



Planning, Building and By-law Services

Prepared for: Regular Council

Report: PBBS-16-2025

Meeting Date: February 24, 2025

1. Title

Proposed Draft Plan of Subdivision and Draft Plan of Common Elements Condominium Information and Recommendation Report for 0-15850 Rebstock Road

2. Recommendations

That: Council approves the Draft Plan of Subdivision dated October 7, 2024, for the lands known as 0-15850 Rebstock Road, showing 9 blocks intended for 16 block townhouses, 74 back-to-back townhouse dwellings and a Common Elements Condominium as illustrated in Appendix 2 of Report PBBS-16-2025, in accordance with the provisions of the *Planning Act, R.S.O. 1990 c. P. 13* and the Regulations thereunder, subject to the conditions contained in Appendix 8 of Staff Report PBBS-16-2025, and further

That: Council approves the Draft Plan of Common Elements Condominium dated October 7, 2024, for the lands known as 0-15850 Rebstock Road, showing 1 block for common elements as illustrated in Appendix 3 of Report PBBS-16-2025, in accordance with the provisions of the *Planning Act, R.S.O. 1990 c. P. 13* and the Regulations thereunder, subject to the conditions contained in Appendix 9 of Staff Report PBBS-16-2025, and further

That: Council directs staff to circulate the Conditions of Draft Plan Approval in Appendix 5 and Appendix 6 of Staff Report PBBS-16-2025 to the applicable agencies in accordance with the requirements of the *Planning Act*.

3. Relation to Council's Corporate Strategic Plan

Priority: Sustainable and managed growth

4. List of Stakeholders

12778602 Canada Inc. (M5V Inc. / Sherard McQueen) – Owner

NPG Planning Solutions Ltd. (Max Fedchyshak) – Agent

Residents and Property Owners in the Town of Fort Erie

5. Purpose of Report

The purpose of this report is to provide information and a recommendation to Council regarding applications for a Draft Plan of Subdivision and a Draft Plan of Common Elements Condominium that are submitted concurrently on lands municipally known as 0-15850 Rebstock Road. The application was submitted by Max Fedchyshak of NPG Planning Solutions Ltd., Agent, on behalf of the Owner, 12778602 Canada Inc. (M5V Inc. / Sherard McQueen). A location map showing the area subject to the application is attached as **Appendix 1**.

The proposed Draft Plan of Subdivision includes 10 blocks. Block 1, Block 4 and Block 7 are intended for 16 block townhouse dwellings. Blocks 2, 3, 5, 6, 8 and 9 are intended for 74 back-to-back townhouse dwellings. Block 10 will contain the Common Elements Condominium that includes visitor parking areas, landscaping, amenity space and internal private roads. The proposed density of the development is approximately 60 units per hectare. The proposed Draft Plan of Subdivision is attached as **Appendix 2**. The proposed Draft Plan of Common Elements Condominium is attached as **Appendix 3**. A Site Plan is attached as **Appendix 4**.

6. Analysis

6.1 Site Context

The subject lands are located on the north side of Rebstock Road and west of Ridge Road South in the Crystal Beach neighbourhood of the Town of Fort Erie. The parcel is an interior lot with approximately 1.50 hectares of lot area and 27.60 metres of frontage along Rebstock Road. The subject lands are currently vacant with a number of existing trees throughout the site.

The subject lands are immediately adjacent to the Town's Crystal Ridge Park, a community park. Crystal Ridge Park also contains the Crystal Ridge Community Centre, the Crystal Ridge Arena, the Crystal Ridge Library and a wooded area in the northern portion of the park.

The subject lands are surrounded by the following uses:

North: Crystal Ridge Park;

East: Single detached dwellings, Ridge Road South and the Town's Fire Station 4;

South: Single detached dwellings;

West: Single detached dwellings and Crystal Ridge Park.

6.2 Planning Context

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

The *Planning Act* provides legislative authority to municipalities for all land use planning matters. Sections 2 and 3 of the *Planning Act* require Town Council to have regard for matters of Provincial interest, such as orderly development of safe healthy communities, adequate provision of a full range of housing, location of growth and development, efficient use of infrastructure, and make decisions that are consistent with Provincial and municipal policies and plans regulated under the *Planning Act*.

The *Planning Act* provides criteria for draft plans of subdivision and condominium, including a regard for the welfare of the present and future inhabitants of the municipality, access to utilities and municipal services, whether the draft plan conforms to the official plan, and site plan control

matters.

This proposal conforms to Provincial planning policy, the Niagara Official Plan and the Town's Official Plan. The development is appropriate for the subject lands, represents efficient use of infrastructure and underutilized urban land and provides additional housing variety in an area largely comprised of single detached dwellings. Conditions of approval for the development are attached as **Appendix 5** and **Appendix 6** to this report.

6.2.2 Provincial Planning Statement, 2024

The Provincial Planning Statement, 2024 (PPS) direct growths to settlement areas and encourages intensification where infrastructure is planned or available. The PPS places additional emphasis on building homes and sustaining strong and competitive communities by efficiently using land and resources, providing a mix of densities and housing options that address a full range of affordability needs and by promoting active transportation, among other things.

This proposal complies with the PPS intensification of underutilized lands within a settlement area. Furthermore, the proposal will provide additional housing options in the Crystal Beach neighbourhood and makes efficient use of existing municipal infrastructure. The subject lands are also within walking distance to Crystal Ridge Park and will integrate with the existing sidewalk network in the area thereby promoting active transportation.

6.2.3 Niagara Official Plan, 2022

The Niagara Official Plan, 2022 (NOP) identifies the subject lands as Built-up Area. The NOP establishes a minimum residential intensification target of 50% within Built-up Areas for the Town of Fort Erie.

This application conforms to the policies of the NOP through residential intensification of underutilized and serviced residential land within the Built-up Area. This proposal will assist the Town with achieving the intensification target of 50% set for the Town of Fort Erie in the NOP.

6.2.4 Town of Fort Erie Official Plan and Crystal Beach Secondary Plan (2021 Consolidation, as Amended)

Official Plan Schedule A – Land Use, Crystal Beach Secondary Plan Schedule CB-1 – Provincial Compliance within the Urban Area and Schedule CB-2 - Land Use Plan

The subject lands are identified as a Residential Intensification site in the Crystal Beach Secondary Plan and are designated Medium Density Residential. The subject lands are subject to the policies of Subsection 4.22.9.9 of the Crystal Beach Secondary Plan. The current land use designation and site-specific policy permits townhouses and establishes a density range of 25 to 50 units per hectare. The density of the proposed development is approximately 60 units per hectare.

It is noted that the application for the Zoning By-law Amendment that proceeded these applications pre-dated the Crystal Beach Secondary Plan. The subject lands were designated Urban Residential in the Town's Official Plan at that time. The former Urban Residential land use designation effectively permitted all forms of residential development, including townhouses,

and did not have any set density limits or ranges. The Minutes of Settlement (MoS) from the Ontario Land Tribunal (OLT) decision for this development acknowledged that the proposed development complied with the Urban Residential policies in force and effect at the time and therefore a separate Official Plan Amendment is not required in this instance.

Official Plan Subsection 4.22.6 Residential - General

Subsection 4.22.6 of the Official Plan provides some criteria to Council for consideration of Medium Density development and infill residential intensification on vacant land. Planning staff have listed the criteria below and provided a response to each item as follows:

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;

Planning staff note that compatibility does not mean “the same as”. The proposed block townhouses and block back-to-back townhouses have been lowered in height from the original proposal from 3.5 storeys and 13.00 metres in height to 2.5-3 storeys and 10.84 metres in height. Although the built form differs from the surrounding single detached dwellings, planning staff note that the R1 zoning of the neighbouring parcels permits dwellings up to 2.5 storeys and 9.00 metres in height. The subject lands are an irregular flag-shaped parcel and the proposed townhouse dwellings are located a considerable distance away from the existing single detached dwellings on adjacent parcels. It is noted that the site-specific policy that was later implemented for the subject lands by the Crystal Beach Secondary Plan similarly permitted townhouses and apartments up to three stories in height. As noted earlier, the subject lands were also identified in the Secondary Plan as being suitable for residential intensification.

- b. Appropriate open space, including landscaping and buffering to maximize privacy and minimize the impact on adjacent lower density uses;

The proposed development will utilize methods such as solid fencing and landscaping such as trees and shrubs to provide screening for adjacent parcels. The development meets the zoning requirement that 25% of the subject lands be landscaped area. The Site Plan notes that approximately 37% of the subject lands consists of landscaped area via landscaped planting strips, private amenity area and permeable paving.

- c. Landscaping that supports design matters such as, but not limited to, Low Impact Development (LID), biodiversity and shade (to combat the heat island effect).

The proposed development incorporates some LID principles such as landscaped planting strips and permeable paving. A Stormwater Management Plan was submitted to efficiently gather, contain and release stormwater at a rate equivalent to pre-development flows. Town Community Planning and Environmental Planning staff will review the Landscape Plan to ensure that plantings within the development meet Town requirements and contain adequate biodiversity including the planting of native plant species. The current Landscape Plan is

proposing planting of 120 trees, 212 shrubs, 38 ornamental grasses and 118 perennial flowers throughout the development. These plantings will provide shade and assist with offsetting the urban heat island effect.

- d. Parking areas that are sufficient size to satisfy the need of the development and are well designed and properly related to buildings and landscaped areas;

The proposed development has a total of 114 parking spaces, one parking space per dwelling unit and an additional 24 parking spaces for visitors. Several (10) of the visitor parking spaces meet accessible parking standards. The parking ratio of this development is 1.25 parking spaces per dwelling unit, which complies with the RM1-793 zoning of the subject lands. Each dwelling unit has a parking space immediately adjacent to it and visitor parking spaces have been strategically located throughout the development to be as convenient as possible and located next to landscaped amenity areas.

- e. The design and location of refuse pick-up and recycling service areas meets Regional Waste Collection design requirements;

Garbage/refuse collection is proposed to occur via deep collection units arranged in three pads along the east side of the property. The proposed deep collection units do not meet Regional requirements for waste collection and will need to occur via service by a private contractor.

- f. Driveway access, internal roadways and pedestrian walkways that are safe and properly designed;

The access driveway and all internal roadways are 6.00 metres in width which is generally accepted to be suitable for two-way traffic and emergency services. The Fort Erie Fire Department has requested some additional information regarding turning radii in the development. This will be required as a condition of approval of the proposed development. It is noted that there are a series of sidewalks and marked crosswalks throughout the development to facilitate safe pedestrian movement and active transportation. Further, sidewalk connections are provided to Crystal Ridge Park and the sidewalk along Rebstock Road.

- g. Convenient access to a collector or arterial road;

The subject lands front directly onto Rebstock Road, a municipal collector road. Rebstock Road then connects to Ridgeway Road to the west and Ridge Road South to the east, both of which are also municipal collector roads.

- h. Location in regard to the elements of traditional neighbourhood design and within convenient walking distance of the central focus of the neighbourhood;

The subject lands are immediately adjacent to Crystal Ridge Park, a community park that is the central area of interest in the immediate area. Notable features of Crystal Ridge Park include a public library, a community centre, an arena, a playground, a pavilion, a splashpad, several sports fields and a wooded area over 3 hectares in size that also includes

recreational trails. The proposed development provides a direct sidewalk connection to Crystal Ridge Park in the northwest corner of the subject lands.

- i. Building designs that place windows and balconies to overlook pedestrian routes and parking areas to encourage “eyes on the street”; and

All of the townhouse dwellings in the development face toward the internal private roads and parking spaces that are located in front of the units. Windows, porches and rooftop amenity spaces are positioned to facilitate visibility and provide “eyes on the street”.

- j. Site planning considerations that facilitate walking and cycling activity such as secured bike storage, lighting and bikeways.

There are a series of sidewalks and crosswalks in the proposed development that encourage active transportation including connections to Crystal Ridge Park and the sidewalk along Rebstock Road. The Site Plan also includes two areas for bicycles to be parked and secured.

Official Plan Section 13.5 Subdivision Control

Subsection 13.5 II. provides Council with some additional criteria to consider for Plan of Subdivision applications, as follows:

- a. The Plan of Subdivision conforms with the policies of this Plan;

The proposed Plan of Subdivision and Plan of Common Elements Condominium conform with the Urban Residential land use designation that was in effect at the time of submission of the Zoning By-law Amendment for this proposal. The proposed development also conforms with the Medium Density Residential land use designation in the Crystal Beach Secondary Plan. The Secondary Plan identifies the subject lands as an area suitable for residential intensification and the Medium Density Residential land use designation permits use of the land for 3 storey townhouses as proposed.

- b. Adequate servicing such as water supply, sewage disposal facilities, storm water drainage, solid waste collection and disposal, roads, pedestrian facilities and fire and police protection can be provided;

The subject lands front onto Rebstock Road, a travelled municipal collector road. Sidewalks are available along Rebstock Road and provide connection to the larger sidewalk network in the area. The subject lands are able to connect to existing municipal infrastructure in the road allowance that includes a Town water main, sanitary sewer, and storm sewer. Following the OLT appeal the number of dwelling units associated with this proposal was reduced from 154 to 90. The Applicant completed an updated Functional Servicing Report that was peer reviewed by the Town’s sanitary sewer review consultant GMBLuePlan (now GEI Consultants). The peer review confirmed that there is sufficient capacity in the sanitary sewers downstream of the development and that no upgrades or upsizing of the sanitary sewers is required to accommodate the proposed development. The subject lands are eligible for protection by the Fort Erie Fire Department, the Niagara Region Emergency Medical Services and the Niagara Regional Police Service.

- c. The Town is able to provide necessary services without imposing undue increases in taxation on all residents; and

The subject lands have access to existing municipal infrastructure including water, sanitary sewer and storm sewers. Any costs associated with an increase in use of public assets, including roads, parks, etcetera will be covered via cash-in-lieu of parkland dedication and development charges for the new dwelling units. Any costs associated with extending services into the proposed development will be at the sole expense of the developer. No undue increases in taxation of ratepayers will occur as a result of this proposed development.

- d. The Plan of Subdivision is not deemed to be premature, and it is considered necessary in the public interest.

The subject lands are located in a built-up, urban settlement area that has access to full municipal servicing including water, sanitary sewer and storm sewers. Provincial, Regional and Town planning policy encourage infill development within the existing urban area that makes efficient use of existing infrastructure and underutilized urban land. The proposed development is considered to be in the public interest as it complies with the Town's Official Plan and provides additional housing options for residents of the Town.

Official Plan Schedule B - Mineral Aggregate & Petroleum Resources

The subject lands are not within a Petroleum Resource Area as identified on Schedule B of the Official Plan. There are no petroleum wells within 75.00 metres of the subject lands.

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

There are no natural heritage features on or in the vicinity of the subject lands as identified on Schedule C. Similarly, Schedule C1 of the Official Plan does not identify any natural hazard areas or fish habitat on the subject lands. A Tree Inventory and Preservation Plan and a Landscape Plan were submitted as part of the applications and will be subject to further review by the Town's Community Planning and Environmental Planning staff. The Niagara Peninsula Conservation Authority (NPCA) has confirmed that there are no NPCA-regulated features on the subject lands.

Official Plan Schedule D - Cultural Heritage Archaeological Zones of Potential

Schedule D does not identify the subject lands as being within an area of archaeological potential. Nevertheless, a Stage 1-2 Archaeological Assessment was provided as part of the applications and concludes that there are no significant cultural heritage resources on the subject lands and that no further archaeological assessment is recommended. Niagara Region has recommend that a warning clause be included as a condition in the event archaeological resources are found during the construction phase.

Conclusion

The proposed Plan of Subdivision and Plan of Common Elements Condominium are deemed to conform with the Official Plan and the Crystal Beach Secondary Plan.

6.2.5 Plan of Subdivision Design

The proposed Draft Plan of Subdivision is attached as **Appendix 2** and consists of 9 blocks intended for townhouse dwellings and 1 block intended for the Common Elements Condominium. Blocks 1, 4 and 7 will contain block townhouse dwellings. Blocks 2, 3, 5, 6, 8 and 9 contain the block back-to-back townhouse dwellings. Block 10 contains the Common Elements Condominium. The density of the proposed development is approximately 60 units per hectare.

The Plan of Subdivision will contain 16 block townhouse dwellings and 74 block back-to-back townhouse dwellings. The block townhouse dwellings are located along with west side of the subject lands and are 3 storeys in height. Each block townhouse dwelling has a 5.00 metre private amenity area at the rear of the dwelling unit provided via a deck and landscaped area. The block back-to-back townhouse dwellings are located in the centre of the development and are 2.5-3 storeys in height. Private amenity space is provided on the roof for these dwelling units as they are arranged back-to-back. All townhouse dwelling units have one parking space immediately adjacent to the front of the unit. Following registration of the proposed Plan of Subdivision and Plan of Condominium, individual parcels for each of the dwelling units will be created via future Part Lot Control applications. All of the proposed dwellings will front onto the internal roads within the proposed development.

The site plan for the development is attached as **Appendix 4**. Conditions of Approval for the Draft Plan of Subdivision are attached as **Appendix 5**.

6.2.6 Plan of Common Elements Condominium Design

The proposed Common Elements Condominium is contained in Block 10 on the Plan of Subdivision and contains private amenity areas, landscaping and planting strips, visitor parking spaces, bicycle parking, and internal private roads. The proposed Draft Plan of Common Elements Condominium is attached as **Appendix 2**.

The proposed access driveway width is 6.00 metres in width and is sufficient to accommodate two-way traffic and emergency services. A total of 24 visitor parking spaces are provided with 10 of the parking spaces meeting the requirements for accessible parking spaces (5 Type As and 5 Type Bs). In total there are 114 parking spaces provided on the subject lands. Two areas are also provided for bicycle parking.

The periphery of the site will feature landscaping strips that include plantings, trees and a 1.80 metre high board-on-board fence to provide screening of the development from neighbouring parcels. Sidewalks and crosswalks are provided throughout the site to facilitate pedestrian movement, including sidewalk connections to Crystal Ridge Park and the sidewalk along Rebstock Road. Garbage collection areas are provided along the east property line by way of deep collection units (i.e. Moloks) arranged in three collection pads.

The site plan for the development is attached as **Appendix 4**. Conditions of Approval for the Draft Plan of Common Elements Condominium are attached as **Appendix 6**.

6.2.7 Comprehensive Zoning By-law No. 129-1990

The subject lands are currently zoned site-specific Residential Multiple 1 (RM1-793) Zone in accordance with the Town's Comprehensive Zoning By-law No. 129-90, as amended. This zoning was approved as part of a decision by the Ontario Land Tribunal (OLT) on February 8, 2024 as part of a settlement between the Town and the developer after the Zoning By-law Amendment that preceded these applications was appealed to the OLT.

The RM1-793 Zone permits block townhouse dwellings, block back-to-back townhouse dwellings, and uses, buildings and structures accessory to the foregoing permitted uses. The RM1-793 also added a definition for a Block Back-to-back Townhouse Dwelling, as follows:

“DWELLING, BLOCK BACK-TO-BACK TOWNHOUSE” means a dwelling containing three or more dwelling units having private independent entrances directly from a yard and being attached horizontally in whole or in part above grade and being divided vertically from each other by a common wall and sharing a common rear wall with one or more units, the said dwelling being located on a single lot being held and maintained under one ownership or under condominium ownership pursuant to the *Condominium Act*, 1998, as amended, or any successor legislation.

The RM1-793 also contains several site-specific zoning provisions as follows:

Zoning Regulation	RM1-793 Site-specific Zoning Provisions
Minimum Lot Frontage	27.60 metres
Minimum Lot Area	167.00 square metres per dwelling unit
Minimum Rear Yard	6.30 metres
Maximum Building Height	2.5 storeys or 11.00 metres, whichever is greater
Minimum Landscaped Area	25%
Maximum Number of Dwelling Units	90
Maximum Density	61 units per hectare
Privacy Area for Block Townhouse Dwellings	Notwithstanding the yard requirements, every Block Townhouse Dwelling Unit shall have at least one area which serves as a privacy area adjacent to the dwelling unit, having a minimum depth of 5.00 metres.
Privacy Area for Block Back-to-Back Townhouse Dwellings	None required.

Distance from Building to Internal Driveways, and Parking Areas	<ul style="list-style-type: none"> Any front or rear face of any dwelling shall be no closer than 3.00 metres to any private street. Any side of any townhouse shall be no closer than 1.50 metres to an internal driveway or parking area. Any garage shall be no closer than 5.40 metres to any private street.
Section 14.8	Deleted.
Parking Area Regulations in Section 6.20 (A), (D) and (J)	<ul style="list-style-type: none"> 1 parking space per dwelling unit and 0.25 parking spaces per dwelling unit for visitor parking. Minimum number of parking spaces – 113. Minimum width of two-way drive aisle – 6.00 metres. Parking stall length – minimum 5.40 metres.
Landscaping and Planting Strip Regulations in Section 6.21 (b) – Minimum Planting Strip Width	2.30 metres and 1.00 metre along the north lot line.

The proposed Plan of Subdivision and Plan of Common Elements Condominium comply with the RM1-793 zoning.

6.4. Studies

The following studies and plans were submitted with this application:

- [Elevations, Plans, and Renderings](#)
- [Functional Servicing and Stormwater Management Report](#)
- [Grading and Servicing Plan](#)
- [Landscape Plan](#)
- [Lighting Study](#)
- [Noise Study](#)
- [Reference Plan](#)
- [Stage 1-2 Archaeological Assessment](#)
- [Transportation Brief](#)
- [Tree Inventory and Protection Plan](#)
- [Tree Inventory and Protection Report](#)
- [Urban Design Brief](#)

7. Financial, Staffing and Accessibility (AODA) Implications

All costs associated with processing the application and the development of the subject lands are the responsibility of the Owner, and no staffing implications are expected.

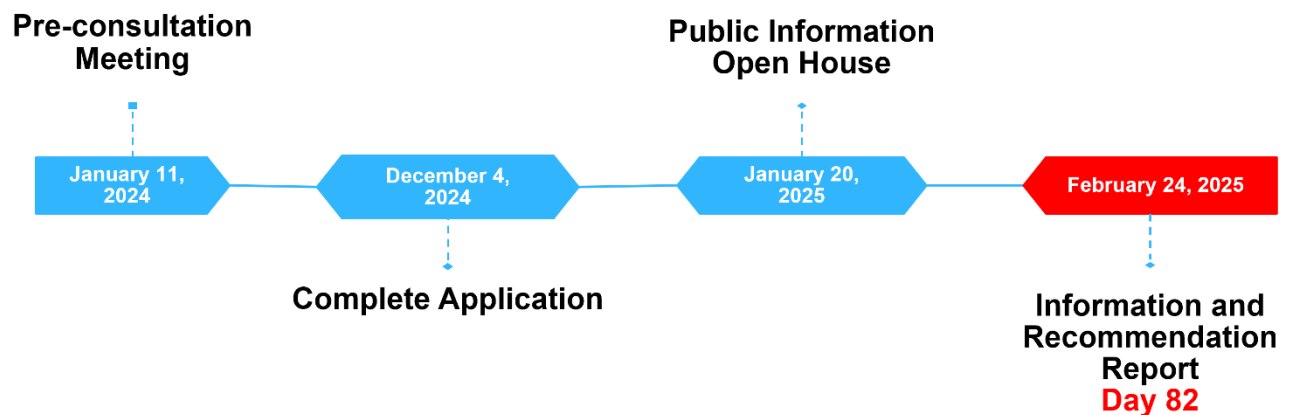
Development charges will be collected at the time of building permit application. Cash-in-lieu of parkland dedication is required as a condition of draft plan approval.

No impediments to the AODA legislation are expected to be developed through the proposed amendment.

8. Policies Affecting Proposal

The proposed Draft Plan of Subdivision and Draft Plan of Common Elements Condominium applications are subject to a 120-day processing and review timeline. Bill 185, the *Cutting Red Tape to Build More Home Act, 2024*, removed the requirement for a portion of application fees to be refunded if the timeline is exceeded. However, if a Council decision is not obtained by April 3, 2025 the Applicant may appeal the application to the Ontario Land Tribunal (OLT) for non-decision.

This application is currently on day 82 of the 180-day timeline as illustrated below:



Following amendments to the Ontario *Planning Act*, R.S.O. 1990, c. P.13 that were implemented by the approval of Bill 23, the *More Homes Built Faster Act, 2022* by the Province of Ontario, the requirement for a statutory Public Meeting was removed for Draft Plan of Condominium applications. An information open house meeting was held for this proposal on January 20, 2025 from 5:00 P.M. to 6:00 P.M. in the Atrium of Town Hall.

Land use policies affecting the subject lands are contained in the Planning Act, PPS, Growth Plan, NOP, and Town Official Plan and Town Zoning By-law.

9. Comments from Departments, Community and Corporate Partners

A request for comments regarding the applications for a Draft Plan of Subdivision and a Draft Plan of Common Elements Condominium application was circulated to relevant Departments and Community and Corporate partners on January 13, 2025. Comments received to date are summarized below and are attached as **Appendix 7**.

9.1. Agency Comments

Canada Post

No objection. It is noted that this development is subject to Canada Post's centralized mail policy. Canada Post requests that a condition of approval be added requiring the owner/developer to notify purchasers that mail delivery will be provided via a centralized mail

box and to work with Canada Post to determine the location of the centralized mail boxes.

Canadian Niagara Power

No objections. It is requested that the developer follow up with CNP to confirm electricity design requirements.

Cogeco and Enbridge

No objections.

Niagara Peninsula Conservation Authority (NPCA)

No objections. The subject lands are not within area under the regulation of the NPCA.

Niagara Region

Provincial and Regional Policies

The subject lands are within a “Settlement Area” under the Provincial Planning Statement, 2024 (“PPS”) and designated “Built Up Area” by the Niagara Official Plan, 2022 (“NOP”).

This proposal will contribute to the Town’s intensification target of 50% as set out within Table 2-2 of the NOP. The NOP also encourages the integration of gentle density and a mixed range of housing options. Based on the available information and the provided policy analysis, staff is generally satisfied that the applications are consistent with the PPS and conform to Provincial and Regional policies.

Noise Impact Brief

The PPS and NOP state major facilities (including transportation corridors) and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants. The proposal is adjacent to the Town of Fort Erie Crystal Ridge Community Centre/arena with rooftop mechanical equipment, which staff noted as potentially impacting the proposed residential uses and their amenity areas. As such, a Noise Impact Study was required as part of the applications.

Regional staff reviewed the Noise Impact Brief (NIB) prepared by RWDI AIR Inc. (dated June 19, 2024) which assessed the stationary noise sources with potential to impact the development in accordance with the Ministry of the Environment, Conservation, and Parks (MECP) Environmental Noise Guidelines NPC-300. The NIB characterized the subject lands as a “Class 1 Area”, which is defined as an area with an acoustical environment typical of a major population centre, where the background sound level is dominated by the activities of people, usually road traffic, often referred to as “urban hum” per NPC-300. The analysis concluded that the predicted sound levels from the nearby commercial use and its equipment would not exceed the applicable Class 1 noise criteria in a “worst-case” scenario for both the outdoor and indoor points of reception modeling. The report highlights the occupants of the proposed development are not expected to be exposed to any perceptibly higher sound levels from the Community Centre when compared to the existing neighbouring residential uses. As the noise levels were

predicted to be in compliance with the noise criteria outlined in the NPC-300 guidelines, the report offers no mitigation measures nor advisory noise clauses for the proposed development. Niagara Region has no objections to the conclusion of the Noise Impact Brief.

Agricultural Resources

Region staff note that the subject lands are within area with archaeological potential as identified in the NOP. A Stage 1-2 Archaeological Assessment, prepared by Detritus Consulting Ltd. And dated June 8, 2021, concluded that no archaeological resources were present and that further archaeological assessment was not recommended. A Letter of Acknowledgement from the Ontario Ministry of Citizenship and Multiculturalism dated April 25, 2022 was also included in the application submission. Regional staff are satisfied with the Archaeological Assessment and Letter.

In recognizing that no archaeological assessment, regardless of intensity, can entirely negate the possibility of discovering deeply buried archaeological materials, Regional staff recommend the inclusion of a standard archaeological resource advisory clause within the Draft Plan Agreement.

Waste Collection

Niagara Region has confirmed that the use of deep collection units as opposed to curbside waste collection. This form of waste collection is not eligible for Regional collection, and as such the Owner will need to coordinate waste collection with a private waste collection contractor.

9.2. Town Staff Comments

Building Department

No objections.

Community Planning

No objections from a policy perspective. 5% cash-in-lieu of parkland dedication will be required for the proposed dwelling units as a condition of approval.

Environmental Planning

Tree Inventory and Preservation Plan

Environmental Planning staff note that two trees on neighbouring parcels are proposed to be removed. Permission from the adjacent landowner is required to remove these trees. Based on GIS data available to the Town, these trees appear to be located on Town land associated with the Rebstock Road road allowance. It is noted that approval from the Town Council is required to remove these trees if this is the case.

Several other technical comments were provided and are included in the staff comments attached to this report. Environmental Planning staff have requested the inclusion of two

conditions of approval requiring the Tree Inventory and Preservation Plan and the Landscape Plan to be prepared to the satisfaction of Town staff. Planning staff have included these conditions in the conditions of approval.

Tree By-law

It is noted that this file predates the Town's Tree By-law 33-2024, and therefore no compensation ratios are required for tree removal for this development.

Fort Erie Fire Department

The proposed water supply is sufficient for fire-fighting purposes. More information is required with respect to the internal private roads and turning radii to confirm if they meet Fire Department requirements. The internal private roads will be marked as Fire Department access routes as per the Ontario Building Code.

Staff Response

Planning staff will require that vehicle turning templates and any other requisite information that is required be provided as a condition of approval to the satisfaction of the Fort Erie Fire Department.

Landscape Architect

No objections. Several detailed comments were provided for the Landscape Plan with respect to the planting plan, hardscape and drainage.

Staff Response

Planning staff will provide the comments on the Landscape Plan to the Applicant. Review and approval of the Landscape Plan by the Town's Community Planning and Environmental Planning staff will be a condition of approval for this project.

9.3 Public Comments

A public Open House was held in the Atrium of Town Hall on January 20, 2025. All property owners within 120 metres of the subject lands were notified of the meeting via a notice mailed by Staff on December 18, 2024. In addition, a notice of complete application and open house meeting sign was installed on site on December 17, 2024.

Town planning staff, the Agent, and the Owner were in attendance at the information open house. In addition, approximately 10 members of the public were in attendance. The members of the public who attended had several questions regarding parking, drainage, and connection to the Crystal Ridge Park. In general, the members of the public were in opposition to the development but recognized that the Zoning By-law Amendment that preceded these applications was approved by the OLT.

One area resident provided two emails in opposition to the proposal via email in addition to

asking several questions about the development. These emails are attached as **Appendix 8** for review. Planning staff have collated comments from the public and provided responses below.

Berm Removal and Drainage Impacts

Will the existing berm on site be removed? How will this impact drainage?

Staff Response

Detailed engineering review of site grading and drainage will be reviewed by Town Development Engineering and Infrastructure Services staff as part of the conditions of approval for this development. Final approval will not be obtained unless the developer can demonstrate that surface drainage will be managed on-site and will not increase off-site stormwater flows above pre-development levels.

The Agent has provided a Functional Servicing and Stormwater Management Report that notes that the development will utilize on-site catch basins and a retaining wall to direct, gather and outlet stormwater on-site up to the 100-year storm event. The majority of stormwater will be gathered in an underground storage tank and discharged at a controlled rate to the municipal storm sewer located within Rebstock Road. A small amount of stormwater (approximately 3%) will also sheet drain to Crystal Ridge Park.

Connection to Crystal Ridge Park

Will there be a connection from the development to Crystal Ridge Park?

Staff Response

The Site Plan illustrates that a sidewalk connection to Crystal Ridge Park is planned at the northwest corner of the subject lands.

Fencing

Will there be a fence?

Staff Response

The Site Plan illustrates that the entire site will be surrounded by a 1.80 metre high board-on-board wood fence.

Garbage/Refuse Storage

Where will the garbage/refuse be stored?

Staff Response

The Site Plan indicates that garbage/refuse storage areas will be located along the east property line adjacent to the back-to-back townhouse dwellings. The storage will occur in the form of deep collection units located on three storage pads. If the deep collection units and locations do not meet Regional requirements waste collection will need to occur via a private contractor.

Greenspace/Landscaped Area

Where will the greenspace/landscaped area be located?

Staff Response

The RM1-793 zoning requires a minimum landscaped area of 25% for the subject lands. The Applicant's Site Plan indicates that approximately 37.4% of the subject lands will be landscaped area, including landscaped planting strips, private amenity areas and permeable paving.

Parking/Traffic

How will the Town address parking and traffic issues?

Staff Response

It is noted that there is a sufficient amount of parking spaces within the subject lands for one parking space per dwelling unit. In addition, 24 additional parking spaces are provided for visitor parking for a total of 114 parking spaces on site. Internal private roads will be marked as no-park areas as the road will need to remain clear in the event of an emergency. This includes the access driveway from Rebstock Road. Any illegal parking along Rebstock Road will be subject to By-law Enforcement from the Town. It is noted that additional overflow parking may be available in Crystal Ridge Park adjacent to the arena and library.

Staff note that the Applicant has submitted a Traffic Brief by GHD dated May 4, 2021. The Traffic Brief concluded that the traffic resulting from the proposed development will not have significant impacts on the intersections of Rebstock Road and Ridgeway Road, Rebstock Road and Ridge Road South, or Rebstock Road and the site access. No infrastructure improvements are recommended for any of the studied intersections. A brief summary of the predicted Level of Service at each of the analyzed intersections is as follows:

- Rebstock Road and Ridgeway Road - Level of Service B for all traffic movements at both the AM and PM peak hours.
- Rebstock Road and Ridge Road South – Level of Service A or B for all traffic movements at both the AM and PM peak hours.
- Rebstock Road and site access – Level of Service A for all traffic movements at both the AM and PM peak hours.

Property Tax Impacts

Will the development result in higher property taxes for adjacent property owners?

Staff Response

Planning staff note that most of the assessment value of a property of a parcel in the urban area is tied to the dwelling itself. In general, development may result in higher land values over time which may result in a gradual increase in assessment value of adjacent properties. It is also noted that assessment values tend to increase over time regardless of other development. No undue increases in property taxes are anticipated to result from this development for adjacent

property owners.

Sanitary Sewer Capacity

What are the plans for sanitary sewer capacity?

Staff Response

One of the results of the Minutes of Settlement between the Town and the developer associated with the OLT appeal was a reduction in the total number of dwelling units from 154 to 90 dwelling units. This resulted in the density lowering from 103 units per hectare to 60 units per hectare. The Applicant has provided an updated Functional Servicing Report that was peer reviewed by the Town's sanitary sewer consultant GMBLuePlan (now GEI Consultants). The peer review concluded that all downstream sanitary sewers, including the Town-owned sanitary sewers along Rebstock Road and Ridge Road South, have adequate capacity to accommodate the proposed 90 dwelling units without need for upgrades or upsizing.

Setbacks

How close will the proposed townhouse dwellings be located to adjacent property lines?

Staff Response

The setbacks of the proposed block townhouses and block back-to-back townhouses are as follows:

Block Townhouses – 4.00 metres from end wall/porch to south property line (adjacent to single detached dwellings along Rebstock Road);
 1.94 metres from porch to west property line (adjacent to Crystal Ridge Park);
 4.96 metres from rear wall to west property line (adjacent to Crystal Ridge Park);
 Approximately 6.00 metres from end wall to north property line (adjacent to Crystal Ridge Park).

Block Back-to-back – 12.95 metres from front wall to north property line (adjacent to Crystal Ridge Park);

Townhouses 12.77 metres from end wall to east property line (adjacent to single detached dwellings);
 15.95 metres from front wall to south property line (adjacent to single detached dwellings).

Snow Removal/Emergency Services

How will snow removal or emergency services occur on the subject property.

Staff Response

Snow removal for a Common Elements Condominium will occur via a private contractor. Emergency services will be provided via the access driveway from Rebstock Road. It is noted

that the proposed 6.00 metre driveway widths along the access driveway and within the development are sufficient for emergency services.

Tree Planting

How many new trees will be replanted? Where will the trees be planted? Will the trees be used for screening the development from neighbouring parcels?

Staff Response

The Applicant's Landscape Plan is proposing to replant 120 trees on the subject lands. Of these, 106 of the trees are deciduous and 14 are coniferous. Planning staff will require that the Landscape Plan be subjected to review and approval by the Town's Community Planning and Environmental Planning staff as a condition of approval.

The Site Plan and Landscape Plan illustrate that new trees and other vegetation will be planted along the periphery of the subject lands in an effort to provide screening of the development from adjacent parcels. Detailed review of the plantings and tree species/maturity will occur as part of the future subdivision/condominium process by Town staff.

Tree Removal

How many trees will be removed?

Staff Response

The Tree Inventory and Preservation Report and Plan note that nearly all existing trees on the subject lands will require removal to develop the site. In total, 57 trees will be removed on site. Two trees that are located along the access driveway will be retained. All trees that are located on adjacent land will be retained with several proposed to be protected via vegetation protection zones. Environmental Planning note that two trees on adjacent lands are proposed to be removed. These appear to be Town-owned trees and will require permission from the Town for removal.

Environmental Planning staff note that this development pre-dates the Town's Tree By-law and therefore tree removals will not be subject to the tree compensation policies.

10. Alternatives

Council may decide to deny the applications for a Draft Plan of Subdivision and a Draft Plan of Common Elements Condominium for the subject property. Planning staff do not recommend this as the proposed development is consistent with Provincial, Regional and Town planning policy.

11. Communicating Results

Notice of Council's decision will be circulated as required in the *Planning Act*. The application is subject to a 20-day appeal period. If no appeals are received during the appeal period, Council's decision is final. Planning staff note that Council's decision regarding a Draft Plan of Subdivision/Draft Plan of Common Elements Land Condominium is only appealable by the Applicant, the Minister, the Town, a public body, or a 'specified person' as defined by the

Planning Act. The *Planning Act* no longer permits third party appeals by area residents for plan of subdivision or condominium applications.

Further, the Conditions of Approval will be circulated to the Applicant and external agencies in accordance with the requirements of the *Planning Act*.

12. Conclusion

Planning Staff recommend approval of the proposed Draft Plan of Subdivision and Draft Plan of Common Elements Condominium to establish 16 block townhouse dwellings and 74 block back-to-back townhouse dwellings on the subject lands. The proposal aligns with Town, Regional, and Provincial planning policies and complies with the RM1-793 zoning of the subject lands.

13. Report Approval

Prepared by:
Daryl Vander Veen
Intermediate Development Planner

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

Submitted by:
Anamika Dilwaria, M.PL., MCIP, RPP
Director, Planning and Development Services

Approved by:
Chris McQueen, MBA
Chief Administrative Officer


14. Attachments

Appendix 1 – Location Map
Appendix 2 – Draft Plan of Subdivision
Appendix 3 – Draft Plan of Common Elements Condominium
Appendix 4 – Site Plan
Appendix 5 – Conditions of Approval for the Draft Plan of Subdivision
Appendix 6 – Conditions of Approval for the Draft Plan of Condominium
Appendix 7 – Staff and Agency Comments
Appendix 8 – Public Comments



LOCATION PLAN

**Proposed Plan of Subdivision and Plan of Common Elements Condominium
0-15850 Rebstock Road**

 Subject Lands - 0-15850 Rebstock Road

BERTIE CON BFLE PT LOTS 23 AND 24 RP 59R4492 PT PART 2

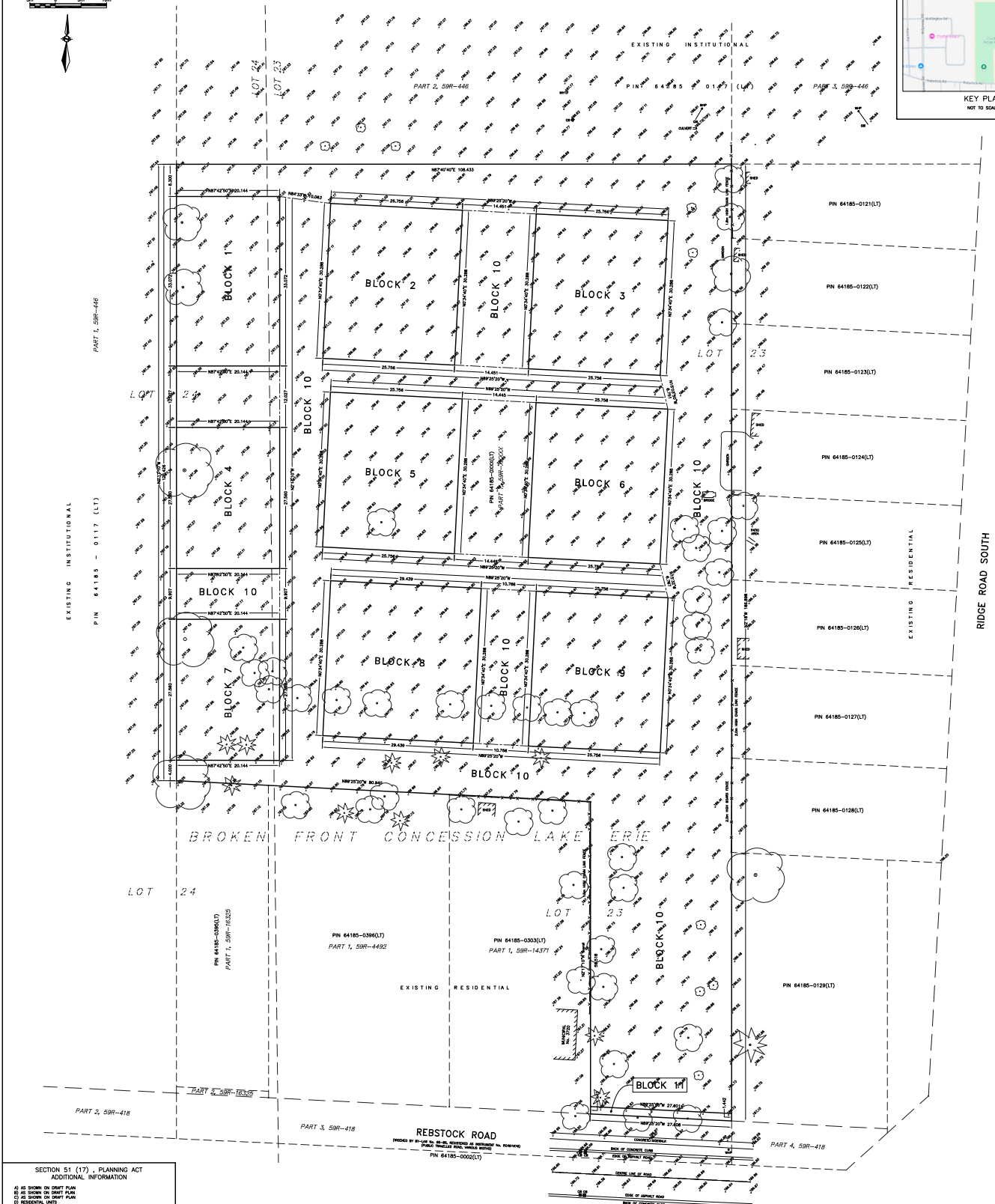
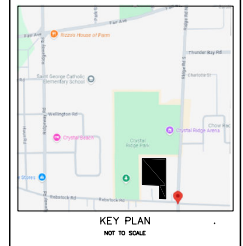
Planning, Building & By-law Services
Map created February 6, 2025



Appendix 2

DRAFT PLAN OF SUBDIVISION
PART OF LOTS 23 & 24
BROKEN FRONT CONCESSION LAKE ERIE
(GEOGRAPHIC BOUNDARY OF BOTTLE)
TOWN OF FORT ERIE
REGIONAL MUNICIPALITY OF NIAGARA

SCALE: 1:250 METRIC



SECTION 51 (17), PLANNING ACT
ADDITIONAL INFORMATION

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METRIC NOTE
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

OWNER'S CERTIFICATE
I HEREBY CERTIFY THAT I AM THE OWNER OF THE LAND SHOWN IN THIS PLAN AND I AUTHORIZE THE SUBMISSION OF THIS PLAN FOR APPROVAL.
OWNER: [Signature] [Name]
DATE: MAR 6, 2025

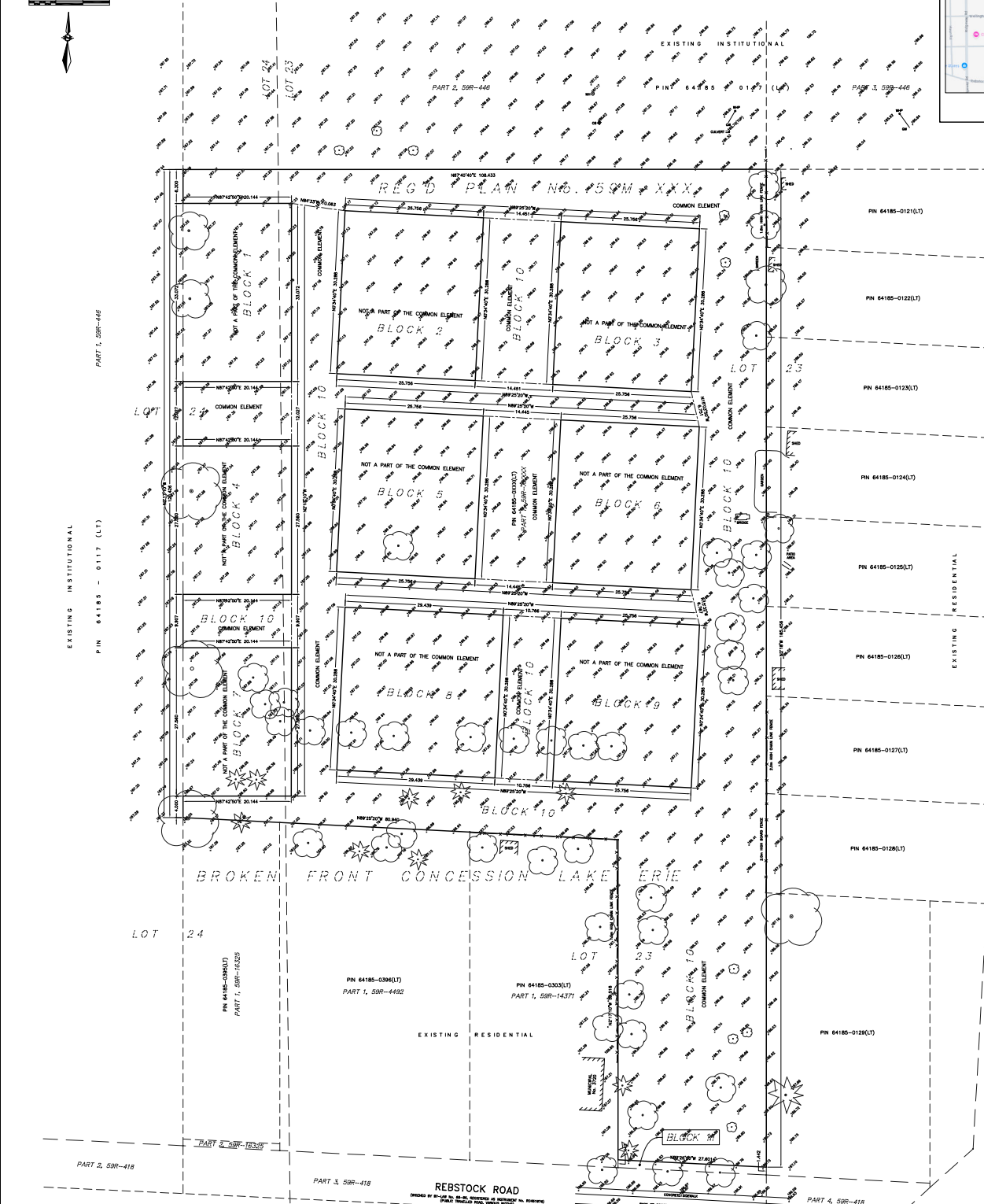
SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT AND ACCURATELY SHOWN.
[Signature]
DATE: MAR 6, 2025

THE LAROCQUE GROUP
O.L.S./PROJECT CONSULTANTS/LAND MANAGEMENT
6350 COLOMBIA STREET, SUITE 100, FORT FALLS, ONTARIO
DATE: MARCH 6, 2025

Appendix 3

DRAFT PLAN OF COMMON ELEMENT CONDOMINIUM
 PART OF LOTS 23 & 24
 BROKEN FRONT CONCESSION LAKE ERIE
 (GEOGRAPHIC TOWNSHIP OF BERTIE)
 TOWN OF FORT ERIE
 REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1:250 METRIC



SECTION 51 (17), PLANNING ACT
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OWNER'S CERTIFICATE
 I HEREBY CERTIFY THAT THE INFORMATION ON THIS PLAN IS THE PROPERTY OF THE LAND SURVEYOR AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE LAND SURVEYOR.

DATE: MAR 4, 2025

SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT THE INFORMATION ON THIS PLAN IS THE PROPERTY OF THE LAND SURVEYOR AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE LAND SURVEYOR.

DATE: MAR 4, 2025

REBSTOCK ROAD
 PROJECT OF THE REGIONAL MUNICIPALITY OF NIAGARA
 PIN 64185-0005(L)

SECTION 51 (17), PLANNING ACT
 ADDITIONAL INFORMATION

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THE LAROCQUE GROUP
 O.L.S./PROJECT CONSULTANTS/LAND MANAGEMENT
 42 LINCOLN STREET, ST. CATHARINES, ONTARIO
 6350 COLUMBIA STREET, BURLINGTON, ONTARIO
 6000 SHEPPARD AVENUE EAST, UNIT 10, SCARBOROUGH, ONTARIO

DATE: MARCH 5, 2025 FILE NO.: 335280-2400 DWG/FILE: 335280-2400-18

Appendix 4



SITE PLAN
1:400

DRAWN BY: [Name]
 CHECKED BY: [Name]
 DATE: [Date]

Appendix 5

CONDITIONS OF DRAFT PLAN APPROVAL

0-15850 Rebstock Road

Draft Plan of Subdivision

February 24, 2025

The conditions of final approval and registration of the 0-15850 Rebstock Road Plan of Subdivision by 12778602 Canada Inc., file no. SUB-04-2024 in the Town of Fort Erie are as follows:

1. That this approval applies to the 0-15850 Rebstock Road Draft Plan of Subdivision, Part of Lots 23 and 24, Broken Front Concession Lake Erie (Geographic Township of Bertie), being all of PIN 64185-0304(LT), prepared by Brent Larocque on October 7, 2024, showing 9 blocks for a total of 16 block townhouse dwellings (Blocks 1, 4 and 7), 6 blocks for a total of 74 block back-to-back townhouses (Blocks 2, 3, 5, 6, 8 and 9) and 1 block for a Common Elements Condominium (Block 10).
2. That the Developer enter into a Subdivision Agreement with the Town of Fort Erie and satisfy all requirements, financial and otherwise, concerning the provisions and installations of all municipal services both within and external to the Subdivision and including, but not limited to securing the works to be done by a Letter of Credit, municipal fees, development charges, road works, underground sewers and watermains, storm drainage, sidewalks, walkways, noise attenuation structures, fencing and any other matters as may be required and specified by the Town.
3. That all Easements and any Blocks as may be required for utilities, emergency access, servicing and drainage purposes, both internal and external to the Subdivision, be granted and conveyed by the Developer to the Town, or to the appropriate authority, or the future Condominium Corporation.
4. That prior to receiving Final Approval, the owner shall submit, for review and approval by the Town, a Geotechnical Study prepared by a qualified engineer, that verifies the soil bearing capacity, assesses bedrock elevations and groundwater conditions, appropriate sewer pipe design, pipe bedding, backfill and roadway designs and appropriate mitigation measures to address groundwater issues encountered.
5. That the owner prepares a detailed Subdivision Grade Control Plan showing both existing and proposed grades and the means whereby major storm flows will be accommodated from the site, be submitted to the Town of Fort Erie for review and approval.
6. That the owner shall enter into any agreement as required by utility companies for installation of services, including street lighting, all in accordance with the standards of the Town of Fort Erie. All utilities servicing the subdivision shall be underground. Upon installation and acceptance by the Town, streetlights and streetlight electrical supply system will be added to the Town's inventory.
7. That the private street be named to the satisfaction of the Town.

8. That the design drawings for the water, sanitary sewer, and storm water drainage systems, including storm water management facilities, to service this development be submitted to the Town of Fort Erie for review and approval.
9. The Owner adheres to the Town's current Drinking Water Quality Management System requirements and criteria.
10. That prior to approval for the final plan or any on-site grading, the Developer submit a detailed Storm Water Management Plan designed and sealed by a suitably qualified professional engineer, to the Town of Fort Erie for review and approval, indicating the following:
 - a) the manner in which stormwater will be conveyed across and away from the site, in both major and minor systems, using stormwater management techniques in accordance with the Ministry of Environment, Conservation and Parks (MECP) Stormwater Management Practices Planning and Design Manual, March 2003, or latest edition;
 - b) a detailed engineering submission providing an assessment of any downstream and upstream constraints and how these constraints will be addressed;
 - c) an erosion and sediment control plan for the development site indicating the means whereby erosion and sediment and their effects will be minimized onsite during and after construction in accordance with the MECP's Stormwater Management Practices Planning and Design Manual, March 2003, or latest edition; and,
 - d) site grading plans.
11. That prior to final approval and registration of this plan, Ministry of Environment Environmental Compliance Approvals (ECA) be obtained for the necessary servicing for this development.
12. That payment of 5% cash-in-lieu of parkland dedication is made to the Town of Fort Erie in accordance with the Planning Act and By-law No. 69-08.
13. The Owner shall have their Consulting Engineer submit a proposed erosion – sediment control plan. This may contain any or all the following measures and must be approved by the Town:
 - Sediment traps or temporary retention ponds;
 - Seeding of topsoil stock piles;
 - Isolated stripping of development lands, upon approval;
 - Vegetation screens;
 - Silt and erosion control fencing;

- Entrance access / egress mud mats, and outlet erosion controls (rip rap, filter cloths, etc.);
 - Construction staging areas
14. The Owner shall have an Electrical Engineer design an adequate street lighting and photometric distribution system to the Town's satisfaction, and in accordance with current ESA standards, for review and approval. The Owner shall ensure that proposed lighting for the site does not negatively affect any abutting private properties with lighting spillover greater than 0.10 FC (1.0 Lux) beyond the property lines.
15. Primary services for the site, shall be designed and certified 'as-constructed' by a Professional Engineering Consultant, to the satisfaction of the Town through a Site Servicing Permit, within the proposed Common Element portion (Block 10 of the Draft Plan of Subdivision) prior to any additional building permits being issued for the Townhouse blocks.
16. The site shall be rough graded and all perimeter swales installed, certified 'as-constructed' by the Professional Engineering Consultant, to the satisfaction of the Town, prior to any additional building permits being issued for the Townhouse Blocks.
17. That the applicant submits emergency vehicle turning templates to Town Staff for review and approval.
18. That a Tree Preservation Plan and Inventory Report be prepared by a Tree Management Professional (I.S.A. Arborist or Equivalent) be submitted. The plan shall be prepared to the satisfaction of the Director of Planning at the Town of Fort Erie.
19. That a Tree Preservation Plan be prepared by a Tree Management Professional (I.S.A. Arborist or Equivalent) be submitted. The plan shall be prepared to the satisfaction of the Director of Planning at the Town of Fort Erie.
20. That a Landscape Plan prepared by a Landscape Architect (OALA in good standing or equivalent) be submitted. The plan shall be prepared to the satisfaction of the Director of Planning at the Town of Fort Erie.
21. That the following warning clause be included in the subdivision agreement between the owner and Town of Fort Erie:

“Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Tourism Culture and Sport (MTCS) (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Public and Business Services Delivery (416-326-8800) must be contacted. In

situations where human remains are associated with archaeological resources, MTCS should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”

22. That if final approval is not given to this plan within three years of the approval date and no extensions have been granted, draft approval shall lapse. If the owner wishes to request an extension to the draft period, a written explanation with reasons why the extension is required prior to the lapsing date.
23. The owner shall complete to the satisfaction of the Director of Infrastructure Services of the Town of Fort Erie and Canada Post:
 - a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i. That the home/business mail delivery will be from a designated Centralized Mail Box.
 - ii. That the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
 - b) The owner further agrees to:
 - i. Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
 - ii. Install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
 - iii. Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
 - iv. Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
 - c) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

Clearance of Conditions

Prior to granting approval of the final plan, the Town will require written confirmation from the following agencies that their respective conditions have been met satisfactorily:

- Town of Fort Erie - Conditions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19,

- 20, 21, and 22.
- Canada Post - Condition 23.
1. THE LANDS REQUIRED TO BE REGISTERED UNDER THE LAND TITLES ACT:
 - a) Section 160(1) of the Land Titles Act requires all new plans to be registered in the Land Titles system.
 - b) Section 160(2) allows certain exceptions.
 2. WATER AND SEWER SYSTEMS
Inauguration or extension of a piped water supply, a sewage system or a storm drainage system is subject to the approval of the Ministry of the Environment, Conservation and Parks under Section 52 and 53 of the Ontario Water Resources Act, R.S.O. 1990.
 3. CONVEYING
As the land mentioned above be conveyed to the Municipal Corporation may be more easily described in the conveyance by reference to a registered plan than by "metes and bounds" be it suggested that the description be so worded and be it further suggested the Owner give to the Municipality an undertaking to deposit with the Clerk a properly executed copy of the conveyance concurrent with the registration of the plan.
 4. In order to assist the agencies listed above in clearing the conditions of final approval and registration of the plan, it may be useful to forward executed copies of the agreement between the Owner and the Town to these agencies. In this instance, this copy should be sent to:

Andrew Carrigan
Officer, Delivery Planning
Canada Post
Phone: (226) 268-5915
Email: Andrew.Carrigan@Canadapost.ca

5. REVIEW OF CONDITIONS
The applicants are advised that should any of the condition appear unjustified or their resolution appear to be too onerous they are invited to bring their concerns to Council's attention. Council will consider a request to either revise or delete conditions.
6. SUBDIVISION AGREEMENT

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

7. NOTES

- Prior to granting final plan approval, the Town must be in receipt of written confirmation that the requirements of each condition have been met and all fees have been paid to the satisfaction of Niagara Region.
- Niagara Region recommends that a copy of the draft agreement also be provided in order to allow for the incorporation of any necessary revision prior to execution.
- Clearance requests shall be submitted to the Region in accordance with the Memorandum of Understanding, which stipulates that requests for formal clearance of conditions are to be received and circulated to the Region by the Town of Fort Erie. The Town of Fort Erie is also responsible for circulating a copy of the Draft Agreement, and the Region is unable to provide a final clearance letter until the Draft Agreement is received. The Region is committed to reviewing submissions related to individual conditions prior to receiving the formal request for clearance. In this regard, studies and reports (one hard copy and a PDF digital copy) can be sent directly to the Region with a copy provided to the Town of Fort Erie.

Appendix 6

CONDITIONS OF DRAFT PLAN APPROVAL

0-15850 Rebstock Road

Draft Plan of Common Elements Condominium

February 24, 2025

The conditions of final approval and registration of the 0-15850 Rebstock Road Plan of Common Elements Condominium by 12778602 Canada Inc., file no. CON-01-2024 in the Town of Fort Erie are as follows:

1. That this approval applies to the 0-15850 Rebstock Road Plan of Common Elements Condominium, Part of Lots 23 and 24, Broken Front Concession Lake Erie (Geographic Township of Bertie), being all of PIN 64185-0304(LT), prepared by Brent Larocque on October 7, 2024 showing a block for common elements.
2. That the applicant/developer submit an undertaking to the municipality, once the condominium plan has been registered, which requires the Condominium Corporation to assume the maintenance and responsibilities contained in the Condominium Agreement and that the Condominium Corporation will not object to the registration of the agreement.
3. That immediately following the registration of the Condominium Plan the Condominium Corporation enter into a Condominium Agreement with the Municipality which requires the Condominium Corporation to:
 - a. Assume the maintenance and responsibilities outlined under the Condominium Agreement to be approved by the Town of Fort Erie.
 - b. Provide to the Town security deposits as necessary to ensure completion of all outstanding works.
4. That the owner shall agree in writing to satisfy all the requirements, financial and otherwise, of the Town of Fort Erie concerning the provision of roads, watermain, sewers, drainage, storm water management, sidewalks, fire hydrants, streetlighting, including the upgrading of existing services and the restoration of existing roads damaged during the development of the Plan of Condominium.
5. That the owner agrees to deed any and all easements that may be required for access utility and drainage purposes be granted to the appropriate authorities and utilities free and clear of any mortgage liens or encumbrances.
6. That the 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."

7. That the 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."*
8. That prior to receiving Final Approval, the owner shall submit, for review and approval by the Town, a Geotechnical Study prepared by a qualified engineer, that verifies the soil bearing capacity, assesses bedrock elevations and groundwater conditions, appropriate sewer pipe design, pipe bedding, backfill and roadway designs and appropriate mitigation measures to address groundwater issues encountered.
9. That the owner prepares a detailed Grade Control Plan showing both existing and proposed grades and the means whereby major storm flows will be accommodated from the site, be submitted to the Town of Fort Erie for review and approval.
10. That all roads within the development shall be private roadways.
11. That the applicant submits emergency vehicle turning templates to Town Staff for review and approval.
12. That a Tree Preservation Plan and Inventory Report be prepared by a Tree Management Professional (I.S.A. Arborist or Equivalent) be submitted. The plan shall be prepared to the satisfaction of the Director of Planning at the Town of Fort Erie.
13. That a Tree Preservation Plan be prepared by a Tree Management Professional (I.S.A. Arborist or Equivalent) be submitted. The plan shall be prepared to the satisfaction of the Director of Planning at the Town of Fort Erie.
14. That a Landscape Plan prepared by a Landscape Architect (GALA in good standing or equivalent) be submitted. The plan shall be prepared to the satisfaction of the Director of Planning at the Town of Fort Erie.
15. That if final approval is not given to this plan within three years of the approval date and no extensions have been granted, draft approval shall lapse. If the owner wishes to request an extension to the draft period, a written explanation with reasons why the extension is required prior to the lapsing date.
16. That the following warning clause be included in the subdivision agreement

between the owner and Town of Fort Erie:

“Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Tourism Culture and Sport (MTCS) (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Public and Business Services Delivery (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MTCS should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”

Clearance of Conditions

Prior to granting approval of the final plan, the Town will require written confirmation from the following agencies that their respective conditions have been met satisfactorily:

- Town of Fort Erie - Conditions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16.

1. THE LANDS REQUIRED TO BE REGISTERED UNDER THE LAND TITLES ACT:

- a) Section 160(1) of the Land Titles Act which requires all new plans to be registered in the Land Titles system.
- b) Section 160(2) allows certain exceptions.

2. WATER AND SEWER SYSTEMS

Inauguration or extension of a piped water supply, a sewage system or a storm drainage system is subject to the approval of the Ministry of Environment under Section 52 and 53 of the Ontario Water Resources Act, R.S.O. 1990.

3. CONVEYING

As the land mentioned above be conveyed to the Municipal Corporation may be more easily described in the conveyance by reference to a registered plan than by “metes and bounds” be it suggested that the description be so worded and be it further suggested the owner give to the Municipality an

undertaking to deposit with the Clerk a properly executed copy of the conveyance concurrent with the registration of the plan.

4. REVIEW OF CONDITIONS

The applicants are advised that should any of the condition appear unjustified or their resolution appear to be too onerous they are invited to bring their concerns to Council's attention. Council will consider a request to either revise or delete conditions.

5. SITE PLAN AGREEMENT

Prior to final approval for registration, a copy of the executed site plan agreement for the proposed development should be submitted to the Niagara Region Public Works Department (Development Services Division) for verification that the appropriate clauses pertaining to any of these conditions have been included.

Note: The Development Services Division recommends that a copy of the draft agreement also be provided in order to allow for the incorporation of any necessary revisions prior to execution.

6. NOTE

The owner is advised that the appropriate Regional permits must be completed prior to any construction occurring within the regional right-of-way. The owner is advised that Service Connection Permits must be obtained from the Town for connection to existing sewers and watermains.

Appendix 7



CANADA POST
955 Highbury Ave N
London ON N5Y 1A3

CANADAPOST.CA

POSTES CANADA
955 Highbury Ave N
London ON N5Y 1A3

POSTESCANADA.CA

January 23, 2024

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

Re: 0-15850 Rebstock Road Draft Plan of Subdivision and Draft Plan of Condominium

Dear Daryl,

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

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

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

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

Appendix 7



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

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

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

I appreciate the opportunity to comment on this project.

Regards,

A. Carrigan

Officer, Delivery Planning
(226) 268-5914

Andrew.Carrigan@Canadapost.ca



RE: Request for comments - 0-15850 Rebstock Road Draft Plan of Subdivision and Draft Plan of Condominium (files SUB-04-2024 & CON-01-2024)

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

Date Thu 2025-01-16 2:02 PM

To Daryl Vander Veen <DVanderVeen@forterie.ca>

You don't often get email from sheraz.mustafa@cnpower.com. [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.

Hello Daryl,

CNP has no concerns with this subdivision application, please have developer to follow up with us for hydro design details.

Regards,
Sheraz

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

Sent: January 13, 2025 3:10 PM

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

Subject: Request for comments - 0-15850 Rebstock Road Draft Plan of Subdivision and Draft Plan of Condominium (files SUB-04-2024 & CON-01-2024)

WARNING: This email originated from outside of FortisOntario. Pause and look for any **RED FLAGS** or signs of phishing. If this is a suspicious email, **before you delete it** use the "Phish Alert Report" in Outlook or log a helpdesk ticket.

Good afternoon,

The Town of Fort Erie has received applications for a Draft Plan of Subdivision and a Draft Plan of Common Elements Condominium for 0-15850 Rebstock Road. The subject lands are located in the Crystal Beach neighbourhood in the Town of Fort Erie.

The Plan of Subdivision consists of 10 blocks. Blocks 1, 4 and 7 are intended for block townhouses with a total of 16 dwelling units. Blocks 2, 3, 5, 6, 8 and 9 are intended for back-to-back townhouses with a total of 74 dwelling units. Block 10 is intended for a Common Elements Condominium. The proposed density is approximately 60 units per hectare.

The subject property is designated Medium Density Residential in the Crystal Beach Secondary Plan. The subject lands are zoned Residential Multiple 1 (RM1-793) Zone in accordance with the Town's Zoning By-law 129-90.

Please provide any comments or conditions of approval you may have by **February 3, 2025**. If you or your organization require additional review time please let me know.



Re: Request for comments - 0-15850 Rebstock Road Draft Plan of Subdivision and Draft Plan of Condominium (files SUB-04-2024 & CON-01-2024)

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

Date Wed 2025-01-15 8:07 AM

To Daryl Vander Veen <DVanderVeen@forterie.ca>

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

Good morning Daryl,

Cogeco has no comment on either of these Draft Plan applications.

Thank you,
Mike

Mike Embleton

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



Join the conversation
#cogecommunity



On Mon, Jan 13, 2025 at 3:09 PM Daryl Vander Veen <DVanderVeen@forterie.ca> wrote:

Good afternoon,

The Town of Fort Erie has received applications for a Draft Plan of Subdivision and a Draft Plan of Common Elements Condominium for 0-15850 Rebstock Road. The subject lands are located in the Crystal Beach neighbourhood in the Town of Fort Erie.



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

January 14, 2025

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

Dear Daryl,

Re: Draft Plan of Subdivision, Draft Plan of Condominium
12778602 Canada Inc (M5V Inc.)
0-15850 Rebstock Road
Town of Fort Erie
File No.: SUB-04-2024, CON-01-2024

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

Please always call before you dig, see web link for additional details:
<https://www.enbridgegas.com/safety/digging-safety-for-contractors>

The Owner agrees to provide Enbridge Gas Inc. (Enbridge Gas) the necessary easements at no cost and/or agreements required by Enbridge Gas for the provision of local gas services for this project, in a form satisfactory to Enbridge Gas.

Sincerely,

A handwritten signature in blue ink, appearing to read 'W. Cornelio', is positioned above the typed name.

Willie Cornelio CET
Sr Analyst Municipal Planning
Engineering

ENBRIDGE
TEL: 416-495-6411
500 Consumers Rd, North York, ON M2J1P8
enbridge.com
Safety. Integrity. Respect. Inclusion.



RE: NPCA Response - 0-15850 Rebstock Road Draft Plan of Subdivision and Draft Plan of Condominium (files SUB-04-2024 & CON-01-2024)

From Taran Lennard <tlennard@npca.ca>
Date Fri 2025-01-24 9:05 AM
To Daryl Vander Veen <DVanderVeen@forterie.ca>

You don't often get email from tlennard@npca.ca. [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.

Hi Daryl,

The NPCA does not offer objections to the subject application. There are no features present that our Agency would regulate.

Thank you for including us on the circulation.

Taran Lennard
Watershed Planner II

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

905.788.3135 ext. 277

www.npca.ca

tlennard@npca.ca

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

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

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

From: Daryl Vander Veen <DVanderVeen@forterie.ca>
Sent: January 13, 2025 3:10 PM
To: Daryl Vander Veen <DVanderVeen@forterie.ca>



Public Works Growth Management & Planning Division

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

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

Via Email Only

February 12, 2025

Region File: PLSD202500186

PLCD202500187

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

Dear Mr. Vander Veen:

**Re: Regional and Provincial Comments
Proposed Draft Plan of Subdivision and Draft Plan of Common Elements
Condominium
Town Files: SUB-04-2024 & CON-01-2024
Applicant: Niagara Planning Solutions C/O Max Fedchyshak
Owner: 12778602 Canada Inc (M5V Inc.).
0-15850 Rebstock Road
Town of Fort Erie**

Staff of the Public Works Growth Management and Planning Division have reviewed the above-mentioned Draft Plan of Subdivision and Draft Plan of Common Element Condominium for the lands municipally known as 0-15850 Rebstock Road, in the Town of Fort Erie.

The Draft Plan of Subdivision proposes ten blocks consisting of nine (9) blocks proposed for townhouse (16 units) and back-to-back townhouse residences (74 units). The remaining block is proposed for a common element, which includes the private internal road network, common outdoor amenity areas, open spaces, waste collection pads, and visitor and bicycle parking spaces. The applicant intends to pursue an exemption from part lot control application in the future to allow for individual lots for the 90 residential units.

Staff note the subject property is designated Medium Density Residential in the Crystal Beach Secondary Plan and is zoned Residential Multiple 1 (RM1-793) Zone in accordance with the Town's Zoning By-law 129-90, which permit the proposed development.

A pre-consultation meeting for the proposal was held January 11, 2024, with the applicant, Town and Regional staff in attendance. The following comments are provided from a Provincial and Regional perspective to assist the Town with its consideration of the applications.

Provincial and Regional Policies

The subject lands are within a “Settlement Area” under the Provincial Planning Statement, 2024 (“PPS”) and designated “Built Up Area” by the Niagara Official Plan, 2022 (“NOP”).

Provincial and Regional policies direct development to take place in Urban Areas to support intensification in Built-Up Areas where appropriate servicing and infrastructure exists. Accordingly, settlement areas are the focus of growth and development as directed by the PPS and the NOP. PPS policy 2.2.1 requires planning authorities to provide for a range and mix of housing options and densities to meet projected needs of current and future residents by permitting and facilitating all housing options to meet social, health, economic and wellbeing requirements for current and future residents. Furthermore, the PPS promotes densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation. Additionally, policy 2.3.1.5 of the PPS encourages planning authorities to establish density targets for designated growth areas, based on local conditions.

A full range of residential uses are generally permitted within the Delineated Built-Up Area designation, subject to availability of adequate municipal services, infrastructure and policies regarding land use compatibility, archaeology, environmental conservation and other matters. Additionally, staff note the proposal will contribute to the Town’s intensification target of 50% as set out within Table 2-2 of the NOP. The NOP also encourages the integration of gentle density and a mixed range of housing options. Based on the available information and the provided policy analysis, staff is generally satisfied that the applications are consistent with the PPS and conform to Provincial and Regional policies, subject to the Town’s satisfaction from a local planning perspective and the below comments.

Land Use Compatibility

The PPS and NOP state major facilities (including transportation corridors) and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants. The proposal is adjacent to the Town of Fort Erie Crystal Ridge Community Centre/arena with rooftop mechanical equipment, which staff noted as

potentially impacting the proposed residential uses and their amenity areas. As such, a Noise Impact Study was required as part of the applications.

Staff has reviewed the Noise Impact Brief (NIB) prepared by RWDI AIR Inc. (dated June 19, 2024) which assessed the stationary noise sources with potential to impact the development in accordance with the Ministry of the Environment, Conservation, and Parks (MECP) Environmental Noise Guidelines NPC-300, "*Environmental Noise Guideline, Stationary and Transportation Sources - Approval and Planning*". The NIB characterized the subject lands as a "Class 1 Area", which is defined as an area with an acoustical environment typical of a major population centre, where the background sound level is dominated by the activities of people, usually road traffic, often referred to as "urban hum" per NPC-300. The analysis concluded that the predicted sound levels from the nearby commercial use and its equipment would not exceed the applicable Class 1 noise criteria in a "worst-case" scenario for both the outdoor and indoor points of reception modeling. The report highlights the occupants of the proposed development are not expected to be exposed to any perceptibly higher sound levels from the Community Centre when compared to the existing neighbouring residential uses.

As the noise levels were predicted to be in compliance with the noise criteria outlined in the NPC-300 guidelines, the report offers no mitigation measures nor advisory noise clauses for the proposed development. Staff rely upon the information provided by the Acoustical Engineer in the Noise Impact Brief and offer no further requirements with respect to noise impacts.

Archaeological Potential

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, section 4.6.2 of the PPS and Chapter 6 of the NOP state that development and site alteration is not permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or assessed and requirements from the aforementioned policies have been met.

The subject lands are mapped within an Area of Archaeological Potential on Schedule K of the NOP. A Stage 1-2 Archaeological Assessment, prepared by Detritus Consulting Ltd., dated June 8, 2021, was submitted to the Region for the proposed development area as part of the previous Zoning By-law Amendment application for the subject lands. The Stage 2 Assessment resulted in the identification of no archaeological resources, and no further archaeological assessments were recommended by the Licensed Archaeologist. Staff have received the acknowledgement letter from the Ministry of Citizenship and Multiculturalism (formerly Ministry of Heritage, Sport, Tourism, and Culture Industries) dated April 25, 2022, which states the report has been entered into the Ontario Public Register of Archaeological Reports without technical review. As such, staff offer no further requirements with regard to archaeology.

Nonetheless, in recognizing that no archaeological assessment, regardless of intensity, can entirely negate the possibility of discovering deeply buried archaeological materials, Regional staff recommend the inclusion of a standard archaeological resource advisory clause within the Draft Plan Agreement. An appropriate condition has been included within the attached Appendix.

Additionally, the Town of Fort Erie also has jurisdiction on matters related to archaeological resources through its Archaeological Management Plan. Town staff should be satisfied that archaeological resource concerns on the property have been addressed.

Waste Collection

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

Low Density Residential

- No limit blue/grey containers;
- No Limit green containers; and,
- 2 Garbage Containers per unit (Bi weekly)
- Curbside Collection Only

Regional staff have reviewed the provided Site Plan prepared by P3A Architecture, (dated July 29, 2025) and acknowledge the development is proposing refuse collection stations as opposed to curbside collection for each unit. The applicant is advised that this method of waste storage is not eligible for Regional collection, as such, waste collection for the subject property will be the responsibility of the owner through a private waste collection contractor and not the Niagara Region. An appropriate condition has been included within the attached Appendix.

Circular Materials Ontario is responsible for the delivery of residential Blue / Grey Box recycling collection services. The most up to date information regarding recycling can be found using the following link: <https://www.circularmaterials.ca/resident-communities/niagara-region/>.

Conclusion

In conclusion, Public Works Growth Management and Planning Division staff do not object to the proposed Draft Plan of Subdivision and Draft Plan of Common Element Condominium Applications, subject to the recommended Draft Plan Conditions within the Appendix, as Regional staff is satisfied that the proposal is consistent with the PPS and conforms to Provincial and Regional policies.

Appendix 7

PLSD202500186 & PLCD202500187

February 12, 2025

Should you have any questions, please contact the undersigned at Valentina.Escobar@niagararegion.ca, or Pat Busnello, Manager of Development Planning at Pat.Busnello@niagararegion.ca.

Please send a copy of the staff report and notice of the Town's decision on these applications.

Kind regards,



Valentina Escobar

Development Planner

cc: Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region
Adam Boudens, Senior Environmental Planner, Niagara Region
Susan Dunsmore, P. Eng., Acting Director, Infrastructure Planning and
Development, Niagara Region

Appendix I
Regional Conditions of Draft Plan of Subdivision Approval
0-15850 Rebstock Road, Fort Erie

1. That the Subdivision Agreement between the Owner and Town of Fort Erie include the following warning clause:

“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 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>.”

2. That the Subdivision Agreement between the Owner and Town of Fort Erie include the following warning clause and a similar clause be inserted into all offers and agreements of Purchase and Sale or Lease:

“This development does not meet the requirements of Niagara Region’s Corporate Policy for Waste Collection therefore waste collection services will be the responsibility of the owner through a private contractor and not Niagara Region.”



Re: Request for comments - 0-15850 Rebstock Road Draft Plan of Subdivision and Draft Plan of Condominium (files SUB-04-2024 & CON-01-2024)

From Aaron Hair <ahair@forterie.ca>
Date Tue 2025-01-28 2:57 PM
To Daryl Vander Veen <DVanderVeen@forterie.ca>

Good day Daryl,

I don't have any concerns from a policy perspective. With that being said, I do have two comments regarding the Urban Design Brief, pg 16 - Analysis, ends the paragraph with the word "additionally"; is the rest of this sentence missing? On pg 24 - Sense of Place, it references that this development serves as a unique gateway into Smithville. Since Smithville is in West Lincoln, I believe this section needs to be revised.

Best regards,

Aaron Hair, MCIP, RPP
Project Manager – Policy

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



From: Daryl Vander Veen <DVanderVeen@forterie.ca>
Sent: Monday, January 13, 2025 3:09 PM
To: Daryl Vander Veen <DVanderVeen@forterie.ca>
Subject: Request for comments - 0-15850 Rebstock Road Draft Plan of Subdivision and Draft Plan of Condominium (files SUB-04-2024 & CON-01-2024)

Good afternoon,

The Town of Fort Erie has received applications for a Draft Plan of Subdivision and a Draft Plan of Common Elements Condominium for 0-15850 Rebstock Road. The subject lands are located in the Crystal Beach neighbourhood in the Town of Fort Erie.

The Plan of Subdivision consists of 10 blocks. Blocks 1, 4 and 7 are intended for block townhouses with a total of 16 dwelling units. Blocks 2, 3, 5, 6, 8 and 9 are intended for back-to-



Re: Request for comments - 0-15850 Rebstock Road Draft Plan of Subdivision and Draft Plan of Condominium (files SUB-04-2024 & CON-01-2024)

From Jessica Goodings <JGoodings@forterie.ca>
Date Mon 2025-02-03 3:51 PM
To Daryl Vander Veen <DVanderVeen@forterie.ca>

Hi Daryl,

The water supply looks good to me, but I do not see exact measurements for the roadways and turning radius to ensure that it will meet the requirements for a fire department apparatus.

Private roads will be constructed as a fire department access route as per the Ontario Building Code:

3.2.5.6. (1) A portion of a roadway or yard provided as a required access route for fire department use shall,

- (a) have a clear width not less than 6 m, unless it can be shown that lesser widths are satisfactory,
- (b) have a centreline radius not less than 12 m,
- (c) have an overhead clearance not less than 5 m,
- (d) have a change of gradient not more than 1 in 12.5 over a minimum distance of 15 m,
- (e) be designed to support the expected loads imposed by firefighting equipment and be surfaced with concrete, asphalt or other material designed to permit accessibility under all climatic conditions,
- (f) have turnaround facilities for any dead-end portion of the access route more than 90 m long, and
- (g) be connected with a public thoroughfare.

Please let me know if you require any further information.

Thanks,

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



Re: Request for comments - 0-15850 Rebstock Road Draft Plan of Subdivision and Draft Plan of Condominium (files SUB-04-2024 & CON-01-2024)

From Kathryn Strachan <KStrachan@forterie.ca>

Date Fri 2025-01-31 2:56 PM

To Daryl Vander Veen <DVanderVeen@forterie.ca>; Elizabeth Latif <ELatif@forterie.ca>

Hello Daryl,

We have reviewed the landscape plan for 15850 Rebstock and have the following comments:

Planting Plan

- Replace Pin Oak with species from the approved Tree Species list – Town of Fort Erie
- Replace Winter Gem Korean Boxwood as they are susceptible to blight and the box tree moth
- All boulevard tree plantings shall be guaranteed by the Developer through a Letter of Credit deposit with the Town for the total cost of purchasing, planting and maintaining trees within the Plan of Subdivision (\$500.00 per tree –2012Rate). One (1) tree per lot and two (2) trees per sideyard flankage shall be required in the sodded portion of the road allowance (boulevard) between the front lot line and the roadway curb line.
- The landscape plan should include a legend and the following: streetlights, utility boxes, transformers, driveways, pavement marking and signage, parking spaces, hydrants, super mail box locations

Hardscape

- Clearly label all surface treatments and indicate what is pervious vs impervious.
- Permeable pavers on the sidewalks are noted in the Planning Justification Report on Page 28. Label this in the landscape plan and provide a detail including permeable sub-base material, jointing material and paver type
- The Unit Pavers listed in the landscape notes are not permeable, replace with permeable pavers and indicate where on the plan they are located
- What is the paving around the pergola ? It's not specified
- Missign pergola footing depth/mounting details
- The minimum width of sidewalk shall be 1.50m located 1.00m from the property line.
- Include the location of all curb cuts
- Drive aisle crosswalks should be signed and constructed of materials that are different to the drive aisle, such as interlocking brick paving.

Drainage

- Provide a well-drained snow storage area to prevent toxic runoff into drainage systems.
- Direct roof drainage to landscaped areas where feasible, and distribute runoff through multiple downspouts to minimize impacts on adjacent properties.

Landscape Notes:

Add the following Landscape Notes:

1. Any plant material or play equipment (if applicable) substitutions require the approval of the Town of Fort Erie.
2. Plant material, play equipment (if applicable) and fencing shall be provided by the Owner. Any additions must comply with the Zoning By-law.
3. Any sodding, planting or work on lands abutting the property from the lot lines to sidewalk and curbing shall be to the satisfaction of the Town.
4. All landscaping shall be installed prior to the end of the first growing season following occupancy of the development.

Notwithstanding the Maintenance Guarantee period in the agreement, all plant materials shall have a two (2) year warranty.

Kathryn Strachan

Landscape Architect Intern (MLA, BFA)

Town of Fort Erie

Planning and Development Services

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

p: 905-871-1600 ext. 2529

forterie.ca | kstrachan@forterie.ca



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

Sent: Monday, January 13, 2025 3:09 PM

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

Subject: Request for comments - 0-15850 Rebstock Road Draft Plan of Subdivision and Draft Plan of Condominium (files SUB-04-2024 & CON-01-2024)

Good afternoon,

The Town of Fort Erie has received applications for a Draft Plan of Subdivision and a Draft Plan of Common Elements Condominium for 0-15850 Rebstock Road. The subject lands are located in the Crystal Beach neighbourhood in the Town of Fort Erie.

The Plan of Subdivision consists of 10 blocks. Blocks 1, 4 and 7 are intended for block townhouses with a total of 16 dwelling units. Blocks 2, 3, 5, 6, 8 and 9 are intended for back-to-back townhouses with a total of 74 dwelling units. Block 10 is intended for a Common Elements Condominium. The proposed density is approximately 60 units per hectare.



Comments/Questions Re: 15850 Rebstock File SUB-04-2024/CON-01-2025

From Monique Therrien [REDACTED]
Date Fri 2025-01-17 9:37 PM
To Daryl Vander Veen <DVanderVeen@forterie.ca>
Cc [REDACTED]

[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.

My husband and I wish to put forth our grave concerns for the proposed plan outlined for the above property application.

Many valid concerns were presented at the previous town hall meeting that included the number of bylaws being broken, safety/emergency, density, one entrance/exit, traffic, noise, height of the townhomes, snow removal, dust, overhead lighting, overcrowding, construction mayhem for years to come Etc the list is extremely extensive however it seems that it has all fallen on deaf ears.

There has been very poor communication throughout this process and only now do we find out that the application is complete.

You have devalued our homes and have disrupted our quiet neighborhood with allowing the development of so many townhouse dwellings in such a small space in which the bylaws for such space was intended for single family dwellings, much more suitable for the neighborhood.

These townhouses are intended to be 3 stories and will have a detrimental impact on our properties and privacy.

We intentionally moved from Niagara Falls and chose to buy our house in Crystal Beach in 2022 for the quiet, park side setting and space. We paid a significant amount for our home at that time. I will tell you it is with a heavy heart that we have our property listed as a result of these plans.

We are trying to understand why the city would allow so many bylaws to be broken when they impact so many homeowners and broken so many significant bylaws. The common person does not experience those same leniencies when they want to build a simple garage on their property.

This construction will be an eyesore that no one wants to see in their backyard. Our parks will be overcrowded and the main intersection will be a disaster.

It is truly disgraceful what bylaws the city is ok with changing and proposing to accept for this development....a real demonstration that the residence of Crystal Beach are insignificant and that bylaws

Appendix 8

mean nothing and are only intended for the tax payers to abide and follow.

We wish to be kept abreast and notified on any and all decisions of council on this proposed development moving forth.

Regards
Monique Therrien and
Rick Morocco
3740 Rebstock Rd

Sent from my iPhone



Part II Re: Comments/Questions Re: 15850 Rebstock File SUB-04-2024/CON-01-2025

From Monique Therrien [REDACTED]
Date Sat 2025-01-18 7:08 PM
To Daryl Vander Veen <DVanderVeen@forterie.ca>
Cc [REDACTED]

[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.

Questions:

- how many beautiful mature trees will they be taking down
- how many new trees will they be planting
- if they are planting new trees, where will they be planted; will they be mature trees for noise/light reduction as well as reduce impact/barrier/privacy of 3 story townhouses looking into our yards
- are they taking down the berm
- where will the garbage bins be located
- will they be building a fence? If yes, where
- how close to the property line will they be building these monstrosities (also will that be minus or plus the berm)
- where is the green space that they indicated would be part of the plans
- will houses most heavily impacted by the development have a pre and post condition assessment conducted on their homes for crack and vibration monitoring impacts
- will we be paying additional taxes as an additional welcome package to having this development dropped on our front step
- what is the plan for snow removal; emergency equipment
- what are the plans for sewage capacity
- what is the plan for heavy rain/ snow melting drainage. I will tell you our sub pump goes off non stop during rain falls and snow melting as we must be on a water bed

Look forward to your responses to the above
Sent from my iPhone

- > On Jan 17, 2025, at 9:37 PM, Monique Therrien [REDACTED] wrote:
 - >
 - > My husband and I wish to put forth our grave concerns for the proposed plan outlined for the above property application.
 - >
 - > Many valid concerns were presented at the previous town hall meeting that included the number of bylaws being broken, safety/emergency, density, one entrance/exit, traffic, noise, height of the townhomes, snow removal, dust, overhead lighting, overcrowding, construction mayhem for years to