Applicant has submitted Stage 1 and 2 Archaeological Assessments for the subject lands, prepared by Detrius Consulting Ltd. and dated January 19, 2021 and November 14, 2022. The Archaeological Assessments each conclude the identification of no archaeological resources, therefore no additional archaeological assessment of the Study Areas is required.

Staff will require the Applicant to submit Letters of Acknowledgement from the Ministry of Citizenship and Multiculturalism.

6.2.5 Comprehensive Zoning By-law 129-90, as amended

3856 Terrace Lane is zoned Residential 2B (R2B) Zone and Hazard (H) Zone in accordance with the Town’s Comprehensive Zoning By-law 129-90, as amended. Unassigned Parcel 0-15097 Crystal Beach Drive is zoned Residential 2B (R2B) Zone in accordance with the Town’s Comprehensive Zoning By-law 129-90, as amended. Staff note, the subject lands are not

impacted by Interim Control By-law 121-2024. The subject lands were excluded from the Interim Control By-law due to the on-going appeal.

The Zoning By-law Amendment proposes to rezone the subject lands to a site specific Residential Multiple 1 (RM1) Zone to facilitate development of a 10-storey, 100-unit, residential apartment building with a density of 385 units per hectare. The Applicant-requested site-specific provisions relate to lot area, lot coverage, setbacks, height and density. Staff note, the Draft By-law submitted in support of the Application combines select Permitted Uses from the Residential Multiple 1 (RM1) Zone with regulations from the Residential Multiple 2 (RM2) Zone to create a site-specific Residential Multiple 1 (RM1) Zone. **Table 1** further reviews the proposal against the requirements of the standard Residential Multiple 1 (RM1) permitted uses, standard Residential Multiple 2 (RM2) Zone regulations and General Provisions of the Town's Zoning By-law 129-90, as amended.

Table 1: Standard RM1 Permitted Uses, Standard RM2 Zone Regulations and General Provisions against RM1-689 Zone Regulations, Site-Specific RM1 Zone Regulations and General Provisions			
Zoning Provision	RM1 Zone Requirement	RM1-689 Zone Requirement	Proposed
Permitted Uses <i>***Applicant requested</i>	a) Single detached dwellings b) Semi-detached dwellings c) Duplexes d) Triplexes e) Fourplexes f) Street townhouse dwellings g) Block townhouse dwellings h) Residential uses existing at the date of passing of this by-law i) Uses, buildings and structures accessory to the foregoing permitted uses j) Two (2) Accessory Dwelling Units, or one (1) Accessory	a) Semi-detached dwellings b) Steet townhouse dwellings c) Block townhouse dwellings d) Stacked townhouse dwellings e) Apartments	a) Apartments and accessory uses b) Short Term Rental, Dedicated

	Dwelling Unit and one (1) Detached Accessory Dwelling Unit as per the regulations of Subsection 6.43 k) Short-Term Rental, Owner Occupied		
Zoning Provision	RM2 Zone Requirement	RM1-689 Zone Requirement	Proposed
Permitted Uses	a) Fourplexes b) Apartment dwellings c) Home for the Aged d) Residential uses existing at the date of passing of this by-law e) Assisted Living House f) Nursing Home g) Uses, buildings and structures accessory to the foregoing permitted use	a) Semi-detached dwellings b) Steet townhouse dwellings c) Block townhouse dwellings d) Stacked townhouse dwellings e) Apartments	a) Apartments and accessory uses b) Short Term Rental, Dedicated
Minimum Lot Frontage	30 meters	30 meters	30.5 meters
Minimum Lot Area <i>***Applicant requested</i>	115 square metres per unit	0.2600 hectares (excluding EP lands)	0.2600 hectares (excluding EP lands)
Maximum Lot Coverage <i>***Applicant requested</i>	40%	50%	74%
Minimum Front Yard (Crystal Beach Drive) <i>***Applicant requested</i>	7.5 meters	7.5 meters to garage	4.1 meters

Minimum Front Yard (Terrace Lane) <i>***Applicant requested</i>	7.5 meters	0 meters from Hazard limit	0 meters from Hazard limit for lots fronting Terrace Lane
Minimum Interior Side Yard <i>***Applicant requested</i>	One-half of the building height or 4 meters, whichever is greater (9.5 m)	N/A	0.1 meters (East) 0.2 meters (West)
Minimum Exterior Side Yard	One-half of the building height or 6 meters, whichever is the greater (9.5 m)	N/A	N/A (interior lots)
Minimum Rear Yard	One-half of the building height or 7.5 meters, whichever is the greater (9.5 m)	6 meters	13.6 meters
Minimum floor area per dwelling unit	Bachelor Unit: 40 square meters One-Bedroom Unit: 50 square meters Two-Bedroom Unit: 60 square meters Unit comprising three or more bedrooms: 79 square meters plus 7 square meters for each bedroom in excess of three	N/A	Not provided.
Maximum Building Height <i>***Applicant requested</i>	9 storeys or 26 meters whichever is the greater	3 storeys or 12 meters from building main floor entrance grade	10 storeys / 21 meters
Landscaped Area	For every lot on which the buildings or structures are situated, there shall be provided and maintained on the lot at least 25 percent of the lot area as a landscaped area unused for access or maneuvering space or parking space or any other purpose other than landscaped area	N/A	Not provided.

	and playground		
Minimum Density	N/A	N/A	Not provided.
Maximum Density <i>***Applicant requested</i>	N/A	50 units / hectare	385 units / hectare
Zoning Provision	General Provision	General Provision	Proposed
6.12 (a) – Loading Space Requirements	Less than 929 sq. m (none) Over 929 sq. m (1 loading space)	Less than 929 sq. m (none) Over 929 sq. m (1 loading space)	Not provided.
6.12 (c) – Dimensions of Loading Spaces	A loading space required hereby shall have minimum dimensions of 3.5 m by 9 m and a minimum vertical clearance of 4 m.	A loading space required hereby shall have minimum dimensions of 3.5 m by 9 m and a minimum vertical clearance of 4 m.	Not provided.
6.12 (e) – Yards where Permitted	Loading spaces shall be permitted in any yard other than a required front yard or a required exterior side yard, provided that: (i) no part of any loading space shall be located between the street line and the main wall of the building; and (ii) no part of any loading space shall be located closer than 1 m to any interior side lot line or rear lot line. (iii) no part of any loading space shall be located closer than 4.5m to any residential zone nor any property containing a residential dwelling.	Loading spaces shall be permitted in any yard other than a required front yard or a required exterior side yard, provided that: (i) no part of any loading space shall be located between the street line and the main wall of the building; and (ii) no part of any loading space shall be located closer than 1 m to any interior side lot line or rear lot line. (iii) no part of any loading space shall be located closer than 4.5m to any residential zone nor any property containing a residential dwelling.	Not provided.
6.12 (f) – Access to Loading Spaces	Access to loading spaces shall be by means of an	Access to loading spaces shall be by means of an	Not provided.

	unobstructed driveway at least 3.5 m in width in Commercial Zones and at least 6.0 m wide in Industrial Zones and contained within the lot on which the loading spaces are located and leading to either an improved street or lane not less than 7.5 m in width.	unobstructed driveway at least 3.5 m in width in Commercial Zones and at least 6.0 m wide in Industrial Zones and contained within the lot on which the loading spaces are located and leading to either an improved street or lane not less than 7.5 m in width.	
6.20 (A)(i) - Minimum Parking Requirement	1.5 parking spaces per dwelling unit (150 required)	1.5 parking spaces per dwelling unit (150 required)	110
6.20 (B)(ii) – Calculation of Parking Requirements	Where a building, structure or lot accommodates more than one type of use as set out in Subsection 6.20 (A) of this Subsection, the total parking space requirements for such building, structure or lot shall be the sum of the requirements for the separate uses thereof, except that in the case of a shopping centre, the uses of which have not been clearly determined at the time of construction, the parking space requirement for shopping centre shall apply.	Where a building, structure or lot accommodates more than one type of use as set out in Subsection 6.20 (A) of this Subsection, the total parking space requirements for such building, structure or lot shall be the sum of the requirements for the separate uses thereof, except that in the case of a shopping centre, the uses of which have not been clearly determined at the time of construction, the parking space requirement for shopping centre shall apply.	Not provided.
6.20 (D(i)(3)) – Ingress and Egress	In Residential Zones, ingress and egress, to and from the required parking spaces and areas, shall be provided by means of unobstructed driveways or passageways at least 3.0 metres, where only one-way traffic is permitted and have a	In Residential Zones, ingress and egress, to and from the required parking spaces and areas, shall be provided by means of unobstructed driveways or passageways at least 3.0 metres, where only one-way traffic is permitted and have a	Not provided.

	minimum width of 6.0 m but not more than 9.0 metres in perpendicular width where two-way traffic is permitted.	minimum width of 6.0 m but not more than 9.0 metres in perpendicular width where two-way traffic is permitted.	
6.20 (D)(ii) – Ingress and Egress	The maximum width of any joint ingress and egress driveway ramp in a Commercial or Residential Zone measured along the street line shall be 9.0 m.	The maximum width of any joint ingress and egress driveway ramp in a Commercial or Residential Zone measured along the street line shall be 9.0 m.	Not provided.
6.20 (D)(v)(i) – Ingress and Egress	Every lot shall be limited to the following number of driveways: 1. up to the first 30.0 m of frontage - not more than 2 driveways; and 2. for each additional 30.0 m of frontage - not more than 1 additional driveway.	Every lot shall be limited to the following number of driveways: 1. up to the first 30.0 m of frontage - not more than 2 driveways; and 2. for each additional 30.0 m of frontage - not more than 1 additional driveway.	3
6.20(F) – More Than One Use on a Lot	When a building or structure accommodates more than one type of use as set out in paragraph (A) of this subsection, the parking space requirement for the whole building shall be the sum of the requirements for the separate parts of the building occupied by the separate types of use.	When a building or structure accommodates more than one type of use as set out in paragraph (A) of this subsection, the parking space requirement for the whole building shall be the sum of the requirements for the separate parts of the building occupied by the separate types of use.	Not provided.
6.20 (I) - 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.	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.	0.2 meters
6.20 (J)(i) – Dimensions of Parking Spaces	Except as otherwise provided in this Clause, where the side of a	Except as otherwise provided in this Clause, where the side of a	Not provided.

	parking space abuts either a lot line or a wall, a column, a pillar, a tree, a fence, a pole or other obstruction or part thereof which is 0.5 m or more in height above the level of such parking space, the minimum width of the said parking space shall be 3.0 m; and	parking space abuts either a lot line or a wall, a column, a pillar, a tree, a fence, a pole or other obstruction or part thereof which is 0.5 m or more in height above the level of such parking space, the minimum width of the said parking space shall be 3.0 m; and	
6.20 (L) – Parking Structures	Nothing in this By-law shall apply to prohibit the location of underground parking areas in any yard, provided that: (i) no part of any underground parking area shall be situated above finished grade in any required yards; and	Nothing in this By-law shall apply to prohibit the location of underground parking areas in any yard, provided that: (i) no part of any underground parking area shall be situated above finished grade in any required yards; and	Side and Rear Yards
6.20 (M)(i) – Accessible Parking Spaces	Type A parking spaces shall: a) Where provided outdoors, have a minimum height clearance of 2.75 m b) Where provided indoors, have a minimum height clearance of 2.59 m c) Be at least 3.4 m wide d) Be at least 6.0 m long e) Have an adjacent access isle at least 1.5 m wide by 6 m long	Type A parking spaces shall: a) Where provided outdoors, have a minimum height clearance of 2.75 m b) Where provided indoors, have a minimum height clearance of 2.59 m c) Be at least 3.4 m wide d) Be at least 6.0 m long e) Have an adjacent access isle at least 1.5 m wide by 6 m long	3 meters (width). Not provided (length) Not provided (clearance height)
6.20 (M)(i)(i) – Accessible Parking Spaces	Type B parking spaces shall: a) Be at least 2.4 m wide b) Be at least 6.0 m long c) Have an adjacent access isle at least 1.5 m wide by 6m long	Type B parking spaces shall: a) Be at least 2.4 m wide b) Be at least 6.0 m long c) Have an adjacent access isle at least 1.5 m wide by 6m long	3 meters (width). Not provided (length)
6.20 (M)(i)(iv) – Accessible	2% capped at 10 (Type A)	2% capped at 10 (Type A)	4 (not labeled)

Parking Spaces	1% capped at 5 (Type B) (3 Type A and 2 Type B required)	1% capped at 5 (Type B) (3 Type A and 2 Type B required)	
6.21 (a) - Landscaping and Planting Strips (Requirements for Uses Abutting Residential Zones)	Where a lot is used for a non-residential purpose or a residential development consisting of more than 3 dwelling units, and the interior side or rear lot line or portion thereof abuts a Residential zone, then a strip of land adjoining such abutting lot line, or portion thereof, shall be used for no other purpose than a planting strip in accordance with the provisions of this subsection	Where a lot is used for a non-residential purpose or a residential development consisting of more than 3 dwelling units, and the interior side or rear lot line or portion thereof abuts a Residential zone, then a strip of land adjoining such abutting lot line, or portion thereof, shall be used for no other purpose than a planting strip in accordance with the provisions of this subsection	No Planting Strip provided.
6.21 (b) - Landscaping and Planting Strips (Width)	Where land is required to be used for no other purpose than a planting strip, it shall have a minimum width of 3.0 m measured perpendicular to the lot line it adjoins.	Where land is required to be used for no other purpose than a planting strip, it shall have a minimum width of 3.0 m measured perpendicular to the lot line it adjoins.	No Planting Strip provided.
6.21 (g) - Landscaping and Planting Strips (Minimum Landscaped Open Space Area in a Residential Zone)	The overall minimum required landscaped open space area on a lot in a residential zone shall be 20%	The overall minimum required landscaped open space area on a lot in a residential zone shall be 20%	Not provided.
6.37 - Through Lots	Where a lot which is not a corner lot has frontage on more than one street, such lot shall have a front yard in accordance with Section 5.204 of this by-law.	Where a lot which is not a corner lot has frontage on more than one street, such lot shall have a front yard in accordance with Section 5.204 of this by-law.	Crystal Beach Drive (Lot Line Front means the street line where the principal access to adjoining lots is provided)
6.40 - Covered or Uncovered Porches, Balconies, Decks	Required building setback Which is ??	Required building setback	0.1 meters

and Patios			
6.46 - Refuse Collection Areas	Any refuse collection area except for deep collection units shall be enclosed within a covered building, or screened from view through the use of solid materials such as board-on-board fencing and/or decorative brick or block, and; Such refuse collection areas except for deep collection units may not be located in any front yard or any other yard abutting a street.	Any refuse collection area except for deep collection units shall be enclosed within a covered building, or screened from view through the use of solid materials such as board-on-board fencing and/or decorative brick or block, and; Such refuse collection areas except for deep collection units may not be located in any front yard or any other yard abutting a street.	Not provided.

6.3 Studies

On October 26, 2023, a Pre-Consultation Meeting was held between the developer, various Town Staff, and external agencies to review the proposed development.

The Pre-Consultation Meeting Agreement outlined the prescribed information under the Official Plan requirements to deem the Application complete pursuant to the *Planning Act*.

The following studies were submitted in support of the Application:

- [Archaeological Assessment \(Stages 1 & 2\) Unassigned Parcel 0-15097](#)
 - Prepared by Detritus Consulting Ltd. and dated January 19, 2021.
 - The Archaeological Assessments conclude the identification of no archaeological resources, therefore no additional archaeological assessment of the Study Areas are required.
- [Archaeological Assessment \(Stages 1 & 2\) 3856 Terrace Lane](#)
 - Prepared by Detritus Consulting Ltd. and dated November 14, 2022.
 - The Archaeological Assessments conclude the identification of no archaeological resources, therefore no additional archaeological assessment of the Study Areas are required.
- [Environmental Site Assessment \(Phase One\)](#)
 - Prepared by Niagara Soils Solutions Ltd. and dated May 30th, 2022.
 - The Phase One ESA investigation did not identify any Potentially Contaminating Activities on the Phase One property or within the Phase One ESA study area that resulted in creating on-site Areas of Potential Environmental Concern. Therefore, as of May 30th, 2022, a Phase Two ESA investigation is not required.
- [Environmental Impact Study \(Scoped\) Addendum](#)
 - Prepared by Beacon Environmental and dated April 8, 2025.
 - The Environmental Impact Study (Scoped) concludes the subject property supports mostly common vegetation and wildlife and does not support significant

- natural heritage or ecological features.
 - The subject property supports two regionally rare plant species, which, the EIS recommends, should be transplanted to an undisturbed location on or adjacent to the subject property.
 - To mitigate impacts on birds, the Scoped Environmental Impact Study recommends vegetation removal occur between September 1 and March 31 (when birds are no longer actively nesting). Furthermore, the Scoped Environmental Impact Study provides options to reduce bird collisions with buildings by way of patterns or films applied to glass and bird friendly lighting.
- [Environmental Impact Study \(Scoped\)](#)
 - Prepared by Beacon Environmental and dated March 25, 2025.
- [Functional Servicing Report](#)
 - Prepared by R.V. Anderson and Associates Limited and dated October 30, 2024.
 - Subject to peer review. The results of the peer review will be included in the Recommendation Report to be presented to Council at a later date.
- [Geotechnical Investigation](#)
 - Prepared by Soil-Mat Engineers & Consultants Ltd. and dated March 29, 2021.
 - Subject to peer review. The results of the peer review will be included in the Recommendation Report to be presented to Council at a later date.
- [Geotechnical Investigation](#)
 - Prepared by Niagara Testing and Inspection Ltd. and dated September 14, 2022.
 - Subject to peer review. The results of the peer review will be included in the Recommendation Report to be presented to Council at a later date.
- [Addendum to Geotechnical Investigation](#)
 - Prepared by Niagara Testing and Inspection Ltd. and dated October 24, 2024.
 - Subject to peer review. The results of the peer review will be included in the Recommendation Report to be presented to Council at a later date.
- [Noise Impact Study Addendum](#)
 - Prepared by RWDI Air Inc. and dated October 29, 2024.
 - Subject to peer review. The results of the peer review will be included in the Recommendation Report to be presented to Council at a later date.
- [Traffic Impact Study \(Final\)](#)
 - Prepared by R.V. Anderson and Associates Limited and dated October 31, 2024.
 - The Traffic Impact Study concludes that under future total traffic conditions, with the addition of site generated traffic, all study area include the intersections of Ridgeway Road with Crystal Beach Drive, Erie Road, Rebstock Road and Farr Avenue (Ridgeway Road/ Gorham Road) are forecasted to operate satisfactory with individual movements operating at LOS 'C' or better through the 2025 and 2030 horizon years.
- [Tree Inventory and Preservation Plan Report](#)
 - Prepared by Jackson Arboriculture Inc. and dated July 7, 2022, revised September 20, 2024.
 - The Tree Inventory and Preservation Plan inventoried 60 trees, of which none are said to be rare, threatened or endangered and 11 are identified over 30cm in DBH.
 - 13 Boundary Trees are identified that will require permission from adjacent landowners to be removed or injured.
 - 4 Public Trees are identified that will require permission from the Town to be removed or injured.
- [Tree Preservation Plan](#)

- Prepared by Jackson Arboriculture Inc. and dated September 20, 2024.
- The Tree Preservation Plan identifies 13 trees to be preserved and 8 tree to be removed.
- [Preliminary Planning Policy Justification Report and Impact Analysis](#)
 - Prepared by South Coast Consulting and dated November 7, 2024.
- [Odour Assessment \(Preliminary\)](#)
 - Prepared by RWDI Air Inc. and dated July 29, 2022.
 - Subject to peer review. The results of the peer review will be included in the Recommendation Report to be presented to Council at a later date.
- [Odour Assessment \(Final Report\)](#)
 - Prepared by RWDI Air Inc. and dated October 29, 2024.
 - Subject to peer review. The results of the peer review will be included in the Recommendation Report to be presented to Council at a later date.
- [Sun Study](#)
 - Prepared by Jason Pizzicarola Design – Architects Inc. and dated June 19, 2024.
 - The Sun Study illustrates that during evenings in the spring (Spring Equinox), summer (Summer Solstice), fall (Fall Equinox), and winter (Winter Solstice) there may be longer periods of shadows cast on properties located east of the subject lands.

7. Financial, Staffing and Accessibility (AODA) Implications

All costs associated with development of the subject lands will be borne by the Owner.

Development charges will be collected at the time of building permit application. However, if Bill 17 receives Royal Assent, development charges would be collected at the time of issuance of an occupancy permit or the first day of occupancy.

A payment in lieu of parkland dedication will be required as a condition of the future Site Plan / Condominium Agreement.

The proposed development will be required to adhere to the requirements of the *Accessibility for Ontarians with Disabilities Act, 2005*.

7.1 Community Benefits Charges

In accordance with [Community Benefits Charges By-law 131-2023](#), the application is subject to a Community Benefits Charge in the amount of 4% of the value of the land. The Community Benefits Charge is payable on the day before the first building permit is issued with respect to the proposed development. The funds collected may be directed to the following facilities, services or other matters, in accordance with the Community Benefits Charge Strategy:

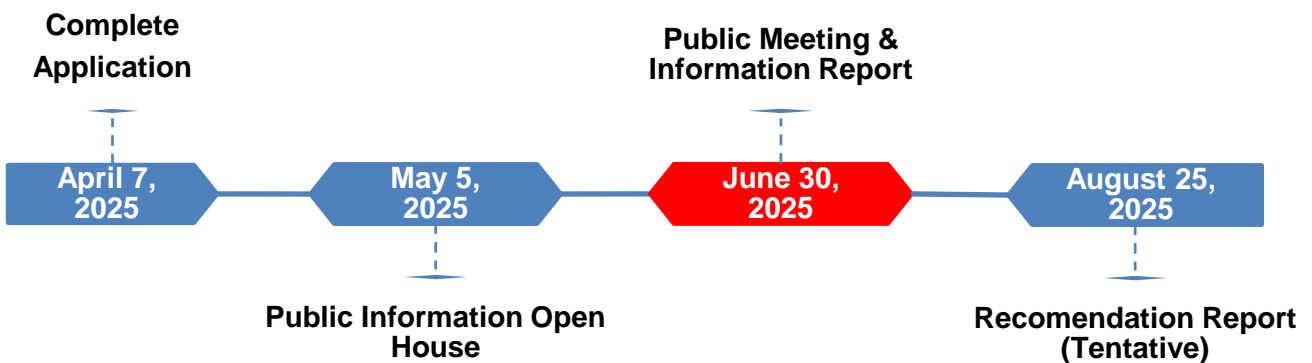
- Community Benefits Charges By-law reviews and strategy updates
- Public realm and urban amenities
- Active transportation
- Affordable housing
- Parking
- Administration

8. Policies Affecting Proposal

The applications were submitted on December 18, 2024, but were deemed incomplete on January 16, 2025. The Applications were resubmitted on January 17, 2025 but were deemed incomplete again on January 30, 2025. The applications were resubmitted on March 27, 2025, and were deemed complete on April 7, 2025.

In accordance with the *Planning Act*, the proposed Official Plan and Zoning By-law Amendment applications are subject to a 120-day processing and review timeline. A Council decision is therefore required by August 5, 2025, otherwise, the Owner may appeal the applications to the Ontario Land Tribunal.

The applications are currently on day 84, as illustrated below.



Statutory requirements of the *Planning Act* were satisfied by circulating a Notice of Public Meeting by regular mail on May 20, 2025, to all land owners within 120 metres of the subject lands, by placing a sign on the subject lands and by circulating internal and external review partners and agencies electronically.

9. Comments from Departments, Community and Corporate Partners

A request for comments regarding the applications was circulated to relevant Departments and Community and Corporate partners on March 10, 2025. Comments received are summarized below and are attached as **Appendix 4**.

9.1 Town Comments

Development Engineering

Roads

Terrace Lane is designated a Local Road and Crystal Beach Drive is designated an Arterial Road. No road widenings are requested through the Applications.

Sidewalks

A 1.50 meter wide sidewalk installation will be required in front of the subject lands (south side of Crystal Beach Drive) with a new sidewalk extension / replacement required from Ridgeway Road to Lake Avenue (south side).

Geotechnical / Hydro-Geotechnical

A shoring system will be required with written consent from neighboring landowners should access / encroachment be required to install the shoring system.

Excavated materials shall be transported off site in accordance with On-Site and Excess Soil Management, O.Reg. 406/19 and OPSS 180.

Watermains

There is a 200 mm dia CI (TOFE) on Crystal Beach Drive and a 150 mm dia PVC (TOFE) on Terrace Lane that will service the subject lands. The Owner shall have a suitably sized water distribution system.

Sanitary

There is a 250 mm dia PE (TOFE) on Crystal Beach Drive and a 200 mm dia PVC (TOFE) on Terrace Lane that will service the subject lands. The Owner shall have an adequately sized sanitary sewer distribution system. Minor revisions to the Functional Servicing Report (FSR) are required regarding the calculations and information pertaining to the existing outlet on Crystal Beach Drive. The FSR will be peer reviewed and will confirm if a HOLDING provision is required.

Storm

There are no storm sewers located on Crystal Beach Drive or Terrace Lane to service the subject lands. The Owner shall have an adequately sized storm sewer distribution system. A Stormwater Management Report shall be required to the satisfaction of the Project Manager, Development Engineering.

Pre-Construction Condition Surveys

The Owner will be required to obtain Pre-Construction Condition surveys of all existing abutting properties and structures surrounding all areas of proposed infrastructure installations.

The Owner shall be required to enter into a Site Plan/ Condominium Agreement with the Town to address the above obligations, and all proposed municipal improvements off-site and external to the subject lands, as required.

Infrastructure Services

Infrastructure Services (IS) Staff will review the Peer Review when available and have detailed their concerns with the TIS below. Additional concerns relate to the retaining wall along Crystal Beach Drive (Town infrastructure). IS will require the wall be carefully removed (salvaged) and returned to the Town, or possibly re-deployed to replace the wall in front of #521 Lake Ave. IS Staff are looking for confirmation how the proposed retaining walls will interact with the Town's retaining walls along Crystal Beach Drive.

Traffic Impact Study

IS Staff are seeking confirmation of the breakdown of residential vs. commercial / amenity space and trip generation data for the proposed commercial use. Additionally, sightline drawings for each driveway must be submitted to verify adequate sightlines are maintained. Finally, IS staff are seeking consolidation of driveways to reduce potential conflicts with pedestrians, cyclists, and through traffic.

Building

Building Staff have concerns related to the stability of neighboring lands and structures due to the extent of excavation proposed. Consideration shall be given to the over dig and slope of the excavations in order to comply with Ministry of Labour requirements. Geotechnical reports and shoring designs should receive 3rd party peer review from an expert in this field. A slope stability report is required to be submitted for 3rd party review and the lots will need to be merged to facilitate development.

Additional comments will be provided during the site plan control process.

Natural Heritage

Comments are ongoing and the Environmental Impact Study is not approved.

The Environmental Advisory Committee provided comments at the April 9th, 2025, meeting and attended a site visit on May 30th, 2025.

Information has been provided from an adjacent landowner that trees on the subject lands are over 125 years (based on a previous arborist report prepared in support of an application on adjacent lands). Town staff reviewed aerial photography from 1934 and it appears the trees in question were in place at that time.

Senior Environmental Planning staff have reviewed the Tree Preservation Plan, and Tree Inventory and Preservation Plan Report provided by Jackson Arboriculture, dated July 7, 2022, Rev. 2 - September 20, 2024 and the Environmental Impact Study, prepared by Beacon Environmental on March 20, 2025 submitted in support of these applications, and it is noted that the age of the trees is not discussed in either report.

The lands are not mapped as Significant Woodlands or Other Woodlands in the Region's Official Plan, per Schedule C2.

The Niagara Official Plan defines Significant Woodlands as follows and is consistent with the definition offered in the Provincial Policy Statement 2024:

Woodlands that are ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history (PPS, 2020).

Pursuant to Section 7.3.1.1.3. of the Natural Heritage Reference Manual (2005, Second Edition), the findings of the Environmental Impact Study, including the identification of two

regionally rare species, combined with the age of the trees suggests the lands are consistent with the definition of a Significant Woodland.

The below policy is from Section 7.3.1.1. of the Natural Heritage Reference Manual:

Uncommon Characteristics - Forests in southern Ontario have been shaped by their ecological setting and historical disturbances. It is important to retain on the landscape woodlands that contain uncommon or outstanding woodland features. These woodlands contribute to the overall health, diversity and well-being of our forested landscape and may provide special habitats and other ecological values that are important to society. Woodlands that contain rare or uncommon community types, important habitats of a species that is at risk or important habitats of species that are rare or restricted in their distribution, and woodlands that are dominated by old or large trees should be considered significant.

The Environmental Impact Study prepared by Beacon Environmental on March 25, 2025 has been reviewed and it is noted that regionally rare plants (Clammy Ground Cherry and Carpenter's Figwort) were found on the subject lands. The age of the trees has been confirmed through aerial imagery and the trees are assumed to be over 125 years old. These two criteria would meet the above policy test for a Significant Woodland as it is an important habitat for rare species and that the woodlot is dominated by old large trees.

The site is also located on a dune, and although it does not have the ANSI designation, (Area of Natural and Scientific Interest) with the additional features it could potentially meet the requirements of this feature and adds to the uncommon characteristics and biodiversity of this site.

Based on this assessment and policy review, Senior Environmental Planning staff do not agree with the opinion put forward by the applicant's environmental consultant that the lands are not a Significant Woodland and are not supportive of the proposed development.

Community Planning

Due to the appeal, the Crystal Beach Secondary Plan policies will not apply to this proposal.

At the time of Site Plan or Draft Plan of Condominium, payment in lieu of parkland dedication and community benefit charges will need to be addressed.

Fire

The fire department has no comments at this time regarding the Official Plan or By-law Amendment proposed for 0-15097 Crystal Beach Drive and 3856 Terrace Lane.

9.2 External Comments

Niagara Peninsula Conservation Authority

The subject lands are impacted by a Dune and will be subject to the Hazard Policies of the NPCA. As such, the NPCA has reviewed the: Geotechnical Report, as prepared by Soil-Mat Engineering & Consulting Ltd (dated March 29, 2021), the Geotechnical Report, as prepared by Niagara Testing and Inspection Ltd (dated September 14, 2022), the Geotechnical Addendum, as prepared by Niagara Testing and Inspection Ltd., (dated October 14, 2024) as well as the

Functional Servicing Report, as prepared by RVA (dated October 30, 2024). Upon our review of the above noted material, the NPCA does not offer objections to the recommendations that the foundations for the structure extend to the bedrock. This serves to limit risk as the structure would not be founded on the slope itself. The NPCA would advise that the recommendations from the Geotechnical Reports be implemented for this project. Sediment and Erosion control measures / drawings should be included on future plans and applications.

The NPCA will require circulation and review of any further Planning Applications for the subject lands. Works permits would be required upon the approval, with no appeals, of Planning Applications. Applicable Planning and Permitting fees will apply for any future application. The NPCA at a high level can support the OPA/ZBA. Detailed design elements should be incorporated into future applications for review and approval.

Niagara Region

The Town would need to ensure potential impacts are properly assessed and appropriately mitigated in accordance with applicable Provincial and NOP policies and guidelines. Accordingly, Regional staff strongly recommends that noise and air quality studies for the application be peer reviewed. I would also note in this regard that per NPC-300 stationary sources need to be able to maintain compliance with the legal requirements of their MECP approval, when the development of new noise sensitive land uses is introduced in their proximity. As a note, I just wanted to flag that best practice is for mitigation measures to be recommended for the application's subject lands (i.e., not for the WTP as this is not the applicant's property).

Furthermore, I wanted to note that Regional engineering / tech staff will have comments for the application, but these would be addressed at future Site Plan / Draft Plan applications.

Canadian Niagara Power

There is no source of electrical power at this site to accommodate an apartment building. The Owner must consult with Canadian Niagara Power to come up with a plan for lot servicing. There will be significant cost to do so.

Cogeco

Cogeco has no comment on this Amendment.

Enbridge

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

9.3 Public Comments

A Public Open House was held in the Atrium of Town Hall on May 5, 2025, from 5 – 6PM. All property owners within 120 metres of the subject lands were notified of the meeting via notice by regular mail sent on April 17, 2025. Town Planning Staff and the Owner / Applicant were in attendance, and approximately 72 members of the public attended the Open House. A brief summary of public comments overheard at the Open House and submitted in relation to the proposal is provided below.

- Comments related to the lack of availability of information.

Development Planning Response: Submission materials are available on the Town's website at the following link: <https://www2.forterie.ca/resource/eservicesPlanning.xsp?s1=POPA-CR11-DC4Q2W>. Submission materials are also available for inspection in person at Town Hall during regular business hours.

- Comments related to the lack of affordable housing units proposed.

Development Planning Response: Development Planning Staff strongly encourage the provision of affordable housing in multiple dwelling proposals but have no ability to mandate this in the absence of Inclusionary Zoning regulations.

- Comments related to potential increased levels of traffic and congestion and negative impacts to nearby intersections caused by the development.

Development Planning Response: The Traffic Impact Study, Prepared by R.V. Anderson and Associates Limited and dated October 31, 2024, concludes that under future total traffic conditions, with the addition of site generated traffic, all study area intersections are forecast to operate satisfactory with individual movements operating at Level of Service 'C' or better through the 2025 and 2030 horizon years.

- Comments related to the lack of parking proposed by the development.

Development Planning Response: The development proposes 110 vehicular parking spaces whereas 150 vehicular parking spaces are required at minimum in addition to the parking required for the proposed commercial component (1.1 vehicular parking spaces per residential dwelling unit).

- Comments related to potential increased flooding caused by the development.

Development Planning Response: During the Site Plan Control stage, detailed review and approval of supporting studies including Stormwater Management Reports will be required to the satisfaction of the Town.

- Comments related to the proposed density.

Development Planning Response: The Urban Residential designation establishes no maximum density but provides other criteria in consideration of medium or high-density proposals. These criteria will be discussed and analyzed in the future Recommendation Report. The Residential Multiple 1 (RM1) Zone caps density at 35 units per hectare.

- Comments related to the potential loss of views and vistas.

Development Planning Response: The Town of Fort Erie's Official Plan establishes no protected viewshed corridors.

- Comments related to potential shadow impacts caused by the development.

Development Planning Response: The Sun Study, prepared by Jason Pizzicarola Design –

Architects Inc. and dated June 19, 2024, illustrates that during evenings in the spring (Spring Equinox), summer (Summer Solstice), fall (Fall Equinox), and winter (Winter Solstice) there may be longer periods of shadows cast on properties located east of the subject lands.

- Comments related to potential environmental impacts caused by the development.

Development Planning Response: The Environmental Impact Study (Scoped), prepared by Beacon Environmental and dated April 8, 2025, concludes the subject property supports mostly common vegetation and wildlife and does not support significant natural heritage or ecological features. Furthermore, the EIS concludes the subject property supports two regionally rare plant species, which, the EIS recommends, should be transplanted to an undisturbed location on or adjacent to the subject property. Lastly, to mitigate impacts on birds, the Scoped Environmental Impact Study recommends vegetation removal occur between September 1 and March 31 (when birds are no longer actively nesting). Furthermore, the Scoped Environmental Impact Study provides options to reduce bird collisions with buildings by way of patterns or films applied to glass and bird friendly lighting.

- Comments related to the misalignment of the development and the Crystal Beach Secondary Plan.

Development Planning Response: Due to an ongoing appeal at the Ontario Land Tribunal, related to the subject lands, the policies of the Crystal Beach Secondary Plan are not in force and effect as it relates to the proposed development. Additional review and analysis will be provided in the Recommendation Report.

- Comments related to the character of the neighbourhood not being reflected though the proposed built form (apartment building).

Development Planning Response: The same built form (apartment building), although higher in building height, is located approximately 85 meters from the subject lands (3823 Terrace Lane).

- Comments related to the impact of Interim Control By-law 121-2024.

Development Planning Response: The subject lands are not impacted by Interim Control By-law. The subject lands were excluded from the Interim Control By-law due to the on-going appeal.

- Comments related to the Residential Multiple 1 (RM1) Zone restricting maximum building height to 3 storeys.

Development Planning Response: Due to an ongoing appeal at the Ontario Land Tribunal, related to the subject lands, the subject lands are zoned Residential 2B (R2B) Zone. The Residential 2B (R2B) Zone permits a maximum

- Comments related to a lack of resident and public outdoor space proposed.

Development Planning Response. Public outdoor space is not proposed as the development is private in nature. The development proposes rooftop and ground floor patios and located adjacent to the Crystal Beach Waterfront Park and Boat Launch.

- Comments related to the lack of setbacks proposed by the development.

Development Planning Response: Reduced interior side yard (0.1 meters) and front yard (4.1 meters) setbacks are proposed whereas the minimum rear yard setback is maintained.

- Comments related to the potential loss of privacy caused by the development.

Development Planning Response: The Owner may incorporate mitigation measures into the development to address privacy concerns.

- Comments related to a perceived lack of meaningful engagement related to development proposals.

Development Planning Response: In addition to the fulfilling the statutory requirements of the Planning Act, an Open House was held on May 5, 2025, from 5 – 6 p.m. in the Atrium at Town Hall. The Owner, Town Staff and approximately 72 members of the public were in attendance.

- Comments related to potential slope stability issues on adjacent properties caused by the development.

Development Planning Response: A Slope Stability Assessment will be required at the Site Plan Control stage. The Slope Stability Assessment will require review and final approval to the satisfaction of the Town.

A full record of Public Comments received in response to the proposal are attached as **Appendix 5**.

10. Alternatives

Not applicable. This Report is for information purposes only.

11. Communicating Results

There are no communication requirements currently.

12. Conclusion

This Report is submitted to Council for information purposes only. A Recommendation Report on the proposed Official Plan and Zoning By-law Amendments will be presented to Council at a future date.

13. Report Approval

Prepared by:
Devon Morton, MCIP, RPP
Supervisor, Development Approvals

Reviewed by:
Mark Iamarino, MCIP, RPP
Manager, Development Approvals

Submitted by:

Anamika Dilwaria, M.A., M.Pl., MCIP, RPP, Dipl.M.M
Director, Planning and Development Services

Approved by:

Chris McQueen, MBA
Chief Administrative Officer

14. Attachments

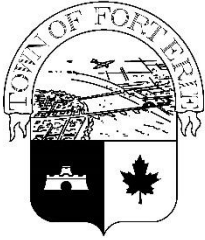
Appendix 1 – Location Map

Appendix 2 – Draft Official Plan Amendment

Appendix 3 – Draft Zoning By-law Amendment

Appendix 4 – Internal and External Comments

Appendix 5 – Public Comments



The Municipal Corporation of the Town of Fort Erie

By-law No. xx-xxxx

**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. xx
15097 Crystal Beach Drive / 3856 Terrace Lane (PLAN 367 LOT 3
NP367 & Part Lot 10, Plan 369)
1000054526 Ontario Inc. (Lou Pompili)**

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. xx 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 DATE day of DATE.

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. xx-xxxx of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20 .

**AMENDMENT NO. xx
TO THE
OFFICIAL PLAN
FOR THE
CORPORATION OF THE TOWN OF FORT ERIE**

CONTENTS

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**PART "A" - THE PREAMBLE
SECTION 1
TITLE AND COMPONENTS**

This document, when approved in accordance with Sections 17 and 21 of The Planning Act, 1990, shall be known as Amendment No. xx 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. xx 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 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 XX to the Official Plan adopted by By-law 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 85 to the Official Plan adopted by By-law 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 “Low Density Residential” to “Core Mixed Use – Crystal Beach Drive / 3856 Terrace Lane (PLAN 367 LOT 3 NP367 & Part Lot 10, Plan 369)”, in the Crystal Beach Secondary Plan to facilitate the development of apartments.

SECTION 3

LOCATION OF THIS AMENDMENT

The lands, which are the subject of this amendment, are located on the south side of Crystal Beach Drive as shown on Schedule "A" attached hereto.

SECTION 4

BASIS OF THIS AMENDMENT

Subsection 13.7(III) of the Official Plan adopted by By-law No. 150-06 of the Fort Erie planning area provides that amendments may be made to the Official Plan. Policies in Subsection 13.7(III) have been considered in the preparation of this amendment and the following factors have been reviewed in supporting this amendment to the Official Plan:

a) The need for the proposed use:

The Subject properties is designated Urban Residential providing for the land to be developed for a variety of housing forms such as single detached, duplex, semidetached, townhouses, multiple units, apartment, accessory apartments, dwellings, rooming houses, boarding, and lodging houses, group homes, housing for the elderly and similar forms of housing. The applicant is proposing to rezone the southerly portion of the property to allow the Subject properties to be developed comprehensively.

The proposal to construct apartment dwelling units meets the intent of the Fort Erie Official Plan because:

- The Fort Erie Official Plan provides for a mix of residential dwelling types.
- The proposed development's location provides convenient vehicular access and pedestrian infrastructure exists in the surrounding area and will not be negatively impacted by this development.
- The proposal provides a comprehensive development of an underutilized parcel of land.
- The increased density proposed allows efficient use of underutilized urban land and the apartments will provide alternative forms of housing in the Crystal Beach Community. The proposal will assist the municipality in achieving its growth targets.

The requested amendment would permit residential intensification at a higher density that aligns with the Provincial Policy Statement, the Region of Niagara Official Plan, and the Town of Fort Erie Official Plan.

b) The extent to which the existing areas in the proposed categories are developed, and the nature and adequacy of such existing development:

The large lot is vacant. The surrounding land uses are residential and institutional.

The proposed residential development will support the existing nearby commercial uses.

The additional units will help to contribute to the viability of the commercial services and facilities in the area.

The proposed building scale, height, size, and built form will optimize the usable area of the site and provide adequate parking and private amenity space. The additional units promote sustainability through connection to municipal services linkages to other destination points in the neighbourhood.

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 properties are not constrained by any natural heritage features. The site itself is, or can be made, physically suitable for the proposed uses.

Consistent with the natural heritage policies of the Plan, the proposed development and the removal of the trees and vegetation will not create a negative adverse impact to the balance of the natural area and the implementation of the Tree Protection Plan will provide for mitigation to offset the indirect impacts to the with replacement native vegetation to compliment the natural surroundings.

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 properties are located Crystal Beach Drive, a short distance from Ridgeway and Erie Beach Roads. Both roads are capable of handling greater volumes of traffic. The site is near Highway 3 providing convenient highway access for future residents. Pedestrian infrastructure exists in the surrounding area and will not be negatively impacted by this development. The proposed development will have access to municipal services.

The proposed apartment building will have frontages on municipal roads that are maintained year-round.

The watermain owned by the Town and will provide water supply to the site. A new service connection will be installed to service the proposal. There two available fire hydrants to service the development. There is a sanitary service to the property on Crystal Beach Drive. It is not expected there will be impediments to sanitary sewer servicing for the development using currently existing municipal sewage works.

e) The compatibility of the proposed use with uses in adjoining areas:

The proposed residential use is compatible with the surrounding lands uses are mixed use residential and commercial, institutional, and parks uses. The Official Plan policies promote buildings situated close to the front street line but allows varied setbacks to provide interesting facade variations.

The proposed development achieves preservation of as much tree preservation as possible. The Tree Protection Plan offers benefits to the ecological functionality of the features for the long term.

The proposed development provides parking for each unit as well as additional spaces for visitors.

The proposed design of the building and building materials including window treatments, and private amenity spaces can meet the objectives outlined in the Town's urban design guidelines.

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 residential use will have a depreciating or deteriorating effect upon adjoining properties. On the contrary, the proposed development may function as a catalyst to bring new development in the area, having an overall positive effect on adjoining properties.

g) The potential effect of the proposed use on the financial position of the Municipality:

The proposed rezoning of the subject properties will not negatively affect the financial position of the municipality as all the works associated with the proposed development are the responsibility of the developer. The proposed residential development will provide the municipality with an additional tax base and development charges. Through the Zoning By-law Amendment, Council may also require community benefits in the form of a Section 37 Agreement with the developer, which will have a positive effect on the financial position of the municipality.

h) The potential effect of the proposed use in relation to the intent and implementing regulations of the Environmental Protection Act.

The proposed use and development are not anticipated to impact the intent and implementing regulations of the Environmental Protection Act.

SECTION 5

IMPLEMENTATION AND INTERPRETATION

The relevant policies of the Official Plan adopted by By-law No. 150-06 of the Fort Erie planning area shall apply to the implementation and interpretation of this Amendment.

PART "B" - THE AMENDMENT

All of this part of the document entitled "Part "B" - "The Amendment" consisting of the following policies and attached maps designated as Schedule "A" (Land Use Plan) constitute Amendment No. xx 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 shall change from ~~Low Density Residential~~ **Urban Residential** to Core Mixed Use:
2. Section 4.22.9.14 of the Crystal Beach Secondary Plan is deleted and replaced by the following:

4.22.9.14 Multiple Parcels between Crystal Beach Drive and Terrace Lane (3856, 0-15084, 0-15085 & 0-15086 Terrace Lane and 0-15097 Crystal Beach Drive).

These lands represent a unique opportunity to provide additional multi-unit residential that can take advantage of waterfront views and amenity of Crystal Beach Waterfront Park.

- a) The site is reserved for apartment units and their accessory uses and generally be governed by the Residential policies of Section 4.22.10 unless otherwise defined under this section.

- b) A density of up to 385 units per hectare will assist in making efficient use of existing and proposed infrastructure and providing opportunities to diversify housing stock and form.
- c) Land assembly is encouraged to enable a comprehensive development plan for lands identified in this policy.
- d) The maximum height will be 21 metres.
- e) Site access for resident parking should only occur from Crystal Beach Drive.
- f) Sensitive architectural designs shall be deployed such as terraced building form reflecting slopes on site.
- g) These lots are in proximity to the Regional Waste Treatment Plant and new development will need to consider compatibility requirements from a noise, air quality and odour perspective.
- h) Existing Environmental Protection designation (Hazard zoning) at the southerly limit of the designated lands may form limits of development / setbacks in the implementing zoning.

PART “C” - THE APPENDICES

Appendix 1	-	Notice of Public Meeting
Appendix 2	-	Public Meeting Minutes
Appendix 3	-	Circulation comments



The Municipal Corporation of the Town of Fort Erie

By-law No. xx-xxxx

Being a By-law to Amend Zoning By-law No. 129-90, as amended 0-15097 Crystal Beach Drive / 3856 Terrace Lane (PLAN 367 LOT 3 NP367 & Part Lot 10, Plan 369) Owners 1000054526 Ontario Inc. (Lou Pompili)

Whereas an application was received from 1000054526 Ontario Inc. (Lou Pompili) (Owner) to amend the Town's Comprehensive Zoning By-law No. 129-90, as amended, for the lands known municipally as 0-15097 Crystal Beach Drive / 3856 Terrace Lane (PLAN 367 LOT 3 NP367 & Part Lot 10, Plan 369); and

Whereas Report No. PDS-14-2018 was considered and approved at the Council-in-Committee meeting held on February 20, 2018, to initiate the Secondary Plan process for the Crystal Beach Secondary Plan, and

Whereas Subsection 34 (12) of the Planning Act, R.S.O. 1990, c.P.13, provides that the Council, before the passing of a by-law under this section of the Act, shall ensure that sufficient information is made available to the public to generally understand the zoning proposal, to hold an open house and to hold a public meeting, and

Whereas in accordance with Subsection 34 (12) of the Planning Act, R.S.O. 1990, c.P.13, an Open House was held respecting the proposed implementing amendments to Comprehensive Zoning By-law No. 129-90, as amended, on May 18, 2021, and notice of such was published in the Fort Erie Post on April 29, 2021 and May 6, 2021, together with comprehensive circulation of the notice pursuant to the municipal notification policy approved by Council on May 6, 2013, and

Whereas in accordance with Subsection 34 (12) of the Planning Act, R.S.O. 1990, c.P.13 a Public Meeting was held respecting the proposed implementing amendments to Comprehensive Zoning By-law No. 129-90, as amended, on June 21, 2021, and notice of such was published in the Fort Erie Post on May 27, 2021, together with comprehensive circulation of the notice pursuant to the municipal notification policy approved by Council on May 6, 2013, and

Whereas Report No. PDS-47-2021 was considered and approved at the Council-in-Committee meeting held on June 21, 2021, to approve Official Plan Amendment No. 54 (Crystal Beach Secondary Plan) and related amendments to Zoning By-law No. 129-90, as amended, and

Whereas Report No. PDS-86-2021 was considered and approved at the Council-in-Committee meeting held on September 13, 2021, to approve the Crystal Beach Secondary Plan Amendment No. 54 (OPA 54) and amendments to the Town Zoning By-law 129-90 to implement OPA 54, and

Whereas Subsection 24 (2) and 24 (2.1) of the Planning Act, R.S.O. 1990, c.P.13, provides that the Council may pass a by-law that does not conform to the Official Plan on lands that are the subject of an adopted amendment, and that once the amendment comes into effect, the by-law shall then conform, and

Whereas Subsection 26 (9) of the Planning Act, R.S.O. 1990, c.P.13, requires the Council of the Municipality to amend all zoning by-laws that are in effect in the municipality to ensure they conform with the official plan revisions within three years, and

Whereas it is deemed desirable to proceed with the implementing amendments to the Comprehensive Zoning By-law 129-90, as amended, pursuant to Section 24(2) and 26(9) of the Planning Act, R.S.O. 1990, c.P.13.

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** Schedule “A” of By-law No. 129-90, as amended, is further amended by changing the zoning of the lands known municipally as 0-15097 Crystal Beach Drive / 3856 Terrace Lane (PLAN 367 LOT 3 NP367 & Part Lot 10, Plan 369) and shown on the attached Schedule “A” from “Residential 2B (R2B) Zone” to “RM1-689 (144-2021) Zone”.
2. **That** By-law No.129-90, as amended, is further amended by adding to “Section 14 – “Residential Multiple 1 (RM1) Zone” - “Exceptions to the Residential Multiple 1 (RM1) Zone” the following exception:

“RM1-689 (144-2021) Multiple Parcels between Crystal Beach Drive and Terrace Lane (3856 Terrace Lane and 0-15097 Crystal Beach Drive)

These lands are zoned “Residential Multiple 1 (RM1-689) 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 (RM1-689) Zone”, subject to the following special provisions:

- a) Notwithstanding the list of Permitted Uses in Section 14.2, these lands may only be used for apartments and accessory uses.
- b) Regulations for apartment as per Section 15.3 except that:
 - i. min, lot area - 0.2600 ha. (excluding EP lands)
 - ii. min. lot area per dwelling unit – not applicable
 - iii. max. coverage - 74%
 - iv. min. setback from Crystal Beach Drive – 4.2m
 - v. min. setback from Hazard limit for lots fronting Terrace Lane – 0m
 - vi. max. height – 21m
 - viii. max. density – 385 un/ha”

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 xxth day of xxxxx, 202x.

Mayor

Clerk

Interoffice Memorandum

Date: June 4, 2025
File No. ZBA-17-2024

To: Devon Morton, Supervisor of Development Approvals

From: Taylor Boyle, Project Manager, Development Engineering

Subject: **Official Plan Amendment, Zoning By-Law Amendment – 1st Submission:
3856 Terrace Lane and 0-15097 Crystal Beach Drive**

Town of Fort Erie Development Engineering Staff have reviewed the above noted application to address technical concerns related to the Official Plan Amendment, Zoning By-law Amendment for 3856 Terrace Lane and 0-15097 Crystal Beach Drive.

The purpose and effect of the Official Plan Amendment is to change the land use designation of the subject lands from Urban Residential and Environmental Protection to a Core Mixed Use - Special Policy Area in the Crystal Beach Secondary Plan to facilitate development of a 10-storey, 100-unit, residential apartment building with a density of 385 units per hectare. The special policy area seeks to add apartment buildings as a supported use.

The purpose and effect of the Zoning By-law Amendment is to rezone the subject lands from Residential 2B (R2B) Zone and Hazard (H) Zone to a site specific Residential Multiple 1 (RM1) Zone to facilitate the proposed apartment building. The requested site-specific provisions relate to lot area, lot coverage, setbacks, height and density.

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

- Geotechnical Investigation Report, prepared by Niagara Testing and Inspection Ltd., dated September 14, 2022;
- Addendum to Geotechnical Investigation, prepared by Niagara Testing and Inspection Ltd., dated October 24, 2024; and
- Noise Impact Study Addendum, prepared by RWDI, dated October 29, 2024;

The following comments and conditions shall be addressed to the satisfaction of the Director of Infrastructure Services. Note that further comments are to be forthcoming on subsequent submissions.

Roads:

Terrace Lane is designated a LOCAL ROAD per the Town's current Official Plan. The designated road width is 20m. Its current width is sufficient and therefore no roading widening will be required.

Crystal Beach Drive is designated an ARTERIAL ROAD per the Town's current Official Plan. The designated road width is 23m. Its current width is approximately 14m. However, the Crystal

Beach Secondary Plan states *“the road widths and compact development form contributes greatly to the character of the broader community. This is genuinely unique to the Crystal Beach neighbourhood and it is expected to remain throughout the existing transportation networks of the neighbourhood. New developments may be required to have roads that maintain present day standards, but as indicated, these are few by comparison. Alternate widths may also be considered for new roadways blending into existing networks.”*

Therefore, no road widening shall be required.

Sidewalks, Curbs, and Driveway Aprons:

In maintaining the Town's need for sidewalks with respect to lands subject to development approvals, sidewalks are typically required on one side of all future public roads. All sidewalks shall be constructed in accordance with the Town of Fort Erie standards to the satisfaction of the Director of Infrastructure Services.

Sidewalks proposed should be noted at the standard town location of 1.0m off street property line along the south side of Crystal Beach Drive from Lake Avenue west to Ridgeway Road, with applicable tactile warning surfaces provisioned accordingly. Sidewalk extensions shall constructed at the cost of the Owner, from Lake Avenue to Ridgeway Road.

All proposed driveway aprons shall be installed at a minimum with paved hard surface asphalt from the street property lines to the proposed road curbs.

Conditions for Sidewalks & Curbs:

1. A minimum 1.50m wide sidewalk shall be constructed on the south side of the public road Crystal Beach Drive, from Lake Avenue to Ridgeway Road, in accordance with the Town's 23.0m road cross-section standards, to the satisfaction of the Director of Infrastructure Services; and
2. That the future site plan/condominium agreement includes a clause requiring that each agreement of purchase and sale state that *“Public sidewalk installation will be in accordance with the terms of the [Site Plan or Condominium] agreement and as per the approved plans on file at Town Hall.”*
3. That the future site plan/condominium agreement includes a clause requiring that each agreement of purchase and sale state that *“The owner (developer) shall be responsible for installing paved driveway aprons from curb to the property line or from the curb to the sidewalk.”*

Geotechnical/Hydro-Geotechnical Report

- The northeast corner of the building will be located about 1.5 metres from the property line. Therefore, a shoring system will need to be installed should permission not be received from the neighboring properties for encroachment of the excavation side slopes at this and other applicable areas. Should some movement of the adjacent soils be acceptable, the shoring system may be constructed using a soldier pile and timber lagging technique.
Staff will require written confirmation from the effected neighboring properties at the northeast corner granting permission to encroach in order to install the required shoring system with tie-back arrangement.

- The Geotechnical Reports states that it is anticipated that the excavated material will be transported off-site. All excavated materials shall be managed in accordance with On-Site and Excess Soil Management, O.Reg. 406/19 and OPSS 180. The Contractor shall comply with Ontario Regulation 406/19 On-Site and Excess Soil Management (O.Reg. 406/19), as amended, and all other documents applicable to O.Reg. 406/19 including, but not limited to, the Soil Rules and Excess Soil Standards. Any reference throughout the document to O.Reg. 406/19 also refers to the Soil Rules and the Excess Soil Standards, as applicable.

Staff Response to Resident's Letter of Concern:

Town Staff have reviewed the letter provided to Planning Staff outlining concerns related to the submitted Geotechnical Investigation Report. Staff comments are summarized below:

1. We understand these comments were submitted by a member of the Town's Environmental Advisory Committee (EAC) who may be a hydrogeologist and an Engineer licensed to practice in Ontario (P.Eng). It is not clear to Town Staff if these comments were submitted by the EAC as a whole as part of their review of the site plan package or just by the Committee member as some "helpful advice". It is recommended that Planning Staff confirm if these comments are within the scope of the EAC.
2. The comments appear very technical and include suggestions for scope of additional studies regarding the site. Planning Staff may wish to forward these to the developer's geotechnical consultant for review/response.
3. With this site there may be issues with proposed building foundations (piles to bedrock), high water table, soil stability and impacts to buildings on neighbouring properties. These are items the Building Department may consider during the building permit review. From IS/Eng perspective, our geotechnical experience is in relation to soil and groundwater conditions for roads and servicing, and we typically don't participate in review of building foundations.

It is recommended that if the developer's consultants are not able to provide satisfactory geotechnical information to the Planning Dept/ Building Department staff or, if review of anticipated foundation issues are not within the Building Department staff's skill set, then Peer Review be included in the review process.

It is also suggested that this matter be reviewed with the Town's Chief Building Official (CBO) to get an understanding of their typically process to deal with foundation, geotechnical and ground water issues anticipated for the proposed building /site plan. This may provide guidance on when to initiate a peer review on geotechnical issues and how to scope the peer review.

4. The comments appear to have limited municipal infrastructure impacts except for:
 - a. flow of water to proposed storm sewer on Terrace Lane and to the existing outlet to Lake Erie.

- b. the need to protect the adjacent road allowances and municipal infrastructure from site excavation impacts, including tiebacks extending under a road allowance.
5. Due to the likelihood of continued public concern regarding the site foundation, from a strategic standpoint, it is recommended that Staff retained a third party peer-reviewer that is an expert in this type of work.

Linear Municipal Services

Watermains

Crystal Beach Drive

Terrace Lane

200mm dia. CI (TOFE)

150mm dia. PVC (TOFE)

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

Conditions for Watermains:

1. The Owner shall have the water distribution system and appurtenances designed by a Professional Civil Engineer in accordance with the Town of Fort Erie Standards, as amended, and constructed to the satisfaction of the Director of Infrastructure Services, inclusive of a watermain connection loop on Crystal Beach Drive; and
2. The Owner's Consulting Engineer submit a ***Ministry of Environment – Form 1 – Record of Watermains Authorized as a Future Alteration*** form to the satisfaction of the Director of Infrastructure Services; and
3. The Owner adheres to the Town's current Drinking Water Quality Management System Requirements and Criteria

Sanitary

Crystal Beach Drive

Terrace Lane

250mm dia. PE (TOFE)

200mm dia. PVC (TOFE)

The Owner shall have an adequately sized sanitary sewer distribution system designed by a qualified Professional Engineer, to the satisfaction of the Director of Infrastructure Services and in accordance with the Town's current standards, a minimum size of 200mm within the future public road(s). The Owner has submitted with this Draft Plan application, a Functional Servicing Report, prepared and certified by R.V. Anderson Associated Ltd., dated October 30, 2024. Although the report in its preliminary form adequately assesses the downstream system for acceptance and conveyance of the proposed peak flows generated for the development lands, further minor revisions are required to the report in terms of the calculations and information regarding the existing outlet on Crystal Beach Drive to considered acceptable.

- The Functional Servicing Report shall be peer-reviewed by the Town's Sanitary Sewer Consultant, GEI Consultants. The analysis by the Town's Consultant shall provide comments and recommendations for the existing downstream system. The submission of this Functional Servicing component and recommendations thereof to the downstream system, if any, shall result in a HOLD Provision until recommended improvements to rectify capacity constraints are implemented accordingly at 100% responsibility of the Owner.
- The Owner shall also make themselves familiar with the requirements of the Town's current Sanitary Sewer Consolidated Linear Infrastructure license, and ensure these requirements are met, prior to the Town authorizing connections to the existing sewer system.

Conditions for Sanitary Sewers:

1. The Functional Servicing Report shall be peer-reviewed by the Town's Sanitary Sewer Consultant, GEI Consultants. The analysis by the Town's Consultant shall provide comments and recommendations for the existing downstream system. The submission of this Functional Servicing component and recommendations thereof to the downstream system, if any, shall result in a HOLD Provision until recommended improvements to rectify capacity constraints are implemented accordingly at 100% responsibility of the Owner.
2. The Owner shall have the sanitary sewer system and appurtenances and any required improvements to the existing system designed by a Professional Civil Engineer in accordance with the Town's Standards, as amended, and be constructed at the cost of the Owner, to the satisfaction of the Director of Infrastructure Services; and
3. The Owner's Consulting Engineer submit and receive the Town's **Consolidated Linear Infrastructure - Environmental Compliance Approval (CLI-ECA)** certificates for the public sanitary sewers within the development lands and those required for sewer installations external to the development lands, to the satisfaction of the Director of Infrastructure Services

Storm

Crystal Beach Drive

Terrace Lane

None

None

A detailed Stormwater Management Report shall be prepared, certified, and implemented for this development by a Professional Civil Engineer in accordance with the Town's Standards, as amended, and in accordance with By-Law 39-2003 and to the satisfaction of the Project Manager, Development Engineering.

In general, Town staff are committed to better environmental stewardship. In accordance with the Niagara Region's Stormwater Management Guidelines, Town Staff require that water quality control be to an Enhanced level (80% TSS removal).

The Owner shall have an adequately sized storm sewer distribution system designed by a qualified Professional Engineer, to the satisfaction of the Director of Infrastructure Services and in accordance with the Town's current standards, to outlet expected peak storm flows to a secured and suitable outlet, using the 5-year storm design.

Conditions for Storm Sewers:

1. The Owner shall have the local storm sewer system and appurtenances designed by a Professional Civil Engineer in accordance with the Town's Standards, as amended, and constructed to the satisfaction of the Director of Infrastructure Services; and
2. A Stormwater Management Report shall be prepared for this development by a Professional Civil Engineer in accordance with the Town's Standards, as amended, to the satisfaction of the Director of Infrastructure Services; and
3. An overland flow route be incorporated into the design of the stormwater management for the site identifying a suitable outlet for the major storm event (> 5-year event); and
4. The storm system be designed to accommodate residential foundation weeping tile drainage via sump pump discharge at grade to the front and / or rear yards only, not the side yards; and
5. That the future site plan/condominium agreement includes a clause requiring that each agreement of purchase and sale state that *"Roof downspouts shall discharge only to the ground surface via splash pads to either the front, or rear yards. No direct connection to the storm sewer will be permitted nor should downspouts discharge directly to the driveway or a roadway."*
6. The Owner's Consulting Engineer submit and receive the Town's **Consolidated Linear Infrastructure - Environmental Compliance Approval (CLI-ECA)** certificates for the public storm sewers within and external to the development lands, to the satisfaction of the Director of Infrastructure Services

Conditions for Street Lighting:

1. The Owner shall submit to the Town a street lighting design prepared by a Professional Electrical Engineer, for review and acceptance to the satisfaction of the Director of Infrastructure Services and/or Canadian Niagara Power; and
2. Pay for and construct the proposed street lighting design in accordance with the Town's, Electrical Safety Authority's, and Canadian Niagara Power's standards, to the satisfaction of the Director of Infrastructure Services
3. Submit to the Town the digital as-constructed data in the Town's AutoCAD standards, in addition to Cost Schedules reflective of the actual costs of construction of all assets to be assumed by the Town through the future site plan/condominium agreement, to the satisfaction of the Director of Infrastructure Services

Pre-Construction Condition Surveys

The Owner shall obtain Pre-Construction Condition surveys of all existing abutting properties and structures surrounding all areas of proposed infrastructure installations. The purpose of a pre-construction condition survey is to obtain independent documentary evidence of the conditions of adjacent buildings, structures, features etc., prior to construction activities commencing on and within the subject lands and lands external to the site. While it is not expected that construction will cause damage to neighboring buildings, structures, features etc., a survey is undertaken as a precautionary measure and will assist building owners, contractors, and developers in the event of any claims for damages.

Conditions for Pre-Construction Condition Surveys:

1. The Owner shall submit to the Town a Pre-Construction Condition survey for all existing abutting properties and structures surrounding all areas of proposed infrastructure installations, to the satisfaction of the Director of Infrastructure Services, prior to the commencement of any construction works

Engineering Fees and Securities for Performance Obligations

The Owner shall be required to submit to the Town, Engineering, regulatory street signage, water testing and construction fees and securities for performance obligations involved with ensuring the design and construction of services to develop the above subject lands and required off-site improvements are completed and function in accordance with Town's standards for assumption, to the satisfaction of the Director of Infrastructure Services.

Conditions for Engineering Fees and Securities for Performance Obligations:

1. The Owner submits to the Town the required fees for Engineering, water testing, regulatory street signage, and construction fees and securities for performance obligations through the means of entering into a pre-servicing and/or future site plan/condominium agreement, to the satisfaction of the Director of Infrastructure Services

PSAB, Records & Asset Management

The Public Sector Accounting Board's (PSAB) 3150 Regulations set the standard for Municipalities to record and report their existing and future tangible capital assets through a comprehensive management approach. Digital data shall be provided by the Owner in accordance with the Town of Fort Erie's Standard Contract documents and AutoCAD standards, for compliance to the above PSAB requirements.

Conditions for PSAB, Records & Asset Management:

1. The Owner submits to the Town the digital data and contract documentation for both Primary and Secondary Services, in accordance with the Town of Fort Erie's Standard Contract documents and AutoCAD standards, in addition to Cost Schedules reflective of the actual costs of construction of all assets to be assumed by the Town through the future site plan/condominium agreement, to the satisfaction of the Director of Infrastructure Services

Engineering Construction, and Geotechnical Compaction Inspections

The Owner's Engineering Consultant shall be responsible to provide full time engineering inspection in order to provide adequate certification of the works required to install Municipal services on and off-site to develop the lands, to the satisfaction of the Director of Infrastructure Services. Engineering Inspection shall also include provisions for Geotechnical Compaction testing inspection for municipal servicing installations, in accordance with the Town's standards. Weekly reports from both the Engineering Consultant and the Geotechnical Engineering Consultant, shall be forwarded to the Town of Fort Erie as part of the requirements for acceptance of the Primary Services proposed.

Conditions for Engineering Construction, and Geotechnical Compaction Inspections:

1. The Owner's Engineering Consultant be responsible to provide full time engineering inspection in order to provide adequate certification of the works required to install Municipal services on and off-site to develop the lands, to the satisfaction of the Director of Infrastructure Services; and

2. The Owner's Geotechnical Engineering Consultant be responsible for providing adequate compaction testing and certification of the works required to install Municipal services on and off-site to develop the lands, to the satisfaction of the Director of Infrastructure Services; and
3. The Owner's Engineering Consultant submit to the Town all relevant and required Construction and Geotechnical Testing and Inspection Records and Reports, to the satisfaction the Director of Infrastructure

Development Engineering have no further comments or conditions to impose regarding the submitted Official Plan Amendment, and Zoning By-Law Amendment applications, subject to the above conditions. The Owner shall be required to enter into a Site Plan/ Condominium Agreement with the Town to address the above obligations, and all proposed municipal improvements off-site and external to the subject lands, as required.

Regards,

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

Taylor Boyle – Project Manager, Development Engineering

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

IS cmts 13may OP & ZBA - 3856 Terrace Ln& 0-15097 Crystal Beach Dr

From Robert Judd <RJudd@forterie.ca>

Date Tue 2025-05-13 2:14 PM

To Helie Upadhyay <HUpadhyay@forterie.ca>; Devon Morton <DMorton@forterie.ca>; Mark Iamarino <MIamarino@forterie.ca>

Cc Taylor Boyle <TBoyle@forterie.ca>; Jordan Frost <JFrost@forterie.ca>; Yashesh Gandhi <YGandhi@forterie.ca>

 1 attachment (121 KB)

IS cmts TIS may2025.pdf;

Hello Devon,

We generally agree with Development Engineering comments provided with the Pre-consultation agreement (Peer Review for sewer capacity, Geotech studies, SWM, TIS, road works, lighting etc). Please forward a copy of the Peer Review when it is available.

We have some concerns with the TIS, please see attached memo.

Also, the retaining wall along Crystal Beach Drive is Town infrastructure. Portions of the wall fronting the subject lands were replaced in 2020 as part of capital project BRIG17. The proposed site servicing drawing indicates the Crystal Beach Dr wall is to be removed along the frontage of the subject lands. We agree in principal with the wall removal provided the newer sections of wall are carefully removed (salvaged) and returned to the Town, or possibly re-deployed to replace the wall in front of #521 Lake Ave.

Servicing drawings submitted in support of the OP and ZB amendments note "wall by others" along the adjacent side lot lines. Subsequent servicing submissions should include submission by the retaining wall consultant as construction of these walls will impact and likely encroach onto adjacent properties and we need to know how these side lot line walls will interact with the Town's walls along Crystal Beach Drive.

regards,

Robert D. Judd, P.Eng.

Municipal Engineer - Infrastructure Renewal

Town of Fort Erie

Infrastructure Services, Engineering Division

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

p: 905-871-1600 ext. 2412

forterie.ca | rjudd@forterie.ca



From: Helie Upadhyay <HUpadhyay@forterie.ca>

Sent: Tuesday, April 22, 2025 4:13 PM

To: aaazouz@csdccc.edu.on.ca <aaazouz@csdccc.edu.on.ca>; Abby LaForme <abby.laforme@mncfn.ca>;

adam.laforme@mncfn.ca <Adam.LaForme@mncfn.ca>; andrew.carrigan@canadapost.postescanada.ca <andrew.carrigan@canadapost.postescanada.ca>; Ash.Neville@rci.rogers.com <Ash.Neville@rci.rogers.com>; circulations@wsp.com <circulations@wsp.com>; clerk@niagararegion.ca <clerk@niagararegion.ca>; devtplanningapplications@niagararegion.ca <devtplanningapplications@niagararegion.ca>; executivedirector@fenfc.org <ExecutiveDirector@fenfc.org>; John.Armstrong@rci.rogers.com <John.Armstrong@rci.rogers.com>; karen.singer@bell.ca <karen.singer@bell.ca>; kris.watson@cnpower.com <Kris.Watson@cnpower.com>; LandUsePlanning@HydroOne.com <LandUsePlanning@hydroone.com>; michelle.mcphee@dsbn.org <Michelle.McPhee@dsbn.org>; Mike.embleton@cogeco.com <Mike.embleton@cogeco.com>; MunicipalPlanning@enbridge.com <MunicipalPlanning@enbridge.com>; neave.constantine@ontario.ca <neave.constantine@ontario.ca>; Paul.shllaku@hydroone.com <Paul.shllaku@hydroone.com>; planification@csdccc.edu.on.ca <planification@csdccc.edu.on.ca>; planning@ncdsb.com <planning@ncdsb.com>; ppearson@npca.ca <ppearson@npca.ca>; proximity@cn.ca <proximity@cn.ca>; Rachel Adamsky <radamsky@niagaraparks.com>; Mustafa, Sheraz <sheraz.mustafa@cnpower.com>; tlennard@npca.ca <tlennard@npca.ca>; Ali, Usama (MTO) <usama.ali@ontario.ca>; Escobar, Valentina <valentina.escobar@niagararegion.ca>; Deluca, Peter (MTO) <peter.deluca@ontario.ca>; Kartiki Sharma <ksharma@npca.ca>; Sidin, Alex <Alex.Sidin@cnpower.com>; Jeff Hoover <Jeff.Hoover@cnpower.com>; Berk, Victoria <Victoria.Berk@cnpower.com>; Aaron Hair <ahair@forterie.ca>; Ashlea Carter <ACarter@forterie.ca>; Breanna Antonio <BAntonio@forterie.ca>; Carleigh Ricci <CRicci@forterie.ca>; Robin Shugan <RShugan@forterie.ca>; Diana Kelley <DKelley@forterie.ca>; Edward Terry <ETerry@forterie.ca>; Elizabeth Latif <ELatif@forterie.ca>; Jayne Nahachewsky <JNahachewsky@forterie.ca>; Jessica Abrahamse <JAbrahamse@forterie.ca>; Jessica Goodings <JGoodings@forterie.ca>; Jim McCaffery <JMcCaffery@forterie.ca>; Kathryn Strachan <KStrachan@forterie.ca>; Keegan Gennings <KGennings@forterie.ca>; Kimberlyn Smith <KSmith@forterie.ca>; Mark Iamarino <MIamarino@forterie.ca>; Mohammad Kamruzzaman <MKamruzzaman@forterie.ca>; Taylor Boyle <TBoyle@forterie.ca>; Felicia Ferrusi <FFerrusi@forterie.ca>; Zachary George <ZGeorge@forterie.ca>; Jordan Frost <JFrost@forterie.ca>; Yashesh Gandhi <YGandhi@forterie.ca>; Robert Judd <RJudd@forterie.ca>

Cc: Devon Morton <DMorton@forterie.ca>; Mark Iamarino <MIamarino@forterie.ca>

Subject: Official Plan and Zoning By-law Amendment - 3856 Terrace Lane and unassigned Parcel 0-15097 Crystal Beach Drive, Fort Erie

Good afternoon,

Please see the attached Notice of Complete Application and Open House for the lands municipally known as 3856 Terrace Lane and unassigned Parcel 0-15097 Crystal Beach Drive, Fort Erie. The application is for Official Plan and Zoning By-law Amendment. The Official Plan Amendment is to change the land use designation of the subject lands from Urban Residential and Environmental Protection to a Core Mixed Use - Special Policy Area in the Crystal Beach Secondary Plan to facilitate development of a 10-storey residential apartment building. The special policy area seeks to add apartment buildings as a supported use and the Zoning By-law amendment is to rezone the subject lands from Residential 2B (R2B) Zone and Hazard (H) Zone to a site specific Residential Multiple 1 (RM1) Zone to facilitate the proposed apartment building. The requested site-specific provisions relate to lot area, lot coverage, setbacks, height and density. Additional information can be found here - [Crystal Beach Road, 15097 and Terrace Lane, 3856_ZBA, OPA](#) .

Please provide any comments by **May 13, 2025**.

The Open House is scheduled for May 05, 2025, at Town Hall in the Atrium, 1 Municipal Centre Drive, Fort Erie from 5:00 PM - 6:00 PM.

Thank you,

Helie Upadhyay

Planning Technician

Town of Fort Erie

Planning, Building and By-law Services

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

p: 905-871-1600 ext. 2535

forterie.ca | HUpadhyay@forterie.ca



Interoffice Memorandum

Infrastructure Services

May 13, 2025

To: Devon Morton, MCIP, RPP, Supervisor of Development Approvals
 From: Yashesh Gandhi, Transportation Engineer in Training
 Subject: **3856 Terrace Lane and unassigned Parcel 0-15097 Crystal Beach Drive, Fort Erie–
 Comments on the Traffic Impact Study**

We provide the following comments to be addressed by the developer's Traffic Engineer.

Table 1 Comments on the Traffic Impact Study dated October 31, 2024

<u>No.</u>	<u>Review Item</u>	<u>Comments</u>
1	Land Use Code (ITE Trip Generation Manual)	<p>The development is described in the FSR as a 10-storey luxury residential condominium hotel, with 8 levels used for residential, level 3 for commercial/amenity.</p> <p>Please confirm the breakdown of residential vs. commercial/amenity space and provide comments on Land use. Provide Trip Generation for commercial use.</p>
2	Sightline analysis	<p>Sightline drawings for each driveway must be submitted to verify there are no visibility obstructions due to grade, landscaping, retaining walls, or adjacent uses. Provide mitigation measures if applicable.</p>
3	Driveways on Crystal Beach Drive and site circulation	<p>Multiple driveways increase potential conflict points with pedestrians or vehicles along Crystal Beach Drive. The Town is looking for consolidation of driveways where it is feasible to reduce potential conflicts with pedestrians, cyclists, and through traffic on Crystal Beach Drive.</p> <p>The applicant is requested to explore opportunities to consolidate or combine access points, particularly if vehicle volumes on individual driveways are low or if internal circulation allows shared access.</p> <p>Clarify anticipated vehicle volumes per driveway to assess operational need and support the need for three driveways.</p>

We trust this information is of assistance.

Yashesh Gandhi, E.I.T.
 Transportation Engineer in Training

YKG
 Attachment
 ecc.

Robert D. Judd, P.Eng., Municipal Engineer – Infrastructure Renewal,
 Jordan Frost, P.Eng., Manager, Engineering Division

**Re: Official Plan and Zoning By-law Amendment - 3856 Terrace Lane and unassigned Parcel 0-15097
Crystal Beach Drive, Fort Erie**

From Keegan Gennings <KGennings@forterie.ca>

Date Wed 2025-05-07 3:51 PM

To Helie Upadhyay <HUpadhyay@forterie.ca>

Cc Taylor Boyle <TBoyle@forterie.ca>; Devon Morton <DMorton@forterie.ca>

Hi Helie,

A review of the circulated information for the proposed OPA and ZBA for the above noted addresses has been completed and I have the following comments:

- 1) The geotechnical report is recommending excavation to the bedrock level of approximately an elevation of +/-174.4 - 175.4m for the construction of the footings, this will require between 10m and 15m of sand to be removed from the dune in order to reach this elevation. Concerns are raised about the stability of the neighbouring lands and structures with this depth of excavation. Consideration also needs to be given for the over dig and slope of the excavations in order to do this in compliance with Ministry of Labour requirements. It is expected that some of type of shoring will be proposed. It is recommended that the geotechnical reports and shoring designs receive 3rd party peer review from an expert in this field.
- 2) In conjunction with 1) above, a slope stability report is required to be submitted.
- 3) Are lots merged together? Town mapping has these properties as separate parcels. Construction across a property line would not be permitted.
- 4) Additional comments will be provided during the site plan control process.

Regards,

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

From: Helie Upadhyay

Sent: Tuesday, April 22, 2025 4:13 PM

To: aaazouz@csdccc.edu.on.ca; Abby LaForme; adam.laforme@mncfn.ca; andrew.carrigan@canadapost.postescanada.ca; Ash.Neville@rci.rogers.com; circulations@wsp.com; clerk@niagararegion.ca; devtplanningapplications@niagararegion.ca; executivedirector@fenfc.org; John.Armstrong@rci.rogers.com; karen.singer@bell.ca; kris.watson@cnpower.com; LandUsePlanning@HydroOne.com; michelle.mcphee@dsbn.org; Mike.embleton; MunicipalPlanning@enbridge.com; neave.constantine@ontario.ca; Paul.shllaku@hydroone.com; planification@csdccc.edu.on.ca; planning@ncdsb.com; ppearson@npca.ca; proximity@cn.ca; Rachel Adamsky; Mustafa, Sheraz; tlennard@npca.ca; Ali, Usama (MTO); Escobar, Valentina; Deluca, Peter

(MTO); Kartiki Sharma; Sidin, Alex; Jeff Hoover; Berk, Victoria; Aaron Hair; Ashlea Carter; Breanna Antonio; Carleigh Ricci; Robin Shugan; Diana Kelley; Edward Terry; Elizabeth Latif; Jayne Nahachewsky; Jessica Abrahamse; Jessica Goodings; Jim McCaffery; Kathryn Strachan; Keegan Gennings; Kimberlyn Smith; Mark Iamarino; Mohammad Kamruzzaman; Taylor Boyle; Felicia Ferrusi; Zachary George; Jordan Frost; Yashesh Gandhi; Robert Judd

Cc: Devon Morton; Mark Iamarino

Subject: Official Plan and Zoning By-law Amendment - 3856 Terrace Lane and unassigned Parcel 0-15097 Crystal Beach Drive, Fort Erie

Good afternoon,

Please see the attached Notice of Complete Application and Open House for the lands municipally known as 3856 Terrace Lane and unassigned Parcel 0-15097 Crystal Beach Drive, Fort Erie.

The application is for Official Plan and Zoning By-law Amendment. The Official Plan Amendment is to change the land use designation of the subject lands from Urban Residential and Environmental Protection to a Core Mixed Use - Special Policy Area in the Crystal Beach Secondary Plan to facilitate development of a 10-storey residential apartment building. The special policy area seeks to add apartment buildings as a supported use and the Zoning By-law amendment is to rezone the subject lands from Residential 2B (R2B) Zone and Hazard (H) Zone to a site specific Residential Multiple 1 (RM1) Zone to facilitate the proposed apartment building. The requested site-specific provisions relate to lot area, lot coverage, setbacks, height and density. Additional information can be found here -

[Crystal Beach Road, 15097 and Terrace Lane, 3856_ZBA, OPA](#) .

Please provide any comments by **May 13, 2025**.

The Open House is scheduled for May 05, 2025, at Town Hall in the Atrium, 1 Municipal Centre Drive, Fort Erie from 5:00 PM - 6:00 PM.

Thank you,

Helie Upadhyay

Planning Technician

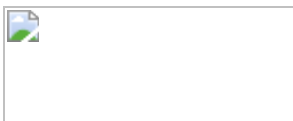
Town of Fort Erie

Planning, Building and By-law Services

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

p: 905-871-1600 ext. 2535

forterie.ca | HUpadhyay@forterie.ca



**Re: Official Plan and Zoning By-law Amendment - 3856 Terrace Lane and unassigned Parcel 0-15097
Crystal Beach Drive, Fort Erie**

From Aaron Hair <ahair@forterie.ca>

Date Mon 2025-05-12 10:28 AM

To Helie Upadhyay <HUpadhyay@forterie.ca>

Cc Devon Morton <DMorton@forterie.ca>

Hi Helie,

Due to the appeal, the Crystal Beach Secondary Plan policies will not apply to this proposal.

At the time of Site Plan or Draft Plan of Condominium, payment in lieu of parkland dedication and community benefit charges will need to be addressed.

Best regards,

Aaron Hair, MCIP, RPP
Project Manager, Policy

Town of Fort Erie
Planning, Building and By-law Services, Community Planning
1 Municipal Centre Drive, Fort Erie, ON L2A 2S6
p: 905-871-1600 ext. 2507
forterie.ca | ahair@forterie.ca



From: Helie Upadhyay

Sent: Tuesday, April 22, 2025 4:13 PM

To: aaazouz@csdccc.edu.on.ca; Abby LaForme; adam.laforme@mncfn.ca;
andrew.carrigan@canadapost.postescanada.ca; Ash.Neville@rci.rogers.com; circulations@wsp.com;
clerk@niagararegion.ca; devtplanningapplications@niagararegion.ca; executivedirector@fenfc.org;
John.Armstrong@rci.rogers.com; karen.singer@bell.ca; kris.watson@cnpower.com;
LandUsePlanning@HydroOne.com; michelle.mcphee@dsbn.org; Mike.embleton;
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planification@csdccc.edu.on.ca; planning@ncdsb.com; ppearson@npca.ca; proximity@cn.ca; Rachel
Adamsky; Mustafa, Sheraz; tlennard@npca.ca; Ali, Usama (MTO); Escobar, Valentina; Deluca, Peter
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Antonio; Carleigh Ricci; Robin Shugan; Diana Kelley; Edward Terry; Elizabeth Latif; Jayne Nahachewsky;
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Smith; Mark Iamarino; Mohammad Kamruzzaman; Taylor Boyle; Felicia Ferrusi; Zachary George; Jordan
Frost; Yashesh Gandhi; Robert Judd

Cc: Devon Morton; Mark Iamarino

Subject: Official Plan and Zoning By-law Amendment - 3856 Terrace Lane and unassigned Parcel 0-15097 Crystal Beach Drive, Fort Erie

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[Crystal Beach Road, 15097 and Terrace Lane, 3856 ZBA, OPA](#) .

Please provide any comments by **May 13, 2025**.

The Open House is scheduled for May 05, 2025, at Town Hall in the Atrium, 1 Municipal Centre Drive, Fort Erie from 5:00 PM - 6:00 PM.

Thank you,

Helie Upadhyay

Planning Technician

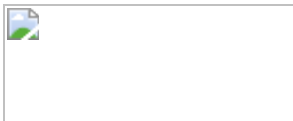
Town of Fort Erie

Planning, Building and By-law Services

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

p: 905-871-1600 ext. 2535

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Revised Comments - 3856 Terrace Lane

From Jessica Abrahamse <JAbrahamse@forterie.ca>

Date Thu 2025-06-05 10:50 AM

To Devon Morton <DMorton@forterie.ca>

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

Hi Devon,

Please find amended comments below:

Senior Environmental Planning staff have reviewed the following information as it relates to this application:

Tree Preservation Plan, Tree Inventory and Preservation Plan Report provided by Jackson Aboriculture, dated July 7, 2022, Rev. 2 - September 20, 2024

Environmental Impact Study - Terms of Reference - Approved on March 24th, 2025

Environmental Impact Study - Comments are ongoing and the Environmental Impact Study has not yet been approved.

Environmental Advisory Committee - Provided comments on the proposed application at the April 9th, 2025 meeting.

Environmental Advisory Committee with Senior Environmental Planner - Attended a site visit on May 30th, 2025.

It should be noted that information has come forward from an adjacent landowner that trees on the subject lands are over 125 years old based on a previous arborist report that was completed for a townhouse complex that did not end up being built. Town staff have reviewed aerial photography from the Niagara Navigator site going back to 1934 and it appears that the trees in question were in place at that period of time.

Senior Environmental Planning staff have reviewed the Tree Preservation Plan, and Tree Inventory and Preservation Plan Report provided by Jackson Aboriculture, dated July 7, 2022, Rev. 2 - September 20, 2024 and it is noted that the age of the trees is not discussed. Permissions will be required from adjacent landowners and the Town for trees within the right of way. In addition, there is concern that during excavation that tree protection fencing may not be sufficient to prevent damage to the root systems of neighboring trees. Further discussion is required prior to approval.

The Environmental Impact Study prepared by Beacon Environmental on March 25, 2025 has been reviewed and it is noted that there are regionally rare plants (Clammy Ground Cherry and Carpenter's Figwort) were found on the subject lands. The age of the trees on site were not discussed, a description of the woodlot and ecological land classification were provided.

Under Section 7.3.1.1. Of the Natural Heritage Reference Manual, these characteristics seem to be consistent with the definition of a Significant Woodland:

7.3.1.1.3 Uncommon Characteristics

Forests in southern Ontario have been shaped by their ecological setting and historical disturbances. It is important to retain on the landscape woodlands that contain uncommon or outstanding woodland features. These woodlands contribute to the overall health, diversity and well-being of our forested landscape and may provide special habitats and other ecological values that are important to society.

Woodlands that contain rare or uncommon community types, important habitats of a species that is at risk or important habitats of species that are rare or restricted in their distribution, and woodlands that are dominated by old or large trees should be considered significant.

Senior Environmental Planning staff have reached out to the applicant's environmental consultant to provide further comments. It should be noted that the Environmental Impact Study and the Arborist report are not approved at this point in time and that environmental planning staff currently do not support this application.

Regards,

Jessica Abrahamse M.E.S.

Senior Environmental Planner

Town of Fort Erie

Planning and Development Services

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

p: 905-871-1600 ext. 2510

forterie.ca | jabrahamse@forterie.ca



This review is based on information in the following report: Geotechnical Investigation Proposed Six-Story Building, Terrace Lane and Crystal Beach Road, Fort Erie, Ontario and Addendum to Geotechnical Investigation Proposed Residential Development Terrace Lane and Crystal Beach Road, Fort Erie, Ontario both prepared by Niagara Testing & Inspection Ltd., dated September 14, 2022 and October 24, 2024 respectively.

The initial design in the 2022 report described a proposed 6-story building with 3 underground parking levels. The updated design in the 2024 report described changes resulting from a revised design of a 10-story building with one underground parking level.

The site is characterized by predominantly sand overlying cherty limestone bedrock which occurs at an elevation at boreholes ranging from 175.1 to 174.4 metres above sea level (masl). A thin layer of peat occurs on the top of bedrock in BH2. Ground surface at boreholes varies from 182.1 to 177.6 masl. Both the ground surface and the top of bedrock slope to the south. The elevation of Terrace Lane centerline on the south side of the site varies from 176.70 to 176.88 masl. The location of BH4 may be in the wrong place on the topographic map as the map elevation at the borehole does not correspond to the ground elevation on the borehole log.

Foundations for the proposed structure are to be extended into the cherty limestone bedrock below any fractured or weathered layers which are expected to occur at the top of bedrock formations. Although the report does not indicate the proposed depth of excavation during construction the top of good quality rock varies from 174.2 masl in BH 6, 173.5 masl in BH1, and 172.8 masl in BH5. Presumably the excavation depth will be the same for the entire site indicating excavation will be to at least to 172.8 masl. It is also assumed that an elevator will be included in the design and the elevator pit is usually the lowest point in any construction project so that is likely to be less than 172.8 masl.

The only groundwater elevation recorded during drilling was in BH1 at approximately 5.6 m below ground surface (approximately 175.0 masl). No groundwater monitors were installed in the boreholes on completion of drilling. It is not uncommon for a borehole to be drilled into limestone bedrock and not encounter groundwater. It could take several days for groundwater to enter the borehole and reach the static water level.

The Lake Erie highest observed elevation in 2023 and 2024 was 174.65 masl. Excavation on the site to below 172.8 masl (assumed to be elevation 171.0 masl) will result in a groundwater flow from Lake Erie to the site area.

However storm surges and seiches are common on Lake Erie because of its southwest-northeast orientation, the same as the path of most storms. The drop in air pressure combined with strong southwest winds can raise water levels and push water eastward resulting in increased water levels at the east end of the lake sometimes up to 2 m. This movement of water eastward is then followed by a movement of water westward, in a process known as a seiche, a bathtub sloshing of water back and forth along the length of the lake. These seiches, combined with high waves can cause major damage and flooding to shorelines up to 3m above normal lake level.

The highest instantaneous water height noted for Lake Erie is 177m. This, combined with a 3 m seiche height plus 2 m wave height would result in a water level of 182 m. Although extreme conditions are relatively rare, climate change is making them more common. At least two extreme seiches have occurred in the last few years resulting in major damage and flooding in the site area and elsewhere along the lakeshore.

If it is assumed that the depth of excavation of most of the site is to elevation 171.8 masl, (1 m below the slab elevation) and as low as 171 masl at the elevator, significant groundwater as well as lake water overtopping the excavation walls could enter the excavation. These sources of water, along with rainfall conservatively estimated at 25 mm/day, could easily exceed 50,000 L/day.

In addition, excavated of the bedrock with the method indicated will significantly enhance the degree of fracturing of the rock and result in enhancement of the fracture network in the bedrock walls adjacent to the excavation. This will result in more groundwater inflow.

It is therefore strongly recommended that, at a minimum, four additional holes be drilled and advanced into the bedrock to at least one metre below the excavation depth. These should be instrumented with piezometers to allow determination of static water levels. Piezometer tests (rising or falling head tests) should be carried out to determine hydraulic conductivity (permeability) of the bedrock. Ideally, seasonal changes in water levels should be obtained to determine the maximum piezometric surface.

Calculations should then be done to assess dewatering rates based on calculations of groundwater inflow, rainfall and lake flooding from storms. A three times factor of safety is the industry standard to be applied to this calculation to arrive at an estimated dewatering rate during construction.

The calculated rate is likely to be more than 50,000 L/day just from rainfall (building envelope area x 25 mm/day is approximately 50,000 L/day).

If the projected rate is 50,000 L/day or more the requirements of the the Environmental Activity and Sector Registry (EASR) must be met.

The EASR is an online self-registration system implemented by MECP. Water takings (road construction and construction site dewatering) that meet the criteria in the water taking EASR regulation (*O. Reg. 63/16*) must be registered in the EASR. Dewatering during construction at a rate greater than or equal to 50,000 L/day must be registered on the EASR.

If dewatering results in a daily pumping rate of 400,000 L/day or more during construction, a Permit to Take Water (PTTW) must be obtained. A report detailing the site conditions and the field work and results carried out including the calculation of the rate of water taking must accompany the application. Suitable arrangements should be made to collect and dispose of the water from construction dewatering.

In addition to the above, long term dewatering rates from perimeter and subdrains must be calculated and the water quality should be assessed to conform to Fort Erie's storm sewer by-law. It should be noted that long term dewatering will also reverse the normally southward flowing groundwater to the lake to northward flowing from the lake to the building area. The rate of flow will depend on the elevation difference of the lake and the dewatering elevation and the hydraulic conductivity of the bedrock.

A discussion of mitigation measures required to prevent lake flooding from affecting the building should be included. The effect of construction dewatering and long term dewatering on nearby domestic wells, some of which are still in use, should also be assessed. The project should be designed with long term climate change in mind.

The highest instantaneous water height I have for Lake Erie is 177m - although there have been a few higher, I think 3m seiche height is a good maximum. I also think that a 2m wave height would be added in addition which would make a total of 182m. The current lake height is about 172 - 173m.

3856 Terrace Lane and 0-15097 Crystal Beach Drive

The subject property is currently designated **Urban Residential** in part and **Environmental Protection** in part under the Official Plan. 3856 Terrace Lane is zoned **Residential 2B (R2B)** and **Hazard (H) Zone**, and 0-15097 Crystal Beach Drive is zoned **Residential Multiple 1 (RM1-689) Zone** according to Zoning By-law No. 129-90.

General Site Information

Lot Area: 2,610 m² (???)

Zoning: **Residential 2B (R2B)** and **Residential Multiple 1 (RM1-689)**

Lot Frontage: 30.5 m

Lot Coverage: 1,950 m² (74.7%)

Building Height: 10 storeys (10-storey Mixed-use building)

Setbacks

Front Yard Setback: 4.1 m

Interior Side Yard (East): 0.1 m

Interior Side Yard (West): 0.4 m

Rear Yard Setback: 13.6 m

ZONING: Residential Multiple 1 (RM1-689)	Section 14		
INFILL? NO	PERMITTED	Proposed	Compliance
DWELLING:	Apartment	Mixed Use Building	NO. Zoning relief is not requested
MIN. LOT FRONTAGE	30m	30.5 m	YES
MIN. LOT AREA	2600 sq m	2610 Sq m	Need to confirm the lot area
MAX. LOT COVERAGE	50 %	74%	NO. Zoning relief is requested
MIN. FRONT YARD SETBACK	7.5m	4.1 m to Crystal Beach Drive. The street line of Crystal Beach	NO. Need to revise the relief request

		Drive would be considered as the Front Lot Line per section 5.204	
MIN. INT. SYSB	One-half of the building height or 4m, whichever is greater	East 0.1 m West 0.4 m	NO. Zoning relief is not requested
MIN. EXT SYSB	One-half of the building height or 6m, whichever is the greater	Not Applicable	Not Applicable
MIN. REAR YARD SETBACK	6.0 m	Min. setback from Hazard limit for lots fronting Terrace Lane – 0m	Need to be confirmed with the NPCA and applicant
MIN FLOOR AREA PER DWELLING UNIT	Bachelor Unit: 40 sq. m One-Bedroom Unit: 50 sq. m Two-Bedroom Unit: 60 sq. m Unit comprising three or more bedrooms: 79 sq. m plus 7 sq. m for each bedroom in excess of three	Not Provided	Zoning relief is not requested. Need to be confirmed.
MAX. BLDG HEIGHT	3 storeys or 12 metres from building's main floor entrance grade	10 Storeys. 21 m	NO. Zoning relief is not requested.
MAX. DENSITY	50 units/ha	384.6 Units/ ha	NO. Zoning relief is not required. (Need to confirm)

LANDSCAPED AREA	For every lot on which the buildings or structures are situated, there shall be provided and maintained on the lot at least 25 percent of the lot area as a landscaped area unused for access or maneuvering space or parking space or any other purpose other than landscaped area and playground	Not provided	Need to be provided
MIN PARKING AREA DISTANCE FROM RES.	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.	East 0.1 m West 0.4 m	NO. Zoning relief is required.
MIN. DRIVEWAY WIDTH/DEPTH	6.0 m	6.0 m	YES
PARKING SPACE REQUIREMENT	1.5 spaces per unit. For 100 res units, 150 spaces required @1.5 per unit Commercial area	110 spaces	NO. Zoning relief is required.
MINIMUM ACCESSIBLE PARKING SPACE REQUIREMENT	Type A - 2% (capped at 10) – 3 Spaces Type B - 1% (capped at 5) – 2 Spaces	Type A - 1 Spaces Type B - 2 Spaces	NO. Zoning relief is required.also need to confirm the dimensions

According to Section 5.204 and Section 5.252, A **front lot line** refers to the boundary separating a lot from a public or private street; however, in the case of a through lot, it is considered the street line that provides primary access to adjacent lots. A **parking area** is defined as a space primarily intended for vehicle parking, regardless of whether it is located outdoors or within a structure.

5.204 “LOT LINE, FRONT” means the lot line that divides the lot from a public or private street, but iii) in the case of a through lot, the front lot line shall be deemed to be the street line where the principal access to adjoining lots is provided.

5.252 "PARKING AREA" means an area which contains, and the main use of which is vehicular parking, whether or not such parking area is located within a structure.

There are a few inconsistencies and missing details that need to be addressed:

1. The applicant needs to confirm the properties those are subject to the proposed development and their area.
2. The applicant has not provided the building height in meters.
3. The floor area for the proposed commercial use must be specified, along with the nature of the use, to accurately determine the required number of parking spaces.
4. Landscape coverage information is missing and needs to be included.
5. The applicant must confirm the location of the Hazard Boundary Line and clearly show it on the site plan.
6. A complete zoning matrix must be included on the site plan.

**Re: Official Plan and Zoning By-law Amendment - 3856 Terrace Lane and unassigned Parcel 0-15097
Crystal Beach Drive, Fort Erie**

From Jessica Goodings <JGoodings@forterie.ca>

Date Mon 2025-05-05 10:45 AM

To Helie Upadhyay <HUpadhyay@forterie.ca>

Good morning Helie,

The fire department has no comments or concerns at this time regarding the Official Plan or By-law Amendment proposed for 0-15097 Crystal Beach Drive and 3856 Terrace Lane.

Kind regards,

Jessica Goodings

Senior Fire Prevention Officer

Town of Fort Erie

Fire Department

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

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

forterie.ca | jgoodings@forterie.ca



From: Helie Upadhyay <HUpadhyay@forterie.ca>

Sent: Tuesday, April 22, 2025 4:13 PM

To: aaazouz@csdccc.edu.on.ca <aaazouz@csdccc.edu.on.ca>; Abby LaForme <abby.laforme@mncfn.ca>; adam.laforme@mncfn.ca <Adam.LaForme@mncfn.ca>; andrew.carrigan@canadapost.postescanada.ca <andrew.carrigan@canadapost.postescanada.ca>; Ash.Neville@rci.rogers.com <Ash.Neville@rci.rogers.com>; circulations@wsp.com <circulations@wsp.com>; clerk@niagararegion.ca <clerk@niagararegion.ca>; devtplanningapplications@niagararegion.ca <devtplanningapplications@niagararegion.ca>; executivedirector@fenfc.org <ExecutiveDirector@fenfc.org>; John.Armstrong@rci.rogers.com <John.Armstrong@rci.rogers.com>; karen.singer@bell.ca <karen.singer@bell.ca>; kris.watson@cnpower.com <Kris.Watson@cnpower.com>; LandUsePlanning@HydroOne.com <LandUsePlanning@hydroone.com>; michelle.mcphee@dsbn.org <Michelle.McPhee@dsbn.org>; Mike.embleton <Mike.embleton@cogeco.com>; MunicipalPlanning@enbridge.com <MunicipalPlanning@enbridge.com>; neave.constantine@ontario.ca <neave.constantine@ontario.ca>; Paul.shllaku@hydroone.com <Paul.shllaku@hydroone.com>; planification@csdccc.edu.on.ca <planification@csdccc.edu.on.ca>; planning@ncdsb.com <planning@ncdsb.com>; ppearson@npca.ca <ppearson@npca.ca>; proximity@cn.ca <proximity@cn.ca>; Rachel Adamsky

<radamsky@niagaraparks.com>; Mustafa, Sheraz <sheraz.mustafa@cnpower.com>; tlennard@npca.ca
<tlennard@npca.ca>; Ali, Usama (MTO) <usama.ali@ontario.ca>; Escobar, Valentina
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Victoria <Victoria.Berk@cnpower.com>; Aaron Hair <ahair@forterie.ca>; Ashlea Carter <ACarter@forterie.ca>;
Breanna Antonio <BAntonio@forterie.ca>; Carleigh Ricci <CRicci@forterie.ca>; Robin Shugan
<RShugan@forterie.ca>; Diana Kelley <DKelley@forterie.ca>; Edward Terry <ETerry@forterie.ca>; Elizabeth Latif
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Zachary George <ZGeorge@forterie.ca>; Jordan Frost <JFrost@forterie.ca>; Yashesh Gandhi
<YGandhi@forterie.ca>; Robert Judd <RJudd@forterie.ca>
Cc: Devon Morton <DMorton@forterie.ca>; Mark Iamarino <MIamarino@forterie.ca>
Subject: Official Plan and Zoning By-law Amendment - 3856 Terrace Lane and unassigned Parcel 0-15097 Crystal
Beach Drive, Fort Erie

Good afternoon,

Please see the attached Notice of Complete Application and Open House for the lands municipally known as 3856 Terrace Lane and unassigned Parcel 0-15097 Crystal Beach Drive, Fort Erie. The application is for Official Plan and Zoning By-law Amendment. The Official Plan Amendment is to change the land use designation of the subject lands from Urban Residential and Environmental Protection to a Core Mixed Use - Special Policy Area in the Crystal Beach Secondary Plan to facilitate development of a 10-storey residential apartment building. The special policy area seeks to add apartment buildings as a supported use and the Zoning By-law amendment is to rezone the subject lands from Residential 2B (R2B) Zone and Hazard (H) Zone to a site specific Residential Multiple 1 (RM1) Zone to facilitate the proposed apartment building. The requested site-specific provisions relate to lot area, lot coverage, setbacks, height and density. Additional information can be found here - [Crystal Beach Road, 15097 and Terrace Lane, 3856_ZBA, OPA](#) .

Please provide any comments by **May 13, 2025**.

The Open House is scheduled for May 05, 2025, at Town Hall in the Atrium, 1 Municipal Centre Drive, Fort Erie from 5:00 PM - 6:00 PM.

Thank you,

Helie Upadhyay
Planning Technician

Town of Fort Erie
Planning, Building and By-law Services
1 Municipal Centre Drive, Fort Erie, ON L2A 2S6
p: 905-871-1600 ext. 2535

forterie.ca | HUpadhyay@forterie.ca



RE: NOISE/ODOUR studies Review - ZBA-17-2024 / OPA-08-2024 - 3856 Crystal Beach Drive & Unassigned Parcel

From Escobar, Valentina <Valentina.Escobar@niagararegion.ca>

Date Tue 2025-05-13 1:44 PM

To Devon Morton <DMorton@forterie.ca>

Cc Busnello, Pat <pat.busnello@niagararegion.ca>; Wilson, Josh <Josh.Wilson@niagararegion.ca>; Helie Upadhyay <HUpadhyay@forterie.ca>

Hi Devon,

After further internal management discussions on this matter, given that Fort Erie did not enter a Service Level Agreement with the Region for continued planning review (including land use compatibility), it was determined in this instance that for this proposed development adjacent to the Region's wastewater treatment facility, the Town would need to ensure potential impacts are properly assessed and appropriately mitigated in accordance with applicable Provincial and NOP policies and guidelines. Accordingly, Regional staff strongly recommends that noise and air quality studies for the application be peer reviewed. I would also note in this regard that per NPC-300 stationary sources need to be able to maintain compliance with the legal requirements of their MECP approval, when the development of new noise sensitive land uses are introduced in their proximity. As a note, I just wanted to flag that best practice is for mitigation measures to be recommended for the application's subject lands (i.e., not for the WTP as this is not the applicant's property).

Furthermore, I wanted to note that Regional engineering / tech staff will have comments for the application, but these can be addressed at future Site Plan / Draft Plan applications.

Thank you and please let me know if you have any other questions with regard to this.



Valentina Escobar
Development Planner

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

P: (905) 980-6000 ext. 3352

W: www.niagararegion.ca

E: Valentina.Escobar@niagararegion.ca

From: Escobar, Valentina

Sent: Monday, May 12, 2025 11:41 AM

To: Busnello, Pat <pat.busnello@niagararegion.ca>

Subject: RE: NOISE/ODOUR studies Review - ZBA-17-2024 / OPA-08-2024 - 3856 Crystal Beach Drive & Unassigned Parcel

Hey Pat- please see my drafted response in case you want to massage any of the language based on your discussions with Diana

Hi Devon,

After a few internal management discussions on this matter, given the planning act changes and the fact the Fort Erie did not enter a Service Level Agreement with the Region for review of land use compatibility among other planning matters, it was agreed that for applications neighbouring Regional infrastructure such as this wastewater treatment plant, the Town would need to ensure impacts are appropriately mitigated and strongly recommends that noise and air quality studies for the application (and others like this) be peer reviewed. I would also note that per NPC-300 stationary sources need to be able to maintain compliance with the legal requirements of their MOE approval, when the development of new noise sensitive land uses are introduced in their proximity.

Thank you and please let me know if you have any other questions or concerns with regard to this.

From: Escobar, Valentina
Sent: Tuesday, May 6, 2025 3:03 PM
To: Devon Morton <DMorton@forterie.ca>
Cc: Busnello, Pat <pat.busnello@niagararegion.ca>
Subject: RE: ZBA-17-2024 / OPA-08-2024 - 3856 Crystal Beach Drive & Unassigned Parcel

Hey Devon,

There will be a meeting with Regional staff regarding this topic. We should hopefully have some direction by the end of this week pertaining to the review of these - I will keep you posted.

Thank you for checking in,



Valentina Escobar
Development Planner

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

P: (905) 980-6000 ext. 3352

W: www.niagararegion.ca

E: Valentina.Escobar@niagararegion.ca

From: Devon Morton <DMorton@forterie.ca>
Sent: Tuesday, May 6, 2025 10:50 AM
To: Escobar, Valentina <Valentina.Escobar@niagararegion.ca>
Cc: Development Planning Applications <devtplanningapplications@niagararegion.ca>
Subject: ZBA-17-2024 / OPA-08-2024 - 3856 Crystal Beach Drive & Unassigned Parcel

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Hi Valentina,

I was looking through the submission documents (ZBA-17-2024 / OPA-08-2024) and wanted to ensure staff at the Region are aware that Odour Assessments (attached) were submitted in support of the applications. I know this came up yesterday when we spoke but wasn't sure if you had said they would be requested or reviewed.

☐ [Crystal Beach 10 Storey Apartment](#)

Thank you,

Devon M. Morton, MCIP, RPP

Supervisor of Development Approvals

Town of Fort Erie

Planning, Building and By-law Services

1 Municipal Centre Drive, Fort Erie, ON L2A 2S6
p: 905-871-1600 ext. 2514

forterie.ca | dmorton@forterie.ca



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NPCA Review Response - OPA/ZBA - 3856 Terrace Lane and unassigned Parcel 0-15097 Crystal Beach Drive

From Taran Lennard <tlennard@npca.ca>
Date Fri 2025-05-09 2:49 PM
To Helie Upadhyay <HUpadhyay@forterie.ca>

Good Afternoon,

Thank you for including NPCA in this submission request.

The NPCA recognizes that the proposal includes a full development of the site for a 10-storey apartment building, and associated site grading.

The NPCA notes the Official Plan Amendment is to change the land use designation of the subject lands from Urban Residential and Environmental Protection to a Core Mixed Use - Special Policy Area in the Crystal Beach Secondary Plan to facilitate this development. Further the special policy area seeks to add apartment buildings as a supported use and the Zoning By-law amendment is to rezone the subject lands from Residential 2B (R2B) Zone and Hazard (H) Zone to a site specific Residential Multiple 1 (RM1) Zone.

The subject lands are impacted by a Dune, and will be subject to the Hazard Policies of the NPCA. As such, the NPCA has reviewed the: Geotechnical Report, as prepared by Soil-Mat Engineering & Consulting Ltd (dated March 29, 2021), the Geotechnical Report, as prepared by Niagara Testing and Inspection Ltd (dated September 14, 2022), the Geotechnical Addendum, as prepared by Niagara Testing and Inspection Ltd., (dated October 14, 2024) as well as the Functional Servicing Report, as prepared by RVA (dated October 30, 2024). Upon our review of the above noted material, the NPCA does not offer objections to the recommendations that the foundations for the structure extends to the bedrock. This serves to limit risk as the structure would not be founded on the slope itself. The NPCA would advise that the recommendations from the Geotechnical Reports be implemented for this project. Sediment and Erosion control measures / drawings should be included on future plans and applications.

The NPCA will require circulation and review of any further Planning Applications for the subject lands. Works permits would be required upon the approval, with no appeals, of Planning Applications. Applicable Planning and Permitting fees will apply for any future application.

The NPCA at a high level can support the OPA/ZBA. Detailed design elements should be incorporated into future applications for review and approval.

Thank you.



Taran Lennard
Watershed Planner II

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

905.788.3135 ext. 277
www.npca.ca
tlennard@npca.ca

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

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

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

From: Helie Upadhyay <HUpadhyay@forterie.ca>

Sent: April 22, 2025 4:13 PM

To: aaazouz@csdccc.edu.on.ca; Abby LaForme <abby.laforme@mncfn.ca>; adam.laforme@mncfn.ca; andrew.carrigan@canadapost.postescanada.ca; Ash.Neville@rci.rogers.com; circulations@wsp.com; clerk@niagararegion.ca; devtplanningapplications@niagararegion.ca; executivedirector@fenfc.org; John.Armstrong@rci.rogers.com; karen.singer@bell.ca; kris.watson@cnpower.com; LandUsePlanning@HydroOne.com; michelle.mcphee@dsbn.org; Mike.embleton <Mike.embleton@cogeco.com>; MunicipalPlanning@enbridge.com; neave.constantine@ontario.ca; Paul.shllaku@hydroone.com; planification@csdccc.edu.on.ca; planning@ncdsb.com; Paige Pearson <ppearson@npca.ca>; proximity@cn.ca; Rachel Adamsky <radamsky@niagaraparks.com>; Mustafa, Sheraz <sheraz.mustafa@cnpower.com>; Taran Lennard <tlennard@npca.ca>; Ali, Usama (MTO) <usama.ali@ontario.ca>; Escobar, Valentina <valentina.escobar@niagararegion.ca>; Deluca, Peter (MTO) <peter.deluca@ontario.ca>; Kartiki Sharma <ksharma@npca.ca>; Sidin, Alex <Alex.Sidin@cnpower.com>; Jeff Hoover <Jeff.Hoover@cnpower.com>; Berk, Victoria <Victoria.Berk@cnpower.com>; Aaron Hair <ahair@forterie.ca>; Ashlea Carter <ACarter@forterie.ca>; Breanna Antonio <BAntonio@forterie.ca>; Carleigh Ricci <CRicci@forterie.ca>; Robin Shugan <RShugan@forterie.ca>; Diana Kelley <DKelley@forterie.ca>; Edward Terry <ETerry@forterie.ca>; Elizabeth Latif <ELatif@forterie.ca>; Jayne Nahachewsky <JNahachewsky@forterie.ca>; Jessica Abrahamse <JAbrahamse@forterie.ca>; Jessica Goodings <JGoodings@forterie.ca>; Jim McCaffery <JMcCaffery@forterie.ca>; Kathryn Strachan <KStrachan@forterie.ca>; Keegan Gennings <KGennings@forterie.ca>; Kimberlyn Smith <KSmith@forterie.ca>; Mark Iamarino <MIamarino@forterie.ca>; Mohammad Kamruzzaman <MKamruzzaman@forterie.ca>; Taylor Boyle <TBoyle@forterie.ca>; Felicia Ferrusi <FFerrusi@forterie.ca>; Zachary George <ZGeorge@forterie.ca>; Jordan Frost <JFrost@forterie.ca>; Yashesh Gandhi <YGandhi@forterie.ca>; Robert Judd <RJudd@forterie.ca>

Cc: Devon Morton <DMorton@forterie.ca>; Mark Iamarino <MIamarino@forterie.ca>

Subject: Official Plan and Zoning By-law Amendment - 3856 Terrace Lane and unassigned Parcel 0-15097 Crystal Beach Drive, Fort Erie

Good afternoon,

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Please provide any comments by **May 13,2025**.

The Open House is scheduled for May 05, 2025, at Town Hall in the Atrium, 1 Municipal Centre Drive, Fort Erie from 5:00 PM - 6:00 PM.

Thank you,

Helie Upadhyay
Planning Technician

Town of Fort Erie
Planning, Building and By-law Services
1 Municipal Centre Drive, Fort Erie, ON L2A 2S6
p: 905-871-1600 ext. 2535

forterie.ca | HUpadhyay@forterie.ca



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RE: Official Plan and Zoning By-law Amendment - 3856 Terrace Lane and unassigned Parcel 0-15097 Crystal Beach Drive, Fort Erie

From Sidin, Alex <Alex.Sidin@cnpower.com>
Date Wed 2025-04-23 7:26 AM
To Helie Upadhyay <HUpadhyay@forterie.ca>

External Email Warning: Do not click on any attachment or links/URL in this email unless the sender is reliable.

Hi Helie.

For this application.

- There is no source of electrical power at this site to accommodate an apartment building. The owner must consult with Canadian Niagara Power to come up with a plan for lot servicing. There will be significant cost to do so.

Thanks,
Alex.

From: Helie Upadhyay <HUpadhyay@forterie.ca>

Sent: April 22, 2025 4:13 PM

To: aaazouz@csdccc.edu.on.ca; Abby LaForme <abby.laforme@mncfn.ca>; adam.laforme@mncfn.ca; andrew.carrigan@canadapost.postescanada.ca; Ash.Neville@rci.rogers.com; circulations@wsp.com; clerk@niagararegion.ca; devtplanningapplications@niagararegion.ca; executivedirector@fenfc.org; John.Armstrong@rci.rogers.com; karen.singer@bell.ca; Watson, Kris <Kris.Watson@cnpower.com>; LandUsePlanning@HydroOne.com; michelle.mcphee@dsbn.org; Mike.embleton <Mike.embleton@cogeco.com>; MunicipalPlanning@enbridge.com; neave.constantine@ontario.ca; Paul.shllaku@hydroone.com; planification@csdccc.edu.on.ca; planning@ncdsb.com; ppearson@npca.ca; proximity@cn.ca; Rachel Adamsky <radamsky@niagaraparks.com>; MustafaS - Mailbox <Sheraz.Mustafa@cnpower.com>; tlennard@npca.ca; Ali, Usama (MTO) <usama.ali@ontario.ca>; Escobar, Valentina <valentina.escobar@niagararegion.ca>; Deluca, Peter (MTO) <peter.deluca@ontario.ca>; Kartiki Sharma <ksharma@npca.ca>; Sidin, Alex <Alex.Sidin@cnpower.com>; Hoover, Jeff <Jeff.Hoover@cnpower.com>; Berk, Victoria <Victoria.Berk@cnpower.com>; Aaron Hair <ahair@forterie.ca>; Ashlea Carter <ACarter@forterie.ca>; Breanna Antonio <BAntonio@forterie.ca>; Carleigh Ricci <CRicci@forterie.ca>; Robin Shugan <RShugan@forterie.ca>; Diana Kelley <DKelley@forterie.ca>; Edward Terry <ETerry@forterie.ca>; Elizabeth Latif <ELatif@forterie.ca>; Jayne Nahachewsky <JNahachewsky@forterie.ca>; Jessica Abrahamse <JAbrahamse@forterie.ca>; Jessica Goodings <JGoodings@forterie.ca>; Jim McCaffery <JMcCaffery@forterie.ca>; Kathryn Strachan <KStrachan@forterie.ca>; Keegan Gennings <KGennings@forterie.ca>; Kimberlyn Smith <KSmith@forterie.ca>; Mark Iamarino <MIamarino@forterie.ca>; Mohammad Kamruzzaman <MKamruzzaman@forterie.ca>; Taylor Boyle <TBoyle@forterie.ca>; Felicia Ferrusi <FFerrusi@forterie.ca>; Zachary George <ZGeorge@forterie.ca>; Jordan Frost <JFrost@forterie.ca>; Yashesh Gandhi <YGandhi@forterie.ca>; Robert Judd <RJudd@forterie.ca>

Cc: Devon Morton <DMorton@forterie.ca>; Mark Iamarino <MIamarino@forterie.ca>

Subject: Official Plan and Zoning By-law Amendment - 3856 Terrace Lane and unassigned Parcel 0-15097 Crystal Beach Drive, Fort Erie

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Good afternoon,

Please see the attached Notice of Complete Application and Open House for the lands municipally known as 3856 Terrace Lane and unassigned Parcel 0-15097 Crystal Beach Drive, Fort Erie.

The application is for Official Plan and Zoning By-law Amendment. The Official Plan Amendment is to change the land use designation of the subject lands from Urban Residential and Environmental Protection to a Core Mixed Use - Special Policy Area in the Crystal Beach Secondary Plan to facilitate development of a 10-storey residential apartment building. The special policy area seeks to add apartment buildings as a supported use and the Zoning By-law amendment is to rezone the subject lands from Residential 2B (R2B) Zone and Hazard (H) Zone to a site specific Residential Multiple 1 (RM1) Zone to facilitate the proposed apartment building. The requested site-specific provisions relate to lot area, lot coverage, setbacks, height and density. Additional information can be found here - [Crystal Beach Road, 15097 and Terrace Lane, 3856_ZBA, OPA](#).

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Thank you,

Helie Upadhyay
Planning Technician

Town of Fort Erie
Planning, Building and By-law Services
1 Municipal Centre Drive, Fort Erie, ON L2A 2S6
p: 905-871-1600 ext. 2535

forterie.ca | HUpadhyay@forterie.ca



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**Re: Official Plan and Zoning By-law Amendment - 3856 Terrace Lane and unassigned Parcel 0-15097
Crystal Beach Drive, Fort Erie**

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

Date Fri 2025-04-25 8:12 AM

To Helie Upadhyay <HUpadhyay@forterie.ca>

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Good morning Helie

Cogeco has no comment on this Amendment.

Thank you,
Mike

Mike Embleton

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



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On Tue, Apr 22, 2025 at 4:13 PM Helie Upadhyay <HUpadhyay@forterie.ca> wrote:
Good afternoon,

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Protection to a Core Mixed Use - Special Policy Area in the Crystal Beach Secondary Plan to facilitate development of a 10-storey residential apartment building. The special policy area seeks to add apartment buildings as a supported use and the Zoning By-law amendment is to rezone the subject lands from Residential 2B (R2B) Zone and Hazard (H) Zone to a site specific Residential Multiple 1 (RM1) Zone to facilitate the proposed apartment building. The requested site-specific provisions relate to lot area, lot coverage, setbacks, height and density. Additional information can be found here - [Crystal Beach Road, 15097 and Terrace Lane, 3856_ZBA, OPA](#) .

Please provide any comments by **May 13,2025**.

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Thank you,

Helie Upadhyay

Planning Technician

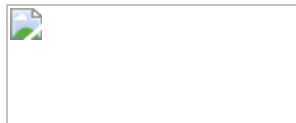
Town of Fort Erie

Planning, Building and By-law Services

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

p: 905-871-1600 ext. 2535

forterie.ca | HUpadhyay@forterie.ca



RE: Official Plan and Zoning By-law Amendment - 3856 Terrace Lane and unassigned Parcel 0-15097 Crystal Beach Drive, Fort Erie

From Municipal Planning <MunicipalPlanning@enbridge.com>

Date Mon 2025-04-28 9:51 AM

To Helie Upadhyay <HUpadhyay@forterie.ca>

External Email Warning: Do not click on any attachment or links/URL in this email unless the sender is reliable.

Thank you for your circulation.

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

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. High Performance.

From: Helie Upadhyay <HUpadhyay@forterie.ca>

Sent: Tuesday, April 22, 2025 4:13 PM

To: aaazouz@csdccc.edu.on.ca; Abby LaForme <abby.laforme@mncfn.ca>; adam.laforme@mncfn.ca; andrew.carrigan@canadapost.postescanada.ca; Ash.Neville@rci.rogers.com; circulations@wsp.com; clerk@niagararegion.ca; devtplanningapplications@niagararegion.ca; executivedirector@fenfc.org; John.Armstrong@rci.rogers.com; karen.singer@bell.ca; kris.watson@cnpower.com; LandUsePlanning@HydroOne.com; michelle.mcphee@dsbn.org; Mike.embleton <Mike.embleton@cogeco.com>; Municipal Planning <MunicipalPlanning@enbridge.com>; neave.constantine@ontario.ca; Paul.shllaku@hydroone.com; planification@csdccc.edu.on.ca; planning@ncdsb.com; ppearson@npca.ca; proximity@cn.ca; Rachel Adamsky <radamsky@niagaraparks.com>; Mustafa, Sheraz <sheraz.mustafa@cnpower.com>; tlennard@npca.ca; Ali, Usama (MTO) <usama.ali@ontario.ca>; Escobar, Valentina <valentina.escobar@niagararegion.ca>; Deluca, Peter (MTO) <peter.deluca@ontario.ca>; Kartiki Sharma <ksharma@npca.ca>; Sidin, Alex <Alex.Sidin@cnpower.com>; Jeff Hoover <Jeff.Hoover@cnpower.com>; Berk, Victoria <Victoria.Berk@cnpower.com>; Aaron Hair <ahair@forterie.ca>; Ashlea Carter <ACarter@forterie.ca>; Breanna Antonio <BAntonio@forterie.ca>; Carleigh Ricci <CRicci@forterie.ca>; Robin Shugan

<RShugan@forterie.ca>; Diana Kelley <DKelley@forterie.ca>; Edward Terry <ETerry@forterie.ca>; Elizabeth Latif <ELatif@forterie.ca>; Jayne Nahachewsky <JNahachewsky@forterie.ca>; Jessica Abrahamse <JAbrahamse@forterie.ca>; Jessica Goodings <JGoodings@forterie.ca>; Jim McCaffery <JMcCaffery@forterie.ca>; Kathryn Strachan <KStrachan@forterie.ca>; Keegan Gennings <KGennings@forterie.ca>; Kimberlyn Smith <KSmith@forterie.ca>; Mark Iamarino <MIamarino@forterie.ca>; Mohammad Kamruzzaman <MKamruzzaman@forterie.ca>; Taylor Boyle <TBoyle@forterie.ca>; Felicia Ferrusi <FFerrusi@forterie.ca>; Zachary George <ZGeorge@forterie.ca>; Jordan Frost <JFrost@forterie.ca>; Yashesh Gandhi <YGandhi@forterie.ca>; Robert Judd <RJudd@forterie.ca>

Cc: Devon Morton <DMorton@forterie.ca>; Mark Iamarino <MIamarino@forterie.ca>

Subject: [External] Official Plan and Zoning By-law Amendment - 3856 Terrace Lane and unassigned Parcel 0-15097 Crystal Beach Drive, Fort Erie

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Helie Upadhyay
Planning Technician

Town of Fort Erie
Planning, Building and By-law Services
1 Municipal Centre Drive, Fort Erie, ON L2A 2S6
p: 905-871-1600 ext. 2535

forterie.ca | HUpadhyay@forterie.ca



Open House May 5, 2025

From jiminy cricket [REDACTED]
Date Sat 2025-04-19 8:00 AM
To Devon Morton <DMorton@forterie.ca>

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External Email Warning: Do not click on any attachment or links/URL in this email unless the sender is reliable.

Hello Devon,

I have been informed there will be an Open House on May 5 regarding the application for zoning and by-law amendments to permit the development of a 10 story building between Terrace Lane and Crystal Beach Drive in Crystal Beach. I have been unable to find any information about this on the Town of Fort Erie website.

Please help direct me.

Thank you,

Sally Graves

[REDACTED]
[REDACTED]

Crystal Beach development

From Margaret Opatovsky [REDACTED]

Date Mon 2025-04-21 11:54 AM

To Devon Morton <DMorton@forterie.ca>

Cc Tom Lewis <TLewis@forterie.ca>

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A 10 storey apartment building on Crystal Beach Drive is a nightmare waiting to happen. I get it that the Town needs housing but not expensive luxury housing. We need affordable housing especially for young families and seniors, I don't understand why the old Crystal Beach Public School land on Rebstock and Derby has remained undeveloped for 10 years. It's right across from another apartment building and beside the co-op, all the utility connections are there and it's big enough to accommodate 100 units that don't need to be stacked 10 stories high, plus parking. Maybe the Town should expropriate it.

Margaret Opatovsky
[REDACTED]

Application for Strategic Plan Amendment in Crystal Beach

From Barbara Ingamells [REDACTED]
Date Mon 2025-04-21 2:29 PM
To Devon Morton <DMorton@forterie.ca>

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Mr. Morton

I am writing to let you know I strenuously oppose this application for a ten story apartment building or any amendment that would permit such a building to be built in this area. Traffic control, flooding issues, too great a density for the area, would be just a start of the problems this kind of development would create. I will attend the meeting on Monday May 5th and would ask to speak to address this proposal.

Barbara Anderson

[REDACTED]
[REDACTED]

Application for Amendments to the Official Plan for Crystal Beach on Crystal Beach Drive to Terrace Lane

From Barbara Ingamells [REDACTED]
Date Tue 2025-04-22 10:02 AM
To Devon Morton <DMorton@forterie.ca>

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Mr Morton,

Would you please send me the Application for the amendment and all relevant documentation that has been considered prior to initiating the public meeting scheduled for May 5, 2025.

Please send this in digital format or let me know when I can pick up the documents at your office. I would like to fully understand the proposal.

Thank for your attention to this,

Barb

[REDACTED]
[REDACTED]

Crystal Beach Rezoning Concerns

From Sharaya McCollum-Brown [REDACTED]
Date Tue 2025-04-22 2:35 PM
To Devon Morton <DMorton@forterie.ca>

You don't often get email from [REDACTED] [Learn why this is important](#)

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Dear Mr. Morton,

I am writing to express my strong opposition to the proposed land use amendment that seeks to rezone a property on Crystal Beach Drive from Urban Residential to Core Mixed-Use, facilitating the construction of a 10-storey, 100-unit apartment building.

The intersection of Crystal Beach Drive and Terrace Lane is already a complex and challenging area to navigate. This small intersection, surrounded by one-way streets, poses difficulties for both residents and visitors, particularly those unfamiliar with the area. After events like the Summer Sunday Concert Series or Thursday Food Truck nights during the summer, Lake Avenue is often closed, which further complicates traffic flow. Paired with the very narrow one-way portion of Terrace Lane, which leads to a merge onto Crystal Beach Drive, this area is already unsafe and difficult to navigate. The addition of over 100 new residents would significantly increase traffic volume, exacerbating congestion, and creating even more hazardous conditions for both pedestrians and drivers.

Furthermore, the proximity of this intersection to the Crystal Beach Waterfront Park and the seasonal influx of visitors to the area compound these concerns. The increased foot and vehicle traffic during peak seasons would place additional strain on an already overburdened infrastructure, compromising safety and accessibility.

I also want to emphasize that I am not opposed to introducing more housing projects to the area. The need for additional housing is clear. However, this location is simply not suitable for such a large-scale development. One of my primary concerns is this development affordable housing or have an allotment of affordable housing units or will it be luxury apartments like the Palmwood? I am concerned that this project will not address the affordability needs of the current residents. If the proposed apartments are not affordable or geared towards local income levels, this project could lead to the gentrification of the area, pricing out longtime residents and changing the character of Crystal Beach that makes it so unique.

Additionally, the construction of a 10-storey building in this location would drastically impact the skyline and obstruct access to sunlight for nearby homes and cottages. This would create an aesthetic mismatch with the surrounding low-rise community and could forever change the "feel" of the area. Agreeing to this project would set a dangerous precedent, signaling that the needs of current

residents are secondary to outside development interests, and that the charm of our small town is not being protected.

Another concern I must raise is the impact this development could have on local wildlife, particularly species at risk, such as the Fowler's Toad. I have personally seen and heard Fowler's Toad in the area, and it is crucial that we take this into consideration before moving forward with any development. While I understand that the Town of Fort Erie may be tired of hearing about Fowler's Toad, we are living in a time when the Endangered Species Act is being altered in ways that may jeopardize species at risk in favor of development. It is more important than ever that we hold ourselves to a higher standard when it comes to protecting our local ecosystems. We must carefully evaluate the environmental consequences of this project before making any decisions that could harm our wildlife.

This development seems misaligned with the goals outlined in the Crystal Beach Secondary Plan, which emphasizes maintaining the community's character while promoting sustainable growth. The proposed high-rise structure would disrupt the established identity of the area and negatively impact the quality of life for its current residents.

I urge the Town of Fort Erie to reconsider this proposal and prioritize developments that align with the needs of the community and the character of Crystal Beach. I look forward to participating in the upcoming open house and contributing to a constructive dialogue on this matter.

Sincerely,

Sharaya McCollum-Brown

Condo

From francie mckay [REDACTED]
Date Fri 2025-04-25 8:11 AM
To Devon Morton <DMorton@forterie.ca>

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I'm totally against the ten story condo in Crystal Beach
Regards
Francie
[REDACTED]

3856 Terrace Lane & Unassigned Parcel 0-15097 Crystal Beach Drive Fort Erie

From [REDACTED]
Date Sat 2025-04-26 10:24 AM
To Devon Morton <DMorton@forterie.ca>

You don't often get email from [REDACTED] [Learn why this is important](#)

External Email Warning: Do not click on any attachment or links/URL in this email unless the sender is reliable.

Good Morning Devon. My wife, Gloria, and I own a property at [REDACTED]. My family has owned summer homes in this area since [REDACTED] so we are deeply ingrained into this section of Crystal Beach.

The purpose of this email is to express our strong opposition to the proposed zoning change of the above referenced parcels from Residential 2B (R2B) and Hazard (H) to Residential (RM1) as proposed for a 10 storey apartment building for multiple reasons:

1. Neighbourhood Aesthetics – This is a long established neighbourhood of 1-2 storey homes. The one exception is the newly built Palmwood condominium which was built on land that had previously been zoned appropriate for its development. Building a 10 storey apartment building in the back yards of people who have lived in in this area for decades would be an slap in their face. Note that there are currently zero buildings nearly this high in the Crystal Beach area. There is no need for one now.
2. Traffic – This is a quaint area of Fort Erie with narrow residential streets. Adding 100 apartments would significantly add to the traffic in this area that is simply not designed for it.
3. Parking – This parcel on it's own would hardly be able to accommodate the cars of people that lived in 100 apartments – where would approximately 100-200 vehicles of new residents park?

Certainly, I am in favor of developing these parcels in a responsible manner that is consistent with the flavor of the existing neighbourhood. The Crystal Beach Secondary Plan does point out that there is an opportunity to develop these parcels in a more responsible way than this proposal. I don'y think it's unreasonable to develop the land in a manner that is **consistent with what is cited in the secondary plan (specifically bullet d that restricts the height of the buildings to 3 storeys (12m):**

4.22.9.14 Multiple Parcels between Crystal Beach Drive and Terrace Lane (3856, 0-15084, 0-15085 & 0-15086 Terrace Lane and 0-15097 Crystal Beach Drive).

These lands represent a unique opportunity to provide additional multi-unit residential that can take advantage of waterfront views and amenity of Crystal Beach Waterfront Park.

- a) The site shall be reserved for semi-detached, street townhouses, block townhouses, stacked townhouses, apartment units and their accessory uses, and shall generally be governed by the Residential policies of Section 4.7 unless otherwise defined under this section.
- b) A Medium Density range of 25 to 50 units per hectare will assist in making efficient use of existing and proposed infrastructure and providing opportunities to diversify medium density housing stock and form. Densities may be reduced or restricted in the implementing zoning by-law.

- c) Land assembly is encouraged to enable a comprehensive development plan for lands identified in this policy.
- d) The following height restrictions shall apply: semi-detached dwellings up to a max 3 storeys, street townhouses dwellings up to a max of 3 storeys, block townhouses up to a max of 3 storeys, stacked townhouses up to a max of 3 storeys and apartments up to a max of 3 storeys.**
- e) Site access for resident parking should only occur from Crystal Beach Drive with a consolidated land assembly and development proposal.
- f) Sensitive architectural designs shall be deployed such as terraced building form reflecting slopes on site.
- g) These lots are in proximity to the Regional Waste Treatment Plant and new development will need to consider compatibility requirements from a noise, air quality and odour perspective.
- h) Existing Environmental Protection designation (Hazard zoning) at the southerly limit of the designated lands may form limits of development / setbacks in the implementing zoning.

Please keep me informed as to the progression of this application. Thank you.

Rob Kettelman

[REDACTED]
[REDACTED]

Re: 3856 Terrace Lane and Unassigned Parcel 0-15097 Crystal Beach Drive, Fort Erie

From [REDACTED]
Date Sun 2025-04-27 5:54 PM
To Devon Morton <DMorton@forterie.ca>
Cc [REDACTED]

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Mr. Morton

As residents of this area, we have the following comments on the proposed 10 story building:

1. It is our understanding that major waterfront developments are off limits in the town of Fort Erie for one year, possibly two, including in this particular area. How does a 10 storey building possibly fit into the waterfront plan for Crystal Beach? What is the plan for Crystal Beach, another Niagara Falls skyline?
2. The adjacent laneways of Lake Street, Terrace Lane and Crystal Beach Drive can barely accommodate existing traffic, especially in the summer months. The area is congested and navigating by car is difficult year round. A 100 unit building with potentially 150-200 more vehicles in the area is not sustainable or practical. As it is, there are currently no sidewalks or verges for walkers and it doesn't appear there is room for sidewalks on these laneways.
3. In the immediate area there are two entranceways to/from the municipal water/sewage plant with accompanying industrial traffic, thereby adding to the congestion.
4. There are two entrances to/from Waterfront Park and a very popular boat launch. Pickup trucks with boats and trailers navigate these laneways year round with great difficulty. It is a congested and busy area. Waterfront Park is there for the enjoyment of tourists and all local residents. Anything that impedes the entrance and enjoyment of the Waterfront Park should not be considered.
5. What engineering studies have been done to determine that the sand or rock base is suitable for this type of development? How will this impact flood control for the adjacent areas and the sewage plant?

We plan on attending the town meeting on May 5 to learn more about this development, but we want to register our strong objection to this development.

Sandra McIntyre and Harold Baker
[REDACTED]

10 storey building proposal Crystal Beach Drive

From kealan sullivan [REDACTED]
Date Mon 2025-04-28 11:25 AM
To Devon Morton <DMorton@forterie.ca>

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I am a resident of Crystal Beach.

I will be out of town on May 5 and therefore unable to attend the town meeting.

Both my husband and I would be present to vote against this destructive building proposal. Responsible development is necessary for this municipality and this proposal is the opposite of responsible or safe.

Please respond to acknowledge this complaint has been received.

Kealan Sullivan
Alistair Kyte

[REDACTED]
[REDACTED]
[REDACTED]

Re: 3856 Terrace Lane & Unassigned Parcel 0-15097 Crystal Beach Drive Fort Erie

From Robert Kettelman [REDACTED]
Date Mon 2025-04-28 8:53 AM
To Devon Morton <DMorton@forterie.ca>

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Thanks for the quick reply. I would also like to bring attention to the fact that zone RM1 limits building heights to three stories. It's implausible to even imagine approving anything higher than that, let alone ten stories.

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From: Devon Morton <DMorton@forterie.ca>
Sent: Monday, April 28, 2025 8:47:59 AM
To: [REDACTED]
Subject: Re: 3856 Terrace Lane & Unassigned Parcel 0-15097 Crystal Beach Drive Fort Erie

Thank you, Rob and Gloria, for your comments, they have been noted and will be included in the staff report to Council.

One point of clarity I may offer is that the Crystal Beach Secondary Plan (CBSP) is not in force and effect as it relates to the subject lands due to an ongoing appeal ([please refer to page 38 of the CBSP](#)).

Thank you,

Devon M. Morton, MCIP, RPP
Supervisor of Development Approvals

Town of Fort Erie
Planning, Building and By-law Services
1 Municipal Centre Drive, Fort Erie, ON L2A 2S6
p: 905-871-1600 ext. 2514

forterie.ca | dmorton@forterie.ca



From: [REDACTED]
Sent: Saturday, April 26, 2025 10:23 AM
To: Devon Morton <DMorton@forterie.ca>
Subject: 3856 Terrace Lane & Unassigned Parcel 0-15097 Crystal Beach Drive Fort Erie

You don't often get email from [REDACTED] [Learn why this is important](#)

External Email Warning: Do not click on any attachment or links/URL in this email unless the sender is reliable.

Good Morning Devon. My wife, Gloria, and I own a property at [REDACTED]. My family has owned summer homes in this area since [REDACTED] so we are deeply ingrained into this section of Crystal Beach.

The purpose of this email is to express our strong opposition to the proposed zoning change of the above referenced parcels from Residential 2B (R2B) and Hazard (H) to Residential (RM1) as proposed for a 10 storey apartment building for multiple reasons:

1. Neighbourhood Aesthetics – This is a long established neighbourhood of 1-2 storey homes. The one exception is the newly built Palmwood condominium which was built on land that had previously been zoned appropriate for its development. Building a 10 storey apartment building in the back yards of people who have lived in in this area for decades would be an slap in their face. Note that there are currently zero buildings nearly this high in the Crystal Beach area. There is no need for one now.
2. Traffic – This is a quaint area of Fort Erie with narrow residential streets. Adding 100 apartments would significantly add to the traffic in this area that is simply not designed for it.
3. Parking – This parcel on it's own would hardly be able to accommodate the cars of people that lived in 100 apartments – where would approximately 100-200 vehicles of new residents park?

Certainly, I am in favor of developing these parcels in a responsible manner that is consistent with the flavor of the existing neighbourhood. The Crystal Beach Secondary Plan does point out that there is an opportunity to develop these parcels in a more responsible way than this proposal. I don't think it's unreasonable to develop the land in a manner that is **consistent with what is cited in the secondary plan (specifically bullet d that restricts the height of the buildings to 3 storeys (12m):**

4.22.9.14 Multiple Parcels between Crystal Beach Drive and Terrace Lane (3856, 0-15084, 0-15085 & 0-15086 Terrace Lane and 0-15097 Crystal Beach Drive).

These lands represent a unique opportunity to provide additional multi-unit residential that can take advantage of waterfront views and amenity of Crystal Beach Waterfront Park.

- a) The site shall be reserved for semi-detached, street townhouses, block townhouses, stacked townhouses, apartment units and their accessory uses, and shall generally be governed by the Residential policies of Section 4.7 unless otherwise defined under this section.
- b) A Medium Density range of 25 to 50 units per hectare will assist in making efficient use of existing and proposed infrastructure and providing opportunities to diversify medium density housing stock and form. Densities may be reduced or restricted in the implementing zoning by-law.
- c) Land assembly is encouraged to enable a comprehensive development plan for lands identified in this policy.
- d) The following height restrictions shall apply: semi-detached dwellings up to a max 3 storeys, street townhouses dwellings up to a max of 3 storeys, block townhouses up to a max of 3 storeys, stacked townhouses up to a max of 3 storeys and apartments up to a max of 3 storeys.**

- e) Site access for resident parking should only occur from Crystal Beach Drive with a consolidated land assembly and development proposal.
- f) Sensitive architectural designs shall be deployed such as terraced building form reflecting slopes on site.
- g) These lots are in proximity to the Regional Waste Treatment Plant and new development will need to consider compatibility requirements from a noise, air quality and odour perspective.
- h) Existing Environmental Protection designation (Hazard zoning) at the southerly limit of the designated lands may form limits of development / setbacks in the implementing zoning.

Please keep me informed as to the progression of this application. Thank you.

Rob Ketteman



3856 Terrace Lane Crystal Beach

From David Morrison [REDACTED]

Date Mon 2025-04-28 6:51 PM

To Devon Morton <DMorton@forterie.ca>

Cc Tina Morrison [REDACTED]

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Dear Devon,

I hope all is well.

This email is in reference to the application for zone change to 3856 Terrace Lane.

As a full time resident on [REDACTED] the thought of adding 100 unit complex to the neighborhood is difficult to comprehend. We strongly appose the application of rezoning the area for a large building.

The traffic on Ridgeway Road needs to slow down and should have noise restraints on some vehicles and motorcycles. Opening the zoning for 100 units will definitely increase volume, both number of vehicles and noise.

The area already has many occupancies. A lot of homes, condos and cottages are vacant. We recommend making use of existing infrastructures and buildings before approving the change of zone.

We plan on attending the Fort Erie Open House on May 5.

Please keep us posted and don't hesitate to contact us if you have any questions.


Thank you very much

David & Tina Morrison

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Re: File Number(s): ZBA-17-2024, OPA-08-2024 (3856 Terrace Lane, Fort Erie & Unassigned Parcel 0-15097 Crystal Beach Drive, Fort Erie)

From [REDACTED]
Date Wed 2025-04-30 11:04 AM
To Devon Morton <DMorton@forterie.ca>

 2 attachments (2 MB)
Street Blocked Overnight.JPEG; Street Storage.JPEG;

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Dear Devon Morton,

Re: **File Number(s): ZBA-17-2024, OPA-08-2024 (3856 Terrace Lane, Fort Erie & Unassigned Parcel 0-15097 Crystal Beach Drive, Fort Erie)**

We are writing to submit our comments for the Monday, May 5, 2025 (5-6pm) meeting regarding the rezoning of the subject lands and site-specific provisions referenced above.

We are **STRONGLY OPPOSED** to this rezoning and related requests. A 10-storey apartment building and density of units as described DOES NOT belong in this community!

We are lifelong summer residents of this community for 60+ years, and have been property owners just around the corner for 55 years. We continue to enjoy the quite and smaller character of the Crystal Beach community. We have many Canadian friends in the neighborhood who strongly feel the same way. Many have moved from high-rise and densely populated areas like Toronto and the "Golden Horseshoe" to escape the very type of developments being proposed here. Crystal Beach is NOT the place for such a 10-story apartment building.

The density, lack of any reasonable setback and public & residents' outdoor space makes such a development especially abhorrent to the character and livability of our community. It also introduces numerous construction issues and code violations due to the lack of on-property space for construction and materials staging. A perfect example is the construction fiasco currently occurring just around the corner on Lake Avenue. At that site, construction crews have stored and staged materials and equipment off the property, at times blocking streets even overnight. They have trespassed and used other properties, as well as the public streets, for their materials and equipment - blocking traffic and public access in the process. In at least one instance they caused a serious vehicle accident due to the storage of construction materials on a town street, requiring law enforcement and residents to clean up their mess. I have attached pictures of these abuses of town and private property. There has also been continuous littering

and trash left, often wind-blown throughout the neighborhood (as was the case for years throughout construction of the vacant Palmwood high-rise.)

In addition, the waterfront park and especially the boat ramp already produce an overwhelming amount of traffic - much of it with boat trailers - on Terrace Lane, Lake Avenue and Crystal Beach Drive. Adding a 10-story apartment building in the middle of this would produce an unmanageable traffic situation on top of an already unbearable one, especially in spring/summer/fall with much boat/trailer traffic and numerous waterfront park events.

Please **DO NOT APPROVE** this outrageous and inappropriate proposal!

I also request to be notified of any decisions of Council on this proposed Application.

Thank you,
Len and Mary Ann Przewozny

Terrace Lane development

From Ina Pearl [REDACTED]
Date Wed 2025-05-28 3:10 PM
To Devon Morton <DMorton@forterie.ca>

You don't often get email from [REDACTED] [Learn why this is important](#)

Mr Morton

Following are my views on the housing complex planned between Crystal Beach Drive and Terrace Lane. It is totally not appropriate for the area. (The perfect spot could be at corner of Ridgeway Rd and Rebstock).

I have lived at the corner of Crystal Beach Dr and Lake Ave for over 12 years. This area is very busy with traffic being up the street from the boat launch, park and new Palmwood building which remains uninhabited to date. Why do you think these units will be better? This is already a very busy visiting tourist area. There is minimum parking. Cars race up and down these streets. It is sometimes very dangerous for passerby's. I came close to getting hit a couple of times by a speeding car racing around the corner.

Whatever happened to small-town charm in Crystal Beach? Why not do a smaller project that would fit better with this particular community and stop trying to make it be a big city look?

Ina Pearl
[REDACTED]

Sent from my iPhone

10 story condo in Crystal Beach

From Laura Stotski [REDACTED]

Date Tue 2025-05-27 11:44 AM

To Devon Morton <DMorton@forterie.ca>

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

While I'm fairly certain that this will not even be read, I feel I must at least try. I live on [REDACTED] in the beach and have paid property taxes to the Town of Fort Erie for the past [REDACTED]. The residents do not want this development. We chose to live here because of the cottage style homes and small town feel. I am not against development. I think the town's plan is great and I can't understand why you are not following it. Why do developers want to override the wants of the current property owners? Please reconsider the location of this project and honour the planning bylaws.

Thank you.

Sent from my iPhone

10 floor condo on Crystal Beach Drive

From Julie Waddell [REDACTED]
Date Wed 2025-05-14 7:47 AM
To Devon Morton <DMorton@forterie.ca>

You don't often get email from [REDACTED] [Learn why this is important](#)

Good morning, just my thoughts

- 10 stories will stick out like a sore thumb amongst all the homes and cottages.
- nobody surrounding this condo will have the feeling of privacy in their homes or yards
- this many more people living here will definitely take away from the peaceful nature of this area and will likely lower property values
- there is no public transit so everyone would need cars. That's a lot of extra cars on these small peaceful streets

Julie Waddell
[REDACTED]
[REDACTED]
[REDACTED]

A note to say thanks

From Barbara Ingamells [REDACTED]
Date Tue 2025-05-06 8:11 AM
To Devon Morton <DMorton@forterie.ca>

You don't often get email from [REDACTED] [Learn why this is important](#)

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Devon

I just wanted to say thank you for your professionalism in the application brought forward by Mr. Pompili. Thanks for giving the area notice, and for holding the information session. Mr. Pompili certainly got feedback from neighbours and locals about how they feel about his proposed build. I appreciate your work on this and I am glad you are here and working on this.

I wasn't able to ask questions as louder voices prevailed, but I did learn that Mr. Pompili considers grade level to be the top of the dune and he intends to build seven stories above grade which would make this a very tall building indeed. I worry that it would set a precedent for future condo towers along the lake as lots become available. I know you are familiar with the growth in Burlington along the lake. This future for Crystal Beach concerns me. I have called this place "the place that time forgot" and was so happy that Toronto hadn't found it yet. But now they have.

My hope is that the height and density amendment will not be allowed and he will decide not to develop the lot but he seems pretty keen to do so.

At any rate, thank you for your competence and attention to detail. We will do what we can.

Barb

Barbara Anderson

Open House May 5, 5 to 6

From Rose Dire [REDACTED]
Date Fri 2025-05-02 10:07 AM
To Devon Morton <DMorton@forterie.ca>

You don't often get email from [REDACTED] [Learn why this is important](#)

External Email Warning: Do not click on any attachment or links/URL in this email unless the sender is reliable.

I just received the Notice of Application and Open house for 3856 Terrace Lane File # ZBA-17-2024, opa-08-2024.

I wish to be on record that I object to the size and scope of this project on the above stated land, adjacent to my property on Terrace Lane.

Please forward this email to Devon Morton so that I can be added to the mailing list to continue to receive notifications on the progress of this application.

P.S. I am not sure if I will be able to attend the Open House on May 5, but would like to know the outcome.

Thanks

[REDACTED]
[REDACTED]
[REDACTED]

Note.....duplicate submission.
Please acknowledge receipt of this email

Regarding proposed 10 story building - Meeting May 5th

From Elite Beauty Management [REDACTED]
Date Thu 2025-05-01 2:20 PM
To Devon Morton <DMorton@forterie.ca>

You don't often get email from [REDACTED] [Learn why this is important](#)

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Re: Opposition to Land Use Redesignation from Urban Residential and Environmental Protection to Core Mixed Use – Crystal Beach

I am writing as a concerned resident of Crystal Beach regarding the proposed land use change from *Urban Residential and Environmental Protection* to *Core Mixed Use* in our community. I strongly oppose this redesignation and urge the Town of Fort Erie to maintain the existing protections and zoning designations. Below, I outline key reasons for this position.

1. Environmental Protection and Ecological Integrity

The areas currently designated for *Environmental Protection* serve as critical ecosystems that support local biodiversity, manage stormwater runoff, and buffer our shoreline against erosion and flooding. Altering these lands risks:

- Irreversible destruction of habitat for native species.
- Increased runoff and pollution into Lake Erie and its tributaries.
- Reduced climate resilience in the face of more frequent extreme weather events.

Preserving these lands is vital to the environmental health and sustainability of Crystal Beach.

2. Preservation of Community Character and Livability

Crystal Beach has a unique character grounded in its small-town, residential charm. A shift toward *Core Mixed Use* would:

- Invite denser, commercial-style development that is out of scale with surrounding neighborhoods.
- Increase traffic congestion, noise, and parking shortages.
- Place additional strain on local infrastructure, including water, sewer, and emergency services.

Such changes could degrade the quality of life for long-term residents and erode the community's identity.

3. Public Consultation and Procedural Concerns

There is concern that meaningful public consultation has not been fully undertaken regarding this proposed change. Any shift in land use, especially involving sensitive environmental lands, should:

- Be informed by transparent and inclusive community engagement.
- Align with the Town's Official Plan and Niagara Region's long-term growth strategies.
- Avoid setting precedents for future incursions into protected or low-density areas.

4. Planning Principles and Long-Term Vision

Sound urban planning promotes *intensification* where existing services and infrastructure are sufficient—not in environmentally sensitive or low-density residential areas. The proposed redesignation:

- Contradicts smart growth principles.
- Risks overdevelopment and underused commercial space.
- Could encourage gentrification, displacing current residents.

The decision to preserve existing *Urban Residential* and *Environmental Protection* designations is essential for the long-term well-being of Crystal Beach. I respectfully request that the Town reject the proposal to redesignate these lands to *Core Mixed Use* and instead prioritize sustainable development, environmental stewardship, and community values.

In addition, the proposed 10 story building, building which is in a primarily low-rise, residential area will significantly violate privacy of residents in the following ways:

1. Direct Line of Sight into Private Spaces

- **Upper floors overlook:** Residents on higher floors of a 10-storey building will have unobstructed views into nearby yards, decks, gardens, and balconies — areas traditionally considered private in a low-rise neighborhood.
- **Loss of visual screening:** Trees, fences, or landscaping that once offered privacy are no longer effective against vertical sightlines from that height.

2. Feeling of Being Constantly Watched

- Even if people aren't actively looking, the perception of many windows facing your property can create a feeling of exposure or discomfort, especially during leisure activities in your yard or on your balcony.

3. Nighttime Privacy Invasion

- **Light pollution:** At night, interior lights from dozens of windows at higher elevations can feel intrusive or even illuminate your yard or home, especially if curtains or blinds aren't drawn.
- **Binocular effect:** Even accidental glances from higher floors can feel invasive when someone is seated or relaxing in an otherwise private outdoor space.

4. Loss of Enjoyment of Outdoor Spaces

- Residents may begin avoiding their balconies, patios, or yards altogether due to feeling "on display," which reduces quality of life and the usability of your property.

Please do not approve this monstrosity. It will ruin the area, in more ways than one.

Sincerely,

[REDACTED]

Daniel & Holly Read

[REDACTED]

Re: 10 story apartment building Crystal Beach

From Randy Holtz [REDACTED]
Date Thu 2025-05-01 10:42 AM
To Devon Morton <DMorton@forterie.ca>

You don't often get email from [REDACTED] [Learn why this is important](#)

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I will definitely try, for sure, but, health wise I'm not as sure. My address is [REDACTED] I'm the [REDACTED] on [REDACTED] Thank you very much for the quick response and it gladdens me you'll bring it up at the meeting if I can't be present. As you can tell, it IS important to me! (And all the neighbourhood!)

On May 1, 2025, at 10:32 AM, Devon Morton <DMorton@forterie.ca> wrote:

Hi Randy,

Thank you for your email and comments, these will be included in the Staff Report to Council.

I encourage you to attend the Open House on May 5, 2025 (5-6PM in the Atrium at Town Hall).

Thank you,

Devon M. Morton, MCIP, RPP
Supervisor of Development Approvals

Town of Fort Erie
Planning, Building and By-law Services
1 Municipal Centre Drive, Fort Erie, ON L2A 2S6
p: 905-871-1600 ext. 2514

forterie.ca | dmorton@forterie.ca

[<Outlook-4kanhorw.png>](#) [<Outlook-ei5a4c2o.png>](#) [<Outlook-tbs2x2pj.png>](#) [<Outlook-2wseimym.png>](#) [<Outlook-2jkrdzgp.png>](#)
[<Outlook-qs3vaxux.png>](#)

From: Randy Holtz [REDACTED]
Sent: Thursday, May 1, 2025 10:18 AM
To: Devon Morton <DMorton@forterie.ca>
Subject: 10 story apartment building Crystal Beach

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Mr Morton, hi. I am [REDACTED] and live on the property beside this proposal I've lived here for [REDACTED]

I am extremely worried about damage that will occur to both my home and garage if this gets the go ahead!
The amount of sand that will be removed will definitely cause my poured concrete large patio to break and collapse, as will the decorative block entrance and exit to and from the patio, and my front yard small retaining wall and lilac bushes!

I have a large basement of poured concrete floor and block walls. Blasting will, of course, cause them to break and probably collapse my foundation of the house, making out uninhabitable! Before any of that occurs, I would definitely need a retaining wall constructed by the owners of the proposal to save my patio, home and front yard from the sand removal.

My separated from the house 2 car length garage is built into the ground by about 4 1/2 ft height block wall, poured concrete floor and would also likely be destroyed by the imminent blasting that would have to be done during the proposed building beside me.

There is no reason for such a large apt to be constructed in this area, as it's all single family homes, in large part owned for decades by the residents of the area.

Besides all of that, 100 units in a 10 story building would need a vast amount of parking just for the renters of the units! These are extremely narrow streets, and there would be mayhem in the winter and summer. The Waterfront Park already has problems parking for the many events scheduled during the spring, summer and fall, whereas I often find it hard to park in my own driveway!

I don't want to seem like a NIMBY, as I am wide open to buildings that are close to the same building sizes as are already around here, and there's lots of land present for just that. But, this behemoth of a project would certainly be overkill, and definitely take away the ambience of it.

Could you please reply about my concern and bring it up at the May 5 meeting? Thank you very much for reading this. If you would like to call me: Randy Holtz, [REDACTED] Thank you again.

10 story apartment building Crystal Beach

From Randy Holtz [REDACTED]
Date Thu 2025-05-01 10:18 AM
To Devon Morton <DMorton@forterie.ca>

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

External Email Warning: Do not click on any attachment or links/URL in this email unless the sender is reliable.

Mr Morton, hi. I am [REDACTED] and live on the property beside this proposal I've lived here for [REDACTED]

I am extremely worried about damage that will occur to both my home and garage if this gets the go ahead!

The amount of sand that will be removed will definitely cause my poured concrete large patio to break and collapse, as will the decorative block entrance and exit to and from the patio, and my front yard small retaining wall and lilac bushes!

I have a large basement of poured concrete floor and block walls. Blasting will, of course, cause them to break and probably collapse my foundation of the house, making out uninhabitable! Before any of that occurs, I would definitely need a retaining wall constructed by the owners of the proposal to save my patio, home and front yard from the sand removal.

My separated from the house 2 car length garage is built into the ground by about 4 1/2 ft height block wall, poured concrete floor and would also likely be destroyed by the imminent blasting that would have to be done during the proposed building beside me.

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I don't want to seem like a NIMBY, as I am wide open to buildings that are close to the same building sizes as are already around here, and there's lots of land present for just that. But, this behemoth of a project would certainly be overkill, and definitely take away the ambience of it.

Could you please reply about my concern and bring it up at the May 5 meeting? Thank you very much for reading this. If you would like to call me: Randy Holtz, [REDACTED] Thank you again.

Crystal Beach - 10-Story Building

From Anastasia Morissette [REDACTED]
Date Sun 2025-06-01 7:49 PM
To Devon Morton <DMorton@forterie.ca>

You don't often get email from [REDACTED] [Learn why this is important](#)

Dear Devon Morton,

I hope this message finds you well. I am writing as a concerned resident of Crystal Beach to express my strong opposition to the proposed 100-unit 10-story building development on Crystal Beach Drive.

While I understand the need for thoughtful growth in our community, this particular project raises serious concerns in terms of its location and its scale. Placing a high-rise next to a water treatment facility and a public beach that struggles annually with algae and water quality issues seems not only ill-advised but also incompatible with the character and infrastructure of our neighbourhood. It's also unfair to the existing homeowners nearby who would be forced to live in the shadow of this building (myself included!).

A development of this size and height would drastically alter the scale of the beach area and public spaces, increase traffic and strain on local services, and erode the charm that makes Crystal Beach special. It feels out of step with the area's needs and with what residents actually value about living here.

Moreover, projects need to respect the spirit of the local area. Crystal Beach is a beautiful and charming village, and it's important to preserve its appeal in order to continue attracting tourism, and for the health and wellbeing of its residents.

I urge you to advocate for more sustainable, community-focused planning decisions.

Lastly, I think that we need to demand that developers compensate the area with additional green spaces, parking, and infrastructure to offset the impact of any large projects like this in the future.

Thank you for your time and service to our town.

Warm regards,

Ana Morissette, [REDACTED]

Re: File Number(s): ZBA-17-2024, OPA-08-2024 (3856 Terrace Lane & Unassigned Parcel 0-15097 Crystal Beach Drive, Fort Erie)

From [REDACTED]
Date Wed 2025-06-04 10:00 PM
To Devon Morton <DMorton@forterie.ca>

You don't often get email from [REDACTED] [Learn why this is important](#)

Re: **File Number(s): ZBA-17-2024, OPA-08-2024 (3856 Terrace Lane & Unassigned Parcel 0-15097 Crystal Beach Drive, Fort Erie)**

Dear Mr. Morton,

On April 30 we previously submitted comments in opposition to this development, which are still valid and we would appreciate those being provided to Council.

After attending the May 5 open house, after meeting with the developer and discussing his plans, and after reviewing all related materials available we continue to be **STRONGLY OPPOSED** to this development. We wish to submit these additional comments to Council for the June 9, 2025 Public Meeting.

There are many concerns we have with this 10-storey building, including:

- It seriously deviates from the town's Official Plan and Secondary Plan for Crystal Beach, which have been put in place after considerable research, expense, compromise and agreement for all future development in Crystal Beach. The requested variances from those plans are not minor, but *extreme* - thereby invalidating all the hard work previously completed to guide the future progress of the town.
- The proposed building does not add to the character and livability of the community, but instead takes away from it. Many residents who recently relocated to Crystal Beach did so to get away from this type of high-density, higher than 3-storey structure. Together with other long term property owners (ourselves included with 55+ years) and recent arrivals we all welcome progress and development, but not this type of outrageously oversized structure that simply does not fit.
- The building has about 1 parking spot provided for each unit. Most households have more than 1 vehicle and some have 3, 4 or more. Adequate resident parking is not provided in this proposal, nor is parking for guests. Instead it is being ignored in favor of density. There will also be heavy daily traffic to 100 units from Amazon/UPS/Instacart/etc. as well as Internet Service Providers, Cable and other service providers. It's foolish to ignore this additional heavy traffic flow, *in addition* to the 100 units' residents and guests.
- Has the Fire Chief / Marshall approved such a large structure? There already is a lot of discussion about street closures and traffic flow *just for Food Truck Thursdays* at the Waterfront Park; how can we possibly handle the additional load of 100 new residential units also crammed in? Does Crystal Beach even have fire trucks that can reach 10

storeys? It appears this proposal does not address public and resident safety, as well as the safety of first responders, and instead favors density.

- The surrounding 4 streets are not adequate for this high density structure. They are barely 1 or 1-1/2 lanes, and one of them is one-way over a large, narrow hill. There is already a large volume of traffic, especially during Spring/Summer/Fall with a lot of very large boat trailer traffic to/from the Waterfront Park Boat Launch. Summer events add even more volume. There also is not enough space available that could be used to enlarge/improve the inadequate street infrastructure. So this large, high density building will be landlocked within an inadequate street infrastructure which is already overstressed, and with no way to improve it.

We strongly urge Council to **REJECT** this application. We look forward instead to proposals that conform to the town's Official Plan and Secondary Plan for Crystal Beach.

Please keep us advised of all future actions and decisions regarding this application.

Thank you for allowing us to share our concerns in the interest of a better future for Fort Erie and Crystal Beach.

Len and Mary Ann Przewozny

[REDACTED]

[REDACTED]

MAILING ADDRESS:

[REDACTED]

[REDACTED]

[REDACTED]

3856 Terrace Lane.

From Henny McNobb [REDACTED]
Date Wed 2025-06-04 7:20 PM
To Devon Morton <DMorton@forterie.ca>

Hello Devon.

I am writing you today to voice my concern with regards to the proposed 100-unit hotel/condo/apartment, just down the street.

The impact of such a huge property will be a negative one, with many concerns we as neighbours share.

The environmental impact is obvious.

Removing a large dune, which is our first line of defense against storms, wind and rain, will have consequences for us all who live adjacent to the dune. As we're all aware, it can be nasty in the winter. We have personally felt the wall that dune creates during a storm and thus the protection it gives and the water it absorbs when we have torrential downpours.

Then there's the congestion, traffic in the area that's already not well managed, especially when there are events at the waterfront.

Parking during those events is already a problem as driveways are getting blocked and people are parking just about anywhere and that is not even on a daily basis. There are simply too many safety concerns with entry and exit points of the proposed building on Crystal Beach Dr. Crystal Beach Dr is at most a 1.5 lane with odd turns and corners with not enough visibility. Houses are built very close to the roads so widening is not an option here.

Then there are personal impacts for those closest to this development such as:

1. The plummeting of property values for those who are next to or across the street. These properties may not even be saleable and worthless as no one will want to live there as is the case with the home for sale immediately next to the Palmwood.
2. The light pollution of a building lit up day and night.
3. Noise pollution of a pool built on the exterior and folks on their balconies.
4. The overflow of garbage they say is being managed, which remains to be seen.
5. The loss of privacy in their own backyards and in some cases their homes too.

It just amazes me that there simply doesn't seem to be any consideration for the people that are directly impacted as well as indirectly.

The construction zone we're all going to be forced to endure for years is also not even spoken about, the noise, the congestion on a day-to-day basis of the additional vehicles, the additional infra structure problems this will bring with it as our street population will literally triple.

Many of the answers to these concerns will not be known until after, when it's too late to turn back the clock.

The song by Joni Mitchell's, Big Yellow Taxi, seems incredibly appropriate here: Don't it always seem to go, that you don't know what you've got till it's gone, pave paradise, put up a parking lot!!!

I'm not anti-development but the scale, size, density and design seem so wrong in so many ways, in this particular location. My sincerest hope is that this project will not go forward or gets modified, keeping the atmosphere in CB in mind and that something more appropriate for the

area, in scale and size, design and height would be considered instead of what is currently on the table.

Thank you for taking the time to read my email.

With kindest regards,

[REDACTED]

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June 4, 2025

Devon M. Morton
Supervisor of Development Approvals
Planning, Building and Bylaw Services
1 Municipal Centre Drive
Fort Erie, ON, L2A 2S6

Barbara Anderson
[REDACTED]
[REDACTED]
[REDACTED]

Mr. Morton

I am a resident on [REDACTED] and have become familiar with a proposed development at [REDACTED] which has precipitated a request for amendment of the Crystal Beach Secondary Plan for both height and density.

This request has generated considerable concern for a great number of people in Crystal Beach and huge concern for residents who would be directly impacted by such a development. All the residents of Crystal Beach would be directly impacted by reducing access to and enjoyment of the Waterfront Park and adjacent areas. The neighbours surrounding the development would be hugely impacted with their properties potentially damaged, their property values reduced, shaded, and increased noise and traffic.

My concerns are as follows:

- The proposal does not adhere to either the Official Plan or the Secondary Plan for Crystal Beach and would vastly differ from the plan in height, density, and lot coverage.
- The construction of such a building would require extensive retaining walls to protect the property of neighbours abutting the property and would risk damage to their properties.
- The developer is proposing building seven stories from the top of the dune which is not in keeping with the waterfront area of Crystal Beach.
- Blasting was used in the construction of the Palmwood and was extremely disruptive to the community. It was also very difficult because underground streams exist in this area which complicate such large construction projects. We would not want blasting to be used again.
- The proposal does not take into account an accurate traffic estimate and would significantly increase traffic on the local streets in proximity to the structure. These streets are already incredibly busy, as Lake Street and the Millington Skyway (Ridgeway Road) are the only points of access to the Waterfront Park and, as residents know, they are in constant use by locals, fisherman with large boat trailers, cyclists, walkers, scooters, and families with strollers. The amount of traffic on weekends and summer

vacations is considerable and a building of such density would add too many cars to accommodate neighbourhood use safely.

- The issue of parking is also a huge concern and there is currently a lack of parking for the many summer events at the Waterfront Park. The Palmwood restaurant has seating for 150 people and when the restaurant is operational it will require extensive use of the currently available parking. Additional guest parking for a mixed use building with another restaurant, or guests, will simply not be available and will place stress on the public parking area for the Waterfront Park which is meant for residents.
- Safety concerns would include the entrance and exit points in the plan for the development. The roads are narrow laneways which result in congestion in the area and directly opposite to the proposed parking garage on Terrace Lane is a children's playground which is heavily used and busy. This is directly next to the entrance to the Waterfront Park and close to the bottom of the Millington Skyway (Ridgeway Road) which already constitute some tricky driving to navigate all the hazards. Adding a minimum of 100 cars in this area would add to the dangers for pedestrians and drivers.
- Environmental concerns have not been adequately addressed in the studies provided by the developer. The dune in question is part of Lake Erie shore line protection and areas around Lake Erie are becoming aware of the value of dunes in Lake Erie storms. These dunes absorb water and provide a barrier to the powerful flooding that occurs in major storms which are a feature to the area. This dune protects the water treatment plant for the town and it is necessary. We know that during storms, roads in the area have to be closed because of flooding, and the Waterfront Park floods and is covered by debris. To allow the destruction of the dune is not practical or sensible.
- The woods on the dune provide a safe habitat for the migrating birds and is home to Red Headed Woodpeckers, Baltimore Orioles, and Fowler Toads.
- The trees in the wooded areas are ancient and would not survive transplanting.
- To allow a mixed use building in a residential area with such density would overwhelm the area and alter the character, and diminish a Crystal Beach community space. Crystal Beach does not have a lot of public green space for residents. The Waterfront Park is heavily used and appreciated by locals and visitors and to limit access to it because of traffic and parking issues to accommodate a commercial property designed to accommodate non residents is patently unfair to the residents of Crystal Beach. It is the only access point to the waterfront which is free and available to all people regardless of disability or mobility.
- Other issues that concern residents are noise, shading, loss of privacy, garbage removal, deliveries to a commercial building, sewer, water, and storm water capacity, and the incompatibility of the design of the building.
- We are aware that there is a current application at the OLT where the owner is disputing the height and density restriction and there has been some discussion of negotiation between the developer and the town of Fort Erie. I think negotiation is premature without further study of this proposal. In my opinion this should be a "hard no" unless it can comply with our current Secondary Plan.
- The amendments being requested are "a bridge too far" from the Official Plan and the Crystal Beach Secondary Plan. The mixed use proposal in a residential area with a limit

of three stories and much less density is a gross over reach and would place too much stress on the infrastructure, and the goodwill and health of the Crystal Beach community as a whole.

- We agree with the changes to the Secondary Neighbourhood Plan which would increase density in our neighbourhood as long as it is three stories and density is no more than 50 units/hectare.

The proposed development contravenes the Official Plan, and the most recent Secondary Plan for Crystal Beach and fails to respect the natural character and constraints of the site, is incompatible with the surrounding land uses, and is not compatible with good planning or the community public interest.

Thank you for the opportunity to share my concerns. I would like to be advised of all future decisions regarding this application.

sincerely,

Barbara Andersonn

10 storey build Crystal Beach Dr.

From Kerrie Galvin [REDACTED]

Date Tue 2025-06-03 2:44 PM

To Devon Morton <DMorton@forterie.ca>

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Good Afternoon Mr. Morton,

I along with my husband and 2 adult children reside at [REDACTED]
As a family we are opposed to the 10 storey condo being built.

We hope that counsel will stick with the Crystal Beach secondary plan. Limit the build to 3 stories.

Just wanted our opposition on record.

Sincerely,

[REDACTED]

Sent from my iPhone

Against ten story condo on Terrace Lane

From Tonin, Laura [REDACTED]
Date Tue 2025-06-03 8:03 AM
To Devon Morton <DMorton@forterie.ca>

You don't often get email from [REDACTED] [Learn why this is important](#)

Hello,

I intend to retire at my parents' cottage which is located right by the proposed ten story condo/motel. Please stick to the **official height density plan** for the proposed ten story condo/motel application for rezoning on the property on Terrace Lane.

Thank you,
Laura

Laura Tonin (she/her)

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Comments on proposed condo/hotel development on Crystal Beach Drive

From Margie Ryder, CA [REDACTED] >

Date Mon 2025-06-02 7:11 PM

To Devon Morton <DMorton@forterie.ca>

You don't often get email from [REDACTED] [Learn why this is important](#)

Dear Mr Morton

I, Fred Tonin, would like to speak to the staff and council at the June 9th public meeting. I also wish to be notified of the decision of the Council on the proposed Application. You may contact me by phone (905) 894-3992 or by regular mail. Or you can respond to this email address: sunnysouthshore@outlook.com.

A lot of open houses, consultations and hard work by the staff has gone into developing our Crystal Beach Secondary Plan. We feel this plan was excellent. Our Congratulations! You have addressed the province's need for housing. You have identified where more height and density should occur.

Please stick to these rules with respect to density and height on these properties. If so, we have no objection!

This application to dramatically change land use designation is very unreasonable.

We have lived in Crystal Beach for over 42 years and are not opposed to intelligent development.

Our property's rear boundary abuts the western side of this proposed development. We share the dune that the owners of this project wish to desecrate. There are century-old trees on this dune that will be destroyed.

The setbacks from our land on this proposal are extremely narrow. Removing the applicant's portion of the sand dune will cause our and our neighbours' portion to collapse, causing damage to at least six abutting properties. The rear of our property will be severely impacted.

This condo/hotel structure will tower over the existing residences and will not be sensitive to the entire established neighbourhood.

A structure of this height will block the sun. So much for any of my neighbours that are considering solar panels!

Obviously, parking is a major issue. Currently, the Crystal Beach Waterfront Park cannot accommodate the number of vehicles and boats that wish to use this beautiful attraction. Imagine what will happen when the Palmwood restaurant opens! The overflow parking of this condo/hotel development will end up taking valuable parking spaces in the already crowded Waterfront Park.

There will be a safety issue with the increased traffic that this development will create. Families with small children and strollers must use Ridgeway Road to access the Waterfront Park and beach. They are unable to use the existing sidewalks and stairs. Many drivers increase the speed of their vehicles in order to climb the hill at this portion of Ridgeway Road. More traffic will cause many problems.

The entrance to the parking garage is across from the Water Treatment plant. I trust the prospective buyers of this condo/hotel development will be advised that the trucks entering and leaving the Water Treatment plant will create noise. There will also be odour from the sewage settling tanks that will be visible from the units that are facing Crystal Beach Drive.

Please care about our community and Crystal Beach. Preserve the dunes, the century-old trees and build to the rules in our commonsense plan, that we have mutually developed.

Thank you

Fred & Heather Tonin

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

June 9th Hearing - Request to Speak

From Robert Kettelman [REDACTED]
Date Sun 2025-06-01 9:20 PM
To Devon Morton <DMorton@forterie.ca>

You don't often get email from [REDACTED] [Learn why this is important](#)

Good evening, Devon. The purpose of this email is to request permission to speak at the Jun 9th meeting to express my concerns about the proposed 10 story building between Crystal Beach Drive and Terrace Lane. Could you please let me know how to get on the agenda? Thank you.

Rob Kettelman
[REDACTED]

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3856 Terrace Lane

From Rob [REDACTED]
Date Wed 2025-06-04 11:43 AM
To Devon Morton <DMorton@forterie.ca>

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Hello

We wanted to share our thoughts about the proposed ten story build. We own the corner property at [REDACTED]. We like the idea of improving the area but at the same time also think it's too large to suit the neighborhood and would also cause our property to lose sunlight! It's also already a high traffic area with all the boats and park traffic and believe it will only make it less safe with all the extra amount of units proposed.

The Trolio Family
Sent from Rob's iPhone

Submission to Committee in Council – Proposed Development in Crystal Beach

Submitted by:

Date: June 5, 2025

Main Submission

Dear Mayor Redikop, Members of Committee and Council

My name is Brian Treble. I am a Registered Professional Planner with over 35 years of experience in the Municipal Sector; most recently as Director of Planning and Building in the Township of West Lincoln. I understand and respect the Planning process including the challenges faced by your staff and yourselves, and I believe strongly in the importance of the public process.

Speaking on Behalf of Concerned Residents

This evening, I am speaking on behalf of over thirty Crystal Beach households who will be directly affected by the proposed development. These are reasonable and responsible individuals who fully understand and accept that some level of residential development is appropriate for these lands. They also recognize that achieving density and affordability may include varied housing types, potentially even low-rise apartments.

Lack of Clarity in the Application

There is significant confusion surrounding this application. The Notice of Public Meeting references an apartment building, yet it also proposes a change to a Core Mixed Use - Special Policy Area designation that seems unnecessary. This designation is typically intended for developments with a primary first floor commercial use—such as stores, restaurants, hotels, retail, or tourist accommodation—with residential uses being secondary or accessory. Further, as written, the Notice indicates that the Environmental Preservation designation is also changing to Core Mixed Use.

This raises several critical questions:

- Is the application solely for an apartment building?
- Is it for a luxury condominium hotel, as implied in the Planning Justification Report (PJR)?

- Or is it a resort-style development, as noted by the Region during pre-consultation?
- Dune protection should be paramount, why is the Environmental Preservation designation being removed.

From a professional planning standpoint, a luxury hotel or resort-style development is not equivalent to an apartment building and should not be treated as such within the planning framework. At an appropriate scale, apartment style use is much more compatible with the neighbourhood.

Inconsistencies with Policy and Area Character

Crystal Beach is a unique, environmentally sensitive, well-loved mixed-use community, with low to moderate density, smaller scale buildings. It includes:

- Public access points for beachgoers and fishermen
- Seasonal and permanent residential dwellings
- Environmentally significant features, such as sand dunes and habitats for migratory and native bird species
- A narrow street design in many parts of the community which affects on street parking and high volume traffic flow.
- A variety of commercial uses/core area along Erie Road.

Many municipalities along Lake Erie are also actively rehabilitating sand dunes as a defense against erosion and storm events. This proposal appears to endanger that natural protection system—particularly in light of recent severe weather impacts on nearby infrastructure such as the water treatment plant.

Failure to Align with the Official Plan/Secondary Plan

The current Urban Residential/Medium Residential and Environmental Protection designations are appropriate for the subject lands. The proposed Core Mixed Use designation does not align with the intent of either the Fort Erie Official Plan or the Crystal Beach Secondary Plan (CBSP).

Allowing a large commercial complex—whether a hotel or mixed-use development—within inches of existing single-family homes is not appropriate and does not represent good planning. If a hotel is truly proposed, it should be part of a comprehensive block-wide redesignation for the whole of the block. This piecemeal approach is incompatible with the area and contrary to established planning policies and good planning principles.

A highlight of Official Plan policy concerns includes:

Section 4.8.2.1. of the Official Plan includes policy language around small scale hotels,

Section 4.9.1. General Commercial Policies includes language stating that Council shall have regard for physical suitability, adequacy of street system, adequacy of off street parking, compatibility of commercial use with the adjoining area, safety of area with vehicular and pedestrian traffic, demonstration of consistency with Natural Heritage (and by extension Natural Hazard policies) of the Official Plan, adequate setbacks from property lines and adequate services amongst other policies.

A highlight of now in effect Secondary Plan policy concerns includes:

Section 4.22.1. Purpose identifies that the policy supports new or renewed development while remaining conscious and sensitive to the established community as a whole.

Section 4.22.3 Goals, includes guidance that the policy supports efforts to protect and preserve the cottage character through the creation and implementation of zoning that regulate massing to fall within similar topological constraints found amongst the prominent cottage form.

Section 4.22.3. Goals under the subtitle of Refined Commercial Core Delineation states that the policies of the Secondary Plan seek to curtail the potential for commercial creep into the residential areas..... The policy is intended to support efforts to concentrate the commercial activity

Section 4.22.4. Objectives (c and d) plan identifies best places to support intensifying residential form and to increase population in a moderate manner.

Section 4.22.9.14. (Site Specific – still subject to appeal) speaks to a required density of 25 to 50 units per hectare with a clause that provides opportunity for Council to reduce or restrict density in the zoning bylaw.

Key Planning Concerns with the Proposal

Whether the project is intended as a hotel or an apartment, the proposal is fundamentally flawed due to:

1. Scale, Height, and Density:

- **Proposed Building Height:** 10 storeys (highest existing building is 5 storeys; most are 2)
- **Proposed Lot Coverage:** 74% (compared to area standard of ~50%)
- **Proposed Density:** 385 units/ha (current policy supports 50 units/ha max)

This level of intensity is unprecedented for infill development in this area and is better suited to greenfield development with suitable infrastructure and spacing; transit corridors or downtowns.

2. Zoning:

- Requested setbacks of less than one metre from existing single-family homes are simply unacceptable for compatibility and privacy.
- The current zoning of the subject lands is RB2 which generally requires a side yard setback of 1.5 metres on one side and 3 metres on the other and a height of not more than 7 metres. The CBSP proposes a zoning of RM1-689 which requires a side yard setback of 1.5 metres and a height of not more than 3 storeys or 12 metres. The application proposes a RM1 zone with a side yard setback of presumably 0 metres and a height approaching 40 metres (estimated). The Notice only advises that the application requests site specific exceptions to lot area, lot coverage, setbacks, height and density.

3. Infrastructure and Traffic:

- Three ingress/egress points from the proposed development onto Crystal Beach Drive in a highly trafficked area is excessive
- Insufficient on-site parking, especially if commercial uses are included and intended to also service the local population
- Narrow, underdeveloped streets with minimal pedestrian infrastructure. Narrow roads, steep roads and sharp turns in this area alone are a challenge for modern equipment to properly maneuver and maintain.
- Potential for traffic overflow, congestion, and safety concerns
- Traffic study is not a complete analysis of the situation during peak seasons and does not analyze the flow of traffic in the area nor patterns of turning traffic.

4. Environmental Impacts:

- Removal of 42 trees and disturbance to dune ecosystem
- Potential threats to endangered species and natural hazard features
- Inadequate detail on how environmental protection goals will be achieved especially when the environmental designation is proposed to be redesignated as well
- Geotechnical concerns related to building on sandy soils and potential impacts to neighbouring properties

5. Inadequate Community Consultation and Transparency:

- The application description lacks clarity, leaving residents uncertain about the true nature and scope of the proposal
- Many residents chose not to attend tonight due to the benign wording "apartment building" in the Notice

- A second public meeting is needed to provide the community with a much more accurate, complete proposal.
- All reports should be peer reviewed at the developer's expense

Alternative Path Forward

Residents are supportive of the Secondary Plan policy adopted by Council in 2021 (Section 4.22.9.14.), currently under appeal. This policy supports:

- A maximum height of 3 storeys
- A maximum density of 50 units/ha

This policy represents a reasonable, balanced approach. The current proposal far exceeds those thresholds and fails to demonstrate good planning or alignment with the public interest. As a professional planner, I believe that the application in its current form, whether an apartment or a mixed use proposal, is too much density in the wrong location with environmental impacts, major compatibility concerns and is out of step with the intent of Town Official Plan/Secondary Plan policy.

Additional concerns are summarized in the Appendix to my submission.

Conclusion

This proposal, as submitted:

- **Fails to conform to Official Plan and Secondary Plan policies**
- **Fails to respect the natural character and constraints of the site**
- **Fails to achieve compatibility with surrounding land uses**
- **Fails to represent good planning or be in the public interest**

On behalf of the residents/households that I represent, I respectfully request that Committee and Council reject this application. We urge the proponent to work within the framework of the existing and Council-supported Secondary Plan and resubmit a proposal that is truly compatible with this unique and cherished part of Fort Erie. A second Public Meeting should be called, and Notice provided to the full circulation area, once a clear proposal can be outlined to the public.

I will end my presentation with two brief references to a press release of May 1, 2024 as issued by the Town in relation to the decision on an OLT matter located at 4409 Erie Road:

First, The Town recognizes the importance of balancing community vision, neighbourhood compatibility, mixed housing needs, and housing growth as realities to address housing needs in the community – but it must be done with a sustainable, responsible, and managed approach. The Town of Fort Erie has been supportive of gentle densification in certain areas of the community.....

Second, The town facilitated extensive public consultation and engagement on their way to developing the Crystal Beach Secondary Plan, which was approved in 2023 by the Ontario Land Tribunal. The waterfront in Crystal Beach was not identified as an area for intensification in the CBSP to preserve and protect the natural character of these unique waterfront neighbourhoods.

This concludes my presentation. I welcome your questions and thank you for your time and consideration.

Sincerely,

Appendix – Detailed Technical and Planning Concerns

This section outlines more detailed concerns regarding the proposed development. These are critical planning, engineering, and environmental issues that must be addressed prior to any approval. The scale and nature of the proposal present numerous challenges to compatibility, infrastructure, environmental protection, and public safety.

Drainage and Stormwater Management

- - There is no indication of an on-site stormwater retention system. Given the sensitivity of the area, proper drainage design is essential.
- - The development must account for runoff control and flood protection to safeguard surrounding properties and public infrastructure.

Storm Protection for Regional Infrastructure

- - Multiple winter storm events have highlighted vulnerabilities along the waterfront. The proposal must incorporate measures to protect the nearby Regional Water Treatment Plant from storm surge and erosion.

Soil Stability and Geotechnical Risks

- - A geotechnical study is critical due to sandy/dune soils. Past studies required access to adjacent properties to stabilize neighbouring foundations—an alarming precedent.
- - There must be clarity and transparency around foundation design, especially where excavation occurs near existing dwellings.
- Much more detail is required on the shoring proposal as the integrity and stability of several adjacent properties and buildings could be jeopardized.

Environmental Sensitivity

- - The site includes dune features and tree cover, with potential presence of rare or endangered species.
- - The removal of 42 trees and construction on a dune contradict the Environmental Protection goals of the Official Plan and Secondary Plan.

Traffic, Access, and Public Safety

- - Three ingress/egress points on Crystal Beach Drive raise safety concerns in a congested, high-pedestrian area.
- - Street infrastructure is rudimentary. Narrow roads, limited sidewalks, and peak-season congestion amplify risks.
- Additional traffic work is required in appropriate seasons that takes into account traffic flow and turns.

On-Street Parking and Road Capacity

- - The proposal lacks adequate parking, especially if commercial uses are included. Overflow onto local streets will exacerbate existing parking shortages.

- - Road widening may be necessary, particularly if delivery and waste vehicles increase traffic volume.
- Significant road widening will not be in keeping with the character of the area including Crystal Beach Drive east of the subject lands.

Incompatibility with Area Character

- - The proposed density and height are inconsistent with surrounding single- and two-storey dwellings.
- - A ten-storey building does not respect the established scale or character of the neighbourhood.

Site Design and Grading Challenges

- - The property has considerable elevation changes. Functional site design may require extensive retaining walls that could destabilize adjacent properties.
- - What mitigation measures are proposed to protect neighbouring structures during excavation?

Commercial Servicing Impacts

- - Commercial uses would increase: Delivery traffic, noise from backup alarms, loading activity, and private waste collection needs.
- - These are inappropriate near low-density residential areas.

Incomplete Streetscape and Infrastructure Planning

- - Improvements must extend beyond the site's frontage. The broader area lacks pedestrian infrastructure and is not designed for high-traffic urban development.
- - Sewer, water, and stormwater systems must be reviewed to determine if they can accommodate the scale of development.

Overshadowing and Neighbourhood Impacts

- - This development is visually and physically imposing. It will dwarf surrounding homes, disrupt privacy, cast shadows on neighbouring properties, and introduce noise, light, and congestion beyond what is typical for the area.

Liability and Neighbour Protection

- - Excavation to the property boundary raises the question: Who assumes liability for damage to neighbouring homes?
- - Residents should have the opportunity to review shoring and slope stabilization plans prior to construction.
- An inventory of existing buildings and their structural integrity should be completed before construction is permitted.

Outstanding Technical Reports

- - The Planning Justification Report references the need for further slope stability analysis. This study should be completed and shared with residents for review before any decisions are made by Council.
- All supporting reports should be peer reviewed at the expense of the developer.

Sustainability and Environmental Claims

- - The PJR mentions stormwater recycling and climate-friendly design, yet references to a standard storm pipe contradict these claims.
- - Environmental protection references lack detail and measurable commitments.

Waste Management and Servicing Concerns

- - Garbage storage on the exterior of the building is inappropriate, particularly for a development of this scale. The proposed storage appears to be inadequate for a building with 100 residential units and a commercial component.
- - There is no evident provision for the recycling of organic materials (green bin/composting) in the development plans, which fails to align with municipal and regional sustainability goals and waste diversion standards.

Policy Context

- - The proposal appears to conflict with Section 13.7.III and several other policies of the Fort Erie Official Plan and Crystal Beach Secondary Plan and with Section 2 of the Planning Act, which speak to matters of provincial interest including environmental protection, orderly development, appropriate location for growth and development, and infrastructure coordination.

Emailed to Devon Morton, Supervisor of Development Approvals, Town of Fort Erie on June 26, 2025

dmorton@forterie.ca

SUBMISSION RELATED TO:

Official Plan and Zoning By-Law Amendment Application for

3856 Terrace Lane, Fort Erie & Unassigned Parcel 0-15097 Crystal Beach Drive, Fort Erie

File Number: ZBA-17-2024A, OPA-08-2024

Dear Mr. Morton:

My name is Ben Burke, P.Eng. (Ret'd), and I am a long-time cottage owner [REDACTED] of Crystal Beach Drive, [REDACTED]. I bring over 53 years of professional experience as a structural consulting engineer, during which I have been involved in the design and execution of a wide range of development projects. These include commercial, hospitality, and residential high-rise buildings, as well as educational, recreational, religious, and industrial developments—spanning sectors such as pharmaceuticals, manufacturing, processing, and data storage—across North America, Europe, Asia, and Africa.

Through this extensive and varied career, I have developed a comprehensive understanding of the development process and the many challenges it entails. I recognize the technical, regulatory, financial, and logistical complexities involved, as well as the often competing requirements and interests that must be balanced to bring a project from concept to completion.

It is from this informed perspective—and as a concerned member of the local community—that I offer the following observations and concerns regarding the current proposal.

I see a number of issues with the proposed development and I am writing to object to the above application on the basis of the following:

- Zoning
- Environmental
- Technical & safety

ZONING

Context:

The re-zoning application of 18 Dec 2024 sought an amendment to the Zoning By-law from RM1-689 & H to a site specific “RM – As permitted”.

However, the application as currently presented:

- 10 storeys,
- a height of 32.106m based on the elevation drawings
- setbacks ranging from 0.4m to the west, 0.0m at the northeast corner to 0.1m at the rear and a density of 385 units per hectare.

would suggest a Site Specific Core Mixed Use designation because of the density, setbacks and height proposed which would be at variance with the Town of Fort Erie CMU-1 designation which permits hotels and dwelling units among other commercial uses with the following requirements:

- a maximum of 4-storeys
- a height of 15m
- side yard setbacks of 2.5m abutting residential zone and rear setbacks of 4.5m except abutting residential zone 10.0m

Lack of Clarity in Development Intent

The supporting technical reports included in the application refer to a range of building types—describing the proposed development at times as a “**ten-storey residential apartment building**” and elsewhere as a “**luxury residential condominium hotel.**” These two descriptions reflect significantly different building uses, occupancy patterns, servicing demands, and community impacts. The inconsistency creates confusion and raises legitimate concerns about the true nature and intent of the development. Greater clarity is required to ensure that the project is evaluated appropriately in terms of zoning compliance, infrastructure capacity, parking requirements, and its long-term impact on the surrounding neighbourhood.

Core Mixed Use -Special Policy Plan as proposed is an **inappropriate zoning designation** for a location that is neither downtown nor community hub area as it does not meet height, density not setback requirements.

While noting that none of the policies of the Crystal Beach Secondary Plan apply to the property (RM1-689; - 0-15097 Crystal Beach Road CBSP policy 4.22.9.14A) because of an appeal, Core Mixed Use is not in keeping with the Crystal Beach Secondary Plan, where a RM1 designation for the property would be entirely consistent with the Crystal Beach Secondary Plan objectives.

The application represents a significant and, in my view, egregious attempt to intensify development beyond what is reasonably supported by the existing zoning by-laws. The proposal appears to disregard fundamental planning principles, including even minimal building setbacks, which exist to preserve the privacy, light access, and general well-being of adjoining properties. Such disregard for the established character of the neighbourhood and the reasonable expectations of nearby residents is troubling. It suggests a development approach driven more by

maximizing density and profit than by compatibility, responsibility, or respect for the community context. In an era where thoughtful, sustainable, and inclusive development should be the standard, this proposal falls short in both intent and execution.

ENVIRONMENTAL

Noise:

The submitted RWDI Noise Study dated 29 Oct 2024 noted the following:

*“A conservative screening level assessment **found sound levels** from the Crystal Beach Wastewater Treatment Plant are predicted **to be above the applicable sound level limits** at the proposed development **during the nighttime period**. The sound levels are predicted to meet the applicable sound level limits during the daytime and evening.*

*Based on the results of this assessment; **mitigation is required to meet the applicable MECP Class 2 exclusion limits** at noise sensitive locations within the proposed development.”:*

The RWDI study accompanying the application fails to propose any meaningful noise mitigation methods to address the existing environmental noise conditions—most notably the elevated nighttime noise levels generated by the nearby wastewater treatment plant. This omission is particularly concerning given that such noise can have a significant impact on the quality of life for future residents.

Without appropriate mitigation, residents may be compelled to keep their windows closed at night to maintain acceptable indoor sound levels. This is especially problematic during the summer months and the shoulder seasons of spring and fall, when natural ventilation would otherwise be desirable or necessary due to warmer temperatures. The lack of proposed mitigation measures raises questions about the suitability of the site for residential occupancy without further noise attenuation strategies, such as upgraded glazing, building orientation considerations, or mechanical ventilation systems designed to allow for closed-window operation.

Odour:

Upon reviewing the RWDI Odour Study associated with the proposed development near the Niagara Region Wastewater Treatment Plant (WWTP), several factual inaccuracies and omissions require attention:

1. **Incorrect Setback Statement**

The report states: *“The proposed development will consist of a 10-storey residential and commercial building, set back 30 metres from Crystal Beach Drive.”*

This is incorrect. The actual setback from Crystal Beach Drive is approximately 4.2 metres. The figure of 30 metres appears to reflect the distance between the proposed building and certain WWTP infrastructure, not the public roadway. Specifically, the closest WWTP building is approximately 28 metres from the proposed building, and the diesel generator stack is approximately 38 metres away. This discrepancy calls into question the accuracy of the spatial assumptions used in the odour impact analysis.

2. **Misleading Context Regarding Existing Residences**

The report claims: *“Currently there are existing two-storey residences located in closer proximity to the WWTP than the proposed development.”*

However, it fails to acknowledge that the majority of these nearby residences predate the construction of the WWTP. The few newer homes were built on previously occupied lots and therefore do not represent new encroachment toward the plant. This distinction is critical in assessing land-use compatibility and planning intent. Using these residences to justify the introduction of a dense, multi-storey development in such proximity to the WWTP is misleading and does not account for the historical planning context.

3. **Undervalued Risk from Elevated Odour Emissions**

The report notes: *“All stacks are low lying, with the exception of the diesel generator exhaust stack, which is twice the building height as per its ECA (Air) No. 8-2101-90-007. Given the height of the generator stack there is the potential for impacts on the subject lands at elevated receptors. However, the generator is restricted to emergency use only with periodic testing.”*

This underrepresents the potential impact. The diesel generator stack is 18 metres above grade at the WWTP, which itself sits approximately 1.5 metres below the proposed building's ground floor elevation. Therefore, the top of the stack would align roughly 16.6 metres above the proposed building's ground floor—approximately at the 6th floor level. As such, residents from the 6th floor upward would qualify as “elevated receptors” and could be exposed to emissions during periodic testing or emergency operation. This exposure warrants a more thorough evaluation than is currently presented.

See Figure 1 below.

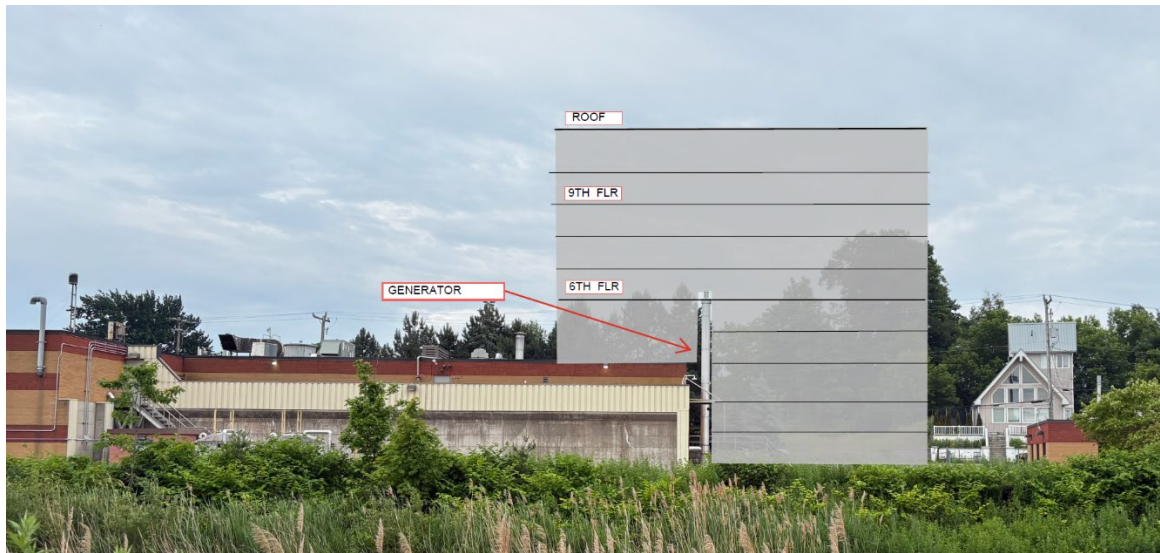


Figure 1: The development superimposed on the WWTP.

The RWDI report’s treatment of the WWTP’s diesel generator operation is overly simplistic and does not adequately address real-world scenarios. The generator is not merely an emergency backup that operates infrequently—it is tested monthly for one hour and is relied upon during power outages. A notable example occurred during the week-long blackout that began around 3:30 p.m. on December 23, 2022. During that event, the WWTP’s emergency generator ran for approximately nine hours before failing due to a fuel shortage. This left the facility inoperable and raised significant concerns about public health and environmental protection.

In a future prolonged outage, the generator may need to operate continuously for multiple days. Given the proximity of the proposed building to the WWTP—particularly the elevation of its residential units relative to the generator stack—extended generator use could have serious implications for air quality, odour exposure, and the wellbeing of future occupants. This is especially concerning for residents on the sixth floor and above, whose living spaces fall within the likely emission zone of the 18-metre-high stack.

These potential risks are not adequately acknowledged or mitigated in the current application materials and warrant further review before development proceeds.

4. Wind Effects, Odour Dispersion, and Reputational Considerations

The RWDI report notes that winds from the north and northeast—directly from the direction of the Wastewater Treatment Plant (WWTP) toward the proposed development—occur approximately 6% of the time, with winds from the north through east-northeast accounting for about 11% annually. Statistically, this equates to approximately 40 days per

year—nearly six weeks—during which odours or emissions from the WWTP could be carried directly toward the proposed residential building.

Despite this, RWDI has not addressed the impact of the proposed building’s substantial height and massing on local wind patterns. Given RWDI’s recognized expertise in wind studies, it is surprising that the report omits consideration of wind interactions such as eddies, downdrafts, and accelerated flows that may result from prevailing west and southwest winds striking a ten-storey structure. These effects could alter the dispersion of gases and odours in unpredictable ways, potentially increasing exposure for both the proposed development and existing homes along Ryan Avenue and Shores Lane.

Additionally, from a marketing and community branding perspective, the contrast between promoting a “luxury condominium hotel” and its direct proximity to a wastewater treatment facility poses reputational risks. In the age of social media, platforms like Facebook, Instagram, X, and TikTok provide instant visibility to any negative commentary. Public scrutiny of this incongruous juxtaposition could damage the public perception of the development and, more broadly, the image of Crystal Beach as a desirable destination.

Carbon Monoxide Gases

The proposal includes two levels of above-grade parking, which—based on the lack of visible mechanical ventilation shafts or ductwork in the submitted drawings—appear to rely on natural ventilation via open sides. This design approach raises several concerns.

Given the building’s minimal setbacks and near-zero lot line construction, any exhaust fumes—including carbon monoxide—from idling or slow-moving vehicles within the ground and second-floor parking levels are likely to vent directly toward adjacent residential properties to the east and west. This presents a tangible nuisance and potential air quality issue for neighbours, particularly during periods of heavy use or temperature inversions. As a general principle, all exhaust gases generated within the building should be captured, filtered, and discharged in a manner that minimizes off-site impacts. Relying on natural ventilation without accounting for the structure’s context and adjacency to sensitive uses is inappropriate in a high-density residential area.

Moreover, it is reasonable to expect that certain odorous gases emitted from the nearby Wastewater Treatment Plant may accumulate within the parking structure—especially in lower, shielded areas with reduced air circulation. While such accumulation may not rise to the level of a life safety concern, it would likely result in persistent unpleasant conditions for users of the garage and contribute to the overall degradation of air quality within the building envelope.

A detailed mechanical ventilation strategy, combined with odour control measures, should be a prerequisite for approval of above-grade parking in such close proximity to existing homes and a known odour source.

Tree Removal

The Jackson Arboriculture Inc. report, dated September 20, 2024, outlines the significant environmental impact of the proposed development. According to the report, a total of 60 trees were assessed across both the development site and adjacent properties. Of these, 42 trees are proposed to be removed in order to accommodate construction activities. This figure includes all 29 trees currently located within the development area itself, as well as an additional 13 trees situated on neighbouring private properties.

In effect, the report confirms that not a single tree within the development site would be retained, and furthermore, that trees located on properties outside the project boundaries would also be removed. The 18 remaining trees—all of which are to be preserved—are located entirely on adjacent lands and are not directly part of the development parcel.

This level of tree loss is deeply concerning and appears to be at odds with the Town of Fort Erie's stated environmental planning objectives and its broader commitment to sustainable development. The complete removal of on-site tree cover, combined with the encroachment on vegetation located on neighbouring properties, suggests a lack of meaningful integration of natural features into the site design. It also raises questions about compliance with municipal policies concerning tree protection, private property rights, and environmental stewardship.

Given the scale of tree removal—70% of all assessed trees, including off-site impacts—this development proposal warrants closer scrutiny to ensure alignment with Fort Erie's Official Plan, environmental values, and any applicable tree conservation by-laws. It is especially important to understand how the removal of trees from adjacent properties has been authorized, and whether adequate mitigation measures, such as tree replacement or preservation of mature specimens, have been considered.

Ultimately, the extensive loss of tree cover resulting from this project not only compromises local ecological health and urban canopy coverage, but also undermines the Town's long-term vision for sustainable growth.

Dunes

The entire block from Ridgeway Road to Lake Street is the last vestige of the dune that once stretched from the east side of Bay Beach to Lake Street. The development of the Amusements Park in 1890 and subsequent development of Crystal Beach Tennis & Yacht Club removed a large section of the dune.



The current proposal would slice through the sand dune and leave the remaining properties to the west of the development and east of Ridgeway Road vulnerable to sand erosion during construction.

TECHNICAL & SAFETY

Temporary Shoring & Unequal Lateral Soil Pressure

The Geotechnical Report Addendum dated Oct 24, 2024 by Niagara Testing & Inspection Ltd. States that with the Basement elevation at +175.797m, conventional spread footings on Cherty Limestone bedrock foundation level +174.4- to +175.4m below weathered or fractured rock layers would be required. That is anywhere between 3 and 4m below the roadway on Crystal Beach Drive (+178.42m).

The adjacent properties to the west have a maximum elevation of +188.79m meaning the shoring will be 14.39m (47' 2") high. The corresponding maximum east side shoring would be approximately 6.25m (20' 6").

The report recognises that excavations will be to the property lines and that shoring will be required and *"the upper levels of the shoring system would have to be supported by a 'tie-back' arrangement drilled at an angle into the Cherty Limestone rock under the adjacent properties to the east and west and also under the road at Crystal Beach Drive where utilities have to be avoided."* Alternately, should permission for tie-backs be refused by the adjacent property owners then a temporary raker and waler system of shoring within the confines of the property under development will be necessary, but would have to be removed when the concrete floors slabs are completed and have attained their specified strength.

Lateral soil pressure increases with depth so the lateral pressure from the west will be greater than the lateral pressure from the east which act facing each other. Tie-backs resist the lateral forces on each side. In the absence of tie-backs the unequal forces in opposite directions must be resisted by the structure and this would require significant east-west concrete shear walls which are not account for in the floor plans and would impede circulation within the below grade parking level and the first three floors above grade. See Figures 2 and 3 below.

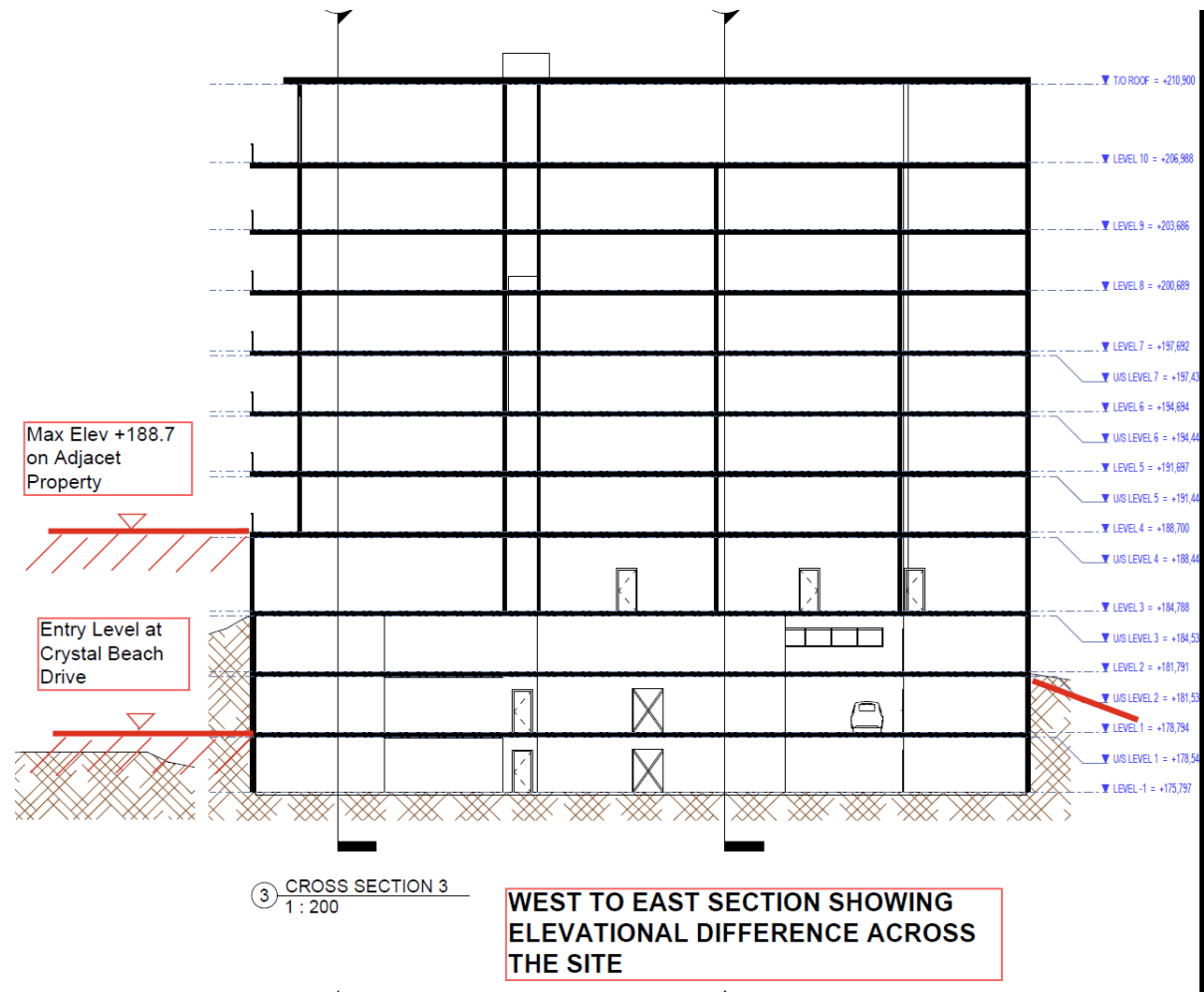


Figure 2:

The report also references issues such as :

- the need for stabilisation of the sandy soil overlying the rock, and erosion control measures;

-
- CRYSTAL BEACH DR
- EXISTING SOIL PROFILE
- POOL
- FON ON ROCK 175.4-174.4
- EXISTING SOIL PROFILE ALONG THE NEIGHBOURING WEST PROPERTY LINE

Traffic Study - Access Design and Loading Concerns

The report fails to address the unconventional placement of three access points in close proximity to one another—situated within 20 metres of both the Ridgeway Road/Crystal Beach Drive intersection to the west and the Lake Avenue/Crystal Beach Drive intersection to the east. This concentration of access points near two key intersections may lead to increased traffic conflicts, reduced sightlines, and heightened safety concerns for both drivers and pedestrians.

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infrastructure, it is likely that delivery and service vehicles will rely on street parking, further exacerbating congestion and potentially impeding traffic flow and pedestrian safety on Crystal Beach Drive.

Instead the report states: *“It should be noted that as previously mentioned the subject development site consists of 3 site driveways, given the close proximity of them and the low volume of projected site generated trips, the driveways have been consolidated into one access for analysis purposes.”*

The study also assumes that all traffic from the development is commuter traffic in the morning and evening based on a normal residential condominium.

The Luxury Hotel Condominium concept is totally ignored. How would hotel guests know which of the three accesses to use on arrival?

Stormwater Management and Flood Risk Concerns

The RVA Functional Servicing Report dated October 30, 2024, references the Town of Fort Erie Design Guidelines, which require that post-development peak stormwater flows be controlled to match pre-development rates for storm events up to and including the 5-year return period. While this standard may align with current guidelines, it does not reflect the increasing frequency and severity of extreme weather events.

The report states: *“Flows exceeding the post-development 5-year event shall be discharged overland to the Crystal Beach Drive or Terrace Lane right-of-way.”* This approach implies that any stormwater exceeding the 5-cubic-meter capacity of the on-site stormwater retention tank will be diverted overland, resulting in surface runoff along Terrace Lane. As a consequence, the adjacent Playground area is at risk of experiencing more severe flooding than would have occurred under pre-development conditions.

It is important to note that storm events exceeding the 5-year threshold are no longer rare. The flooding incident on November 20, 2020, which affected Ridgeway Road near the entrance to the Wastewater Treatment Plant, serves as a recent and relevant example of this growing trend.

Given this context, reliance on a 5-year storm event as the design standard is increasingly insufficient. Additional mitigation measures or an updated hydrological assessment may be warranted to ensure that the development does not exacerbate local flooding risks, particularly in sensitive community areas such as the Playground.

Ben Burke, P.Eng (Retired)

20250629

Special Council Meeting 30 June 2025
3856 Terrace Lane and 0-15097 Crystal Beach Drive Public Comment

There are a number of legal issues, errors, omissions and misleading statements in the Information Report and the associated appendices

Some of these are identified below:

1. Applicable properties – the Report identifies 2 parcels when development is proposed for 3 of the 5 parcels, i.e. 0-15097 Crystal Beach Drive, 3856, 0-15084, 0-15085, 0-15086 Terrace Lane, with 0-15084 Terrace Lane being omitted in the Appendices. The OPA and ZBA By-Laws have 15097 Crystal Beach Drive / 3856 Terrace Lane (PLAN 367 LOT 3 NP367 & Part Lot 10, Plan 369) which may include 0-15084 Terrace Lane but none are shown as being in Plan 369 in the supporting reports. The ESA (Pg 27 to 30) Parcel Register has 3 PINs showing that Plan 367 includes the Terrace Lane properties transferred to 3101669 Nova Scotia Company Ltd and Rose DiRenzo. There are also maps which show this in other reports. The 2 DiRenzo properties 0-15085 and 1-5086 Terrace Lane appeals were withdrawn and are not identified (Pg 2) as being to the south

2. Applicable Owners – the Report implies that Lou Pompili is the owner of 3101669 Nova Scotia Company and the By-Laws place his name after 100054526 Ontario Inc. He is the owner of 0-15097 CBD and agent for both corporations

3. Section 4.22.9.14 can't be deleted - The second clause in the OPA By-Law proposes to delete and replace the 23 Sep 2023 CBSP Section 4.22.9.14 with all 5 parcels listed, then states these "[will] generally be governed by Residential policies of Section 4.22.10" which is the CMU policies. Staff do not appear to be aware that the 0-15085 and 0-15086 Terrace Lane DiRenzo lands were brought into effect by the 7 June 2024 OLT decision, therefore, the OPA and ZBA By-Laws can not delete or replace this section. The CBSP Schedule CB-2 needs to only show this designation on the 3 parcels. It should also be noted that this development has cut off all access to the DiRenzo lands, thereby sterilizing the lands due to the inability to provide access via Terrace Lane

4. CBSP applicability - policies are in effect – The Report (Pg 4) states "Staff note, due to an ongoing appeal at the Ontario Land Tribunal, related to the subject lands, the policies and land use designations of the Crystal Beach Secondary Plan are not in force and effect as it relates to the proposed development". This is repeated (Pg 23) and without the "as it relates" clause (Pg 20), thereby misleading the public. Section 4.22.9.14 is under appeal by the 2 developers but all the rest of the CBSP policies came into effect when the 5 Sep 2023 OLT Order was issued. The in-force CBSP policies were not evaluated by the planning consultant and staff have deferred this analysis to inform the recommendation report

5. Lake Erie Waterfront Interim Control By-Law Applicability – The Report (Pg 5-6) states "Staff note, the subject lands are not impacted by Interim Control By-law 121-2024. The subject lands were excluded from the Interim Control By-law due to the on-going appeal". The ICBL was approved 2 Dec 2024. The applications were not received until 18 Dec 2024

and not deemed complete until 7 Apr 2025. While the 2 developers have an active appeal, they agreed to withdraw their appeals of the CBSP and agreed to have the site-specific appeals continue. They did not have an application. The ICBL makes no provision for this situation, therefore, the applications should be subject to the ICBL

6. Ambiguity in the Use – Since the 12 Jan 2022 OLT Consolidated Appeal Notice was submitted requesting an 80-100 unit “mixed use multi storey condo-hotel resort”, the developers reports have consistently referred to this use. The 26 Oct 2023 Pre-Consultation Notes (NISA Pg 33) refer to “Multi-use, Multi-storey Luxury Residential Condominium Hotel Beach and Spa Year-Round Destination Resort” while the Niagara Region Pre-Consultation Notes (NISA Pg 36) refer to “... 8-storey building ... 100 units ... looking .. to have the units rented during the summer/winter”. Even the 7 Nov 2024 Planning Justification Report (Pg 8) refers to Luxury Condominium Hotel

The planning application page refers to apartments and the Interim Report also focuses on apartments with ground floor commercial, thereby misleading the public. The Report Zoning Table (Pg 6) adds Short-Term Rental, Dedicated when the STR By-Law excludes hotels. The ZBA By-Law omits the commercial and hotel uses. There are many condominium hotels in the GTA which have apartments, commercial and hotel uses and some of the municipalities have physically separated the uses either using separate attached buildings, restricting certain floors, or division inside the buildings so that permanent residents do not have to share space with transient hotel guests. This separation also permits the appropriate tax and insurance rates to be used. The PLANS (Pg 2) have 6 units across from the commercial area which could be used as hotel rooms or suites. Using the STR designation to mask the real use is inappropriate

7. Appropriate Designations - The Report (Pg 4) states “The Official Plan Amendment proposes to change the land use designation of the subject lands to a Core Mixed Use - Special Policy Area in the Crystal Beach Secondary Plan”. The Appendix 2 OPA By-Law (Pg 6) states “The subject lands shown on Schedule “A” attached hereto shall change from Low Density Residential to Core Mixed Use” with red “Urban Residential” replacing Low Density Residential. Schedule A is not attached, but the use of “Urban Residential” means that the Official Plan Schedule A is to be revised. Urban Residential is incorrect. This should say “change from Medium Density Residential to Core Mixed Use on CBSP Schedule CB-2”.

8. CMU designation suitability

The Official Plan Section 4.8 Core Mixed Use subsection 4.8.1.III (Pg 67) states “Core Mixed Use areas will be identified through the Neighbourhood Plan process then reflected in the Official Plan. These areas will be developed in accordance with the Neighbourhood Plan policies, implementing Zoning By-law provisions”. Sub-section 4.8.2.I Policies (Pg 68) state “The Neighbourhood Plan exercise will identify the appropriateness of permitting ... small scale hotels” and “will also address the appropriate height of buildings”.

The Official Plan Section 4.9.5 Recreational Commercial Sub-section 4.9.5.I (Pg 75) permits hotels and Sub-section 4.9.5.II.e (Pg 76) excludes apartments, requires an OPA to

add commercial uses and requires analysis of “the impact of the development on the existing recreational commercial facilities of the area”

Section 4.22.10 Core Mixed Use (Pg 40) states “The Core Mixed Use designation is intended to recognize and delineate properties that shall be the focus of combined commercial / residential buildings and uses with a purpose of generating an identifiable and intensified area of dwellings, residents/pedestrians and commercial activity”.

Additional policies state that “CMU areas will be identified through the CBSP process” (4.22.10.c re 4.8.1.III), “Residential ... range between 25 to 100 un/ha” (4.22.10.d), “Heights shall be established in the ZBL” (4.22.10.f), “Provide at-grade commercial” (4.22.10.h), “Heights 3 stories or height above 4 stories may be dependent on a Section 37 Agreement (4.22.10.s), and Section 4.22.10.c states “Section 4.8.1.III provides that Core Mixed Use areas will be identified through the Secondary Planning Process”. The proposed development meets none of these

The 5 Sep 2023 CBSP CMU policies are in effect and do not support the development. Section 4.22.10.c states that “Section 4.8.1.III provides that Core Mixed Use areas will be identified through the Secondary Planning Process”, Section 4.22.10.d states “Residential associated with Core Mixed Use shall generally range between 25 to 100 un/ha”, Section 4.22.10.h states “New development in the Core Mixed Use designation shall provide at-grade commercial”, and Section 4.22.10.s states “Building heights shall be no greater than three (3) stories...” and makes provisions for height increases. The CBSP only designates the Erie Road Corridor as Core Mixed Use and the New Official Plan designates it as a Strategic Growth Area. It is not appropriate for any area remote from this corridor to use the CMU designation in either the Official Plan or in the CBSP

9. Designation Alternatives

Why is the CMU designation proposed in the OPA By-Law when the RM1 zoning is proposed in the ZBA By-Law? Why is RM1 zoning being used instead of RM2 zoning? The ideal situation is to have the same designations in the OPA and ZBA By-Laws. The policies have to be preserved for the DiRenzo lands in 4.22.9.14 and it might be difficult to add an exception for the applications. Creating a new 4.22.9 site specific zoning exception or 4.22.10 CMU site specific exception would be easier. Ideally, it would be better if the OPA and ZBA use the same land use type, preferably with Medium Density Residential in the OPA with RM2 in the ZBA, with the latter adding permissions for commercial and hotel. A CMU designation should not be added so far away from the Erie Road CMU Area. This, however, results in the developers having 2 Site Specific Exceptions for the same properties until the OLT settlement hearing when the 3 addresses could be removed from Section 4.22.9.14 policies

10. ZBL 129-50 has already changed the zoning - The Report (Pg 5) identifies the 2 parcels as being R2B with 3856 Terrace Lane having the Hazard Zone. Staff do not appear to be aware that the 0-15097 CBD parcel and all 4 Terrace Lane parcels have RM1-689 with the Hazard Zone on Geopedia due to the ZBL 129-90 Oct 2024 update inappropriately adding all the appealed policies to it

11. Ambiguity in the Zoning provisions

Staff did not require that a zoning table be submitted as part of a complete application for the ZBA By-Law when the planning consultant had stated that a Zoning Matrix would be provided at the Site Plan Control or Building Permit stage. A zoning table is a fundamental element of a zoning application. The Report (Pg 6) states “Staff note, the Draft Bylaw submitted in support of the Application combines select Permitted Uses from the Residential Multiple 1 (RM1) Zone with regulations from the Residential Multiple 2 (RM2) Zone to create a site-specific Residential Multiple 1 (RM1) Zone”.

The Appendix 3 Draft ZBA By-Law adds “RM1-689 (144-2021)” when this is already in force for the 0-15085 and 0-015086 Terrace Lane parcels. The PJR (Pg 21) stated the parcels would be in the RM2 zone. The Appendix 4 Comments had 16 entries on 3 pages comparing RM1-689 to Section 14, but also included Section 6 regulations under that heading without including relevant ones in the ZBA By-Law

The Report (Pg 6) then states “Table 1 further reviews the proposal against the requirements of the standard Residential Multiple 1 (RM1) permitted uses, standard Residential Multiple 2 (RM2) Zone regulations and General Provisions of the Town’s Zoning By-law 129-90, as amended”. While the reference to the RM1-689 and RM2 were useful in explaining where the ZBA By-Law provisions originated, it was highly unusual and inappropriate for staff to then create a 9-page table that is not able to be approved due to the confusion caused by failing to just identify the provisions required for the RM1 site-specific exception. Table 1 switches headings midway, creating RM1 vs RM1-689, RM2 vs RM-689 and General Provision vs General Provision which have the same content in columns 1 and 2. Adding text saying “Not provided” could mean it is not applicable/not required to be provided or is waiting for the developer to identify the requirement. This table appears to be the working notes of the developer or staff rather than required provisions that can be implemented in the ZBA By-Law

12. Excessive Density – The proposed 385uph density is higher than the 7 Central Avenue 12-storey high-rise with density of 349uph approved in 2021 and would be the second highest in the Town after OPA By-Law 64-2022 increased the density to 402uph. 7 Central Avenue is an International Gateway on a road that is being designated as a Strategic Growth Area. The Molinaro Crystal Beach Gateway Project (CIC 1 Mar 2010 4155 Erie Road) proposed a 12-storey building on 0.6ha for a density of 145uph with commercial that would service the public. In addition, the New OP is proposing no new buildings on the Lake Erie Waterfront. The site does not have physical or gateway characteristics to support a high-rise at the proposed location and will apparently not provide retail commercial to the public

13. Unsuitability of the land and excessive soil removal - Soil removal from the top of the dune to bedrock is about 15m (49ft). The extremely narrow side yard setbacks of 0.1m(west) and 0.2m (east) do not provide sufficient space for excavations or future swales and access, and may make it impossible to construct. Even if it could be constructed NPCA has indicated that underground flooding of the foundation may occur

14. Unnecessary burden on adjacent landowners

There are 8 parcels adjacent to this development and staff expect to rely on these landowners approving surveys of their lands, access or encroachment required by the shoring system, removal of boundary trees, coordinating retaining walls, etc. For example, the survey for the recently built retaining wall on 525 Lake Avenue shows a gap between the property line and the wall. A photo and the survey from the 7 July 2025 Consent Agenda are attached. How could shoring be placed here? Would it damage the new wall? Will it cut off the underground drainage? Landowners have underground rights so permission would be needed if shoring or retaining walls require the use of this land. The structural engineer (Appendix 5 Comments Pg 58) states “the upper levels of the shoring system would have to be supported by a 'tie-back' arrangement drilled at an angle into the Cherty Limestone rock under the adjacent properties to the east and west and also under the road at Crystal Beach Drive”. Some landowners could object and some will not. Chances of the latter happening are slim unless the developers offer to compensate them. This will result in the landowners having to hire lawyers to ensure that their properties aren’t damaged. The developer and the Town may also be liable if the lack of adequate setbacks causes damage

15. Multiple Peer Reviews indicate major problems – It is extraordinary for the Chief Building Official to raise the alarm about a development. Staff are proposing 7 peer reviews (Pg15-16) with results to be included in the Recommendation Report. The Appendix 4 Comments had also identified a Sanitary System Peer Review by its consultant GEI with proposed condition. It is inappropriate for the peer reviews to be funded by the developers as many professionals are known to not report on problems that may adversely impact them. Peer reviews will also impact the Planning Act target dates and results may not be available before the Recommendation Report is tabled. It should also be noted that OLT informed me that the 2 June 2025 settlement hearing has been postponed to June or July, but this will be impacted by the slowdown of the process

16. Timeline issues - The Report (Pg 17) states that the statutory target date is 5 Aug 2025 yet schedules the Recommendation Report tentatively for 25 Aug. OLT was expecting a settlement hearing in June or July. The Recommendation Report should inform Council that they do not need to be concerned if the developers appeal because the parcels are already under appeal and would be considered together during a settlement hearing

17. Specific Problems

1. 0.2600 hectares (excluding EP lands) – these are included in Geopedia and total 0.261381m
2. Failing to round numbers correctly e.g. 74% vs 74.7% building area rounds up to 75%
3. Much of the landscape area and target area for transplanting rare species and providing pedestrian access to the Waterfront Park is used for stormwater infrastructure with 2 retaining walls parallel to the building, retaining walls on both sides and no stairs in the Grading Plan (FSR Pg 57). The PLANS (Pg1) show a parking level door with stairs from the level above but (Pg 2) has the same stairs but no other than the short stairs at Terrace Lane

4. Equating the 10-storey building to a height of 21m when the PLANS (Pg 3) Building Elevations Cross Section 2 west side view at the front entrance has 32m
5. Interior side yard (Pg 8) 0.2m (West) when 0.2m is on the east side, not west
6. Recommending “0 meters from Hazard Limit for lots fronting Terrace Lane” (Pg 8) when the building is shown in that area in the developers reports. Terrace Lane is identified as the Rear Yard (Pg 8) when the building extends about 8m into the EP designation along with retaining walls
7. For 6.20(F) More Than One Use on a Lot parking space requirement for “separate parts of the building occupied by the separate types of uses”, needs to be related to the apartment, commercial and hotel uses, however, the commercial is claimed to be private and will not provide services to the community so it should be considered as an amenity and ancillary use. The commercial vs amenity issue was identified but there is no recommendation as to which should govern and staff are proceeding to include it as commercial for traffic and other studies
8. The staff response (Pg23) stating that 3823 Terrace Lane is higher is incorrect as it is only 5 storeys. This “luxury” condominium which charges \$12.5K to \$15.5K per month or \$180K per year has been unable to attract tenants and the restaurant closed. The proposed luxury condominium hotel may suffer the same fate
9. The staff response (Pg 24) states that a Slope Stability Assessment will be required at the Site Plan Control stage – this is too late and should be addressed in the Geotechnical Peer Review
10. The Report (Pg 18) states “Terrace Lane is designated a Local Road and Crystal Beach Drive” is designated an Arterial Road” when the CBSP (Pg 66) Schedule CB-5 has Crystal Beach Road as a local road
11. In order to address the Building Department comment that “construction across a property line would not be permitted”, the 2 developers may have to create another corporation in order to accomplish this

18. Public comments made by a hydrogeologist and a structural engineer

It is extraordinary to receive detailed comments by experts participating in the public consultation process. These comments appear in Appendix 4 (Pg 19-21) and Appendix 5 (Pg 51-61), respectively. Alarms are raised about disputable claims made in the developer’s supporting studies, as well as the excavations and adequacy of the stormwater management system, with a recommendation (Pg 6) that a hydrological assessment be done. Concerns are expressed about groundwater flow reversing. Additional studies were recommended by the hydrogeologist (Pg 60-61) which might require a Lake Erie expert. When the Chief Building Officer and independent engineers raise major concerns you should realize that there are major problems. To ensure that the development could be built to withstand Lake Erie effects, an evaluation by a coastal engineer would be required as was done for the 12-storey Molinario Fort Erie Waterfront v. Molinario Group Crystal Beach et al, 2011 ONSC 5252 (CanLII) 13 Sep 2011 appeal where coastal engineers supported each party. The fact that the Town requires 7 peer reviews rather than just the normal sanitary system peer review should be telling you that this proposal is undevelopable. It is obvious to the public that the building should not be approved.

Special Council Meeting 30 June 2025 3856 Terrace Lane and 0-15097 Crystal Beach Drive Public Comment – Please read the attachment

From Faith Blacquiere [REDACTED] >

Date Sun 2025-06-29 8:13 PM

To Wayne Redekop <wredkop@forterie.ca>

Cc Ashlea Carter <ACarter@forterie.ca>; George McDermott <GMcDermott@forterie.ca>; Nick Dubanow <NDubanow@forterie.ca>; Darren Flagg <DFlagg@forterie.ca>; Joan Christensen <JChristensen@forterie.ca>; Tom Lewis <TLewis@forterie.ca>; Ann-Marie Noyes <ANoyes@forterie.ca>; Keegan Gennings <KGennings@forterie.ca>; Anamika Dilwaria <ADilwaria@forterie.ca>; Devon Morton <DMorton@forterie.ca>

 4 attachments (801 KB)

Special Council Meeting 30 June 2025 3856 Terrace Lane and 0-15097 CBD Public Comment by Faith Blacquiere.pdf; Attachment 3 COA 17 July 2025 525 Lake Avenue SEV Sketch 2025 03 27.pdf; Attachment 1 Suitability of the Land.jpg; Attachment 2 525 Lake Retaining Wall 7 May 2025.jpg;

Mayor Redekop

I have identified a large number of major legal and other problems with the Information Report. The solution to this is to have a Council motion to require staff to revise the Information Report and Appendices 1 to 3 to correct the problems and resolve the confusion so that the Information Report will be able to provide the basis for the Recommendation Report. It is my understanding that staff do not have the ability to make changes to what was proposed in the Information Report and that they will just evaluate what was presented to make recommendations

There are a number of major legal issues, errors, omissions and misleading statements in the Information Report and the associated appendices

Some of these are identified below:

1. Applicable properties – 3 of 5 parcels are proposed
2. Applicable Owners - confusion
3. Section 4.22.9.14 can't be deleted - the 0-15085 and 0-15086 Terrace Lane lands were brought into effect by the 7 June 2024 OLT decision
4. CBSP applicability - policies are in effect – Section 4.22.9.14 is under appeal by the 2 developers but all the rest of the CBSP policies came into effect when the 5 Sep 2023 OLT Order was issued
5. Lake Erie Waterfront Interim Control By-Law Applicability – The applications were received 7 April 2025, well after the ICBL 2 Dec 2024 approval date
6. Ambiguity in the Use – the 2022 appeal and subsequent reports state that the intended use is for a Luxury Residential Condominium Hotel rather than as just apartments as claimed by staff in the Notice and Report. Using the STR designation to mask the real use is inappropriate
7. Appropriate Designations - the Report confuses the designations
8. CMU designation suitability – the Report proposes CMU with RM1-689 without considering alternatives that would respect the intention of the CBSP
9. Designation Alternatives - the ideal situation is to have the same designations in the OPA and ZBA By-Laws and not detract from the Erie Road CMU but the alternatives have not been evaluated

10. ZBL 129-50 has already changed the zoning - due to the ZBL 129-90 Oct 2024 update inappropriately adding all the appealed policies to it
11. Ambiguity in the Zoning provisions – the Report analyzes RM1-689 with RM2 and provides a long zoning table which can not be used to identify all the required provisions
12. Excessive Density – The proposed 385uph density is higher than the 7 Central Avenue 12-storey high-rise with density of 349uph approved in 2021 and would be the second highest in the Town after OPA By-Law 64-2022 increased the density to 402uph, despite the not meeting the objectives of the International Gateway designation
13. Unsuitability of the land and excessive soil removal - soil removal from the top of the dune to bedrock is about 15m (49ft). See Attachment 1 and 2
14. Unnecessary burden on adjacent landowners – there are numerous requirements to obtain the approval of the 8 adjacent landowners. It is unlikely that they will all agree and very likely that there will be damage
15. Multiple Peer Reviews indicate major problems
16. Timeline issues - the statutory target date is 5 Aug 2025 yet the Recommendation Report is supposed to evaluate the results of all the peer reviews and schedules the Recommendation Report tentatively for 25 Aug
17. Specific Problems – such as being 32m high vs 21m and setback from the Hazard Zone being 0m vs the building occupying about 8m inside the zone
18. Public comments made by a hydrogeologist and a structural engineer raised major issues and the need for more reports. A coastal engineer should be evaluating the feasibility and impacts as was done for the Molinaro 12-storey building

In summary, staff need an accurate, reliable Information Report as the Recommendation Report will not be able to correct all the problems

The legal issues need to be addressed

While there is no vote on an Information Report, Council could introduce a Motion to refer the Information Report back to staff. Rather than spend a lot of time and effort requiring multiple engineers to try and prove it can be built when the Town does not have the expertise to evaluate these reports, it would be better to defer these studies until the Recommendation Report can be tabled, then the development can be refused

Whether the Recommendation Report is approved or denied, the settlement hearing process will be used for OLT to make decisions

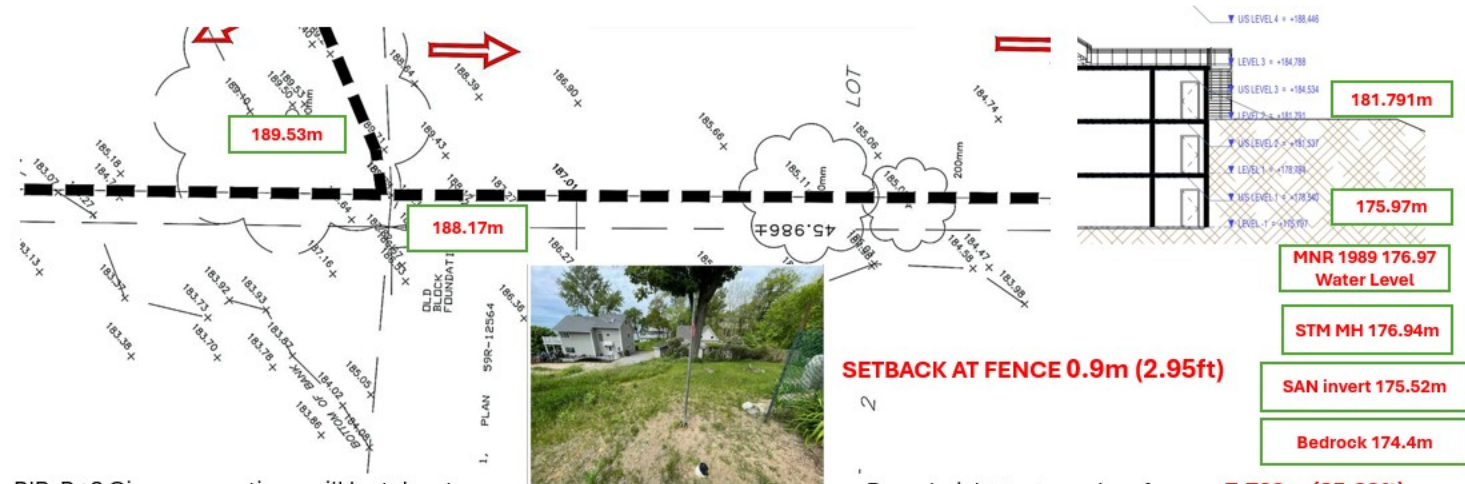
Thank you for considering my request

Faith Blacquiere, Kanata
CBSP OLT Participant

Attachments:

1. Suitability of the Land
2. 525 Lake Avenue Retaining Wall with 521 Lake Avenue Photo
3. 525 Lake Avenue Survey (COA 17 July 2025)

SUITABILITY OF THE LAND – DELETERIOUS EFFECT ON ADJACENT PROPERTIES



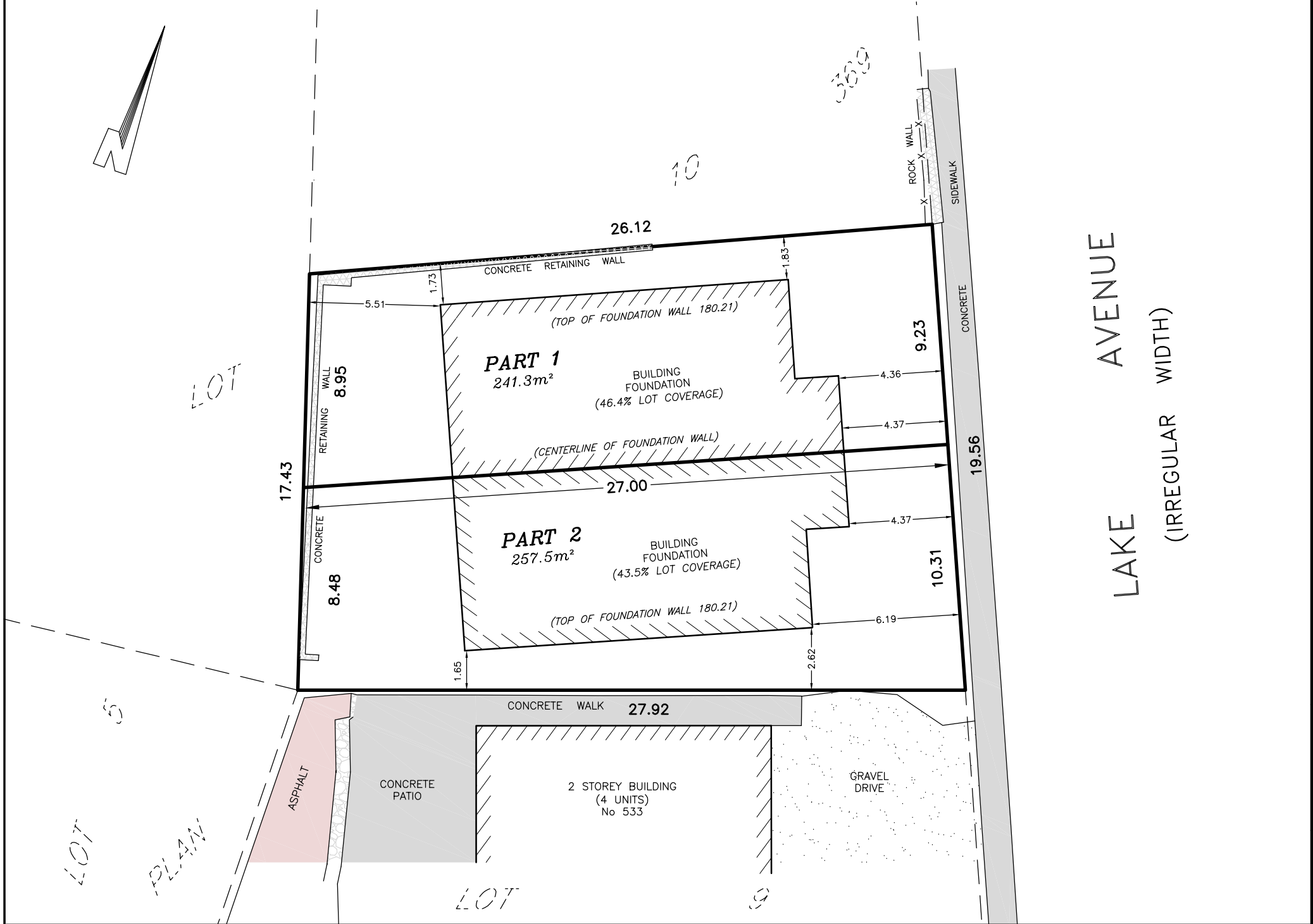
PJR Pg 3 Given excavations will be taken to the property boundaries ... Pg 17 Subsection 13.7(III) of the Fort Erie Official Plan requires Council ... to have due regard to the following criteria: Pg 18 c) The physical suitability of the land ..Pg 19 The site itself **is, or can be made, physically suitable** for the proposed uses.

Dune height to ground surface	7.739m (25.39ft)
Dune height to foundation slab	13.56m (44.49ft)
Height at fence to ground surface	6.379m (20.987ft)
Height at fence to floor slab	12.2m (40m)

The 0.9m setback isn't wide enough for a swale and retaining wall
 Removing the sand dune will adversely impact the adjacent residential lots



NOTE: SUBJECT AND ADJOINING LANDS ARE RESIDENTIAL



SKETCH
PREPARED FOR SEVERANCE APPLICATION
PART OF LOT 10
PLAN 369
IN THE
TOWN OF FORT ERIE
REGIONAL MUNICIPALITY OF NIAGARA
SCALE 1 : 200 (METRIC)

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MARCH 27, 2025
DATE

Don Chambers
DONALD G. CHAMBERS, B. Sc., O.L.S.

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DWG 14007-4_SK Page 149 of 150

Special Council Meeting 30 June 2025 0-15084 Terrace Lane

From Faith Blacquiere [REDACTED] >

Date Mon 2025-06-30 8:41 AM

To Wayne Redekop <wredkop@forterie.ca>

Cc Ashlea Carter <ACarter@forterie.ca>

 1 attachment (234 KB)

0-15084 Terrace Lane 1974 Survey Noise Study Pg 41.jpg;

Mayor Redekop

I have been thinking that it is strange to have 3 PINs when there are 5 parcels

The 0-15804 lot is 10ft wide on the 1974 survey with Instrument number 209001. It looks like it might possibly be an easement and that the 2 DiRenzo parcels might have been treated as 1 lot

I checked again and the Parcel Registers in the ESA Pg 26-30 don't list any easements **Notice - Open House - ESA 05.30.2022.pdf**

Could staff check if it is an easement to determine if it is and who owns it?

I have attached a copy

Thank you
Faith