

TITLE PAGE FOR
131 & 135 Gilmore Road
Consent Application: B49/24

RE: Committee of Adjustment Applications for consideration at December 19, 2024 Hearing

From Mustafa, Sheraz <Sheraz.Mustafa@cnpower.com>

Date Thu 11/28/2024 2:31 PM

To Jayne Nahachewsky <JNahachewsky@forterie.ca>

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

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Hi Jayne,

CNP has no concerns with below applications.

Regards,
Sheraz

From: Jayne Nahachewsky <JNahachewsky@forterie.ca>

Sent: November 28, 2024 1:41 PM

To: Cof A updated Circulation Group <cofaupdatedcirculationgroup@forterie.onmicrosoft.com>

Subject: Committee of Adjustment Applications for consideration at December 19, 2024 Hearing

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Good afternoon,

Please find the links for the circulation packages for the applications submitted for consideration for the December 19, 2024 Hearing below.

MV File A75/24 2034 Jewson Road, Fort Erie

<https://filr.forterie.ca:8443/filr/public-link/file-download/ff8080829350c53f0193735c84845eb5/2155/7422021314745094082/2024-11-27%20Circulation%20Package%20for%202034%20Jewson%20Road.pdf>

Consent File B48/24 4924 Sherkston Road, Fort Erie

<https://filr.forterie.ca:8443/filr/public-link/file-download/ff8080829350c53f0193735c84945eb9/2156/7807215620672266656/2024-11-27%20Circulation%20Package%20for%204924%20Sherkston%20Road.pdf>

MV File A16/24 11 Lewis Street, Fort Erie

<https://filr.forterie.ca:8443/filr/public-link/file-download/ff8080829350c53f0193735c84735eb1/2157/3641506279702021343/Circulation%20Package%20for%2011%20Lewis%20Street%20Fort%20Erie.pdf>

Consent File B49/24 131 and 135 Gilmore Road, Fort Erie

<https://filr.forterie.ca:8443/filr/public-link/file-download/ff8080829350c53f0193735c84285ea1/2158/7415768828804016518/Circulation%20Package%20for%20131%20and%20135%20Gilmore%20Road.pdf>

MV File A79/24 1716 Rebecca Street, Fort Erie

<https://filr.forterie.ca:8443/filr/public-link/file-download/ff8080829350c53f0193735c844d5ea9/2159/2247698726197578999/Circulation%20Package%20for%201716%20Rebecca%20Street%20C%20Fort%20Erie.pdf>

MV File A50/24 2491 Windmill Point East Lane, Fort Erie

<https://filr.forterie.ca:8443/filr/public-link/file-download/ff8080829350c53f0193735c84135e9d/2160/-866340210083441722/Circulation%20Package%20for%202491%20Windmill%20Point%20East%20Lane.pdf>

MV File A80/24 2826 Nigh Road, Fort Erie

<https://filr.forterie.ca:8443/filr/public-link/file-download/ff8080829350c53f0193735c84625ead/2161/-729367605985798164/Circulation%20Package%20for%202826%20Nigh%20Road%20Fort%20Erie.pdf>

Consent File B50/24 3613 and 3607 East Main Street, Fort Erie

<https://filr.forterie.ca:8443/filr/public-link/file-download/ff8080829350c53f0193735c843a5ea5/2162/-4367335364747214056/Circulation%20Package%20for%203613%20and%203607%20East%20Main%20Street.pdf>

Please submit all comments by December 10, 2024. If you do not have any comments for the applications or some of the applications, could you please reply, "No comments will be provided".

Kind regards,

Jayne Nahachewsky

Secretary Treasurer

Committee of Adjustment

Town of Fort Erie

Planning Department

1 Municipal Centre Drive, Fort Erie, ON L2A 2S6
p: 905-871-1600 ext. 2534

forterie.ca | JNahachewsky@forterie.ca



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December 10, 2024

VIA EMAIL ONLY

Committee of Adjustment
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Attention: Jayne Nahachewsky, Secretary Treasurer

Subject: Application for Consent, B49/24
131 & 135 Gilmore Road, Fort Erie
ARN 270301004311600 & 270301004311500

To the Committee of Adjustment,

Further to your request for comments for the consent for the above noted property, the Niagara Peninsula Conservation Authority (NPCA) can offer the following.

The NPCA regulates watercourses, flood plains (up to the 100-year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under Ontario Regulation 41/24 of the Conservation Authorities Act. The NPCA Policy Document: Policies for Planning and Development in the Watersheds of the Niagara Peninsula Conservation Authority (NPCA policies) provides direction for managing NPCA regulated features.

The NPCA has reviewed the NPCA mapping of **ARN 270301004311600 & 270301004311500** and notes that the subject property does not contain and is not impacted by NPCA Regulated Features. Therefore, the NPCA would have **no objection** to the proposal.

I trust the above will be of assistance to you. Please do not hesitate to email should you have any further questions on this matter.

Regards,

Kartiki Sharma

Kartiki Sharma
Watershed Planner
(905) 788-3135, ext. 278
ksharma@npca.ca

TOFE COA 131 and 135 Gilmore Road

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

Date Mon 12/2/2024 3:57 PM

To Jayne Nahachewsky <JNahachewsky@forterie.ca>

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

Hello Jayne,

There are no required Regional fees for the **131 and 135 Gilmore Road** Consent Application. The only comments to note are with respect to Archaeology:

The Provincial Planning Statement (PPS) and Niagara Official Plan (NOP) state that development and site alteration shall not be permitted within areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province. Chapter 6 of the NOP states that where a site proposed for development is located within an Area of Archaeological Potential, a Stage 1 Archaeological Assessment (at minimum) by a licensed archaeologist is required.

The subject lands are mapped within an Area of Archaeological Potential on Schedule K of the NOP. However, staff acknowledge that the Town of Fort Erie also has jurisdiction on matters related to archaeological resources through its Archaeological Management Plan. As such, Regional staff defer to the Town for Archaeological Assessment requirements; Town staff should be satisfied that archaeological resource concerns on the property have been addressed.

Nonetheless, in recognizing that there is always the possibility of discovering deeply buried archaeological materials, Regional staff provide the following advisory clause to the applicant for information in case of any resources uncovered through construction works:

"If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the Niagara Regional Police and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C."

<https://pre.niagararegion.ca/culture-and-environment/pdf/archaeological-management-plan.pdf>

Kind regards,



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

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131 & 135 Gilmore Road Consent Application: B49/24

From Keegan Gennings <KGennings@forterie.ca>

Date Wed 12/11/2024 3:43 PM

To Jayne Nahachewsky <JNahachewsky@forterie.ca>

Hi Jayne,

I have no comments concerning the consent application for 131 & 135 Gilmore

Regards,

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

Re: Committee of Adjustment Applications for consideration at December 19, 2024 Hearing

From Kimberlyn Smith <KSmith@forterie.ca>

Date Tue 12/10/2024 3:15 PM

To Jayne Nahachewsky <JNahachewsky@forterie.ca>

Hi Jayne,

Sorry for the delay. Please see below:

A75/24 2034 Jewson Road - No Comments

B48/24 4924 Sherkston Road - That the owner/applicant, at their own expense, obtains and submits an appraisal for the purposes of payment of cash-in-lieu of parkland dedication, by a qualified appraiser, which is to be based on the fair market value of Part 2, to the satisfaction of the Town; and that the owner/applicant pays to the Town a cash-in-lieu of parkland dedication, which shall be 5% of the appraised value of Part 2.

A16/24 11 Lewis Street - No Comments

B49/24 131 & 135 Gilmore Road - No Comments

A79/24 1716 Rebecca Street - No Comments

A50/24 2491 Windmill Point - No Comments

A80/24 - No Comments

B50/24 3613 and 3607 East Main Street - No Comments

Thank you,

Kimberlyn Smith

Junior Community Planner

Town of Fort Erie

Planning & Development Services

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

p: 905-871-1600 ext. 2508

forterie.ca | ksmith@forterie.ca



From: Jayne Nahachewsky <JNahachewsky@forterie.ca>

Sent: November 28, 2024 1:40 PM

To: Cof A updated Circulation Group <cofaupdatedcirculationgroup@forterie.onmicrosoft.com>

Subject: Committee of Adjustment Applications for consideration at December 19, 2024 Hearing

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MV File A79/24 1716 Rebecca Street, Fort Erie

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MV File A50/24 2491 Windmill Point East Lane, Fort Erie

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MV File A80/24 2826 Nigh Road, Fort Erie

<https://filr.forterie.ca:8443/filr/public-link/file-download/ff8080829350c53f0193735c84625ead/2161/-729367605985798164/Circulation%20Package%20for%202826%20Nigh%20Road%20Fort%20Erie.pdf>

Consent File B50/24 3613 and 3607 East Main Street, Fort Erie

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Please submit all comments by December 10, 2024. If you do not have any comments for the applications or some of the applications, could you please reply, "No comments will be provided".

Kind regards,

Jayne Nahachewsky
Secretary Treasurer
Committee of Adjustment

Town of Fort Erie
Planning Department
1 Municipal Centre Drive, Fort Erie, ON L2A 2S6
p: 905-871-1600 ext. 2534

forterie.ca | JNahachewsky@forterie.ca



Re: Committee of Adjustment Applications for consideration at December 19, 2024 Hearing

From Zachary George <ZGeorge@forterie.ca>

Date Tue 12/10/2024 2:58 PM

To Jayne Nahachewsky <JNahachewsky@forterie.ca>

Hello,

2034 Jewson

The subject property is located within the Town's Urban Boundary and Natural Heritage system. There are Natural Heritage features present. There is an "other woodland" directly east of the proposed building, and a non provincially significant wetland bordering the property to the north, beside the existing residence. The lands are subject to the Town's tree By-law 33-2024. If any trees are proposed to be removed from the lands, the subsequent removal application must be accompanied by a Tree Protection Plan, an Arborist report (ISA Certified Arborist or per the Town's definition in the By-law) and a Landscape Plan (OALA in good standing).

Based on the drawing provided by the applicant it appears that the proposed garage does not encroach on any natural heritage features.

Conditions:

1. That the owner/applicant submit an Arborist Report and Tree Preservation Plan prepared by a qualified arborist in accordance with the Town's (Tree) By-law No. 33-2024, as amended, to the satisfaction of the Town.
2. That the owner/applicant submit a Landscape Plan prepared by a qualified person, OALA in good standing or equivalent, demonstrating the re-planting using compensation ratios per Table B.1 of (Tree) By-law No. 33-2024, or payment of cash-in-lieu at the prevailing rate, to the satisfaction of the Town.

4924 Sherkston

The subject property is not located within the Town's Urban Boundary but is within Natural Heritage system. There are Natural Heritage features present. There is a regulated wetland at the north end of the property, as well as a wetland buffer from an adjacent property. The lands are subject to the Town's tree By-law 33-2024. If any trees are proposed to be removed from the lands, the subsequent removal application must be accompanied by a Tree Protection Plan, an Arborist report (ISA Certified Arborist or per the Town's definition in the By-law) and a Landscape Plan (OALA in good standing).

Based on the drawing provided by the applicant it appears that the proposed work does not encroach on any natural heritage features.

Conditions:

1. That the owner/applicant submit an Arborist Report and Tree Preservation Plan prepared by a qualified arborist in accordance with the Town's (Tree) By-law No. 33-2024, as amended, to the satisfaction of the Town.
2. That the owner/applicant submit a Landscape Plan prepared by a qualified person, OALA in good standing or equivalent, demonstrating the re-planting using compensation ratios per Table B.1 of (Tree) By-law No. 33-2024, or payment of cash-in-lieu at the prevailing rate, to the satisfaction of the Town.
3. That the Applicant/Owner make payment in the amount of \$1000.00 to the Town of Fort Erie for a boulevard street tree. The Tree will be placed on the road allowance frontage if it is practical to do so, otherwise the tree will be planted elsewhere in the Town to enhance the Tree Canopy Cover.

11 Lewis

The subject property is located within the Town's Urban Boundary but not the Natural Heritage system. There are no Natural Heritage features present. The lands are subject to the Town's tree By-law 33-2024. If any trees are proposed to be removed from the lands, the subsequent removal application must be accompanied by a Tree Protection Plan, an Arborist report (ISA Certified Arborist or per the Town's definition in the By-law) and a Landscape Plan (OALA in good standing).

Replacement ratios for any tree removed would be subject to Table B1 in Bylaw 33-2024.

Conditions:

1. That the owner/applicant submit an Arborist Report and Tree Preservation Plan prepared by a qualified arborist in accordance with the Town's (Tree) By-law No. 33-2024, as amended, to the satisfaction of the Town.
2. That the owner/applicant submit a Landscape Plan prepared by a qualified person, OALA in good standing or equivalent, demonstrating the re-planting using compensation ratios per Table B.1 of (Tree) By-law No. 33-2024, or payment of cash-in-lieu at the prevailing rate, to the satisfaction of the Town.

131 and 135 Gilmore

The subject property is located within the Town's Urban Boundary but not the Natural Heritage system. There are no Natural Heritage features present. The lands are subject to the Town's tree By-law 33-2024. If any trees are proposed to be removed from the lands, the subsequent removal application must be accompanied by a Tree Protection Plan, an Arborist report (ISA Certified Arborist or per the Town's definition in the By-law) and a Landscape Plan (OALA in good standing).

There do not appear to be any tree's that will be required for removal however the applicant will be require to confirm this information to waive the conditions.

1. That the owner/applicant submit an Arborist Report and Tree Preservation Plan prepared by a qualified arborist in accordance with the Town's (Tree) By-law No. 33-2024, as amended, to the satisfaction of the Town.
2. That the owner/applicant submit a Landscape Plan prepared by a qualified person, OALA in good standing or equivalent, demonstrating the re-planting using compensation ratios per Table B.1 of (Tree) By-law No. 33-2024, or payment of cash-in-lieu at the prevailing rate, to the satisfaction of the Town.
3. That the Applicant/Owner make payment in the amount of \$1000.00 to the Town of Fort Erie for two boulevard street trees. The Trees will be placed on the road allowance frontage if it is practical

to do so, otherwise the tree will be planted elsewhere in the Town to enhance the Tree Canopy Cover.

1716 Rebecca

The subject property is not located within the Town's Urban Boundary but is within Natural Heritage system. There are Natural Heritage features present. There is a small portion of "other woodland" at the west end of the property. The lands are subject to the Town's tree By-law 33-2024. If any trees are proposed to be removed from the lands, the subsequent removal application must be accompanied by a Tree Protection Plan, an Arborist report (ISA Certified Arborist or per the Town's definition in the By-law) and a Landscape Plan (OALA in good standing).

Based on the drawing provided by the applicant it appears that the proposed work is in close proximity to regulated trees. A Tree Protection Plan is requested to ensure the trees are not negatively affected by the proposed work.

Conditions:

1. That the owner/applicant submit an Arborist Report and Tree Preservation Plan prepared by a qualified arborist in accordance with the Town's (Tree) By-law No. 33-2024, as amended, to the satisfaction of the Town.
2. That the owner/applicant submit a Landscape Plan prepared by a qualified person, OALA in good standing or equivalent, demonstrating the re-planting using compensation ratios per Table B.1 of (Tree) By-law No. 33-2024, or payment of cash-in-lieu at the prevailing rate, to the satisfaction of the Town.

2491 Windmill Point East Lane

The subject property is not located within the Town's Urban Boundary but is within Natural Heritage system. There are Natural Heritage features present. There is a regulated shoreline extent at the southern end of the property. The lands are subject to the Town's tree By-law 33-2024. If any trees are proposed to be removed from the lands, the subsequent removal application must be accompanied by a Tree Protection Plan, an Arborist report (ISA Certified Arborist or per the Town's definition in the By-law) and a Landscape Plan (OALA in good standing).

Based on the application received, it appears that the work has already been done and that this request is retroactive in nature. Therefore, there should be no need for a Tree Protection Plan or EIS.

2826 Nigh

The subject property is not located within the Town's Urban Boundary but is within Natural Heritage system. There are Natural Heritage features present. There is an "other woodland" that surrounds the entire property. The lands are subject to the Town's tree By-law 33-2024. If any trees are proposed to be removed from the lands, the subsequent removal application must be accompanied by a Tree Protection Plan, an Arborist report (ISA Certified Arborist or per the Town's definition in the By-law) and a Landscape Plan (OALA in good standing).

Based on the application received, it appears that the work is slated to take place in a very narrow passage that falls in the footprint of the existing structure. Therefore, there should be no need for a Tree Protection Plan or EIS.

3613 and 3607 East Main Street

The subject property is located within the Town's Urban Boundary but not the Natural Heritage system. There are no Natural Heritage features present. The lands are subject to the Town's tree By-law 33-2024. If any trees are proposed to be removed from the lands, the subsequent removal application must be accompanied by a Tree Protection Plan, an Arborist report (ISA Certified Arborist or per the Town's definition in the By-law) and a Landscape Plan (OALA in good standing).

This boundary adjustment is legal and technical in nature, there is not a requirement for a Tree Protection Plan or Landscape Plan, nor will the Town require a boulevard tree.

Sincerely,

Zach George

Junior Environmental Planner

Town of Fort Erie

Planning and Development Services

1 Municipal Centre Drive, Fort Erie, ON L2A2S6

p: 905-871-1600 ext. 2536

forterie.ca | zgeorge@forterie.ca



From: Jayne Nahachewsky <JNahachewsky@forterie.ca>

Sent: Thursday, November 28, 2024 1:40 PM

To: Cof A updated Circulation Group <cofaupdatedcirculationgroup@forterie.onmicrosoft.com>

Subject: Committee of Adjustment Applications for consideration at December 19, 2024 Hearing



Re: Committee of Adjustment Applications for consideration at December 19, 2024 Hearing

From Troy Davidson <TDavidson@forterie.ca>
Date Mon 12/9/2024 10:21 AM
To Jayne Nahachewsky <JNahachewsky@forterie.ca>

Hi Jayne,

See comments below.

Thanks

Troy Davidson
Drainage Superintendent
Town of Fort Erie
Infrastructure Services
1 Municipal Centre Drive, Fort Erie, ON L2A 2S6
P: 905-871-1600 ext. 2405

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



From: Jayne Nahachewsky <JNahachewsky@forterie.ca>
Sent: November 28, 2024 1:40 PM
To: Cof A updated Circulation Group <cofaupdatedcirculationgroup@forterie.onmicrosoft.com>
Subject: Committee of Adjustment Applications for consideration at December 19, 2024 Hearing

Good afternoon,

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MV File A75/24 2034 Jewson Road, Fort Erie - Municipal Drain = Nigh Road Water Shed

[kHDe://file.forterie.ca:8442/file/Duplicate link/file-](#)

[download/f000062955065510195755C64645ED5/2155/1922021514743094062/2024-11-27/2024Circulation%20Package%20for%2020241219Jewson%20Road%20Drain](#)

Consent File B48/24 4924 Sherkston Road, Fort Erie - Municipal Drains = Schooley Drain - East Side Property, Beaver Creek South Trib - East Side of Property, Baer Drain - West Side of Property

~~<https://file.forterie.ca:8443/file/public-link/file-download/ff0000029350e53f0193735e84245eb3/2150/7807215020072200050/2024-11-07%20Circulation%20Package%20for%204924%20Sherkston%20Road.pdf>~~

MV FILE A16/24 11 Lewis Street, Fort Erie - Municipal Drains = None

~~<https://file.forterie.ca:8443/file/public-link/file-download/ff0000029350e53f0193735e84735eb1/2157/3641506279702021343/Circulation%20Package%20for%2011%20Lewis%20Street%20Fort%20Erie.pdf>~~

Consent File B49/24 131 and 135 Gilmore Road, Fort Erie - Municipal Drains = None for Both Properties

~~<https://file.forterie.ca:8443/file/public-link/file-download/ff0000029350e53f0193735e84205ea1/2158/7415760820804016518/Circulation%20Package%20for%20131%20and%20135%20Gilmore%20Road.pdf>~~

MV File A79/24 1716 Rebecca Street, Fort Erie - Municipal Drains = None

~~<https://file.forterie.ca:8443/file/public-link/file-download/ff0000029350e53f0193735e81145ea9/2159/2247698726197570900/Circulation%20Package%20for%201716%20Rebecca%20Street%20Fort%20Erie.pdf>~~

MV FILE A50/24 2491 Windmill Point East Lane, Fort Erie - Municipal Drains = None

~~<https://file.forterie.ca:8443/file/public-link/file-download/ff0000029350e53f0193735e81145ea9/2160/866340210083141722/Circulation%20Package%20for%202491%20Windmill%20Point%20East%20Lane.pdf>~~

MV FILE A80/24 2826 Nigh Road, Fort Erie - Municipal Drains = None

~~<https://file.forterie.ca:8443/file/public-link/file-download/ff0000029350e53f0193735e84635ea1/2161/739367605005708164/Circulation%20Package%20for%202826%20Nigh%20Road%20Fort%20Erie.pdf>~~

Consent File B50/24 3613 and 3607 East Main Street, Fort Erie - Municipal Drains = Black Creek Drain - Both Properties

~~<https://file.forterie.ca:8443/file/public-link/file-download/ff0000029350e53f0193735e843a5ea5/2162/4367335364747214055/Circulation%20Package%20for%203613%20and%203607%20East%20Main%20Street.pdf>~~

Please submit all comments by December 10, 2024. If you do not have any comments for the applications or some of the applications, could you please reply, "No comments will be provided".

Re: Committee of Adjustment Applications for consideration at December 19, 2024 Hearing

From Kathryn Strachan <KStrachan@forterie.ca>

Date Tue 12/10/2024 4:27 PM

To Jayne Nahachewsky <JNahachewsky@forterie.ca>

Hi Jayne,

I have no comments on the Dec 19th COA packages.

Kind regards,
Kathryn

Kathryn Strachan

Landscape Architect Intern (MLA, BFA)

Town of Fort Erie

Planning and Development Services

1 Municipal Centre Drive, Fort Erie, ON L2A2S6

p: 905-871-1600 ext. 2529

forterie.ca | kstrachan@forterie.ca

OSOOO


FOURIE