

**Planning and Development Services**

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**Via Email Only**

October 20, 2022

File No.: D.11.05.CD-22-0019

Mark Iamarino  
Senior Planner  
Town of Niagara-on-the-Lake  
1593 Four Mile Creek Road, P.O. Box 100  
Virgil ON, L0S 1T0

Dear Mr. Iamarino:

**Re: Regional and Provincial Comments  
Draft Plan of Vacant Land Condominium  
Town File No.: 26CD-18-22-01  
Applicant: 2776263 Ontario Inc. (York Estates Ltd.)  
Agent: Quartek Group Inc. (Susan Smyth)  
Address: 1490 York Road  
Town of Niagara-on-the-Lake**

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Regional Planning and Development Services staff have reviewed the information circulated with the application for Draft Plan of Vacant Land Condominium for lands municipally known as 1490 York Road in the Town of Niagara-on-the-Lake.

The Draft Plan of Vacant Land Condominium, prepared by Chambers and Associates Surveying Ltd. (dated August 3, 2022), proposes to create three (3) single-detached units and a common element block that will contain a private roadway and landscaping.

Regional staff provided comments on an associated Zoning By-law Amendment application to facilitate the proposed development by letter dated October 19, 2018. Regional staff provided follow-up comments to the Town by email dated March 5, 2019, addressing the applicable designation for the subject property under the Niagara Escarpment Plan. The associated Zoning By-law Amendment was approved by the Ontario Land Tribunal in a decision dated February 24, 2022. In addition to permitting a maximum of three (3) single-detached condominium dwellings on the subject property, the Zoning By-law Amendment prohibits the construction of any buildings and/or structures on the easterly portion of the subject property zoned Open Space (OS-33). The Zoning By-law Amendment also includes a Holding (H) provision requiring final approval of a Plan of Condominium. A Zoning By-law Amendment application to remove

this Holding (H) provision was circulated with the proposed Draft Plan of Vacant Land Condominium application.

A pre-consultation meeting for this proposal was held on February 17, 2022. The following Provincial and Regional comments are provided to assist the Town in considering this application

## **Provincial and Regional Policies**

The subject property is 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). The subject property is situated within the Niagara Escarpment Plan (NEP) area according to the Greenbelt Plan, where the policies of the NEP apply. The subject property is designated Urban Area (Built-Up Area) in the Regional Official Plan (ROP).

The PPS and Growth Plan 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 NEP designates the subject lands as within the Minor Urban Centre of St. David's. The NEP policies note that uses in these Centres must align with permitted uses in approved local official plans, which are not in conflict with the NEP.

The ROP permits a full range of residential, commercial and industrial uses generally within the Urban Area, subject to the availability of adequate municipal services and infrastructure, and other policies relative to urban design, land use compatibility and environmental conservation. The policies of the ROP promote higher density development in Urban Areas, supporting growth that contributes to the overall goal of providing a sufficient supply of housing that is accessible and suited to the needs of a variety of households and income groups in Niagara.

The proposal is considered infill development, and will result in residential intensification within the Built-Up Area, which will make more efficient use of designated urban land and existing infrastructure. Growth management policies state that until the Region has completed its municipal comprehensive review, and it is approved and in effect, an annual minimum intensification target of 15% will apply to the portion of the Built-Up Area within the Town of Niagara-on-the-Lake. The proposed condominium application will contribute to the this intensification target. The proposed condominium application therefore conforms to Provincial and Regional growth management policies for the Built-Up Area, subject to the comments below.

## **Natural Heritage**

The subject property is impacted by the Region's Core Natural Heritage System (CNHS) consisting of Significant Woodland and Important Type 2 Fish Habitat. Consistent with ROP policies 7.B.1.11 and 7.B.1.15, an Environmental Impact Study (EIS) was requested in support of the earlier Zoning By-law Amendment application for the proposed development.

The submitted EIS, prepared by Myler Ecological Consulting (dated July 2018) recommended a 7.5 metre setback from top of slope, which provides a 3 metre setback from Significant Woodland. Regional staff offered no objection to the EIS, provided a woodland edge management plan, including landscape plan, was prepared in support of the future condominium application. Staff also noted that the completed Tree Inventory and Preservation Plan Report, prepared by Jackson Arboriculture Inc.(dated July 16, 2018), was to be implemented through the future condominium process.

Regional Environmental Planning staff have reviewed the Landscape Restoration Planting Plan, prepared by James McWilliam Landscape Architect (dated August 31, 2022) that was submitted with this application and are satisfied it addresses the comments summarized above. Accordingly, Regional Environmental Planning staff offer no objection to the proposed Draft Plan of Vacant Land Condominium, provided the final condominium agreement includes clauses implementating the various plans referenced above. Conditions to address this requirement are included in Appendix I.

## **Archaeological Potential**

The PPS and ROP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP 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.

Based on the Ministry of Heritage, Sport, Tourism and Culture Industries' (MHSTCI) Criteria for Evaluating Archaeological Potential, the subject property exhibits high potential for the discovery of archaeological resources due to its proximity to several past and present watercourses. Archaeological resource concerns were addressed as part of the previous Zoning By-law Amendment application for the subject property. However, 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 archaeological clause in the condominium agreement. A condition to implement this clause is included in Appendix I.

## Regional Road Allowance

The subject property has frontage along Regional Road 81 (York Road). This section of road has a substandard road allowance. The designated road allowance width is 26.2 metres, as identified in the Regional Official Plan. Therefore, the applicant is required to gratuitously grant the following widening to the Region:

- A widening across the frontage of the subject property of 3.05 metres. This is required in order to achieve 13.1 metres from the original centerline of this road section.

The requested widening is to be conveyed free and clear of any mortgages, liens or other encumbrances, and is to be described by Reference Plan. The portion of the Plan will be the responsibility of the owner to order. The cost of providing this plan will be the full responsibility of the applicant. The applicant will arrange for the land surveyor to submit the preliminary undeposited survey plan along with all related documents to Regional Surveys staff for approval. Regional Surveys staff will advise the land surveyor of any required revisions to the plan. Once the plan is deposited and the transfer registered, the Region will clear the applicable condition.

Should the applicant have any questions about the widening, please direct them to contact the individuals listed below:

Jordan Hadler, Law Clerk

Phone: 905-980-6000 ext. 3271

Email: [jordan.hadler@niagararegion.ca](mailto:jordan.hadler@niagararegion.ca)

(Inquiries -specific to the transfer of property to the Region)

Normans Taurins, Manager, Surveys & Property Information

Phone: 905-980-6000 ext. 3325

Email: [normans.taurins@niagararegion.ca](mailto:normans.taurins@niagararegion.ca)

(Inquiries specific to the review of the preliminary survey plan)

A condition to address the requirement for a road widening is included in Appendix I.

## Regional Permit Requirements

Regional Transportation staff have reviewed the submitted drawing and have provided the following detailed comments regarding the proposed works within the Regional road allowance, which are to be addressed through future engineering plan submissions:

- The entrance curb must terminate at the property line.
- If there is no specific need for the proposed ditch inlet catch basin to the west of the entrance, it would be staff's preference that this be reditched to allow for a

standard open driveway culvert. The pipe should be high-density polyethylene (HDPE), unless the cover cannot be met.

- Rip-rap should be provided at the outlet of the driveway culvert.
- The Regional road allowance must be reinstated per the specifications attached in Appendix II. The reinstatement strategy (pavement structure) should be indicated on revised drawings.

The applicant should be advised that prior to any construction taking place within the Regional road allowance, the applicant must obtain the necessary Regional Construction Encroachment and/or Entrance Permits from Niagara Region's Transportation Services Division, Public Works Department. Construction specifications and restoration requirements are outlined through the Regional Road Permit process. Permit applications can be made online through the Region's website using the following link: <http://niagararegion.ca/living/roads/permits/default.aspx>

Conditions to address these requirements are included in Appendix I.

## **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 brings the waste and recycling to the curbside on the designated pick-up day, and that the following limits are not exceeded:

- No limit on blue/grey containers (collected weekly);
- No limit on green containers (collected weekly); and
- Two garbage bags/cans (collected every-other-week).

Regional staff note that condominium developments are eligible to receive internal curbside waste collection through the Region. In order for this service to be provided, the developer/owner must comply with the Niagara Region's Corporate Policy and By-laws related to curbside collection of waste and recycling, and complete the application for commencement of collection and indemnity agreement. The forms and policy can be found at the following link: [www.niagararegion.ca/waste](http://www.niagararegion.ca/waste).

Regional staff have reviewed the submitted Draft Plan of Vacant Land Condominium and note that the units are proposed along a private road, which has a parking area at the end. To determine if on-site collection is possible, the Region will require that waste collection truck turning templates be shown on a plan, with the waste collection truck entering from both directions. If the layout is unable to accommodate the waste collection trucks, Niagara Region would not be able to provide internal curbside waste

collection as there is no turning facility proposed which would permit the waste collection truck to turn around and exit the site in a safe manner.

Conditions to address waste collection requirements are included in Appendix I.

## **Regional Bicycle Network**

The subject property has frontage along Regional Road 81 (York Road), which is designated as part of the Regional Niagara Bicycling Network. Normally, if the bicycle route is currently not established and identified with signage, it is the intent of the Region to make provisions for doing so when an appropriate opportunity arises. This may involve additional pavement width, elimination of on-street parking, etc. The applicant should be advised that this may occur in the future.

## **Protection of Survey Evidence**

Survey evidence adjacent to Regional road allowance is not to be damaged or removed during the development of the property. Any agreements entered into for this development should include a clause that requires the applicant to obtain a certificate from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of said development. A condition requiring this clause is included in Appendix I.

## **Conclusion**

In conclusion, Regional staff have no objection to the proposed Draft Plan of Vacant Land Condominium from a Provincial and Regional perspective, subject to the conditions outlined in Appendix I, and the satisfaction of any local requirements.

Provided the conditions in Appendix I are satisfied, Regional staff consider the proposal to be consistent with the Provincial Policy Statement, and conform to Provincial Plans and the Regional Official Plan.

Please send a copy of the staff report and notice of the Town's decision on this application. If you have any questions related to the above comments, please contact me at [Amy.Shanks@niagararegion.ca](mailto:Amy.Shanks@niagararegion.ca).

Kind regards,



Amy Shanks, MCIP, RPP  
Senior Planner

cc: Susan Dunsmore, P.Eng. Manager of Development Engineering, Niagara Region  
Adam Boudens, Senior Environmental Planner, Niagara Region

## **Appendix 1: Regional Conditions of Draft Plan of Vacant Land Condominium Approval**

### **1490 York Road, Town of Niagara-on-the-Lake**

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

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

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

2. That the condominium agreement between the owner and the Town contain provisions whereby the owner agrees to implement the approved Landscape Restoration Planting Plan, prepared by James McWilliam Landscape Architect (dated August 31, 2022).
3. That the condominium agreement between the owner and the Town contain provisions whereby the owner agrees to implement the approved recommendations in the Tree Inventory and Preservation Plan Report, prepared by Jackson Arboriculture Inc. (dated July 16, 2018).
4. That the condominium agreement between the owner and the Town contain provisions whereby the owner agrees to install sediment and erosion control fencing in accordance with the Site Servicing and Grading Plan, prepared by Quartek (dated March 23, 2022).
5. That the condominium agreement between the owner and the Town contain provisions whereby the owner agrees to undertake vegetation removals between October 1<sup>st</sup> and March 14<sup>th</sup>, outside of both the breeding bird nesting period and active bat season. A survey for active bird nests should be conducted by a qualified professional prior to any vegetation removal or site alteration planned to occur during this window.
6. That the owner dedicate the required 3.05 metre widening across the frontage of the property along Regional Road 81 (York Road).

7. That prior to any construction within the Regional Road 81 (York Road) road allowance, the owner shall obtain the required Regional Construction Encroachment and/or Entrance Permits from Niagara Region's Transportation Services Division, Public Works Department.
8. That revised engineering drawings to address Regional Transportation comments be submitted for review and approval by Regional staff.
9. That the owner submit Regional waste collection truck turning templates for review and approval by Regional staff.
10. That the owner comply with the requirements of Niagara Region's Corporate Waste Collection Policy and complete the required Indemnity Agreement prior to Regional waste collection services commencing on-site.
11. That the condominium agreement between the owner and the municipality contain a provision whereby the owner agrees to obtain a certificate from an Ontario Land Surveyor stating that all existing and new survey evidence is in place at the completion of the development.

**Notes:**

- Prior to granting final plan approval, the Town must be in receipt of written confirmation that the requirements of each condition have been met and all fees have been paid to the satisfaction of the Niagara Region.
- Prior to final approval for registration, a copy of the draft condominium agreement for the proposed development should be submitted to the Niagara Region for verification that the appropriate clause pertaining to these conditions have been included. A copy of the executed agreement shall also be provided prior to registration.
- In order to request clearance of the above noted Regional conditions, a letter outlining how the conditions have been satisfied, together with all studies and reports (one hard copy and a PDF digital copy), the applicable review fee, and the draft condominium agreement shall be submitted to the Niagara Region by the applicant as one complete package, or circulated to the Niagara Region by the Town of Niagara-on-the-Lake.



## **Appendix II: Reinstatement Specifications for Regional Road Allowance**

Included as separate email attachment.

**SPEC. #1**

**SPECIFICATIONS FOR REINSTATEMENT  
IN GRASSED BOULEVARDS IN  
URBAN AREAS**

**1.0    General**

- 1.1    “Boulevard” means all parts of the highway save and except any roadway, shoulder, driveway or sidewalk.
- 1.2    Grassed areas disturbed by the applicant shall be restored matching the original surfaces as closely as possible.

**2.0    Special Provisions**

The provisions of OPSS 410, 501, 503, 504, 514, 570, 571, 701 and NPSCD Special Provisions C1, D1, B21 shall apply except as amended or extended herein.

- 2.1    Trenches in boulevards shall be backfilled with native material compacted to 90% Standard Proctor Density in 300 mm lifts.
- 2.2    Final restoration:
  - a) On grassed areas showing evidence that regular grass cutting is practiced, such as lawns, this restoration shall consist of the supply and placement of:
    - (i)    100 mm of topsoil with nursery sod.
    - (b) Weather conditions permitting, boulevard areas shall be reinstated within 7 days of backfilling of the trench. Areas disturbed during the winter months shall be reinstated by the first day of the following June.
- 2.3    All paved boulevards to be reinstated to existing conditions or better.

## **SPEC. #2**

### **SPECIFICATIONS FOR REINSTATEMENT OF BOULEVARDS IN RURAL AREAS**

#### **1.0 General**

- 1.1 “Boulevard” means all parts of the highway save and except any roadway, should, driveway or sidewalk.

#### **2.0 Special Provisions**

The provisions of OPSS 314, 410, 501, 503, 504, 514, 570, 571, 572, 701 and NPSCD Special Provisions C1, D1, B21 and B22 shall apply except as amended or extended herein.

- 2.1 Trenches in boulevards shall be backfilled with native material compacted to 90% of the maximum dry density in 300 mm lifts.
- 2.2 Where shoulders are being restored with granular material and the boulevard is being restored with native material, the boulevard shall be completed first to ensure that native material does not spill into the shoulder trench.
- 2.3 Grassed areas disturbed by the applicant shall be restored matching the original surface as closely as possible.
- 2.4 In rural areas not showing evidence of having been cut on a regular basis except for the purpose of noxious weed control, 50 mm of topsoil and either a suitable grass seed mix or nursery sod shall be provided.
- 2.5 Weather conditions permitting, boulevard areas shall be reinstated within 7 days of backfilling of the trench. Areas disturbed during the winter months shall be reinstated by the 1<sup>st</sup> day of the following June.
- 2.6 All paved boulevards to be reinstated to existing conditions or better.

### **SPEC. #3**

## **SPECIFICATIONS FOR REINSTATEMENT OF SIDEWALKS AND CURB AND GUTTERS**

### **1.0 General**

- 1.1 “Sidewalk” includes all such parts of a highway as are set aside or improved by the appropriate Road Authority for the use of pedestrians or used by the general public for the passage of pedestrians.
- 1.2 “Curb” includes all such parts of a highway as are set aside or improved by the appropriate Road Authority to facilitate roadway drainage system(s) within urbanized areas and/or at bridges and culverts.

### **2.0 Special Provisions**

- 2.1 The provisions of OPSS 314, 353, 351, and NPSCD Special Provisions B8 and B9 shall apply except as amended or extended herein.
- 2.2 Supplementary special provisions for sidewalk reinstatement have not been included, as each municipality has separate standards related to sidewalk construction and restoration. For information related to sidewalk reinstatement, contact the local municipal office within whose jurisdiction construction will occur.

**SPEC. #4**

**SPECIFICATIONS FOR REINSTATEMENT OF  
DRIVEWAYS**

**1.0    General**

- 1.1    “Driveway” means that part of the highway that is improved, designed, or ordinarily used for vehicular access to private or public property.

**2.0    Special Provisions**

The provisions of OPSS 311, 314, 350, 506 and NPSCD Special Provisions B3, B14, B16, B17, B18 and B23 shall apply except as amended or extended herein.

- 2.1    The edges of all excavations made in concrete or asphalt surface driveways, shall be made by a concrete saw or by other suitable cutting equipment prior to the excavation and such edges of the cut must be straight and clean prior to reinstatement.

In the case of concrete driveways, the limit of restoration shall be the nearest existing construction joint as directed or at the limit of excavation.

In the case of asphalt driveways, the edges must be tack coated with a suitable asphalt emulsion prior to the placement of the final surface layer of asphalt.

In the case of paving (stone) brick driveways, the paving stones shall be disassembled and stockpiled and reused in the reinstatement. The filling of the voids in the restored brick work shall be limestone screenings swept and vibrated into place.

- 2.2    Driveways shall be backfilled as follows:

- (a)    Driveways – Granular “A” limestone aggregate material compacted to 100% of the maximum dry density in maximum 300 mm lifts to the driveway base elevation. Suitable, recycled material may be used as backfill with the written permission of the Road Authority. The driveway base material shall be Granular “M” limestone aggregate compacted to 100% of the maximum dry density in maximum 150 mm lifts as specified hereinafter.
- (b)    Wherever the depth of an asphalt driveway exceeds the dimensions provided in this section, the thickness of HL8 MDBC used to restore the cut shall be increased to match existing.

### 2.3 Temporary Restoration:

- (a) Where the work is not completed in one working day and must be temporarily closed up overnight or for a weekend, then one of the following three alternative procedures shall be followed:
  - (i) the opening will be covered with a minimum 20 mm steel plate designed to support vehicular traffic. Such plate is to be securely anchored to the road surface and the trench must be adequately shored to prevent failure. If available, HL3 hot mix asphalt or high performance cold patch shall be placed on the edges of the steel plate to form a minor ramp for vehicle transition.
  - (ii) the trench will be backfilled and compacted to a depth of 80 mm below grade, and remaining trench will be temporarily backfilled with high performance cold patch or if available hot mix asphalt.
  - (iii) With the permission of the Road Authority, the trench may also be completely backfilled with Granular “A” limestone aggregate and compacted with the surface area treated with calcium chloride.
- (b) In the case of inclement weather (i.e. winter works), the trench will be backfilled to a depth of 80 mm below grade, and remaining trench depth shall be temporarily covered with high performance cold patch asphalt material, or HL8 MDBC. At the time of final pavement restoration, the temporary top surface shall be removed to the required thickness to allow for the permanent asphalt (surface course). The maintenance of the temporary surface shall be the responsibility of the applicant until the final restoration is made.

### 2.4 Unpaved driveways will be restored in accordance with the provisions of SP 3, with the surface area treated with calcium chloride. Depths shall be as follows:

- (a) Residential 200mm
- (b) Commercial 300mm
- © Industrial 375mm

### 2.5 Concrete driveways shall restored as follows:

- (a) Residential driveways: 75 mm Granular “A” + 150 mm concrete;
- (b) Commercial and Industrial driveways: 150 mm granular “A” + 150 mm concrete.

Driveway concrete thickness shall match the existing thickness to a minimum of 150 mm. Increased thickness, when authorized, will be pro-rated.

Granular “A” base shall be compacted to 100% of the maximum dry density.

2.6 Asphalt driveways shall be restored as follows:

- (a) Residential Driveways/Walkways: 50 mm HL3 Fine (Modified) + 200 mm Granular “M” limestone aggregate
- (b) Commercial Driveways: 40 mm HL3 + 50 mm HL8 MDBC + 300 mm Granular “M” limestone aggregate
- (c) Industrial Driveways: 40 mm HL3 + 50 mm HL8 MDBC + 375 mm Granular “M” limestone aggregate

The Granular “M” limestone aggregate base shall be compacted to 100% of the maximum dry density.

2.7 Paving (stone) Brick Driveways shall be restored as follows:

Construct a 300 mm granular base with Granular “A” (limestone) compacted to a density of 100 % of the maximum dry density and overlain by 50 mm of limestone screening. Place the paving stones to match existing grade and fill the voids in the completed brick work with limestone screenings.

Revised February 2008

## SPEC. #5

### SPECIFICATIONS FOR REINSTATEMENT OF SHOULDERS

#### 1.0 General

- 1.1 “Shoulder” means that portion of the highway lying adjacent to the roadway where there is no barrier curb, and which is improved to support a stopped vehicle.

#### 2.0 Special Provisions

The provisions of OPSS 314 shall apply except as amended or extended herein.

- 2.1 In construction applications where work is off the roadway in the boulevard/ditch area the shoulders, if affected, shall be restored to their original condition or better. The shoulder area(s) shall be scarified and all contaminated materials removed prior to final restoration. Top dress shoulder with 50 mm of Granular M' limestone aggregate.

- 2.2 Where construction is directly impacting the shoulder area and full depth granular is required all trenches must be backfilled as follows:

- (a) From bottom of excavation to base of shoulder Granular “A” limestone aggregate shall be compacted to 100% of the maximum dry density in 300 mm maximum lifts.

Suitable recycled material may be used as backfill with the written permission of the Road Authority.

- (b) Shoulder Restoration:

Granular “M” limestone aggregate compacted to 95% of the maximum dry density in maximum 150 mm lifts.

The granular material for shoulder construction shall be placed by means of a shoulder spreader. Where obstacles on the shoulder prohibit the efficient use of a spreader, the shoulder material to be placed adjacent to such obstacles may be end dumped. Where practical, compact the granular to 95% maximum dry density.

In situation where the shoulder widths prohibit the efficient use of a spreader, the shoulder material shall be carefully placed in such a manner



as to minimize the amounts of shouldering granular on the newly placed asphalt. Where practical, compact the granular to 95% maximum dry density.

For gravel roads, this shall be considered permanent surface restoration.

All paved shoulders to be reinstated to existing conditions or better.

Revised February 2008

## SPEC. #6

### SPECIFICATIONS FOR REINSTATEMENT OF ROADWAYS

#### 1.0 General

- 1.1 “Roadway” means that part of highway that is improved, designed, or ordinarily used for vehicular traffic.

#### 2.0 Special Provisions

Unless soil conditions, utility locations, or other extraneous conditions dictate, all crossings of paved roads shall be undertaken by boring or similar construction methods to ensure the minimum disruption to road traffic and roadway surface.

The provisions of OPSS 310, 314, 350, 360, 501, 503, 504, 506, 507 and NPSCD Special Provisions B3, B14, C1 and D1 shall apply except as amended or extended herein.

- 2.1 The edges of all excavations made in concrete or asphalt surface roadways shall be made by a concrete saw or by other suitable cutting equipment prior to the excavation, and such edges of the cut must be straight and clean prior to pavement restoration.

- 2.2 All roadways shall be restored to their original conditions or better.

- 2.3 Trenches must be backfilled as follows:

- (a) From bottom of excavation to road subgrade

Granular “A” limestone aggregate compacted to 100% of the maximum dry density in maximum 300 mm lifts.

Suitable recycled material may be used as backfill with the written permission of the Road Authority.

- (b) Roadway base (granular)

Granular “A” limestone aggregate compacted to 100% of the maximum dry density in maximum 150 mm lifts. For gravel roads, this shall be considered permanent surface restoration.

- (c) In situations where the Road Authority has recently completed road reconstruction and/or rehabilitation the trench backfill shall be non-shrink

concrete and shall be placed from bottom of excavation to top of road base elevation. Non-shrink concrete should meet current OPS materials specifications 1359.

#### 2.4 Surface Restoration- Temporary

- (a) Where the work is not completed in one working day and must be temporarily closed up overnight or for a weekend, then one of the following two alternative procedures shall be followed:
  - (i) the opening will be covered with a minimum 20 mm steel plate designed to support vehicular traffic. Such plate is to be securely anchored to the road surface and the trench must be adequately shored to prevent failure. If available, HL3 hot mix asphalt or high performance cold patch shall be placed on the edges of the steel plate to form a minor ramp for vehicle transition.
  - (ii) the trench will be backfilled and compacted to a depth of 80 mm below grade, and remaining trench will be temporarily backfilled with high performance cold patch or if available hot mix asphalt.
  - (iii) With the permission of the Road Authority, the trench may also be completely backfilled with Granular “A” and compacted with the surface area treated with calcium chloride.
- (b) In the case of inclement weather (i.e. winter works) the trench will be backfilled to a depth of 80 mm below grade, and remaining trench depth shall be temporarily covered with high performance cold patch material, or HL8 MDBC. At the time of final pavement restoration, the temporary surface shall be removed to the required thickness to allow for the permanent asphalt (surface course thickness as per SP 2.6). The maintenance of the temporary surface shall be the responsibility of the applicant until the final restoration is made.

#### 2.5 Surface Restoration – Permanent

Permanent pavement restoration shall not be undertaken earlier than two weeks after temporary restoration. During winter months, permanent restoration shall depend upon weather conditions and the availability of appropriate materials. Hot mix asphalt may be used for permanent restoration during winter months with the prior written approval of the Road Authority.

- (a) For trench restoration on gravel road refer to condition SP 2.3.

Longitudinal trenches shall be milled to a minimum depth of 60 mm. The length and width of asphalt reinstatement will require a site meeting with the Region of Niagara and area municipality to determine extent of reinstatement.

- (b) All asphalt pavements shall be reinstated by matching the existing depth, or a minimum of 180 mm in total, (120 mm of base course and 60 mm top course), in 50 mm lifts of HL8 HS for roads with heavy truck traffic and bus routes or HL8 MDBC for moderate truck traffic and milled a minimum 0.6 m beyond the sawcut limit unless the pavement surface is further distressed as a result of construction activity and reinstated with 60 mm of HL3 HS surface course. The edges must be tack coated with a suitable asphalt emulsion prior to the replacement of the final surface layer of asphalt.
- (c) For composite pavements the asphalt wearing course shall be reinstated in accordance with SP 2.6(b) or to the full original depth of asphalt pavement, whichever is the greater.

NOTE: Materials, production and placement of hot mix asphalt shall conform to OPS and NPSCD specification including provisions for Quality Control and Quality Assurance.

- (d) Concrete pavements shall be reinstated to the full original depth of concrete and shall be not less than 30 MPa high early concrete with 5% + /-1% air entrainment, meeting current O.P.S. Materials Specifications 1350 (material) and concrete joint details O.P.S.D. 552 and 560.
- (i) Placing and Finishing Equipment

Equipment used for placing, consolidated and finished concrete shall be a self-propelled, vibratory steel screed or steel cylinder screed with integral internal vibration including automatic shut-off, leveling auger and shall operate on fixed forms. For repair areas less than 3m in length, the concrete may be consolidated with hand held external vibrators and finished with a wood or steel screed capable of leveling the concrete without bowing.

- (ii) Opening the Repair Areas to Traffic

Repair areas shall not be subjected to traffic until the concrete has achieved a minimum compressive strength of 20.0 MPa, based on standard cylinder compressive strength testing. The Owner will carry out sufficient concrete testing to evaluate the strength versus age properties of the mix in order to assess the time for opening of the road to traffic.

(iii) Quality Assurance

Criteria for Determining Unacceptable Concrete

Unacceptable concrete shall be removed and replaced at the Contractor's cost. Unacceptable concrete includes:

- Concrete which does not meet the minimum 20.0 MPa prior to opening traffic
- Concrete which does not meet the minimum 30.0 MPa at 28 days
- Concrete which is cracked
- Concrete which does not meet surface tolerance requirements
- Concrete which has a damaged surface due to vehicle, pedestrian, or other traffic during the contract period.

2.6 Restoration of Railway Crossing Rehabilitation

Road reinstatement for track crossings shall be hot-mix asphalt from the mud rail to the limit of asphalt removal. Rubberized matting will not be permitted outside the mud rail. All works shall be coordinated through the Regional Roads Area Manager.

Revised August 2012

## **Growth Strategy and Economic Development**

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

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

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### **Via Email Only**

September 29, 2023

File No.: D.11.05.CD-22-0019

Victoria Nikoltcheva

Planner II

Town of Niagara-on-the-Lake

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

Virgil ON, L0S 1T0

Dear Ms. Nikoltcheva:

**Re: Updated Regional and Provincial Comments  
Draft Plan of Vacant Land Condominium  
Town File No.: 26CD-18-22-01  
Applicant: 2776263 Ontario Inc. (York Estates Ltd.)  
Agent: Quartek Group Inc.  
Address: 1490 York Road  
Town of Niagara-on-the-Lake**

---

Staff from the Region's Growth Strategy and Economic Development Department have reviewed the updated information circulated with the application for Draft Plan of Vacant Land Condominium for lands municipally known as 1490 York Road in the Town of Niagara-on-the-Lake.

The Draft Plan of Vacant Land Condominium, prepared by Chambers and Associates Surveying Ltd. (dated August 3, 2022), proposes to create three (3) single-detached units and a common element block that will contain a private roadway and landscaping.

Regional staff previously provided comments on the proposed Draft Plan of Vacant Land Condominium application in a letter dated October 22, 2022. The applicant has since provided the following updated materials to address comments received from Town staff and external agencies:

- Revised Elevation and Floor Plan Drawings, prepared by Quartek Group (dated March 17, 2022, revised July 25, 2023);
- Revised Site Plan, prepared by Quartek Group (dated May 5, 2022, revised July 25, 2023);

- Site Servicing and Grading Plans, prepared by Quartek Group (dated July 10, 2023);
- Site Servicing Notes and Details, prepared by Quartek Group (dated July 10, 2023)
- Revised Stormwater Management Brief, prepared by Quartek Group (dated July 2023); and
- Comment Response Matrix, prepared by Quartek Group (dated August 8, 2023).

Regional staff note that the new Niagara Official Plan (NOP) was approved with modifications by the Minister of Municipal Affairs and Housing on November 4, 2022, replacing the Regional Official Plan (ROP). In accordance with Section 7.12.2.5 of the NOP, given that this application was deemed complete by the Town of Niagara-on-the-Lake prior to the NOP taking effect, the policies of the ROP continue to apply for this application.

Regional staff previously provided comments on an associated Zoning By-law Amendment application to facilitate the proposed development, by letters dated October 19, 2018 and March 5, 2019. The associated Zoning By-law Amendment was approved by the Ontario Land Tribunal in a decision dated February 24, 2022. In addition to permitting a maximum of three (3) single-detached condominium dwellings on the subject property, the Zoning By-law Amendment prohibits the construction of any buildings and/or structures on the easterly portion of the subject property zoned Open Space (OS-33). The Zoning By-law Amendment also includes a Holding (H) provision requiring final approval of a Plan of Condominium. A Zoning By-law Amendment application to remove the Holding (H) provision was circulated with the proposed Draft Plan of Vacant Land Condominium application.

A pre-consultation meeting for this proposal was held on February 17, 2022. The following updated Provincial and Regional comments are provided to assist the Town in considering this application

## **Provincial and Regional Policies**

The subject property is 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). The subject property is situated within the Niagara Escarpment Plan (NEP) area according to the Greenbelt Plan, where the policies of the NEP apply. The subject property is designated Urban Area (Built-Up Area) in the ROP.

The PPS and Growth Plan 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 NEP designates the subject lands as within the Minor Urban Centre of St. David's. The NEP policies note that uses in these Centres must align with permitted uses in approved local official plans, which are not in conflict with the NEP.

The ROP permits a full range of residential, commercial and industrial uses generally within the Urban Area, subject to the availability of adequate municipal services and infrastructure, and other policies relative to urban design, land use compatibility and environmental conservation. The policies of the ROP promote higher density development in Urban Areas, supporting growth that contributes to the overall goal of providing a sufficient supply of housing that is accessible and suited to the needs of a variety of households and income groups in Niagara.

The proposal is considered infill development, and will result in residential intensification within the Built-Up Area, which will make more efficient use of designated urban land and existing infrastructure. Growth management policies in the ROP state that an annual minimum intensification target of 15% will apply to the portion of the Built-Up Area within the Town of Niagara-on-the-Lake. The proposed condominium application will contribute to the this intensification target. The proposed condominium application therefore conforms to Provincial and Regional growth management policies for lands within the Built-Up Area, subject to the comments below.

## **Natural Heritage**

The subject property is impacted by the Region's Core Natural Heritage System (CNHS) consisting of Significant Woodland and Important Type 2 Fish Habitat. Consistent with ROP policies 7.B.1.11 and 7.B.1.15, an Environmental Impact Study (EIS) was requested in support of the earlier Zoning By-law Amendment application for the proposed development.

The submitted EIS, prepared by Myler Ecological Consulting (dated July 2018) recommended a 7.5 metre setback from top of slope, which provides a 3 metre setback from Significant Woodland. Regional staff offered no objection to the EIS, provided a woodland edge management plan, including landscape plan, was prepared in support of the future condominium application. Staff also noted that the completed Tree Inventory and Preservation Plan Report, prepared by Jackson Arboriculture Inc. (dated July 16, 2018), was to be implemented through the future condominium process.

Regional Environmental Planning staff have reviewed the Landscape Restoration Planting Plan, prepared by James McWilliam Landscape Architect (dated August 31, 2022) that was submitted with the condominium application and are satisfied it addresses the comments summarized above. Accordingly, staff offer no objection to the proposed Draft Plan of Vacant Land Condominium from a natural heritage perspective, provided the final condominium agreement includes clauses implementating the various plans referenced above. Conditions to address this requirement are included in Appendix I.



## **Archaeological Potential**

The PPS and ROP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP 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.

Based on the Ministry of Heritage, Sport, Tourism and Culture Industries' (MHSTCI) Criteria for Evaluating Archaeological Potential, the subject property exhibits high potential for the discovery of archaeological resources due to its proximity to several past and present watercourses. Archaeological resource concerns were addressed as part of the previous Zoning By-law Amendment application for the subject property. However, 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 archaeological clause in the condominium agreement. A condition to implement this clause is included in Appendix I.

## **Regional Road Allowance**

The subject property has frontage along Regional Road 81 (York Road). This section of road has a substandard road allowance. The designated road allowance width is 26.2 metres, as identified in the ROP. Therefore, the applicant is required to gratuitously grant the following widening to the Region:

- A widening across the frontage of the subject property of 3.05 metres. This is required in order to achieve 13.1 metres from the original centerline of this road section.

The requested widening is to be conveyed free and clear of any mortgages, liens or other encumbrances, and is to be described by Reference Plan. The portion of the Plan will be the responsibility of the owner to order. The cost of providing this plan will be the full responsibility of the applicant. The applicant will arrange for the land surveyor to submit the preliminary undeposited survey plan along with all related documents to Regional Surveys staff for approval. Regional Surveys staff will advise the land surveyor of any required revisions to the plan. Once the plan is deposited and the transfer registered, the Region will clear the applicable condition.

Should the applicant have any questions about the widening, please direct them to contact the individuals listed below:

Jordan Hadler, Law Clerk

Phone: 905-980-6000 ext. 3271

Email: [jordan.hadler@niagararegion.ca](mailto:jordan.hadler@niagararegion.ca)

(Inquiries -specific to the transfer of property to the Region)

Normans Taurins, Manager, Surveys & Property Information

Phone: 905-980-6000 ext. 3325

Email: [normans.taurins@niagararegion.ca](mailto:normans.taurins@niagararegion.ca)

(Inquiries specific to the review of the preliminary survey plan)

A condition to address the road widening requirement is included in Appendix I.

## **Regional Permit Requirements**

Regional Transportation staff have reviewed the updated drawings, and have provided the following comments regarding the proposed works within the Regional road allowance, which are to be addressed through future engineering submissions:

- Indicate the location of the existing guiderail along the frontage of the property and confirm if alterations are required for the proposed driveway.
- Indicate the location of the existing hydro pole located within the west radius of the proposed driveway and confirm if relocation is required.
- Indicate the 3.05 metre road widening on the site servicing and grading plan. If the existing headwall and culvert pipe are not entirely located within the road widening, an easement will be required.
- The proposed storm sewer outlet must be located on private property.
- The entrance curb must terminate at the property line. Figure 1 below shows the portion of entrance curb which extends past the property line.
- If there is no specific need for the proposed ditch inlet catch basin to the west of the entrance, it would be staff's preference that this be reditched to allow for a standard open driveway culvert. The pipe should be high-density polyethylene (HDPE), unless the cover cannot be met.
- Entrance works shall remain within the property being served. Figure 2 below shows the portion of entrance works which extend past the property line. Entrance and culvert shall be designed as per Transportation Association of Canada (TAC) 8.9.8 and Niagara Region Standard (NRS) 600.
- Rip-rap should be as per OPSD 810.010.
- The Regional road allowance must be reinstated to Regional standards, including roads, shoulders, boulevards, ditches, etc.

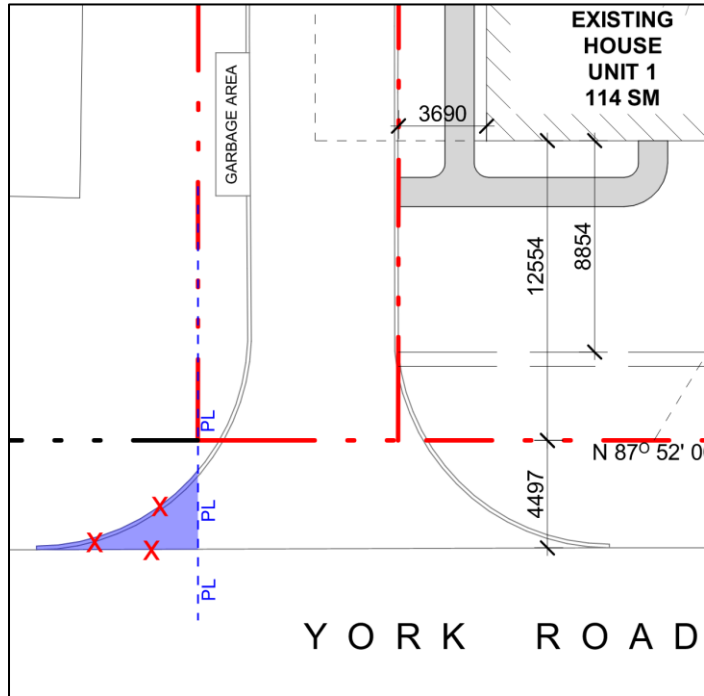


Figure 1: Portion of proposed entrance curb extending past the property line (in blue).

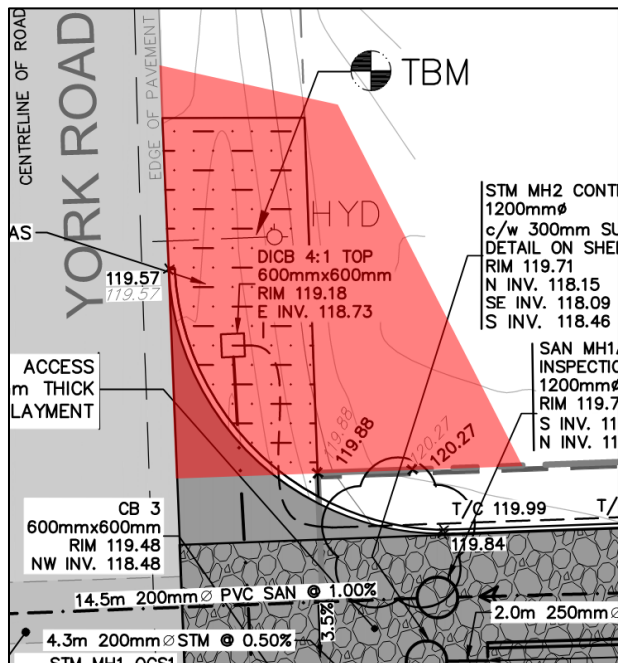


Figure 2: Portion of proposed entrance works extending past the property line (in red).

The applicant should be advised that prior to any construction taking place within the Regional road allowance, the applicant must obtain the necessary Regional Construction Encroachment and/or Entrance Permits from Niagara Region's Transportation Services Division, Public Works Department. Construction specifications and restoration requirements are outlined through the Regional Road Permit process. Permit applications can be made online through the Region's website using the following link: <http://niagararegion.ca/living/roads/permits/default.aspx>

Conditions to address these requirements are included in Appendix I.

## **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 brings the waste and recycling to the curbside on the designated pick-up day, and that the following limits are not exceeded:

- No limit on blue/grey containers (collected weekly);
- No limit on green containers (collected weekly); and
- Two garbage bags/cans (collected every-other-week).

Regional staff note that condominium developments are eligible to receive internal curbside waste collection through the Region. In order for this service to be provided, the developer/owner must comply with the Niagara Region's Corporate Policy and By-laws related to curbside collection of waste and recycling, and complete the application for commencement of collection and indemnity agreement. The forms and policy can be found at the following link: [www.niagararegion.ca/waste](http://www.niagararegion.ca/waste).

Regional staff have reviewed the submitted Revised Site Plan, prepared by Quartek Group (dated May 5, 2022, revised July 25, 2023) and note that a garbage area is shown along the proposed internal driveway. Collection pads must be designed to hold all the garbage and recycling containers of each unit assigned to use the pad, as well as provide space for additional collectable materials, such as bulky items (minimum 1 metre deep by 2.5 metre wide); on a portion of roadway that allows access for curbside collection. All residents must have easy access to the location, such that any resident would not have to travel more than 100 metres round trip to dispose of their waste. Collection pads must be individually labelled for each unit with resilient weatherproof material (not paint) embossing into the pad material, or a permanent sign marker.

Based on the proposed road layout, if Regional collection is pursued, the trucks will have to go to the end to make the turning movements. In order to determine if the vehicles can maneuver on the site, a waste collection plan is to be submitted showing

the vehicles entering and exiting the site in both directions and turning around on-site within the limits of the proposed road.

Conditions to address waste collection requirements are included in Appendix I.

## **Regional Bicycle Network**

The subject property has frontage along Regional Road 81 (York Road), which is designated as part of the Regional Niagara Bicycling Network. Normally, if the bicycle route is currently not established and identified with signage, it is the intent of the Region to make provisions for doing so when an appropriate opportunity arises. This may involve additional pavement width, elimination of on-street parking, etc. The applicant should be advised that this may occur in the future.

## **Protection of Survey Evidence**

Survey evidence adjacent to Regional road allowance is not to be damaged or removed during the development of the property. Any agreements entered into for this development should include a clause that requires the applicant to obtain a certificate from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of said development. A condition requiring this clause is included in Appendix I.

## **Conclusion**

In conclusion, Regional staff have no objection to the proposed Draft Plan of Vacant Land Condominium from a Provincial and Regional perspective, subject to the conditions outlined in Appendix I, and the satisfaction of any local requirements.

Provided the conditions in Appendix I are satisfied, Regional staff consider the proposal to be consistent with the Provincial Policy Statement, and conform to Provincial Plans and the Regional Official Plan.

Please send a copy of the staff report and notice of the Town's decision on this application. If you have any questions related to the above comments, please contact me at [amy.shanks@niagararegion.ca](mailto:amy.shanks@niagararegion.ca).

Kind regards,



Amy Shanks, MCIP, RPP  
Senior Planner

cc: Stephen Bureau, Development Approvals Technician, Niagara Region  
Adam Boudens, Senior Environmental Planner, Niagara Region

## **Appendix 1: Regional Conditions of Draft Plan of Vacant Land Condominium Approval**

### **1490 York Road, Town of Niagara-on-the-Lake**

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

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

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

2. That the condominium agreement between the owner and the Town contain provisions whereby the owner agrees to implement the approved Landscape Restoration Planting Plan, prepared by James McWilliam Landscape Architect (dated August 31, 2022).
3. That the condominium agreement between the owner and the Town contain provisions whereby the owner agrees to implement the approved recommendations in the Tree Inventory and Preservation Plan Report, prepared by Jackson Arboriculture Inc. (dated July 16, 2018).
4. That the condominium agreement between the owner and the Town contain provisions whereby the owner agrees to install sediment and erosion control fencing in accordance with the prepared by Quartek Group (dated July 10, 2023);
5. That the condominium agreement between the owner and the Town contain provisions whereby the owner agrees to undertake vegetation removals between October 1<sup>st</sup> and March 14<sup>th</sup>, outside of both the breeding bird nesting period and active bat season. A survey for active bird nests should be conducted by a qualified professional prior to any vegetation removal or site alteration planned to occur during this window.
6. That the owner dedicate the required 3.05 metre widening across the frontage of the property along Regional Road 81 (York Road).

7. That prior to any construction within the Regional Road 81 (York Road) road allowance, the owner shall obtain the required Regional Construction Encroachment and/or Entrance Permits from Niagara Region's Transportation Services Division, Public Works Department.
8. That revised engineering drawings to address Regional Transportation comments be submitted for review and approval by Niagara Region.
9. That the owner submit Regional waste collection truck turning templates for review and approval by Niagara Region.
10. That the owner comply with the requirements of Niagara Region's Corporate Waste Collection Policy and complete the required Indemnity Agreement prior to Regional waste collection services commencing on-site.
11. That the condominium agreement between the owner and the municipality contain a provision whereby the owner agrees to obtain a certificate from an Ontario Land Surveyor stating that all existing and new survey evidence is in place at the completion of the development.

**Notes:**

- Prior to granting final plan approval, the Town must be in receipt of written confirmation that the requirements of each condition have been met and all fees have been paid to the satisfaction of the Niagara Region.
- Prior to final approval for registration, a copy of the draft condominium agreement for the proposed development should be submitted to the Niagara Region for verification that the appropriate clause pertaining to these conditions have been included. A copy of the executed agreement shall also be provided prior to registration.
- In order to request clearance of the above noted Regional conditions, a letter outlining how the conditions have been satisfied, together with all studies and reports (one hard copy and a PDF digital copy), the applicable review fee, and the draft condominium agreement shall be submitted to the Niagara Region by the applicant as one complete package, or circulated to the Niagara Region by the Town of Niagara-on-the-Lake.

## Victoria Nikoltcheva

---

**From:** Shanks, Amy <Amy.Shanks@niagararegion.ca>  
**Sent:** Monday, November 6, 2023 3:51 PM  
**To:** Victoria Nikoltcheva  
**Cc:** Development Planning Applications; Bureau, Stephen; Boudens, Adam; Dunsmore, Susan  
**Subject:** RE: Resubmission - 26CD-18-22-01 - 1490 York Road, NOTL

**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,

Thank you for your inquiry. With regard to the Regional Sewage Pumping Station (SPS) (St.David's Station 1), the most current information is available in our Master Servicing Plan (MSP), which was just completed at the beginning of the 2023. The MSP can be found using the following link:  
<https://niagararegion.ca/projects/www-master-servicing-plan/default.aspx>.

Currently the station experiences very low dry weather flows and increased wet weather flows. Ongoing efforts to remove infiltration and inflow should continue to remove wet weather flows from the sanitary sewershed. The proposed development will be adding two additional units to the system, which would be a minimal increase in flows to the station, and therefore, for the proposed development, there are no concerns that the station cannot accommodate the proposed flows.

If you require anything further please let us know.

Kind regards,  
Amy

**Amy Shanks, MCIP, RPP**

Senior Planner  
Development Planning - Growth Strategy and Economic Development  
Niagara Region  
1815 Sir Isaac Brock Way, Thorold L2V 4T7  
Phone: 905-980-6000 ext. 3532 Toll-free: 1-800-263-7215  
[www.niagararegion.ca](http://www.niagararegion.ca)



## Victoria Nikoltcheva

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**From:** Dunsmore, Susan <Susan.Dunsmore@niagararegion.ca>  
**Sent:** Thursday, May 30, 2024 9:40 AM  
**To:** Victoria Nikoltcheva  
**Cc:** Shanks, Amy  
**Subject:** RE: 26CD-18-22-01 - 1490 York Road - Resubmission (05-13-24)

Hello Victoria

Thank you for circulating the resubmission. From a Regional perspective the submission was addressing the Regional road comments provided. These drawings were circulated to Regional transportation staff and the following comments were noted with respect to the updated drawings:

- The proposed fence along the front property line must not be located with the required easement area for the culvert headwall.
- The road widening does not appear to extend across the entire length of the frontage. The sanitary MH and Storm CB, lead and MH must not be located within the extended road widening.
- The proposed 3m easement must be registered on title and be shown and referenced in the site plan drawing and agreement.
- Proposed culvert shall be CSP as per NRS-600 as there is not sufficient cover to used HDPE

If you require anything further please let me know



**Susan M. Dunsmore, P.Eng.**

ACTING DIRECTOR, INFRASTRUCTURE PLANNING  
& DEVELOPMENT ENGINEERING

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

P : (905) 980 - 6000 ext. 3661

W : [www.niagararegion.ca](http://www.niagararegion.ca)

E : [susan.dunsmore@niagararegion.ca](mailto:susan.dunsmore@niagararegion.ca)



**Public Works, Growth Management and Planning**

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

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

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**Via Email Only**

January 3, 2025

File No.: D.11.05.CD-22-0019

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: Updated Regional and Provincial Comments  
Draft Plan of Vacant Land Condominium  
Town File No.: 26CD-18-22-01  
Applicant: 2776263 Ontario Inc. (York Estates Ltd.)  
Agent: Quartek Group Inc. (Susan Smyth)  
Address: 1490 York Road  
Municipality: Town of Niagara-on-the-Lake**

---

Regional Growth Management and Planning staff have reviewed the updated information circulated with the application for Draft Plan of Vacant Land Condominium for lands municipally known as 1490 York Road in the Town of Niagara-on-the-Lake.

The Draft Plan of Vacant Land Condominium, prepared by Chambers and Associates Surveying Ltd. (dated August 3, 2022), proposes to create three (3) single-detached units and a common element block that will contain a private roadway and landscaping.

Regional staff previously provided comments on the Draft Plan of Vacant Land Condominium application through formal correspondence dated October 22, 2022, and September 29, 2023. Additional comments were shared with Town staff in follow-up emails dated May 30, 2024, and July 23, 2024. A pre-consultation meeting for this proposal was held on February 17, 2022.

The applicant has since provided the following updated materials to address comments received from Town staff and external agencies:

- Comment Response Letter, prepared by Quartek Group (undated);

- Site Plan Drawing, prepared by Quartek Group (dated May 5, 2022, and revised December 9, 2024);
- Functional Servicing Report, prepared by Quartek Group (revised May 2024);
- Site Servicing, Grading and Details Plan, prepared by Quartek Group (dated July 10, 2023, and revised May 8, 2024);
- Proposed Road Widening (30R Plan), prepared by Chambers and Associated Surveying Ltd. (dated November 18, 2024);
- Landscape Plan, prepared by James McWilliam Landscape Architect (dated August 31, 2022, and revised December 9, 2024);
- Services Cost Estimate, prepared by Quartek Group (dated June 6, 2024).

Regional staff note that the new Niagara Official Plan (NOP) was approved with modifications by the Minister of Municipal Affairs and Housing on November 4, 2022, replacing the Regional Official Plan (ROP). In accordance with Section 7.12.2.5 of the NOP, given that this application was deemed complete by the Town of Niagara-on-the-Lake prior to the NOP taking effect, the policies of the ROP continue to apply for this application.

The following updated Provincial and Regional comments, consolidating previous Regional comments and in response to the updated submission materials, are provided to assist the Town in considering this application.

## **Provincial and Regional Policies**

Previous comments provided on September 29, 2023 remain largely applicable.

Since the submission of the application, the Province has rescinded A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) and introduced the updated Provincial Policy Statement, now referred to as the Provincial Planning Statement (PPS). Under the current PPS, the subject lands are designated within a Settlement Area. The PPS emphasizes directing growth to Settlement Areas, which are intended to serve as the primary focus for development. It encourages land use patterns that achieve efficient use of land and resources, optimize existing and planned infrastructure and public service facilities, and support active transportation.

The application proposes the addition of two new dwelling units on the subject lands, which is consistent with the PPS's directive to promote growth and development within Settlement Areas.

## **Natural Heritage**

Previous comments provided on September 29, 2023 remain applicable. Conditions requiring the implementation of the Landscape Plan, Tree Inventory and Preservation Plan Report, and Erosion and Sediment Control Plan through the future condominium agreement are included in Appendix 1.

## **Archaeological Potential**

Previous comments provided on September 20, 2023 remain applicable. 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 archaeological clause in the condominium agreement. A condition to implement this clause is included in Appendix I.

## **Regional Road Allowance**

Previous comments provided on September 29, 2023 remain applicable. As a condition of draft plan approval, a 3.05-metre widening across the frontage of the subject lands will be required to be conveyed, free and clear of any mortgages, liens, or other encumbrances. This requirement is detailed in Appendix I.

## **Regional Permit Requirements**

Regional Transportation staff have reviewed the updated drawings, and are satisfied that all outstanding Regional road requirements have been addressed.

The applicant should be advised that prior to any construction taking place within the Regional road allowance, the applicant must obtain the necessary Regional Construction Encroachment and/or Entrance Permits from Niagara Region's Transportation Services Division, Public Works Department. Construction specifications and restoration requirements are outlined through the Regional Road Permit process. Permit applications can be made online through the Region's website using the following link: <http://niagararegion.ca/living/roads/permits/default.aspx>

A condition to address Regional permit requirements are included in Appendix I.

## **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 brings the waste and recycling to the curbside on the designated pick-up day, and that the following limits are not exceeded:

- No limit on green containers (collected weekly); and
- Two garbage bags/cans (collected every-other-week).

Regional staff note that condominium developments are eligible to receive internal curbside waste collection through the Region. In order for this service to be provided, the developer/owner must comply with the Niagara Region's Corporate Policy and By-

laws related to curbside collection of waste and recycling, and complete the application for commencement of collection and indemnity agreement. The forms and policy can be found at the following link: [www.niagararegion.ca/waste](http://www.niagararegion.ca/waste).

Regional staff have reviewed the submitted Revised Site Plan, prepared by Quartek Group (dated May 5, 2022, and revised December 9, 2024) and note that a garbage area is shown along the proposed internal driveway. Collection pads must be designed to hold all the garbage and recycling containers of each unit assigned to use the pad, as well as provide space for additional collectable materials, such as bulky items (minimum 1 metre deep by 2.5 metre wide); on a portion of roadway that allows access for curbside collection. All residents must have easy access to the location, such that any resident would not have to travel more than 100 metres round trip to dispose of their waste. Collection pads must be individually labelled for each unit with resilient weatherproof material (not paint) embossing into the pad material, or a permanent sign marker.

Based on the proposed road layout, if Regional collection is pursued, the trucks will have to go to the end to make the turning movements. In order to determine if the vehicles can maneuver on the site, a waste collection plan is to be submitted showing the vehicles entering and exiting the site in both directions and turning around on-site within the limits of the proposed road.

Conditions to address waste collection requirements are included in Appendix I.

## **Regional Bicycle Network**

Previous comments provided on September 29, 2023 remain applicable.

## **Protection of Survey Evidence**

Previous comments provided on September 29, 2023, remain applicable. A condition requiring the inclusion of a clause in the future condominium agreement to ensure the protection of survey evidence has been outlined in Appendix I.

## **Conclusion**

In conclusion, Regional staff have no objection to the proposed Draft Plan of Vacant Land Condominium from a Provincial and Regional perspective, subject to the conditions outlined in Appendix I, and the satisfaction of any local requirements.

Provided the conditions in Appendix I are satisfied, Regional staff consider the proposal to be consistent with the Provincial Policy Statement, and conform to Provincial Plans and the Regional Official Plan.

January 3, 2025

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Please send a copy of the staff report and notice of the Town's decision on this application. If you have any questions related to the above comments, please contact me at [amy.shanks@niagararegion.ca](mailto:amy.shanks@niagararegion.ca).

Kind regards,

A handwritten signature in black ink, appearing to read "Amy Shanks", with a stylized, flowing script.

Amy Shanks, MCIP, RPP  
Senior Planner

cc: Phillipe Biba, Development Approvals Technician, Niagara Region  
Adam Boudens, Senior Environmental Planner, Niagara Region

## **Appendix 1: Regional Conditions of Draft Plan of Vacant Land Condominium Approval**

### **1490 York Road, Town of Niagara-on-the-Lake**

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, which can be accessed here:*

*<https://www.niagararegion.ca/projects/archaeological-management-plan/default.aspx>".*

2. That the condominium agreement between the owner and the Town contain provisions whereby the owner agrees to implement the approved Landscape Restoration Planting Plan, prepared by James McWilliam Landscape Architect (dated August 31, 2022).
3. That the owner submits an updated copy of the Tree Inventory and Preservation Plan Report, prepared by Jackson Arboriculture Inc. (dated October 26, 2018), as required by the Town, to the satisfaction of Niagara Region and the Town, and that the condominium agreement between the owner and the Town contain provisions whereby the owner agrees to implement the recommendations of the updated report.
4. That the condominium agreement between the owner and the Town contain provisions whereby the owner agrees to install sediment and erosion control fencing in accordance with the Site Servicing and Grading Plan, prepared by Quartek (dated July 10, 2023).
5. That the condominium agreement between the owner and the Town contain provisions whereby the owner agrees to undertake vegetation removals between October 1<sup>st</sup> and March 14<sup>th</sup>, outside of both the breeding bird nesting period and active bat season. A survey for active bird nests should be conducted by a qualified professional prior to any vegetation removal or site alteration planned to occur during this window.
6. That the owner dedicate the required 3.05 metre widening across the frontage of the property along Regional Road 81 (York Road).
7. That prior to any construction within the Regional Road 81 (York Road) road allowance, the owner shall obtain the required Regional Construction

Encroachment and/or Entrance Permits from Niagara Region's Transportation Services Division, Public Works Department.

8. That the owner submit Regional waste collection truck turning templates for review and approval by Niagara Region.
9. That the owner comply with the requirements of Niagara Region's Corporate Waste Collection Policy and complete the required Indemnity Agreement prior to Regional waste collection services commencing on-site.
10. That the condominium agreement between the owner and the municipality contain a provision whereby the owner agrees to obtain a certificate from an Ontario Land Surveyor stating that all existing and new survey evidence is in place at the completion of the development.

**Notes:**

- Prior to granting final plan approval, the Town must be in receipt of written confirmation that the requirements of each condition have been met and all fees have been paid to the satisfaction of the Niagara Region.
- Prior to final approval for registration, a copy of the draft condominium agreement for the proposed development should be submitted to the Niagara Region for verification that the appropriate clause pertaining to these conditions have been included. A copy of the executed agreement shall also be provided prior to registration.
- In order to request clearance of the above noted Regional conditions, a letter outlining how the conditions have been satisfied, together with all studies and reports (one hard copy and a PDF digital copy), the applicable review fee, and the draft condominium agreement shall be submitted to the Niagara Region by the applicant as one complete package, or circulated to the Niagara Region by the Town of Niagara-on-the-Lake.



**From:** [Taran Lennard](#)  
**To:** [Mark Iamarino](#)  
**Subject:** NPCA Review Response - 1490 York Rd  
**Date:** October 25, 2022 3:50:20 PM

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Good Afternoon Mark,

The NPCA will require further details pertaining to this application before expression of support for the application or applying conditions of draft approval. Please relay the following to the applicant.

- The NPCA has reviewed the 'Slope Stability Assessment Update - 1490 York Road, St. David's (dated June 23, 2022) by Peto MacCallum Limited. Staff recognize that a tributary of 2 Mile Creek flows through the site and is located less than 15m from the toe of the existing slope. As such, the NPCA will require that this report recommend a minimum required Toe Erosion Allowance for the slope and indicate if the location of the Stable Top of Slope has changed as a result of the application of a Toe Erosion Allowance.
- The NPCA notes that the 'Slope Stability Assessment Update' recommends a minimum erosion access allowance of 6.0m be provided from the Stable Top of Slope. The NPCA does not offer objection to this.
- The NPCA has reviewed the 'York Estates Site Services and Grading Plan' (revised 18 August 2022) by Quartek. Staff note that the southeast corner of Unit 1 is located right at the location of the Stable Top of Slope contrary to the recommendations of the 'Slope Stability Assessment Update'. As such, the drawing shall be revised to provide a 6.0m erosion access allowance from the location of the Stable Top of Slope.

NPCA will review the revised documentation once presented, and respond back to Town Staff with further details upon completion of reviews.

Thank you.

**Taran Lennard**  
**Watershed Planner**

Niagara Peninsula Conservation Authority (NPCA)  
250 Thorold Road West, 3<sup>rd</sup> Floor | Welland, ON L3C 3W2  
Tel: 905-788-3135 | extension 277  
email: [tlennard@npca.ca](mailto:tlennard@npca.ca)

*The NPCA is updating our Planning and Permitting Policies! To find out more visit [Get Involved with NPCA](#)*

[NPCA Watershed Explorer](#)

**From:** [Taran Lennard](#)  
**To:** [Victoria Nikoltcheva](#)  
**Subject:** NPCA Review: Resubmission - 26CD-18-22-01 - 1490 York Road, NOTL  
**Date:** Thursday, September 28, 2023 1:07:25 PM  
**Attachments:** [image001.png](#)

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Good Afternoon,

The NPCA offers the following comments on this application. Staff are not yet in a position to provide draft conditions.

- Please provide details regarding modifications to the existing home on site.
- The proposed storm outfall presents concentrated flows over top of slope, which cannot be supported under Policy. The NPCA will require that alternative methods be explored. There would be options such as LID's, or sheet flow (ie: pulling the outlets back and using a spreader swale). Sheet flow is permissive over the top of slope.

Thank you.



**Taran Lennard**

Watershed Planner II

**Niagara Peninsula Conservation Authority (NPCA)**

250 Thorold Road West, 3<sup>rd</sup> Floor | Welland, ON L3C 3W2

905.788.3135 x277

[www.npca.ca](http://www.npca.ca)

[tlennard@npca.ca](mailto: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 155/06 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>

June 5, 2024

Via Email Only

Victoria Nikoltcheva  
Planner II  
Town of Niagara-on-the-Lake  
1593 Four Mile Creek Road, P.O. Box 100  
Virgil ON, L0S 1T0

NPCA File No.: PLPDV202201202

Dear Ms. Nikoltcheva,

**Re: Niagara Peninsula Conservation Authority (NPCA) Comments  
Draft Plan of Condominium  
Town of Niagara-on-the-Lake: 1490 York Road**

---

The NPCA has received a request to review the complete application in relation to a proposed three-unit condominium. In response to this request, we offer the following comments.

The NPCA regulates watercourses, flood plains (up to the 100-year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under *Ontario Regulation 41/24 of the Conservation Authorities Act*. The NPCA's *Policies for Planning and Development in the Watersheds of the Niagara Peninsula Conservation Authority* (NPCA policies) provides direction for managing NPCA regulated features. The subject lands are impacted by a valleyland system. Further, a regulated watercourse crosses the subject lands at the base of the valley at York Road.

#### **Draft Plan of Condominium**

The NPCA has reviewed the 'Site Services and Grading Plan' as prepared by Quartek dated July 10, 2023, and revised (rev. D) April 20, 2024, as well as the corresponding Geotechnical Engineering Report 'Slope Stability Assessment Update – 1490 York Road' as prepared by Peto MacCallum Ltd, dated June 23, 2022. Staff note that the proposal has identified an appropriate stable top of slope, with development remaining landward of the long term stable top of slope. The stormwater is slated to be conveyed into the existing watercourse via directional drilling to the existing culvert. The NPCA is supportive of this approach. The proposed pipe is 150mm, and a 1% grade such that flow velocities will be minimized. As such, the NPCA does not anticipate negative impacts to the watercourse.

The NPCA requests the following conditions be incorporated into the Conditions of Draft Approval for the Condominium application.

1. That the Developer provide detailed grading, construction sediment and erosion control drawings to the Niagara Peninsula Conservation Authority for review and approval. The Owner agrees that all Sediment and Erosion Control Measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized.

2. That the Developer provide a 1.5-metre-high chain-link fencing along the top of slope. The applicable Engineering Drawings and the Condominium Agreement are to clearly indicate that chain link fencing is not to have any gates for the lots.
3. That a clause be added to the Condominium Declaration that no buildings or structures are permitted within 7.5 metres of the Stable Top of bank without approval from the NPCA.
4. That prior to the commencement of works on site, the Owner shall obtain Work Permits from the NPCA for any works associated with at storm outfall to the watercourse. In support of the application, the following information will be required:
  - a. Detailed design plans.
  - b. Buffer Enhancement Plans at the outlet.
  - c. Any other information as may be determined at the time a Work Permit Application is submitted to the NPCA.
5. That prior to the commencement of works on site, the Owner shall obtain Work Permits from the NPCA for any works associated with any development or site alterations within 15m of the adjacent valley. In support of the application, the following information will be required:
  - a. Detailed design plans, with supportive Geotechnical Engineering Reports.
  - b. Any other information as may be determined at the time a Work Permit Application is submitted to the NPCA.

That Conditions 1 to 5 be incorporated into the Condominium Agreement between the Developer and the Town of Niagara-on-the-Lake, to the satisfaction of the Niagara Peninsula Conservation Authority. The Town of Niagara-on-the-Lake shall circulate the Draft Condominium Agreement to the Niagara Peninsula Conservation Authority for its review and approval.

### **Conclusion**

At this time, NPCA staff have no objections to the application subject to the above Conditions of Draft Plan Approval. I hope this information is helpful. If you have any questions, please let me know.

I hope this information is helpful. If you have any questions, please let me know.

Thank you,



Taran Lennard  
Watershed Planner II  
(905) 788-3135 ext. 277  
tlennard@npca.ca

---

**RE: NPCA Response - Fence - Recirculation - 26CD-18-22-01 - 1490 York Road**

---

**From** Taran Lennard <tlennard@npca.ca>

**Date** Mon 1/20/2025 8:22 AM

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

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Hi Victoria,

The NPCA will be adding the following to our original comments to note the fence.

The Landscape Plans show the fence post past stable top of slope. This will need to be revised to remain landward (away from) the stable top of slope. In principle, the NPCA's condition advises that no structures are permitted unless in conjunction with support from our Agency.

The NPCA would like to advise that there is infrastructure near the property line – is the fence even able to be constructed in this location? The applicant should ensure it is even doable so not to interfere with other aspects of the project.

Nonetheless, the fence if kept, shall be revised back away from the stable top of slope.

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](http://www.npca.ca)

[tlennard@npca.ca](mailto: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>

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**RE: NPCA Response - Fence - Recirculation - 26CD-18-22-01 - 1490 York Road**

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**From** Taran Lennard <tlennard@npca.ca>

**Date** Tue 1/28/2025 8:36 AM

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

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Hi Victoria,

Thank you for this information. The post has been revised landward of top of slope. We've no objections.

Thanks for keeping us apprised.



**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](http://www.npca.ca)

[tlennard@npca.ca](mailto: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:** [Laven, Amaraine \(MNRF\)](#)  
**To:** [Mark Iamarino](#)  
**Cc:** [Tansony, Cheryl \(MNRF\)](#)  
**Subject:** RE: New Applications - 26CD-18-22-01 and ZBA-15-2022 - 1490 York Road, NOTL  
**Date:** November 28, 2022 4:38:45 PM  
**Attachments:** [image004.png](#)  
[image005.png](#)

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Hi Mark,

Apologies for the delay in response. I have now had the opportunity to review the proposal in full and can advise that I have no concerns with the proposal. We understand that to accommodate the development, to establish three condominium lots with one of the proposed condominium lots being already developed and establishing a private shared road and 4 visitor parking spaces, 47 trees are required to be removed and 50 trees are proposed as replacement plantings in the Landscape Plan along with 57 native shrubs. In addition to vegetation plantings, we note an adequate development setback to the top of slope and significant woodland. This proposal is therefore in line with Part 1.6.8 Development and Growth Objectives of Minor Urban Centres and Part 2.2.1 of the NEP which states that the Escarpment Environment shall be protected, restored and where possible enhanced for the long term having regard to single, multiple or successive development that have occurred or are likely to occur.

I will also note here that per Part 1.6.8.5, development within Minor Urban Centres should encourage reduced energy consumption, improved air quality, reduced greenhouse gas emissions and work towards the long-term goals of low carbon communities, net zero communities and increased resilience to climate change, through maximizing opportunities for the use of green infrastructure and appropriate low impact development.

Regarding the NEC's role, please be advised that the subject property is entirely within the Niagara Escarpment Plan Area: the property is designated as Escarpment Rural Area and is within the St. David's Minor Urban Centre. Although the property is outside of the Niagara Escarpment Commission area of Development Control, the NEP policies still apply to lands within the Plan area. For lands outside of the area of Development Control, when a zoning by-law amendment is proposed, NEC staff review the proposed amendment to ensure that the policies of the NEP are upheld. Although the NEC is not the land use approval authority in areas subject to municipal zoning/areas outside of Development Control, section 13(1) of the Niagara Escarpment Planning and Development Act states that all by-laws within the NEP Area must not conflict with the NEP. Therefore, a detailed analysis of NEP policies is

required to ensure that the newly proposed zoning by-law does not conflict with the NEP.

Let me know if you have any questions or concerns regarding the above.

Sincerely,

**Amaraine Laven** (she, her), MCIP, RPP  
Senior Strategic Advisor | Niagara Escarpment Commission  
232 Guelph Street, Georgetown, Ontario, L7G 4B1  
905-703-6097 | [www.escarpment.org](http://www.escarpment.org)



As part of providing [accessible customer service](#), please let me know if you have any accommodation needs or require communication supports or alternate formats.

The NEC offices are now open to the public in a limited capacity. In order to ensure a safe and secure environment for staff and clients, the NEC **requires** that you make an appointment to meet with staff in person. Alternatively, the NEC will continue to provide services via telephone and email. Updates can be found on our website: <https://escarpment.org/covid-19-update/>



## Victoria Nikoltcheva

---

**From:** Laven, Amaraine (MNRF) <Amaraine.Laven@ontario.ca>  
**Sent:** Tuesday, May 2, 2023 5:17 PM  
**To:** Susan Smyth; Tansony, Cheryl (MNRF)  
**Cc:** Mark Iamarino  
**Subject:** RE: NEC Comments Regarding File No. 26CD-18-22-01 and ZBA-15-2022 - 1490 York Road, NOTL

Hi Susan,

Thanks for reaching out regarding this matter. NEC staff do not require a detailed analysis of NEP policies for the VLC application as this has already been satisfied through review of the zoning by-law amendment application, which has now been approved.

It would be appreciated if the landscaping plan details relating to tree protection and replacement plantings that were provided with the ZBL application are applied as conditions of the VLC, if considered appropriate by Town staff.

Let me know if you have further questions.

Thank you,

**Amaraine Laven** (she, her), MCIP, RPP  
Senior Strategic Advisor | Niagara Escarpment Commission  
232 Guelph Street, Georgetown, Ontario, L7G 4B1  
905-703-6097 | [www.escarpment.org](http://www.escarpment.org)



Niagara Escarpment Commission  
An agency of the Government of Ontario

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## Victoria Nikoltcheva

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**From:** Laven, Amaraine (MNRF) <Amaraine.Laven@ontario.ca>  
**Sent:** Thursday, October 5, 2023 3:09 PM  
**To:** Victoria Nikoltcheva  
**Cc:** Tansony, Cheryl (MNRF)  
**Subject:** RE: Resubmission - 26CD-18-22-01 - 1490 York Road, NOTL

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Hi Victoria,

Again, thanks for providing me with the plans for the current condo application that is under review. Further to my question from yesterday, we request that the Landscape Plan and Vegetation Protection Plan be incorporated as part of the condo agreement to ensure that these plans are implemented. Please advise if there are any issues with this.

Additionally, as tomorrow is my last day here at the NEC, please ensure you direct all future correspondence after that to Cheryl Tansony, Senior Planner, who is copied on this email.

Sincerely,

**Amaraine Laven** (she, her), MCIP, RPP

([hear name](#))

Senior Strategic Advisor | Niagara Escarpment Commission  
232 Guelph Street, Georgetown, Ontario, L7G 4B1  
905-703-6097 | [www.escarpment.org](http://www.escarpment.org)



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An agency of the Government of Ontario

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The NEC offices are now open to the public in a limited capacity. In order to ensure a safe and secure environment for staff and clients, the NEC **requires** that you make an appointment to meet with staff in person. Alternatively, the NEC will continue to provide services via telephone and email. Updates can be found on our website: [Request Appointment - Niagara Escarpment Commission \(NEC\)](#)

## Victoria Nikoltcheva

---

**From:** Sperling, Janet (MNRF) <Janet.Sperling@ontario.ca>  
**Sent:** Thursday, May 23, 2024 3:20 PM  
**To:** Victoria Nikoltcheva  
**Subject:** RE: 26CD-18-22-01 - 1490 York Road - Resubmission (05-13-24)  
**Attachments:** RE: New Applications - 26CD-18-22-01 and ZBA-15-2022 - 1490 York Road, NOTL

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

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Hello Victoria,

Thank you for circulating the NEC. I have re-attached the previous NEC comments that were provided through a second submission review in 2022 as they still apply with the current submission.

The revised submission has included several detached garages as accessory facilities to the dwelling units. The accessory structures are not shown as including a dwelling unit within them at this time. I wanted to highlight that should that be a future consideration for the subject lands that the Niagara Escarpment Plan (2017) does not permit the establishment of a dwelling unit within an accessory facility.

Thank you for the opportunity to comment.

Janet

Janet Sperling  
Senior Planner | Niagara Escarpment Commission  
1450 7<sup>th</sup> Ave. East | Owen Sound, ON | N4K 2Z1  
Phone: 226-668-5247 | Website: [www.escarpment.org](http://www.escarpment.org)



**Niagara Escarpment Commission**

An agency of the Government of Ontario

Accessibility: As part of the NEC's commitment to providing accessible service, please let me know if you have any accommodation needs or require the contents of this email in an alternative format.

**From:** [LANDUSEPLANNING](#)  
**To:** [Mark Tamarino](#)  
**Subject:** Niagara-on-the-lake - 1490 York Road - 26CD-18-22-01  
**Date:** October 6, 2022 1:12:05 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)

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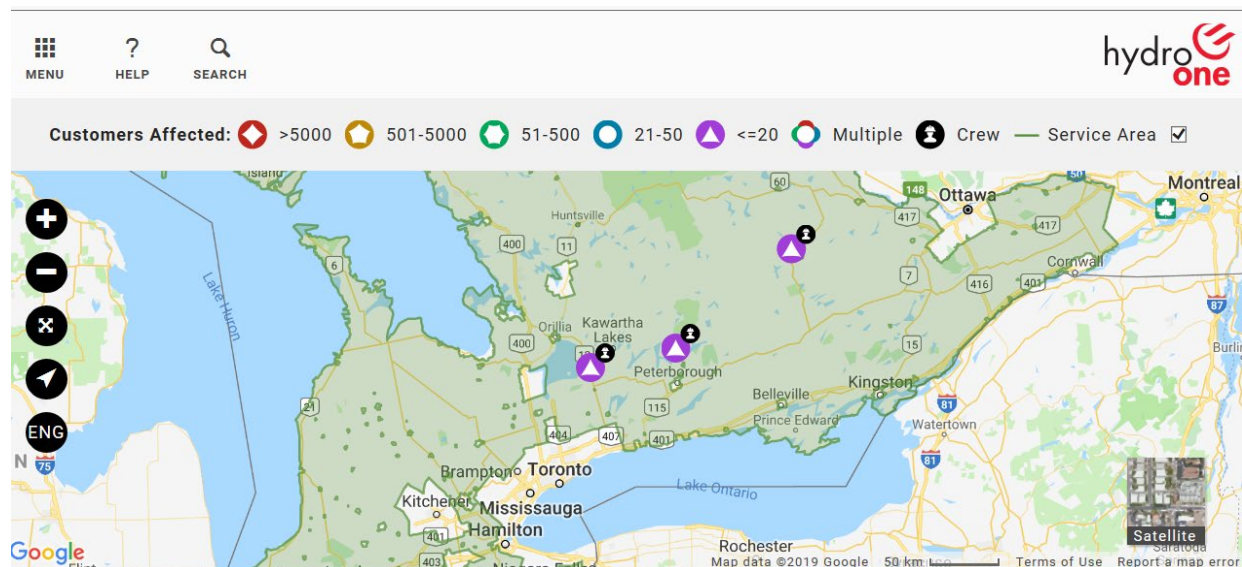
Hello,

We are in receipt of your Draft Plan of Condominium Application, 26CD-18-22-01 dated September 29, 2022. 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' please consult your local area Distribution Supplier. 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 Hydro One is your local area Distribution Supplier, please contact Customer Service at 1-888-664-9376 or e-mail [CustomerCommunications@HydroOne.com](mailto:CustomerCommunications@HydroOne.com) to be connected to your Local Operations

Centre

Thank you,

**Kitty Luk**  
**Records Administrator | Land Use Planning**

**Hydro One Networks Inc.**  
185 Clegg Road  
Markham, ON | L6G 1B7

Email: [landuseplanning@hydroone.com](mailto:landuseplanning@hydroone.com)

October 21, 2022

Mark Iamarino, 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 Mark,

Re: Draft Plan of Vacant Land Condominium and Zoning By-law Amendment  
2776263 Ontario Limited  
1490 York Road  
Town of Niagara-on-the-Lake  
File No.: 26CD-18-22-01, ZBA-15-2022

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

This response does not constitute a pipe locate, clearance for construction or availability of gas.

The applicant shall contact Enbridge Gas Inc.'s Customer Connections department by emailing [CustomerConnectionsContactCentre@Enbridge.com](mailto:CustomerConnectionsContactCentre@Enbridge.com) to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.

If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phased construction, all costs are the responsibility of the applicant.

In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas Inc. at no cost.

Sincerely,



**Casey O'Neil**  
Sr Analyst Municipal Planning  
Engineering

**From:** [Pasquini-Smith, Alexandria](#)  
**To:** [Mark Iamarino](#)  
**Subject:** NCDSB Comments: New Applications - 26CD-18-22-01 and ZBA-15-2022 - 1490 York Road, NOTL  
**Date:** October 21, 2022 12:02:25 PM  
**Attachments:** [image001.png](#)  
[image004.png](#)  
[image002.png](#)  
[1490 York Road Circulation Letter.pdf](#)

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Hello,

Thank you for circulating the above-noted application to Niagara Catholic. The proposed development is likely to generate an enrollment increase at St. Michael CES.

Niagara Catholic requests to be circulated on future development applications pertaining to the development.

Thank you.

Alex

**Alexsandria Pasquini-Smith, MCIP, RPP**

*Administrator of Planning & Properties*

Niagara Catholic District School Board

427 Rice Road, Welland, ON, L3C 7C1

Tel: 905-735-0240 Ext. 131

Cell: 905-933-1734



**From:** [CARRIGAN, Andrew](#)  
**To:** [Mark Iamarino](#)  
**Subject:** RE: New Applications - 26CD-18-22-01 and ZBA-15-2022 - 1490 York Road, NOTL  
**Date:** October 24, 2022 2:02:52 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)

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Good Afternoon,

CPC has no comments regarding this application. The new condo units will receive mail delivery via the P.O boxes at the St David's office.

Thanks

**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.