



Interoffice Memorandum

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

To: Devon Morton, Supervisor of Development Approvals

From: Taylor Boyle, Project Manager, Development Engineering

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

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

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

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

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

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

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

Roads:

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

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

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

Therefore, no road widening shall be required.

Sidewalks, Curbs, and Driveway Aprons:

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

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

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

Conditions for Sidewalks & Curbs:

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

Geotechnical/Hydro-Geotechnical Report

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

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

Staff Response to Resident's Letter of Concern:

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

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

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

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

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

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

Linear Municipal Services

Watermains

Crystal Beach Drive

200mm dia. CI (TOFE)

Terrace Lane

150mm dia. PVC (TOFE)

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

Conditions for Watermains:

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

Sanitary

Crystal Beach Drive

250mm dia. PE (TOFE)

Terrace Lane

200mm dia. PVC (TOFE)

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

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

Conditions for Sanitary Sewers:

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

Storm

Crystal Beach Drive

Terrace Lane

None

None

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

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

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

Conditions for Storm Sewers:

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

Conditions for Street Lighting:

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

Pre-Construction Condition Surveys

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

Conditions for Pre-Construction Condition Surveys:

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

Engineering Fees and Securities for Performance Obligations

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

Conditions for Engineering Fees and Securities for Performance Obligations:

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

PSAB, Records & Asset Management

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

Conditions for PSAB, Records & Asset Management:

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

Engineering Construction, and Geotechnical Compaction Inspections

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

Conditions for Engineering Construction, and Geotechnical Compaction Inspections:

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

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

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

Regards,

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

Taylor Boyle – Project Manager, Development Engineering

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

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

From Robert Judd <RJudd@forterie.ca>

Date Tue 2025-05-13 2:14 PM

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

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

 1 attachment (121 KB)

IS cmts TIS may2025.pdf;

Hello Devon,

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

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

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

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

regards,

Robert D. Judd, P.Eng.

Municipal Engineer - Infrastructure Renewal

Town of Fort Erie

Infrastructure Services, Engineering Division

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

p: 905-871-1600 ext. 2412

forterie.ca | rjudd@forterie.ca



From: Helie Upadhyay <HUpadhyay@forterie.ca>

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

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

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

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

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

Good afternoon,

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

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

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

Thank you,

Helie Upadhyay

Planning Technician

Town of Fort Erie

Planning, Building and By-law Services

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

p: 905-871-1600 ext. 2535

forterie.ca | HUpadhyay@forterie.ca



Interoffice Memorandum

Infrastructure Services

May 13, 2025

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

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

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

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

We trust this information is of assistance.

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

YKG
 Attachment
 ecc.

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

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

From Keegan Gennings <KGennings@forterie.ca>

Date Wed 2025-05-07 3:51 PM

To Helie Upadhyay <HUpadhyay@forterie.ca>

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

Hi Helie,

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

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

Regards,

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

From: Helie Upadhyay

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

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

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

Cc: Devon Morton; Mark Iamarino

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

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Thank you,

Helie Upadhyay

Planning Technician

Town of Fort Erie

Planning, Building and By-law Services

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

p: 905-871-1600 ext. 2535

forterie.ca | HUpadhyay@forterie.ca



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

From Aaron Hair <ahair@forterie.ca>

Date Mon 2025-05-12 10:28 AM

To Helie Upadhyay <HUpadhyay@forterie.ca>

Cc Devon Morton <DMorton@forterie.ca>

Hi Helie,

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

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

Best regards,

Aaron Hair, MCIP, RPP
Project Manager, Policy

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



From: Helie Upadhyay

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

To: aaazouz@csdccc.edu.on.ca; Abby LaForme; adam.laforme@mncfn.ca; andrew.carrigan@canadapost.postescanada.ca; Ash.Neville@rci.rogers.com; circulations@wsp.com; clerk@niagararegion.ca; devtplanningapplications@niagararegion.ca; executivedirector@fenfc.org; John.Armstrong@rci.rogers.com; karen.singer@bell.ca; kris.watson@cnpower.com; LandUsePlanning@HydroOne.com; michelle.mcphee@dsbn.org; Mike.embleton; MunicipalPlanning@enbridge.com; neave.constantine@ontario.ca; Paul.shllaku@hydroone.com; planification@csdccc.edu.on.ca; planning@ncdsb.com; ppearson@npca.ca; proximity@cn.ca; Rachel Adamsky; Mustafa, Sheraz; tlennard@npca.ca; Ali, Usama (MTO); Escobar, Valentina; Deluca, Peter (MTO); Kartiki Sharma; Sidin, Alex; Jeff Hoover; Berk, Victoria; Aaron Hair; Ashlea Carter; Breanna Antonio; Carleigh Ricci; Robin Shugan; Diana Kelley; Edward Terry; Elizabeth Latif; Jayne Nahachewsky; Jessica Abrahamse; Jessica Goodings; Jim McCaffery; Kathryn Strachan; Keegan Gennings; Kimberly Smith; Mark Iamarino; Mohammad Kamruzzaman; Taylor Boyle; Felicia Ferrusi; Zachary George; Jordan Frost; Yashesh Gandhi; Robert Judd

Cc: Devon Morton; Mark Iamarino

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

Good afternoon,

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

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

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

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

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

Thank you,

Helie Upadhyay

Planning Technician

Town of Fort Erie

Planning, Building and By-law Services

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

p: 905-871-1600 ext. 2535

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Revised Comments - 3856 Terrace Lane

From Jessica Abrahamse <JAbrahamse@forterie.ca>

Date Thu 2025-06-05 10:50 AM

To Devon Morton <DMorton@forterie.ca>

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

Hi Devon,

Please find amended comments below:

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

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

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

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

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

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

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

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

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

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

7.3.1.1.3 Uncommon Characteristics

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

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

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

Regards,

Jessica Abrahamse M.E.S.

Senior Environmental Planner

Town of Fort Erie

Planning and Development Services

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

p: 905-871-1600 ext. 2510

forterie.ca | jabrahamse@forterie.ca



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3856 Terrace Lane and 0-15097 Crystal Beach Drive

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

General Site Information

Lot Area: 2,610 m² (???)

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

Lot Frontage: 30.5 m

Lot Coverage: 1,950 m² (74.7%)

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

Setbacks

Front Yard Setback: 4.1 m

Interior Side Yard (East): 0.1 m

Interior Side Yard (West): 0.4 m

Rear Yard Setback: 13.6 m

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

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

LANDSCAPED AREA	For every lot on which the buildings or structures are situated, there shall be provided and maintained on the lot at least 25 percent of the lot area as a landscaped area unused for access or maneuvering space or parking space or any other purpose other than landscaped area and playground	Not provided	Need to be provided
MIN PARKING AREA DISTANCE FROM RES.	No part of any parking area, other than a driveway, is located closer than 3.0 m to any street line and any lot line.	East 0.1 m West 0.4 m	NO. Zoning relief is required.
MIN. DRIVEWAY WIDTH/DEPTH	6.0 m	6.0 m	YES
PARKING SPACE REQUIREMENT	1.5 spaces per unit. For 100 res units, 150 spaces required @1.5 per unit Commercial area	110 spaces	NO. Zoning relief is required.
MINIMUM ACCESSIBLE PARKING SPACE REQUIREMENT	Type A - 2% (capped at 10) – 3 Spaces Type B - 1% (capped at 5) – 2 Spaces	Type A - 1 Spaces Type B - 2 Spaces	NO. Zoning relief is required.also need to confirm the dimensions

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

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

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

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

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

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

From Jessica Goodings <JGoodings@forterie.ca>

Date Mon 2025-05-05 10:45 AM

To Helie Upadhyay <HUpadhyay@forterie.ca>

Good morning Helie,

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

Kind regards,

Jessica Goodings

Senior Fire Prevention Officer

Town of Fort Erie

Fire Department

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

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

forterie.ca | jgoodings@forterie.ca



From: Helie Upadhyay <HUpadhyay@forterie.ca>

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

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

<radamsky@niagaraparks.com>; Mustafa, Sheraz <sheraz.mustafa@cnpower.com>; tlennard@npca.ca
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Kathryn Strachan <KStrachan@forterie.ca>; Keegan Gennings <KGennings@forterie.ca>; Kimberlyn Smith
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Zachary George <ZGeorge@forterie.ca>; Jordan Frost <JFrost@forterie.ca>; Yashesh Gandhi
<YGandhi@forterie.ca>; Robert Judd <RJudd@forterie.ca>

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

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

Good afternoon,

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

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

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

Thank you,

Helie Upadhyay

Planning Technician

Town of Fort Erie

Planning, Building and By-law Services

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

p: 905-871-1600 ext. 2535

forterie.ca | HUpadhyay@forterie.ca



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

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

Date Tue 2025-05-13 1:44 PM

To Devon Morton <DMorton@forterie.ca>

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

Hi Devon,

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

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

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



Valentina Escobar
Development Planner

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

P: (905) 980-6000 ext. 3352

W: www.niagararegion.ca

E: Valentina.Escobar@niagararegion.ca

From: Escobar, Valentina

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

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

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

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

Hi Devon,

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

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

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

Hey Devon,

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

Thank you for checking in,



Valentina Escobar
Development Planner

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

P: (905) 980-6000 ext. 3352

W: www.niagararegion.ca

E: Valentina.Escobar@niagararegion.ca

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

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attachments or clicking links

Hi Valentina,

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

☐ [Crystal Beach 10 Storey Apartment](#)

Thank you,

Devon M. Morton, MCIP, RPP

Supervisor of Development Approvals

Town of Fort Erie

Planning, Building and By-law Services

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

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

From Taran Lennard <tlennard@npca.ca>

Date Fri 2025-05-09 2:49 PM

To Helie Upadhyay <HUpadhyay@forterie.ca>

Good Afternoon,

Thank you for including NPCA in this submission request.

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

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

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

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

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

Thank you.



Taran Lennard
Watershed Planner II

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

905.788.3135 ext. 277

www.npca.ca

tlennard@npca.ca

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

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

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

From: Helie Upadhyay <HUpadhyay@forterie.ca>

Sent: April 22, 2025 4:13 PM

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

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

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

Good afternoon,

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

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

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

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

Thank you,

Helie Upadhyay
Planning Technician

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

forterie.ca | HUpadhyay@forterie.ca



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

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

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

Hi Helie.

For this application.

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

Thanks,
Alex.

From: Helie Upadhyay <HUpadhyay@forterie.ca>

Sent: April 22, 2025 4:13 PM

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

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

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

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Good afternoon,

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

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

Thank you,

Helie Upadhyay
Planning Technician

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

forterie.ca | HUpadhyay@forterie.ca



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

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

Date Fri 2025-04-25 8:12 AM

To Helie Upadhyay <HUpadhyay@forterie.ca>

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

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Good morning Helie

Cogeco has no comment on this Amendment.

Thank you,
Mike

Mike Embleton

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



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

Please see the attached Notice of Complete Application and Open House for the lands municipally known as 3856 Terrace Lane and unassigned Parcel 0-15097 Crystal Beach Drive, Fort Erie.
The application is for Official Plan and Zoning By-law Amendment. The Official Plan Amendment is to change the land use designation of the subject lands from Urban Residential and Environmental

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

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Thank you,

Helie Upadhyay

Planning Technician

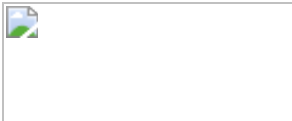
Town of Fort Erie

Planning, Building and By-law Services

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

p: 905-871-1600 ext. 2535

forterie.ca | HUpadhyay@forterie.ca



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

From Municipal Planning <MunicipalPlanning@enbridge.com>

Date Mon 2025-04-28 9:51 AM

To Helie Upadhyay <HUpadhyay@forterie.ca>

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

Thank you for your circulation.

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

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

Thank you,

Casey O'Neil (she/her)

Sr Analyst Municipal Planning

Engineering

ENBRIDGE

TEL: 416-495-5180

500 Consumers Rd, North York, ON M2J1P8

enbridge.com

Safety. Integrity. Respect. Inclusion. High Performance.

From: Helie Upadhyay <HUpadhyay@forterie.ca>

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

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

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

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

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Thank you,

Helie Upadhyay
Planning Technician

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