



RE: New Application - ZBA-20-2024 - 1708-1710 Niagara Stone Road, NOTL

From donna@theherringtongroup.ca <donna@theherringtongroup.ca>

Date Fri 1/17/2025 4:25 PM

To Victoria Nikoltcheva <Victoria.Nikoltcheva@notl.com>

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 Victoria, I do not have accessibility-related comments for this application.

Donna Herrington
The Herrington Group Ltd
53 Greenmeadow Court
St. Catharines ON
L2N 6Y7 Canada
theherringtongroup.ca




Re: New Application - ZBA-20-2024 - 1708-1710 Niagara Stone Road, NOTL

From Kyle Riley <kriley@npca.ca>

Date Tue 1/21/2025 10:45 AM

To Victoria Nikoltcheva <Victoria.Nikoltcheva@notl.com>

 1 attachment (821 KB)

1708 1710 Niagara Stone Road Basemap.pdf;

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 Victoria,

The Niagara Peninsula Conservation Authority (NPCA) has reviewed the Zoning By-law Amendment at 1708 Niagara Stone Road, in Niagara-On-The-Lake, Ontario, and offers the following comments.

The Applicants are seeking a site-specific zone amendment for the lot frontage, rear yard setback, and interior side yard setback for the Villa's use. The site-specific request also proposes amenities area and off-street parking requirements.

There are no NPCA-regulated features which currently traverse this address. As such, the NPCA offers No Objections to the proposed development.

No Planning or Permitting fees are required for our comments on this file.

Thank you for circulating this Application to our Offices for comments.

Best regards,



Kyle Riley
Watershed Planner

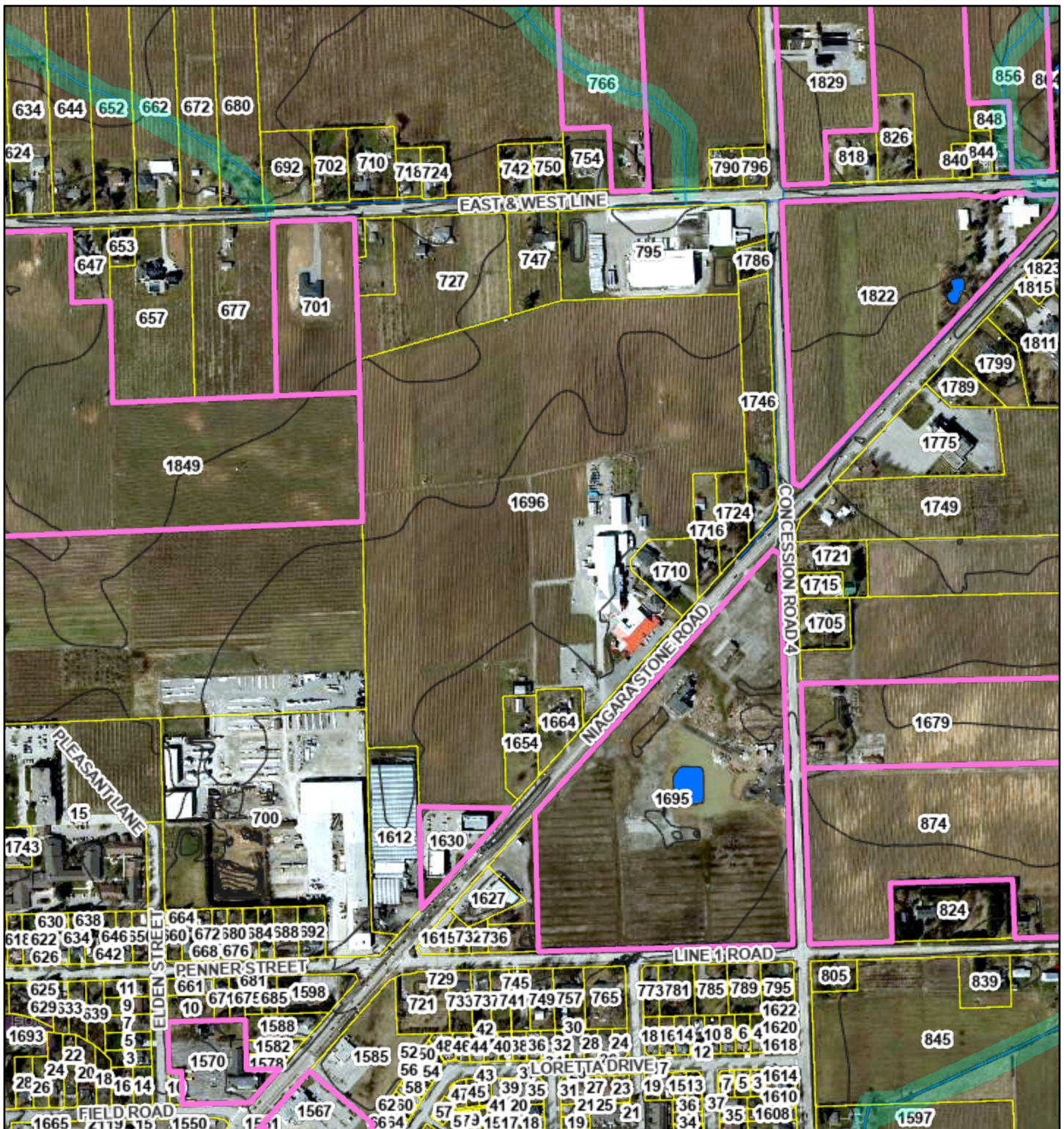
Niagara Peninsula Conservation Authority (NPCA)
3350 Merrittville Highway, Unit 9, Thorold, Ontario L2V 4Y6

(O) 905.788.3135 Ext 252
(Cell) 905.933.2541
www.npca.ca
kriley@npca.ca

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.

The NPCA completed its [Watershed-based Resource Management](#) and [Conservation Area](#) Strategies, paving the way for sustainable conservation across the Niagara Peninsula watershed. It's [Watershed Natural Asset Analysis and Valuation](#) for the Niagara Peninsula watershed offers new insights that redefine how we view nature. **Explore them today!**

ArcGIS Web Map



1/21/2025, 10:44:00 AM

1:9,028

SWOOP 2020 NPCA

- Red: Band_1
- Green: Band_2
- Blue: Band_3

Roads

■ NPCA APPROXIMATE REGULATION LANDS

■ Top of Slope Allowance

Top of Slope Features

— Unstable

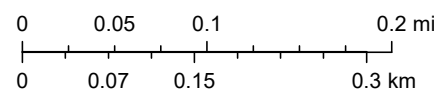
Cross Sections Inventory

— XSCutline

— CityView Application Views

— Assessment Parcels

— 2K Hydrography



NPCA, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Web AppBuilder for ArcGIS

City of Welland, Niagara Region, Regional Municipality of Niagara, Province of Ontario, Ontario MNR, Esri Canada, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA,

RE: New Application - ZBA-20-2024 - 1708-1710 Niagara Stone Road, NOTL

From Municipal Planning <MunicipalPlanning@enbridge.com>

Date Tue 1/21/2025 3:46 PM

To Victoria Nikoltcheva <Victoria.Nikoltcheva@notl.com>

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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. 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>

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

Regards,

Willie Cornelio CET (he/him)

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.

RE: New Application - ZBA-20-2024 - 1708-1710 Niagara Stone Road, NOTL

From CARRIGAN, Andrew <andrew.carrigan@canadapost.postescanada.ca>

Date Mon 1/27/2025 12:09 PM

To Victoria Nikoltcheva <Victoria.Nikoltcheva@notl.com>

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.

Good afternoon,

CPC has no comments regarding this application.

Thank you

Andrew Carrigan | Delivery Services Officer | Canada Post | Delivery Planning | 955 Highbury Ave, London, ON N5Y 1A3 | 226-268-5914

 Please consider the environment before printing this email.

Public Works Growth Management & Planning Division

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

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

Via Email Only

February 7, 2024

File No.: PLZBA202500242

Victoria Nikoltcheva

Senior Planner

Town of Niagara-on-the-Lake

1593 Four Mile Creek Road, P.O. Box 100

Virgil, ON L0S 1T0

Dear Ms. Nikoltcheva:

**Re: Regional and Provincial Comments
Zoning By-law Amendment Application
Town File No.: ZBA-20-2024
Applicant: Gary Pillitteri and Lena Pillitteri
Agent: NPG Planning Solutions (Jeremy Train)
Address: 1708 and 1710 Niagara Stone Road
Municipality: Town of Niagara-on-the-Lake**

Regional Growth Management and Planning Division staff have reviewed the information circulated for the above-noted Zoning By-law Amendment Application which proposes to:

- Permit the use of an existing 2-storey dwelling at 1708 Niagara Stone Road as a 'Villa' with four guest bedrooms, 4 parking spaces for a rate of 1 parking space per guest room, and a total outdoor amenity area of 144.8 m²; and,
- To amend the existing site-specific zoning on the subject lands (By-law 500WS(1)-24) to reflect the new boundaries of 1696 Niagara Stone Road, to modified through a concurrent Consent Application (Town File: B-01/25; Regional File: PLCS202500170), and to provide relief for the existing buildings on this portion of the subject lands (identified as Part 2 on the sketch).

A pre-consultation meeting for this proposal was held on July 18, 2024.

Regional staff recently provided comments on a the concurrent Consent Application for the subject lands in a letter dated January 30, 2024.

The following Provincial and Regional comments are provided to assist the Town of Niagara-on-the-Lake in their consideration of the Zoning By-law Amendment Application.

Provincial and Regional Policies

The subject lands are designated as being within a Prime Agricultural Area, and more specifically within a Specialty Crop Area, in the Provincial Planning Statement ("PPS"); within the Protected Countryside, designated Specialty Crop Area – Niagara Peninsula Tender Fruit and Grape Area in the Greenbelt Plan; outside of the urban area boundary for the Town of Niagara-on-the-Lake, and designated Specialty Crop Area in the Niagara Official Plan ("NOP").

Provincial and Regional policies emphasize the protection of lands within these designations for long-term agricultural use, recognizing that agricultural land is a valuable asset that must be managed and protected. The Greenbelt Plan sets out that single dwellings are permitted on existing lots of record, provided they were zoned for such as of the date the Greenbelt Plan came into force. Further, the NOP states that it shall not prohibit the continued operation of legally established uses such as residential commercial employment, agriculture, and institutional uses and that all lawfully existing uses in the Specialty Crop Area are permitted provided they were used for such purposes prior to December 16, 2004.

Regional staff recognize that the proposed Zoning By-law Amendment sets out to permit the use of the existing 2-storey dwelling as a 'Villa' with four guest bedrooms and 4 parking spaces with a total outdoor amenity area of 144.8m². Recognizing that the existing residential dwelling was legally established prior to the Greenbelt Plan, the residential dwelling may continue. Further, staff note that the 'Villa' use will continue to be used for residential-like purposes, however, the 'Villa' classification will permit the dwelling to be rented for periods up to 28 consecutive days for temporary accommodation purposes.

Staff note the NOP also provides policy direction on the expansion and conversions of non-conforming uses in the Agricultural System. Policy 4.1.10.2 states that expansions to existing structures and uses, as well as conversions or redevelopment of legally existing uses that bring the use more into conformity with this plan are permitted, subject to demonstration of the following:

- a. new municipal services are not required;
- b. the proposal does not expand into key natural heritage features and key hydrologic features, unless there is no other alternative in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure;
- c. if applicable, the proposed new use complies with the Specialty Crop Guidelines, as amended from time to time;

- d. for conversions or redevelopments only, the completion of an agricultural impact assessment by a qualified professional;
- e. the proposal does not result in the intrusion of new incompatible uses; and
- f. the proposed use is in accordance with the minimum distance separation formulae.

Staff recognize that the single detached form of the dwelling will remain, and the function will continue to provide residential accommodations; however, there will now be permissions for short-term stays up to 28 consecutive days. Typically, conversions require the completion of an agricultural impact assessment (“AIA”) to address compatibility with surrounding agricultural lands. However, the development, as proposed, will continue to provide residential accommodation, albeit in a commercial form. Additionally, minimal expansion is required to facilitate the proposed conversion. Accordingly, an agricultural impact assessment was not required at the pre-consultation meeting. Instead, the Planning Justification Report was to include discussion on the proposed development’s compatibility with surrounding agricultural operations.

With respect to the above-noted criteria set out in policy 4.1.10.2 of the NOP, staff note that the proposal will not require new municipal services or expand into features of the natural environment system. As noted above, the AIA was not required in this instance; further discussion regarding compatibility will be provided below. Town staff are responsible for implementing the Minimum Distance Separation formula and should be satisfied it will be met.

In addition to meeting the criteria outlined above, the proposed conversion must also bring the use more into conformity with the NOP. Staff note that the objectives of the NOP set out to facilitate a strong, diverse, and resilient economy, protect the agricultural land base, and to recognize and control change to existing uses to ensure a viable agricultural system. Staff recognize that the changes to the existing use may contribute to the agri-tourism industry, by way of providing short-term accommodations to support nearby agri-tourism uses. The subject lands are already undersized from an agricultural perspective, and therefore, the proposed conversion will not take any further land out of agricultural production. Additionally, as noted in the submitted Planning Justification Report (prepared by NPG Planning Solutions, dated December 13, 2024) the proposed conversion will provide the opportunity for the implementation of further screening from the adjacent agricultural use at 1696 Niagara Stone Road through the provision of enhanced landscaping. Regional staff are therefore generally satisfied that the proposed Zoning By-law Amendment to allow for the ‘Villa’ use will bring the use more into conformity with the NOP, as it aligns with the general objectives of the NOP and will improve compatibility with adjacent agricultural operations.

Archaeological Potential

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, the PPS and 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 mapped as having archaeological potential in the NOP (Schedule K). The current application is to be accommodated with existing buildings, staff will not require an archaeological in this instance, but note that one could be required should a future application propose significant site disturbance.

The owner should be advised of the following warning clause, which pertains to the discovery of deeply buried archaeological resources on the subject lands:

“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”.

The Town also has an interest in archaeological resources under the Town’s Official Plan and Archaeological Management Plan and should be satisfied that all archaeological resource concerns have been addressed from a local perspective prior to final approval of the proposed consent application.

Private Servicing

A septic permit was issued by Regional staff in 2023 for the installation of a raised filter bed sewage system located to the north of the existing dwelling at 1708 Niagara Stone Road. According to the permit, the system was sized to accommodate a 4-bedroom house. No defects were observed with the sewage system at the time of staff’s inspection. Based on the permit, the proposed Villa can have a maximum of 4 bedrooms. Additional bedrooms would increase the flowrate to the system above its designed capacity.

The proposed outdoor amenity space appears to meet the required Ontario Building Code setback to the septic system; however, staff note that this space must not include permanent concrete fixtures, as there is limited room for a replacement system in the future. The applicant should be advised that future tertiary treatment may be required should the existing septic system fail.

Regional staff offer no objections to the proposed Zoning By-law Amendment application from a private servicing perspective provided there are no changes in bedrooms, living space, or fixture units, and the outdoor amenity area does not include permanent concrete fixtures.

Transportation

The subject property has frontage along Regional Road 55 (Niagara Stone Road). This section of road meets the current designated road allowance in the Niagara Official Plan; therefore, no widening is required.

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 property is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are not exceeded:

- Collection to remain as existing

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 are satisfied that the proposed Zoning By-law Amendment meets the intent of Provincial and Regional policies for existing uses within agricultural areas, provided the proposed outdoor amenity area will not include permanent structures, and will remain functional as a septic replacement area.

Provided this is achieved, the proposal is consistent with the Provincial Planning Statement and conforms to Provincial Plans and the Niagara Official Plan from a Provincial and Regional perspective.

Please send notice of the Council's decision on this application.

Should you have any questions related to the above comments, please contact me at alex.bokestyn@niagararegion.ca or Amy Shanks, Senior Planner, at Amy.Shanks@niagararegion.ca.

Kind regards,



Alex Bokestyn M.Sc.
Development Planner

cc: Amy Shanks, MCIP, RPP, Senior Planner, Niagara Region
Quintin Michlik, Private Sewage System Inspector, Niagara Region
Philippe Biba, Development Approvals Technician, Niagara Region

Dear Victoria Nikoltcheva, Senior Planner
Town of Niagara-on-the-Lake, Ontario

Re: 1708 Niagara Stone Road - Rezoning Application
(From "Rural A" to Site-Specific)

We are writing to express our support for the rezoning application for 1708 Niagara Stone Road. Over the years, we have maintained a positive relationship with the Pillitteri family and have been good neighbours to one another.

For more than 20 years, the Pillitteri family has generously cleared our mother's driveway of snow at no cost. As neighbours, we have always worked collaboratively to address any potential concerns, though no disputes have arisen. We are the only adjacent residential neighbours to 1708, aside from Pillitteri Estates Winery to the west, who are the applicants. Any potential impact from this rezoning would likely be more significant for their property than ours.

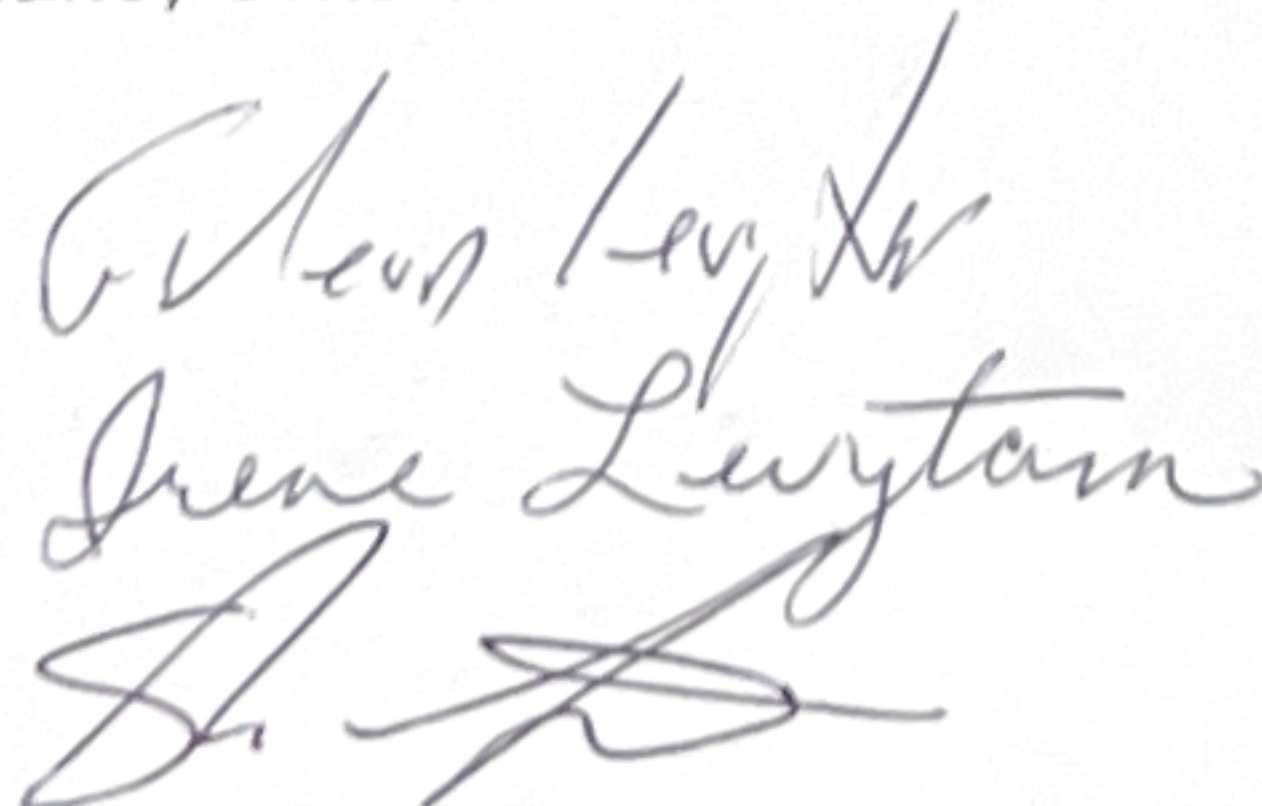
The property at 1708 has operated as a three-bedroom short-term rental over the past couple of years. The mature 25-foot cedar buffer between our properties has effectively mitigated any impact from its use. In 2023, an additional cedar hedge row, 6 feet high and planted on a berm along the gravel driveway, was added to further enhance the buffer. This improvement will continue to ensure that the property's use remains unobtrusive.

The parking on this property is more than sufficient to accommodate its use, and the amenity areas are well-designed, causing no impact on us as neighbouring residents.

Sincerely,

Gideon, Irene and Shalom Levytam

1716 Niagara Stone Road
Niagara On The Lake, Ontario. L0S 1J0

The block contains three handwritten signatures in dark ink. The first signature is 'Gideon Levytam', the second is 'Irene Levytam', and the third is 'Shalom Levytam'. The signatures are written in a cursive, flowing style.