

Public Works, Growth Management and Planning

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

Via Email Only

January 24, 2025

File Number: PLOPA202400845
PLZBA202400844
PLCD202400843

John Federici, MCIP, RPP
Senior Planner
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
PO Box 100, Virgil, ON L0S 1T0

Dear Mr. Federici:

**Re: Regional and Provincial Comments
Official Plan Amendment, Zoning By-law Amendment and Draft Plan of
Vacant Land Condominium Applications
Town File Number: OPA-03-2024, ZBA-09-2024, and 26CD-18-24-03
Applicant: 2559165 Ontario Inc. (John Bufalino)
Agent: J. Vida Consulting Ltd. (Jennifer Vida)
Address: 1570 Niagara Stone Road
Town of Niagara-on-the-Lake**

Regional Growth Management and Planning staff have reviewed the information circulated with the revised applications for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Vacant Land Condominium for lands municipally known as 1570 Niagara Stone Road in the Town of Niagara-on-the-Lake.

The revised applications are proposed to facilitate the development of 8 townhouse dwellings and a four-storey apartment building with 24 units on the subject lands.

The subject lands are currently designated Service Commercial and Low Density Residential in the Town's Official Plan. The revised Official Plan Amendment proposes to re-designate the subject lands to Medium Density Residential, with site-specific provisions permitting up a density of up to 80 units per hectare, and visitor parking to be within the interior yard, to allow for the the proposed development.

The subject lands are currently zoned site-specific Residential 1 (R1) and site-specific Village Commercial (VC). The revised Zoning By-law Amendment proposes to rezone

the subject lands to a Residential Multiple 2 (RM2) zone, with site-specific provisions which would permit block townhouse dwellings, as well as various other modified zoning standards, on the subject lands.

The Draft Plan of Vacant Land Condominium, prepared by Upper Canada Consultants (dated October 29, 2024), proposes to create 8 townhouse blocks (Blocks 1-8), one block (Block 15) for the apartment building, and a common element block that will contain a private roadway, landscaped areas, and exclusive use areas for the townhouse driveways.

A pre-consultation meeting for this proposal was held on June 15, 2023. Previous Regional comments regarding the applications were provided in a letter dated July 25, 2024. The applications have since been revised to address initial comments provided by Town and Regional staff.

The following Provincial and Regional comments are provided to assist the Town in considering the revised applications from a Provincial and Regional perspective.

Provincial and Regional Policies

The subject lands are located within a Settlement Area under the Provincial Planning Statement (PPS) and designated Delineated Built-Up Area under the Niagara Official Plan (NOP).

The PPS directs growth to Settlement Areas, which are to be the focus of growth and development and encourages land use patterns based on densities and a mix of land uses that efficiently use land and resources, optimize existing and planned infrastructure and public service facilities, and support active transportation.

The NOP identifies that forecasted population growth will be primarily accommodated through intensification this area. To support the achievement of forecasted growth for Niagara Region as a whole, the NOP directs municipalities to develop strategy and policies for managing population and employment growth, including those designed to achieve minimum residential intensification targets specified for each municipality. The proposed development, which will result in the creation of 8 townhouse dwellings and 24 apartment units, will contribute to the Town of Niagara-on-the-Lake's minimum residential intensification target of 25% allocated in the NOP, as well as the overall mix of housing types and densities within the Town of Niagara-on-the-Lake's Urban Area.

Regional staff note that the NOP states that municipalities may establish standards for appropriate infill development within established residential neighbourhoods. Local compatibility considerations and design interface with neighbouring land uses are local planning matters and therefore Regional staff defer consideration of these aspects of the proposed development to Town Planning staff.

Noise Impacts

The subject lands are located in close proximity to Regional Road 55 (Niagara Stone Road), as well existing commercial/industrial uses and commercially-zoned lands. The applications propose to redesignate and rezone the subject lands to permit sensitive, residential land uses). Policy 3.5.1 of the PPS and Policy 4.2.4.2 of the NOP require that major facilities and sensitive land uses “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, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities...”. Further, the Regional Road Traffic Noise Control Policy (PW5.NO1.0) requires that all development applications for sensitive uses along existing Regional Roads be considered for noise abatement features. To implement these policies, the MECP’s Environmental Noise Guidelines (NPC-300 guidelines) are to be applied in the land use planning process to prevent or minimize future land use problems.

At the pre-consultation meeting, Regional staff required the submission of a noise study to evaluate impacts from nearby transportation and stationary noise sources. A Noise Impact Study, prepared by dBA Acoustical Consultants (dated September 2023) was included with the initial application submissions. At that time, Regional staff had identified that updates were required to ensure potential nearby stationary noise impacts from proximate industrial and commercial facilities were adequately addressed.

In this regard, a revised Noise Impact Study, prepared by dBA Acoustical Consultants (dated November 2024) was provided with the current application submissions. The study includes an assessment of noise impacts from nearby transportation sources (Niagara Stone Road, Four Mile Creek Road, and Line 1 Road), determining that specific noise mitigation is not required and standard Ontario Building Code (OBC) requirements for window, door and wall construction will suffice.

For stationary noise, the study assesses potential noise impacts from nearby commercial uses (Niagara Orchard & Vineyard Corp. 1550 Niagara Stone Road; Cornerstone Community Church, 1570 Niagara Stone Road; Meridian Credit Union, 1567 Niagara Stone Road; LCBO, 1561 Niagara Stone Road). Based on computer modeling, the study concludes that noise levels from these facilities will comply with NPC-300 guideline limits.

Regional staff note that a more detailed noise study will be required at the site plan stage and/or condominium approval stage, once final building and floor plans are available, to confirm the noise mitigation measures needed to address adverse noise impacts, if applicable. Conditions to implement this requirement through the future condominium agreement are included in Appendix 1.

Archaeological Potential

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

The subject lands are not mapped as having archaeological potential in the NOP (Schedule K). Accordingly, Regional staff did not require archaeological assessments at the pre-consultation stage.

Recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials, Regional staff recommend the inclusion of a standard warning clause in the condominium agreement, relating to deeply buried archaeological materials that may be encountered during grading and construction activities. A condition to implement this clause in the final condominium agreement is included in Appendix 1.

The Town of Niagara-on-the-Lake also has an interest in archaeology under their Archaeological Management Plan and associated Official Plan policies. Regional staff defer to Town staff on any additional archaeological requirements they may require.

Stormwater Management

The submitted revised Functional Servicing Report, prepared by Upper Canada Consultants (dated November 2024), confirms that stormwater for the development will discharge to a storm sewer on Elden Street. Accordingly, there is no Regional interest in the proposed stormwater management plan. Town staff should be satisfied that all local storm infrastructure requirements are adequately addressed.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject lands are eligible to receive Regional curbside waste and recycling collection, provided the owner brings the waste and recycling to the curbside on the designated pick-up day, and that the following limits are met:

Townhomes:

- Green – no limit (collected weekly); and
- Waste – 2 bag/can limit (collected bi-weekly).

Apartments:

- Green – no limit (collected weekly); and
- Waste – 2 bag/can limit per unit to a maximum of 24 (collected bi-weekly).

Regional staff note that there was no indication of waste/recycling collection on the plans submitted and there was no turn-around proposed on-site for the townhouse blocks.

Curbside collection would not be possible to all units, as the units at the end of the site are located further than the maximum 100 metres limit the Region requires for residents to travel to deposit their waste. Additionally, there is limited frontage along Elden Street for the placement of containers for all units. Accordingly, waste collection for the proposed development will be required to be provided by the owner through a private contractor and not Niagara Region.

A conditions of draft plan approval to address the requirement for private waste collection is included in Appendix 1.

Regional staff note that Circular Materials Ontario are 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, Regional staff have no objection to the proposed Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Vacant Land Condominium applications from a Provincial and Regional perspective, subject to the conditions outlined in Appendix 1, and any local considerations.

Subject to the conditions in Appendix 1, the proposal is consistent with the Provincial Planning Statement (PPS) and conforms to the Niagara Official Plan (NOP).

Accordingly, the Official Plan Amendment is exempt from Regional Council approval, in accordance with Policy 7.4.1.6 and 7.4.1.7 of the NOP and the Memorandum of Understanding.

Please send notice of Council's decision on these applications. If you have any questions related to the above comments, please contact me at amy.shanks@niagararegion.ca.

Kind regards,

PLOPA202400845

PLZBA202400844

PLCD202400843

January 24, 2025

A handwritten signature in black ink, appearing to read "Amy Shanks". The signature is fluid and cursive, with the first name "Amy" written in a larger, more prominent script than the last name "Shanks".

Amy Shanks, MCIP, RPP
Senior Development Planner

cc: Phillipe Biba, Development Engineering Technologist, Niagara Region
Maggie Ding, Stormwater Management Engineer, Niagara Region

Appendix 1

Regional Conditions of Draft Plan of Vacant Land Condominium Approval

1570 Niagara Stone Road, Niagara-on-the-Lake

1. That the applicant submit a Detailed Noise Study to Niagara Region and the Town of Niagara-on-the-Lake for review and approval.
2. That the condominium agreement between the applicant and the Town contain provisions whereby the applicant agrees to implement the recommendations of the approved Detailed Noise Study, as required in the condition above, to the satisfaction of the Town and Niagara Region.

3. That the following clause be included in the condominium agreement:

“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”.

4. That the following clause be included in the condominium agreement and inserted in all Agreements of Purchase and Sale or Lease for each dwelling:

“Purchasers/Tenants are advised that due to the site layout, garbage pick-up for the development will be provided by the condominium corporation through a private contractor and not Niagara Region.”

Clearance of Conditions

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

Condominium Agreement

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

Note: Clearance requests shall be submitted to the Region in accordance with the Memorandum of Understanding, which stipulates that requests for formal clearance of conditions are to be received and circulated to the Region by the local municipality. The local municipality 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.



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

January 7, 2025

John Federici, MCIP, RPP
Senior Planner
The Town of Niagara-on-the-Lake
Community & Development Services
1593 Four Mile Creek Road – PO Box 100
Virgil, ON L0S 1T0

Dear John,

Re: Draft Plan of Condominium, Official Plan Amendment,
Zoning By-law Amendment - Resubmission
2559165 Ontario Inc.
1570 Niagara Stone Road
Town of Niagara-on-the-Lake
File No.: 26CD-18-24-03, OPA-03-2024, ZBA-09-2024

Enbridge Gas does not have changes to the previously identified conditions for this revised application(s).

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Willie Cornelio'.

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.



DISTRICT SCHOOL BOARD OF NIAGARA

191 CARLTON ST. ▪ ST. CATHARINES, ON ▪ L2R 7P4 ▪ 905-641-1550 ▪ DSBN.ORG

August 22, 2024

John Federici, MCIP, RPP
Senior Planner
Community & Development Services
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
PO Box 100
Virgil, ON L0S 1T0

Dear Mr. Federici,

Re: Applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Vacant Land Condominium
File Nos. OPA-03-2024, ZBA-09-2024, 26CD-18-24-03 - 1570 Niagara Stone Road

Thank you for circulating the District School Board of Niagara (DSBN) the above noted applications for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Vacant Land Condominium for lands located at 1570 Niagara Stone Road. We understand the applications would permit the condominium development of 14 townhouse dwellings, in addition to a four (4) storey apartment building consisting of 24 dwelling units. The Official Plan and Zoning Bylaw Amendments proposed will redesignate and rezone the lands accordingly to facilitate the development.

DSBN Planning staff has completed its review and we are satisfied that future students from this proposed development can be accommodated at the schools serving this area. Therefore, we have no objections to the applications. Future students would attend Crossroads PS (Gr. JK-8), and Laura Secord SS (Gr. 9-12).

If you have any questions, please feel free to contact Michelle McPhee, Planning Services at 905-641-2929 Ext 54228.

Stacy Veld
Associate Director of Education, Corporate Services

John Federici, MCIP, RPP

From: Watson & Associates Economists Ltd. <Vw@watsonecon.ca>
Sent: August 14, 2024 12:43 AM
To: John Federici, MCIP, RPP
Cc: Clark Euale
Subject: RE: New Applications - OPA-03-2024, ZBA-09-2024, 26CD-18-24-03 - 1570 Niagara Stone Road

You don't often get email from vw@watsonecon.ca. [Learn why this is important](#)

CAUTION: This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

Hi John,

Thank you for reaching out again. I apologise for not getting to you earlier. On review of the application and its location, I have determined that the impact to St Michael CES outside Virgil would be minor. We do not have comments to provide on behalf of Niagara Catholic DSB.

I hope this helps.

Respectfully,
Jordan Cook
Consultant

Watson & Associates Economists Ltd.
vw@watsonecon.ca
2233 Argentia Road, Suite 301
Mississauga, Ontario,
Canada L5N 2X7
Office: 905-272-3600
Fax: 905-272-3602

watsonecon.ca



My work hours may look different from your work hours. Please do not feel obligated to respond outside your normal working hours and I look forward to your response later in the week. Thank you.

Disclaimer: This message is for the use of the intended recipient(s) only and may contain information that is privileged, proprietary, confidential, and/or exempt from disclosure under any relevant privacy legislation. If you are not the intended recipient or authorized agent thereof, you are hereby notified that any review, retransmission, dissemination, distribution, copying, conversion to hard copy, taking of action in reliance on or other use of this communication is strictly prohibited. If you are not the intended recipient and have received this message in error, please notify the sender by return e-mail and delete or destroy all copies of this message. Warning: Although Watson & Associates Economists Ltd. has taken reasonable precautions to ensure no viruses are present in this email, the company cannot accept responsibility for any loss or damage arising from the use of this email or attachments.

JOHN FEDERICI
TOWN OF NIAGARA ON THE LAKE
1593 FOUR MILE CREEK ROAD
P.O BOX 100, VIRGIL, ON

Re: **26CD-18-24-03 - 1570 Niagara Stone Road**

Dear John,

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 Niagara on the Lake 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.
- a) 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

Andrew Carrigan
Delivery Planning Officer
Andrew.Carrigan@canadapost.ca

Growth Strategy and Economic Development

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

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

Via Email Only

July 25, 2024

File Number: PLOPA202400845

PLZBA202400844

PLCD202400843

John Federici, MCIP, RPP

Senior Planner

Town of Niagara-on-the-Lake

1593 Four Mile Creek Road

PO Box 100, Virgil, ON L0S 1T0

Dear Mr. Federici:

Re: Regional and Provincial Comments

Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Vacant Land Condominium Applications

Town File Number: OPA-03-2024, ZBA-09-2024, and 26CD-18-24-03

Applicant: 2559165 Ontario Inc. (John Bufalino)

Agent: J. Vida Consulting Ltd. (Jennifer Vida)

Address: 1570 Niagara Stone Road

Town of Niagara-on-the-Lake

Staff from the Region's Growth Strategy and Economic Development Department have reviewed the information circulated with the applications for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Vacant Land Condominium for lands municipally known as 1570 Niagara Stone Road in the Town of Niagara-on-the-Lake.

The applications are proposed to facilitate the development of 14 townhouse dwellings and a four-storey apartment building with 24 units on the subject lands.

The subject lands are currently designated Service Commercial and Low Density Residential in the Town's Official Plan. The Official Plan Amendment proposes to re-designate the subject lands to Medium Density Residential to permit the proposed development.

The subject lands are currently zoned site-specific Residential 1 (R1) and site-specific Village Commercial (VC). The Zoning By-law Amendment proposes to rezone the subject lands to a Residential Multiple 1 (RM1) zone, with site-specific provisions which

would permit an apartment building, as well as various other modified zoning standards, on the subject lands.

The Draft Plan of Vacant Land Condominium, prepared by Upper Canada Consultants (dated May 27, 2024), proposes to create 14 townhouse blocks (Blocks 1-14), one block (Block 15) for the apartment building, and a common element block that will contain a private roadway, landscaped areas, and exclusive use areas for the townhouse driveways.

A pre-consultation meeting for this proposal was held on June 15, 2023. The following Provincial and Regional comments are provided to assist the Town in considering the applications from a Provincial and Regional perspective.

As outlined in these comments, Regional staff are currently unable to support the applications, as proposed, from a Provincial and Regional perspective. An updated noise study addressing stationary noise impacts is required to determine whether the proposed applications are consistent with, and conform to, Provincial and Regional policies guiding land use compatibility and adverse noise impacts.

Provincial and Regional Policies

The subject lands are located within a Settlement Area under the Provincial Policy Statement (PPS) and designated Delineated Built-Up Area under A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) and the Niagara Official Plan (NOP).

The PPS, Growth Plan and NOP direct growth to Settlement Areas and the Delineated Built-Up Area to efficiently use existing servicing, infrastructure, and public service facilities. An emphasis is placed on intensification and infill to foster the development of complete communities that have a mix of diverse land uses, and a range of housing options for the current and future population. The proposed development is considered infill development and will result in residential intensification within the Built-Up Area. To support the achievement of forecasted growth for Niagara Region as a whole required under the Growth Plan, the NOP directs municipalities to develop strategy and policies for managing population and employment growth, including those designed to achieve minimum residential intensification targets specified for each municipality. The proposed development, which will result in the creation of 14 townhouse dwellings and 24 apartment units, will contribute to the Town of Niagara-on-the-Lake's minimum residential intensification target of 25% allocated in the NOP, as well as the overall mix of housing types and densities within the Town of Niagara-on-the-Lake's Urban Area.

Regional staff note that the NOP states that municipalities may establish standards for appropriate infill development within established residential neighbourhoods. Local

compatibility considerations and design interface with neighbouring land uses are local planning matters and therefore Regional staff defer consideration of these aspects of the proposed development to Town Planning staff.

Noise Impacts

The subject lands are located in close proximity to Regional Road 55 (Niagara Stone Road), as well existing commercial/industrial uses and commercially-zoned lands. The applications propose to redesignate and rezone the subject lands to permit sensitive, residential land uses. Policy 1.2.6.1 of the PPS and Policy 4.2.4.2 of the NOP require that major facilities and sensitive land uses “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, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities...”. Further, the Regional Road Traffic Noise Control Policy (PW5.NO1.0) requires that all development applications for sensitive uses along existing Regional Roads be considered for noise abatement features. To implement these policies, the MECP’s Environmental Noise Guidelines (NPC-300 guidelines) are to be applied in the land use planning process to prevent or minimize future land use problems.

At the pre-consultation meeting, Regional staff required the submission of a noise study to evaluate impacts from nearby transportation and stationary noise sources. In this regard, a Noise Impact Study, prepared by dBA Acoustical Consultants (dated September 2023) was submitted with the applications. The study only includes an assessment of noise impacts from nearby transportation sources (Niagara Stone Road, Four Mile Creek Road, and Line 1 Road), determining that specific noise mitigation is not required and standard Ontario Building Code (OBC) requirements for window, door and wall construction will suffice.

Regarding noise impacts from nearby stationary sources, the report states: “To the east and south are small commercial buildings. These commercial properties are considered stationary noise sources and they will not have an acoustical impact on the proposed development”. The report does not include any further assessment or discussion to indicate how this conclusion was derived.

Regional staff note that an existing agricultural warehousing/distribution facility (Niagara Orchard & Vineyard Corp.) is located at 1550 Niagara Stone Road. This facility includes several loading docks which border Field Road and are only separated from the subject lands by the parking lot of the adjacent church. Given the proximity to the subject lands, and lack of intervening development, it is reasonable to conclude that noise impacts to the subject lands from this facility may occur. NPC-300 guidelines specifically identify routine loading and unloading facilities as stationary noise sources which require assessment. Staff note that there are other existing commercial facilities located along

Niagara Stone Road which may have HVAC or other external equipment and/or activities that may impact the subject lands as well.

Regional staff are unable to confirm the proposed redesignation/rezoning to permit sensitive residential land uses on the subject lands will conform to Provincial and Regional policies guiding land use compatibility and noise impacts until an updated noise study is submitted, which includes a detailed assessment of all nearby stationary noise sources. This will be required prior to the approval of the Official Plan and Zoning By-law Amendments, as changes to the overall site design may need to be implemented through these instruments to address adverse noise impacts arising from the nearby stationary noise sources.

Town staff have identified that the property located at 10 Field Road, which borders the subject lands, is zoned Village Commercial (VC), which would allow for a variety of commercial uses, including, but not limited to, automobile sales and service establishment, automobile service station, building supply outlet, farm implement dealer, gas bar, car wash, restaurant/take-out restaurant. The updated noise study should also address any potential mitigation and/or other requirements that may need to be implemented through the proposed development to ensure compatibility is achieved if/when these uses are established in the future.

Regional staff note that the Regional Road Traffic Noise Control Policy requires that sound level predictions for future road traffic be based on a 20-year AADT forecast. The submitted noise study includes only a 13-year forecast (projected to 2034). The study should therefore also be updated to include a 20-year forecast from projected construction completion.

Appropriate conditions to implement the recommendations of the updated noise study through the final condominium agreement will be provided once received and reviewed by Regional staff.

Archaeological Potential

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

The subject lands are not mapped as having archaeological potential in the NOP (Schedule K). Accordingly, Regional staff did not require archaeological assessments at the pre-consultation stage.

Recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials, Regional staff recommend the inclusion of a standard warning clause in the condominium agreement, relating to deeply buried archaeological materials that may be encountered during grading and construction activities. A condition to implement this clause in the final condominium agreement is included in Appendix 1.

The Town of Niagara-on-the-Lake also has an interest in archaeology under their Archaeological Management Plan and associated Official Plan policies. Regional staff defer to Town staff on any additional archaeological requirements they may require.

Stormwater Management

The submitted Functional Servicing Report, prepared by Upper Canada Consultants (dated March 2024), confirms that stormwater for the development will discharge to a storm sewer on Elden Street. Accordingly, there is no Regional interest in the proposed stormwater management plan. Town staff should be satisfied that all local storm infrastructure requirements are adequately addressed.

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Apartments:

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Regional staff note that there was no indication of waste/recycling collection on the plans submitted and there was no turn-around proposed on-site for the townhouse blocks.

Curbside collection would not be possible to all units, as the units at the end of the site are located further than the maximum 100 metres limit the Region requires for residents

to travel to deposit their waste. Additionally, there is limited frontage along Elden Street for the placement of containers for all units. Accordingly, waste collection for the proposed development will be required to be provided by the owner through a private contractor and not Niagara Region.

A conditions of draft plan approval to address the requirement for private waste collection is included in Appendix 1.

Regional staff note that Circular Materials Ontario are 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, Regional staff note that an updated noise study is required in order to complete a fulsome review of the proposed Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Condominium applications' consistency with the Provincial Policy Statement (PPS), and conformity with Provincial Plans and the Niagara Official Plan (NOP). Accordingly, Regional staff recommend that the applications not be considered by the Town until such time as Regional staff have reviewed and commented on the requested updated noise study, which should include a detailed assessment of all existing/planned nearby stationary noise sources, and a 20-year forecast from projected construction completion. Additional comments will be provided upon review of the above requested information.

A list of preliminary Regional conditions for the proposed Draft Plan of Condominium application are included in Appendix I for the information of Town staff and the applicant. Additional conditions may also be requested to address land use compatibility/noise impacts once the required updated noise study has been submitted. Regional staff do not recommend Draft Plan of Condominium approval at this time.

Regional staff are available to engage in additional discussions with the applicant and the Town regarding these requirements, as needed. If you have any questions related to the above comments, please contact me at amy.shanks@niagararegion.ca.

Kind regards,



Amy Shanks, MCIP, RPP
Senior Planner

PLOPA202400845

PLZBA202400844

PLCD202400843

July 25, 2024

cc: Pat Busnello, Manager of Development Planning, Niagara Region
Phillipe Biba, Development Engineering Technologist, Niagara Region
Maggie Ding, Stormwater Management Engineer, Niagara Region
Aimee Alderman, Manager of Planning, Town of Niagara-on-the-Lake

Appendix 1

Preliminary Regional Conditions of Draft Plan of Vacant Land Condominium Approval

1570 Niagara Stone Road, Niagara-on-the-Lake

Please note that the following Conditions of Draft Plan Approval are provided for information only to assist the applicant and Town staff in their review of comments. This does not represent a full list of conditions and these conditions are subject to change. The Region does not recommend Draft Plan of Condominium approval at this time.

1. That the following clause be included in the condominium agreement:

“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”.

2. That the following clause be included in the condominium agreement and inserted in all Agreements of Purchase and Sale or Lease for each dwelling:

“Purchasers/Tenants are advised that due to the site layout, garbage pick-up for the development will be provided by the condominium corporation through a private contractor and not Niagara Region.”

Clearance of Conditions

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

Condominium Agreement

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

Note: Clearance requests shall be submitted to the Region in accordance with the Memorandum of Understanding, which stipulates that requests for formal clearance of

conditions are to be received and circulated to the Region by the local municipality. The local municipality 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.

John Federici, MCIP, RPP

From: AMIN Pranav <Pranav.Amin1@HydroOne.com>
Sent: July 12, 2024 3:18 PM
To: John Federici, MCIP, RPP
Subject: Niagara-on-the-Lake - 1570 Niagara Stone Road - 26CD-18-24-03

CAUTION: This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

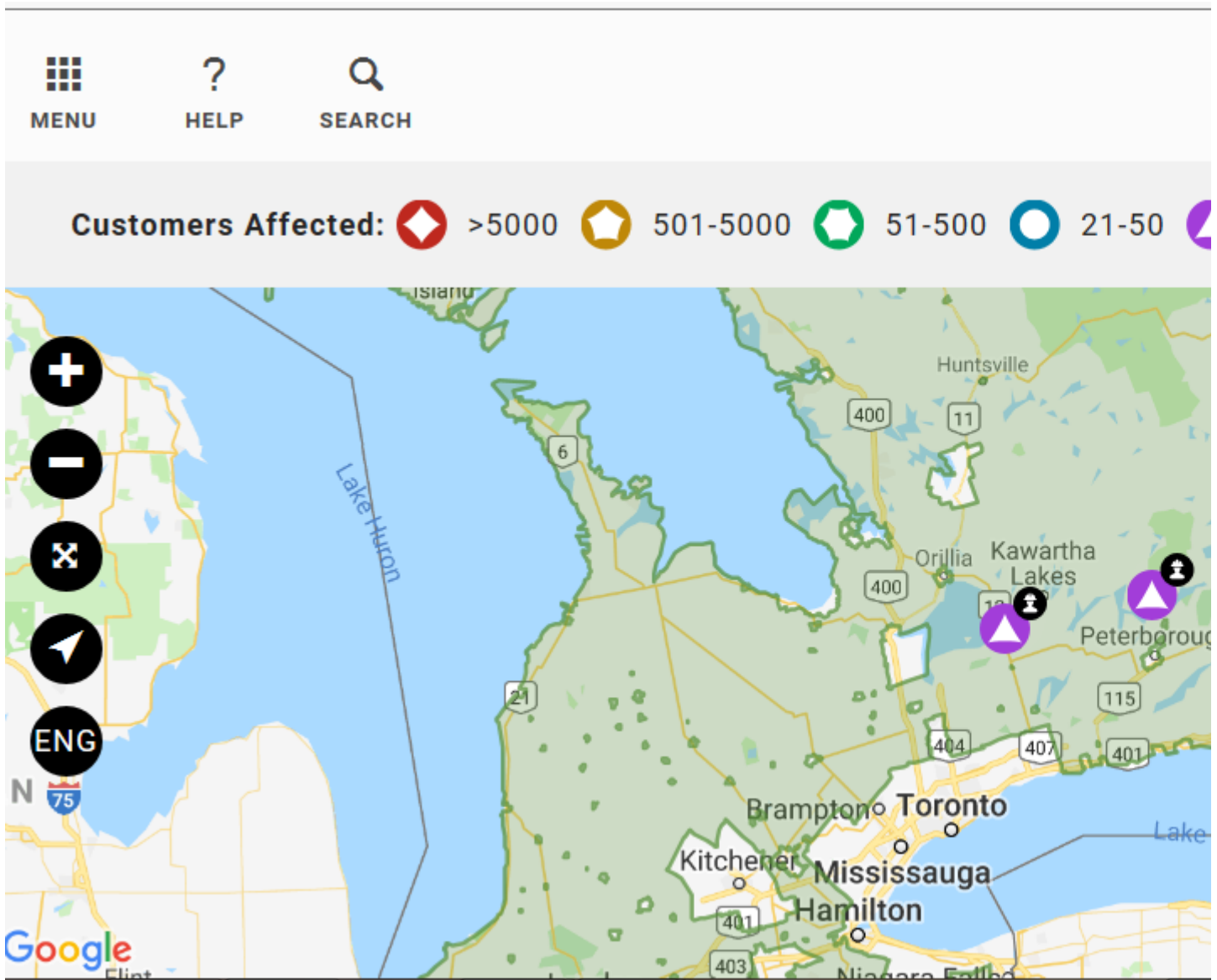
Hello,

We are in receipt of your Plan of Condominium application, 26CD-18-24-03 dated July 4th, 2024. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' the Owner/Applicant should consult their local area Distribution Supplier. Where Hydro One is the local supplier the Owner/Applicant must contact the Hydro subdivision group at Subdivision@HydroOne.com or 1-866-272-3330.

To confirm if Hydro One is your local distributor please follow the following link:
[Stormcentre \(hydroone.com\)](https://stormcentre.hydroone.com)

Please select " Search" and locate address in question by entering the address or by zooming in and out of the map



If you have any further questions or inquiries, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

If you have any questions please feel free to contact myself.

Thank you,

Dennis De Rango

Specialized Services Team Lead, Real Estate Department

Hydro One Networks Inc.

Tel: (905)946-6237

Email: Dennis.DeRango@HydroOne.com

John Federici, MCIP, RPP

From: PrimeCities <WSP.PrimeCities@wspdigitalfactory.com>
Sent: July 8, 2024 6:01 AM
To: John Federici, MCIP, RPP
Subject: OPA (OPA-03-2024), ZBLA (ZBA-09-2024) and Draft Plan of Condominium (26CD-18-24-03), 1570 Niagara Stone Rd., Niagara-on-the-Lake

You don't often get email from wsp.primecities@wspdigitalfactory.com. [Learn why this is important](#)

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7/8/2024

John Federici

Niagara-on-the-Lake

Niagara-on-the-Lake (Town)

Attention: John Federici

Re: OPA (OPA-03-2024), ZBLA (ZBA-09-2024) and Draft Plan of Condominium (26CD-18-24-03), 1570 Niagara Stone Rd., Niagara-on-the-Lake; Your File No. 26CD-18-24-03,ZBA-09-2024,OPA-03-2024

Our File No. DTS: 39288 / Circ: 42793

Dear Sir/Madam,

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

Bell Canada Condition(s) of Approval

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

2) The Owner agrees that should any conflict arise with existing Bell Canada facilities

where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

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

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

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

Concluding Remarks:

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

If you believe that these comments have been sent to you in error or have questions regarding Bell's protocols for responding to municipal circulations and enquiries, please contact planninganddevelopment@bell.ca directly.

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

Should you have any questions, please contact the undersigned.

Yours Truly,

A small rectangular box with a red 'X' inside, indicating a redacted signature.

Juan Corvalan
Senior Manager - Municipal Liaison
Email: planninganddevelopment@bell.ca.

July 8, 2024

John Federici, MCIP, RPP
Senior Planner
The Town of Niagara-on-the-Lake
Community & Development Services
1593 Four Mile Creek Road – PO Box 100
Virgil, ON L0S 1T0

Dear John,

Re: Draft Plan of Condominium, Official Plan Amendment, Zoning By-law Amendment
2559165 Ontario Inc.
1570 Niagara Stone Road
Town of Niagara-on-the-Lake
File No.: 26CD-18-24-03

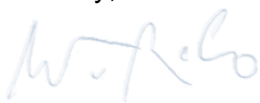
Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions. This response does not signify an approval for the site/development.

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

The applicant will contact Enbridge Gas Customer Service at 1-877-362-7434 prior to any site construction activities to determine if existing piping facilities need to be relocated or abandoned.

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,



Willie Cornelio CET
Sr Analyst Municipal Planning
Engineering

ENBRIDGE
TEL: 416-495-6411
500 Consumers Rd, North York, ON M2J1P8
[enbridge.com](https://www.enbridge.com)
Safety. Integrity. Respect. Inclusion.