



Town of Fort Erie

APPLICATION FOR AN AMENDMENT TO THE ZONING BY-LAW AND/OR OFFICIAL PLAN 2020

Under Subsection 10.1, Section 34 of the Planning Act R.S.O., 1990, c.P.13, as amended and other applicable legislation

INFORMATION ON THIS FORM IS COLLECTED UNDER THE AUTHORITY OF THE ONTARIO PLANNING ACT AND WILL BE USED BY THE TOWN OF FORT ERIE IN THE PROCESSING OF THIS APPLICATION. THE INFORMATION AS WELL AS SUPPORTING STUDIES AND REPORTS MAY BE USED BY OTHER DEPARTMENTS AND AGENCIES FOR THE PURPOSE OF ASSESSING THE PROPOSAL AND PREPARING COMMENTS. THIS INFORMATION MAY ALSO BE RELEASED TO THE PUBLIC

**Planning and Development Services
The Corporation of the Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario L2A 2S6**

<p>FOR OFFICE USE ONLY</p> <p>Reviewed for completeness by: _____</p> <p>Date Deemed Complete: _____</p> <p>Application Fee Received: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Receipt #: _____</p>	<p style="text-align: center;">"Date Received"</p>
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IMPORTANT: APPLICANTS SUBMIT THE FOLLOWING WITH THE ZONING/OPA APPLICATION. PLEASE CHECK ALL APPLICABLE BOXES AND SUBMIT WITH YOUR APPLICATION. KEEP COPIES FOR YOUR FILES

SUBMISSION REQUIREMENTS:

- Completed Pre-Consultation Agreement
- Site Access Permission Form and Owner Authorization (if required).
- Required Studies indicated the Pre-Consultation Agreement.
- A survey showing, in metric units,
 - The boundaries and dimensions of the subject land;
 - The location, size and type of all existing and proposed buildings and structures on the subject land, indicating their distance from the front lot line, rear lot line and side lot lines;
 - The Approximate location of all natural and artificial features (for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that are located on the subject land and on land that is adjacent to it and in the applicant's opinion may affect the application
 - The current uses of land that is adjacent to the subject land;
 - The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
 - If access to the subject land will be by water only, the location of the larking and docking facilities to be used; and
 - The location and nature of any easement affecting the subject land.
- Site plan must also be submitted as an electronic file, in Autocad 2006-2018(.dwg) format
- One (1) copy of survey or reference plans respecting this application.
- One (1) 8 1/2" x 11" photo reduction of the Site Plan.
- One (1) copy of the completed application form.

APPLICATION FEES:

Zoning By-Law Amendment (Minor)	<input type="checkbox"/> \$3340.00
Zoning By-law Amendment (Major)	<input type="checkbox"/> \$8351.00
Recirculation Fee	<input type="checkbox"/> \$648.00
Official Plan Amendment Fee	<input checked="" type="checkbox"/> \$7729.00
Recirculation Fee	<input type="checkbox"/> \$648.00
Combined Official Plan and Zoning Amendment	<input type="checkbox"/> \$8815.00
Recirculation Fee	<input type="checkbox"/> \$648.00

Regional Planning Review Fee

Please contact the Regional Planning Department concerning the Regional schedule of fees for subdivision and condominium applications, or as detailed in the Pre-Consultation Agreement.

Niagara Peninsula Conservation Area Review Fee (if applicable)

Please contact the Niagara Peninsula Conservation Authority concerning their schedule of fees for subdivision and condominium applications, or as detailed in the Pre-Consultation Agreement

NOTE: APPLICANTS SHOULD REVIEW THIS APPLICATION WITH THE PLANNING DEPARTMENT BEFORE SUBMITTING.

SECTION 1- CONTACT INFORMATION

Name of Applicant: Susan Smyth Company Quartek Group Inc.
Address: 89-91 St. Paul Street, Suite 101
Town/City: St. Catharines Postal/Zip Code : L2R 3M3
Telephone No.: 905-984-8676 ext. 241 Fax No.: _____
Email: ssmyth@quartekgroup.com

Name of Owner(s) (if different from the applicant): Bridgeburg Developments Inc. (Nicolaas Mesink, Domenic Tassone)
Address: ~~600 Edward Avenue, Unit 14~~ 7600 Highway 27, Unit 1
Town/City: ~~Richmond Hill~~ Woodbridge Postal/Zip Code : ~~L4C 0V4~~ L4H 0P8
Telephone No.: 905-903-8240 (Nicolaas Mesink) Fax No.: _____
Email: nicolaas.mensink@gmail.com domenic@highcastlehomes.com

Main Point of Contact Susan Smyth Company Quartek Group Inc.
(this will be the person that will handle the file and liaise with the Town)
Address: 89-91 St. Paul Street, Suite 101
Town/City: St. Catharines
Postal/Zip Code : L2R 3M3
Telephone No.: 905-984-8676 ext. 241 Fax No.: _____
Email: ssmyth@quartekgroup.com

Please check if the property owner should be copied on all communication Initial SS

SECTION 2 - PROPERTY INFORMATION

PROPERTY LOCATION AND DESCRIPTION:

Municipal Address: _____

Legal description of the lands (Lot & Registered Plan or Concession):
Part of Lots 2 & 3, Cross Concession, N.R. (being Parts 1, 2, & 3 on Plan 59R-7151) and Part of Lots 9 & 10,
Concession 2, N.R. (being Parts 1 & 2 on Plan 59R-6961)

MORTGAGES, CHARGES AND OTHER ENCUMBRANCES:

If known, list the names and address of all holders of mortgages, charges or other encumbrances with respect to the subject land(s):

SEE ATTACHED DOCUMENT

If known, the date of Acquisition: December 18, 2017

If known, the date Existing Buildings Constructed: _____

INTEREST IN ADJOINING LANDS

Does the applicant/agent or owner have a legal interest in any adjoining lands, (i.e. lands that share a common boundary with the subject lands)? If so, describe to what extent.

SECTION 3 - EXISTING PROPERTY DETAILS

Present use of the land: Vacant, Valleyland, Wooded

Present Use of abutting land:

NORTH Rural Residential, Agricultural, Open Space

SOUTH Vacant, Approved Multi-Unit Residential, Formerly Open Space (Rio Vista Golf Course)

EAST Anger Avenue Wastewater Treatment Facility, Frenchman's Creek Cemetery

WEST Vacant, Wooded, Approved Residential (Miller Lands Official Plan Amendment No. 38)

If known, date present use commenced: _____

Property Information: Lot (Street) Frontage _____ feet _____ meters
 Depth _____ feet _____ meters
 Area 74.55 hectares (184.22 acres) square feet _____ square meters

Servicing Information:

Water Supply (check appropriate boxes)

Publicly owned & operated? YES NO
 Connected? YES NO
 Lake YES NO
 Well (Private or Communal) YES NO
 Other (specify) _____

Sanitary Sewer Disposal (check appropriate boxes)

Publicly owned & operated? YES NO
 Connected? YES NO
 Septic System (Private or Communal) YES NO
 Other (specify) _____

Does the proposed development consist of more than 4500 litres of effluent? YES NO
 Storm Sewer Available? YES NO
 Connected? YES NO

Access to Property:

Public Road YES NO
 Private Road YES NO
 Right-of-Way YES NO
 Width of Access Road to Property _____ FT.

SECTION 4 - PLANNING COMPLIANCE

Present Town of Fort Erie Official Plan Designation: Environmental Protection, Environmental Conservation, Open Space

Present Zoning of Property: Open Space, Rural, Environmental Protection, Hazard, Environmental Conservation

Present Regional Policy Plan Designation: Urban Designated Greenfield Area

Describe, in detail, the proposed use/development of the property for which the zoning/ official plan amendment is requested, including reason for request.

This Official Plan Amendment (OPA) application is intended to amend the Town's Official Plan, specifically Schedules A, C, and C1 and the Bridgeburg Secondary Plan, Schedules Bridgeburg-2 and Bridgeburg-3 to re-designate portion of the subject site for residential uses and include the entire subject lands into the Bridgeburg Secondary Plan Area Special Policy Area No.9.

This OPA will retain the Environmental Protection designation for areas corresponding with the Frenchman's Creek Provincial Significant Wetland (PSW) and Natural Hazard Areas, including the valleyland and floodplain. Furthermore, this OPA will provide new land use schedules that redefine the boundary and buffer limits of the Environmental Conservation Overlay and Open Space designations. The areas that are unconstrained by the environmental features or natural hazards are proposed to be re-designated for Urban Residential.

The proposed development will consist of a local road network that will support the residential development and providing connectivity to the existing neighbourhood. It is anticipated that municipal water and sanitary services will be located within the local road network and will connect to existing municipal services or provide upgrades/ replacements to accommodate the increased capacities.

It is anticipated that stormwater will be collected through a gutter and closed pipe storm sewer system and directed to new stormwater management facilities, some of which will likely outlet to the creek, and further design details will be investigated in the future development plans.

The Proponent's intention is to re-designate the site to permit a variety of residential uses with a density range of 25 – 85 units/hectare and to protect the wetlands and natural hazard areas that warrant environmental protection. The residential development arrangement and location of low, medium, and high density uses will be further developed during the application process for Draft Plan of Subdivision/Condominium.

NOTE: If an Official Plan Amendment is required, please complete the following:

If an Official Plan Amendment is required, does the amendment change the Designation?

YES **NO**

If the answer is “yes”, please complete:

Amendment to designation from REFER TO PLANNING JUSTIFICATION AND IMPACT ANALYSIS REPORT

Permitting the following uses: _____

to: _____

Permitting the following land uses: Urban Residential

If an Official Plan Amendment is required, does the amendment change the Policies?

YES **NO**

If the answer is “yes”,

What policy is to be changed?: _____

If approved, would this policy amendment,

Alter Existing? Delete Existing?

Add to Existing? Replace Existing?

Describe proposed policy change: _____

If a zoning by-law amendment is required please complete the following:

Extent to which the zoning by-law is intended to be amended to accommodate the proposed development:

Amendment to the Zoning By-law zoning classification:

From: _____

Permitting the following uses: _____

To: _____

Permitting the following land uses: _____

When changes to the existing zoning by-law regulations are required to accommodate either the existing or proposed building, the following columns are to be completed. If your proposal involves multiple site specific zones or changes to regulations for more than one use it may be necessary to fill out multiple copies of this page. It may be helpful to reference a schedule showing the location or extent of the zoning change.

ZONING REGULATIONS	ZONING REQUIREMENTS	MODIFICATIONS
		Proposed Regulation
Minimum Lot Area		
Minimum Lot Frontage		
Minimum Front Yard		
Minimum Rear Yard		
Minimum Side Yard		
Minimum Flankage Yard		
Maximum Lot Coverage		
Minimum Landscaped Area		
Maximum Height of Building or Structure		
Number of Storeys		
Maximum Number of Dwelling Units		
Maximum Number of Buildings		
Minimum Distance Between Buildings on Same Lot		
Minimum Number of Parking Spaces or Maximum Parking Area Coverage		
Loading Area Requirements		
Floor Area of Building		
Other		

PROPOSED TYPE OF BUILDING: _____

SECTION 5 - CURRENT AND PREVIOUS APPLICATIONS

If known, is the subject land or land within 120 metres of the subject land, the subject of an application by the applicant under the planning act for: (if you are not sure, please ask town staff)

A Minor Variance? File No. _____

A Plan of Subdivision? File No. _____

A Consent (Land Division)? File No. _____

A Site Plan? File No. _____

If known, has the subject land ever been the subject of:

Zoning By-law Amendment File No. _____

Official Plan Amendment File No. _____

SECTION 6 – ENVIRONMENTAL SITE SCREENING

Previous Use of Property (if applicable)

Residential Industrial Commercial Institutional

Agricultural Parkland Vacant Other

If previous use of the property is Industrial or Commercial, specify all previous uses:

SECTION 6 – ENVIRONMENTAL SITE SCREENING (continued)

Is there reason to believe that the lands may be contaminated based on historical land use? **	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown
Has land filling occurred on the property or lands adjacent to the property?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown
Has a gas station been located on the subject land or adjacent land at any time?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown
Has petroleum or other fuel been stored on the subject lands or adjacent land?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown
If the property has in the past or is currently being used for a non-residential use, what is the nature of the use?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown
Is the nearest boundary line of the subject lands within 500 m. (1,640 ft) of an operational or non-operational landfill or dump?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown
Have previous agriculture operations ever included the application of cyanide-based pesticide products or sewage sludge on the lands?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown
Are you aware of any underground storage tanks, or other buried waste on the property?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown
If there are any existing or previously existing buildings, are there building materials remaining, which are potentially hazardous to health (asbestos, PCBs)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown
Is there a current Environmental Site Assessment for the site or has one been prepared within the last five years? If yes, please submit it with your application.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown
Has an Environmental Site Assessment been submitted to the Town of Fort Erie in the past in support of a planning application on the subject lands? If yes, indicate the type if planning application(s) and file number(s)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown
Official Plan Amendment # _____ Zoning By-law Amendment # _____ Site Plan # _____ Plan of Subdivision# _____ Other # _____	
**Possible offending uses may include: disposal of waste materials, raw material storage, residues left in containers, such as gas stations, automotive repair garages, and dry cleaning plants have similar potential. The longer a property is under industrial or similar use, the greater the potential for site contamination. Also, a series of different industrial or like uses upon a site could potentially increase the number of chemicals which are present.	

SECTION 7 – PROVINCIAL PLANS OR SIGNIFICANT FEATURES CHECKLIST

Feature or Development Circumstance	Development or Special Feature		If feature specify distance in metres	Potential Information Needs
	Yes (X)	No (X)		
Consistent with Provincial Policy Statement	X			Development must be consistent
Consistent with Growth Plan	X			Development must be consistent
Non-Farm development near designated urban area or rural settlement area	X			Demonstrate insufficient land supply available for development within the 20 year timeframe.
Class 1 Industry ¹				Assess development for residential and other sensitive land uses within 70 metres.
Class 2 Industry ²				Assess development for residential and other sensitive land uses within 300 metres.
Class 3 Industry ³				Assess development for residential and other sensitive land uses within 1000 metres.
Land Fill Site				Address possible leachate, odour, vermin and other impacts.
Sewage Treatment Plant	X			Assess the need for a feasibility study for residential and other sensitive land uses
Waste Stabilization Pond				Assess the need for a feasibility study for residential and other sensitive land uses
Active Railway Line				Evaluate impacts within 300 metres
Controlled access highways including designated future routes				Evaluate impacts within 100 metres
Agricultural operations	X			Development to comply with the Minimum Distance Separation Formulae
Existing Pits and Quarries				Will development hinder continued operation or extraction
Mineral and petroleum resource areas				Will development hinder access to the resource or the establishment of new resource operations
Provincially Significant wetland				No development is permitted.
Locally Significant Wetland or a Provincially Significant Wetland within 120 metres	X			An Environmental Impact Study (EIS) must be prepared to determine impacts and mitigative measures.
Significant portions of habitat of endangered species and threatened species				Development is not permitted.
Significant fish habitat, woodlands, valley land, areas of natural and scientific interest, wildlife habitat	X			An Environmental Impact Study (EIS) must be prepared to determine impacts and mitigative measures.
Significant archeological resources				Assess development proposed in areas of medium and high potential for significant archeological resources. See Official Plan Schedule D and D1.
Great Lakes System: A-Within defined portions of the dynamic beach and 1:100 year flood level along connecting channels B-On lands subject to flooding erosion				A-Development is not permitted. B-Development may be permitted; demonstrate that hazards can be safely addressed

Note: It may be determined during the review of the application that additional studies or information will be required as a result of issues arising during the processing of the application.

1. Class 1 industry: small scale, self-contained plant, no outside storage, low probability of fugitive emissions and daytime operations only.
2. Class 2 industry: medium scale processing and manufacturing with outdoor storage, periodic output of emissions, shift operations and daytime track traffic.
3. Class 3 industry: processing and manufacturing with frequent and intense off site impacts and high probability of fugitive emissions.

ENVIRONMENTAL ACKNOWLEDGEMENT CERTIFICATE

(to be signed by Owner and Applicant)

I/We Domenic Tassone the owner of (property address) 0 Niagara Blvd. and the applicant Susan Smyth of the above-noted lands hereby acknowledge that it is my/our responsibility to use all reasonable efforts to identify the potential for contamination on the above-noted lands and to ensure the I/We are in compliance with all applicable laws, regulations, guidelines and other government directives pertaining to contaminated sites as well as the Town's Official Plan policies pertaining to potentially contaminated properties. I/We acknowledge that as a condition of approval of this application that the Town may require me to file a Record of Site Condition signed by a qualified person in the provincial Environmental Site Registry, and provide verification to the Town of acknowledgement of this Record of Site Condition by the Ministry of Environment. I/We further acknowledge that the Town of Fort Erie is not responsible for the identification and/or remediation of contaminated sites, and I/We agree, whether in, through, or as a result of any action or proceeding for losses or damages related to environmental contamination or clean-up of contamination, I/We will not sue or make claim whatsoever against the Town of Fort Erie, its officers, officials, employees or agents for or in respect of any loss, damage, injury or costs.

Affix Corporate Seal of registered owner of property.
Proceeding will not commence until this is provided.

Dated at Brampton this 11th day of August 2020.
(Town, City or Township)



SIGNATURE OF OWNER

Bridgeburg Developments - Domenic Tassone

(please print name)
(Affix Corporate Seal if applicable)

SIGNATURE OF APPLICANT

(please print name)
(Affix Corporate Seal if applicable)

DECLARATION OF APPLICANT OR AUTHORIZED AGENT

THE FOLLOWING DECLARATION *MUST* BE SIGNED BY THE APPLICANT OR AGENT IN THE PRESENCE OF A COMMISSIONER FOR THE TAKING OF AFFIDAVITS

I, Susan Smyth
(name of applicant or agent)
of the Town of Pelham
(Town, City or Township)
in the Regional Municipality of Niagara
(Region, County or District)

solemnly declare that all the statements contained in this application are true, and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath by virtue of THE CANADA EVIDENCE ACT.

Susan Smyth
Signature of Applicant or Authorized Agent

COMMISSIONER:

Declared before me at: Town of Pelham
(Town, City or Township)
in the Regional Municipality of Niagara
(Region, County or District)

this 17 day of August 2020
Karel
A Commissioner, etc.

COMMISSIONER'S STAMP

**SITE ACCESS CERTIFICATE
(to be signed by Owner)**

I, Domenic Tassone, the owner of the above-noted lands hereby grant
Town of Fort Erie staff or Members of a Town Committee or any other public agency, to enter the
subject site (Plan59R-7151 Parts 1,2,& 3
Plan59R-6961 Parts 1&2) to review and confirm the information provided with
(Address)
the application.

Proceeding will not commence until this is provided.

Dated at Brampton this 11th day of August 2020.
(Town, City or Township)



Owner Signature

Brampton

Bridgeburg Developments - Domenic Tassone

(please print name)
(AFFIX Corporate Seal if applicable)

**SITE GRADING AND TREE CLEARING ACKNOWLEDGEMENT
(to be signed by Owner)**

I, Domenic Tassone, the owner of the above-noted lands hereby agree

not to remove any woody vegetation nor conduct any grading on the subject site

(Plan59R-7151 Parts 1,2,& 3
Plan59R-6961 Parts 1&2) until such time as final Zoning/Official Plan
(Address)

amendment approval is granted.

Dated at Brampton this 11th day of August 2020.
(Town, City or Township)



Owner Signature

Bridgeburg Developments - Domenic Tassone

(please print name)
(AFFIX Corporate Seal if applicable)

AUTHORIZATION TO ACT ON BEHALF OF THE OWNER

AUTHORIZATION: Must be filled in if by the Owner if the Applicant and/or Agent is not the registered Owner of the lands. Please provide names of all owners of the Corporation or numbered Company.

I/We, Domenic Tassone,
(Names of Owners)

being the registered owner(s) of the lands subject of this application hereby authorize

Susan Smyth (Quartek Group Inc.)

(Name of Person)

of the Town/City of St. Catherines
(Town, City or Township)

in the Regional Municipality of Niagara
(Region, County or District)

to make application on my/our behalf to the Town of Fort Erie for a Zoning By-law Amendment and/or Official Plan Amendment in accordance with Subsection 10.1, Section 34 of The Planning Act of Ontario, R.S.O. 1990, c.P. 13 as amended.

Dated at the Town/City of Vaughan
(Town, City or Township)

in the Regional Municipality of York
(Region, County or District)

this 11th day of August 2020

D Tassone

Owner Signature

[Signature]

Witness

Owner Signature

Witness



NOTE: IF THE REGISTERED OWNER IS A CORPORATION, THE CORPORATE SEAL MUST BE AFFIXED TO THIS FORM IN ADDITION TO THE SIGNATURE OF AUTHORIZED SIGNING OFFICERS.