

**From:** [REDACTED]  
**To:** [Norio, Ann-Marie](#)  
**Subject:** Fwd: Mr. Mazutto's Property  
**Date:** Friday, June 17, 2022 12:51:37 PM

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Hi Ann-Marie,

Dave Hayworth suggested that I contact you to have my e-mail forwarded to Regional Council. Can you please facilitate that request?

Thank you ..

Shawn

----- Forwarded message -----

**From:** Shawn Mazzuto [REDACTED]  
**Date:** Thu, Jun 16, 2022 at 8:58 AM  
**Subject:** Re: Mr. Mazutto's Property  
**To:** Heyworth, David <[david.heyworth@niagararegion.ca](mailto:david.heyworth@niagararegion.ca)>, <[wredkop@forterie.ca](mailto:wredkop@forterie.ca)>  
**CC:** Steven Rivers - South Coast Consulting [REDACTED], Morin, Lindsey <[Lindsey.Morin@niagararegion.ca](mailto:Lindsey.Morin@niagararegion.ca)>, Brian Miller <[dbmcapitalcorp@gmail.com](mailto:dbmcapitalcorp@gmail.com)>, Morreale, Diana <[Diana.Morreale@niagararegion.ca](mailto:Diana.Morreale@niagararegion.ca)>, Bowie, Greg <[Greg.Bowie@niagararegion.ca](mailto:Greg.Bowie@niagararegion.ca)>, Acs, Erik <[Erik.Acs@niagararegion.ca](mailto:Erik.Acs@niagararegion.ca)>

Hi Everyone,

Thank you for allowing us the opportunity to be a part of the discussion yesterday. I didn't realize that we didn't or couldn't have rebuttal time for comments made by a Regional Councillor, specifically Mayor Redekop. It appears by his comments that he fully endorses the new official plan by the Region. The big issue I have as a resident and how this impacts the Mazzuto family is that the Town of Fort Erie identified our property as priority #1. I understand that the Region doesn't prioritize areas but the Town of Fort Erie has done so nonetheless. Having said that, I would imagine that a detailed study or planning took place in terms of the future growth and various impacts on the area including transportation etc. before recommending our area. We firmly believe that our area was removed because of the public response of the horse and pony farm to the East of our location. However, removing all of our 10.5 hectares of the area to me was a quick knee jerk reaction to that issue and not entirely fair to our family. I wanted to mention that our land to the south also borders Smalls Road and a newer sub-division of Hetram Court. As far as servicing, there is a Town water line that runs through our property which again stands to reason that our land is a prime area for future expansion but I do understand that it may require service upgrades to facilitate a new sub-division. We have been members of this

community for 44 years and are in good standing with the Town. In fact, approximately 25 years ago my father donated some land to the Town for \$1 in order to construct a municipal drain. The region could have carved out a portion of our land and not the entire parcel in this case and that could have been justified in my mind.

What is also really concerning to me, a member of the town, is that Marz Homes purchased the land at Schooley Road and Michener Road as of January 2022. Approximately 6 months later, their parcel has continued to be a part of the expansion area but we and the pony farm were excluded citing additional studies and concerns for transportation etc. Let us be honest here folks, If that was indeed the case, Marz Homes should have also been excluded from the expansion area. However, they also own the parcel across the street (East) from this particular location and they have the resources and network of human resources to push things through and as an outsider, the optics of this situation is quite alarming. This particular parcel of land purchased by Marz Homes is slightly smaller than our proposed area and we have servicing at the south end of our land so it really doesn't matter which area was included first. The fact is we have been residents of the town and region for over 40 years and we were tossed away for simply a political reason, the public outcry for the pony farm and as a result, we were tossed under the bus. Had the parcel from Marz Homes been excluded and we included, I'm certain a legal battle would have ensued and with the deep pockets of a developer (Marz Homes) spearheading the battle so it was far easier to just have us removed instead.

Furthermore, Mayor Redekop decided to respond to another applicant during the questions for our segment who was identified as 9th in priority and they were so far down the priority list, that they basically were already not considered a top candidate. Although the regional staff said in a previous email that the priority list is not a major deciding factor, Mayor Redekop was quick to utilise it to basically inform another excluded delegation that because they were so far down the priority list that they essentially didn't have a shot. So how is it that a number one priority parcel identified such as ours was so quickly stricken out, and without adequate notice given to our family? I have to think that the negative public outcry from the pony rescue is the predominant reason, and that it was easy to throw our land in with it and Marz Homes remains in the proposal. This is simply not equitable, and I strongly draw attention to this. If they should remain, so should we too, unless there is undue influence as a factor due to this being a successful developer, and special treatment is being applied. If the Mazzuto family were to seek legal action for our exclusion and hired the best firm in the Region to argue this point, how would we stand in the end? I know there would be major red flags surrounding the Marz Homes parcel versus our parcel?

We are passionate about several solutions our parcel of land provides to the region, and I would like to highlight them below on behalf of the Mazzuto family;

I understand that there is a strong focus on maintaining/ preserving ecological and agricultural lands and we have ideas on how sectioning off our 10 hectare parcel can greatly and positively impact the ecological health and sustainability of the area, while

making better use of the town boundary. Please see some of our ideas below:

## 1) BETTER SEPARATION OF FARM/ NEIGHBOURHOOD, IMPROVED TOWN BOUNDARY LINES. IMPROVEMENT OF SENSITIVE NATURAL NATURE CORRIDOR

Currently as mentioned we have a legacy neighbourhood immediately to our south, but now on our eastern border with the addition of 35+ homes on Hertram Court. Many of these homes back right onto our farm land subjecting residents directly to whatever farming noise, applications of sprays, and other farming uses we may choose with no buffer. Not only would the proposed 10 hectare parcel square off the town boundary to be more linear and practical, but we had the idea to on our farm side of the retained land designate a green belt plus an additional set back from this of any farming activities and the positive impact would be two fold. There is sensitive ecological areas as found in the Niagara environmental maps which this green strip would connect to. The benefits are obvious for both residents and wildlife;

- It would create a proper separation between farm and residential housing. We were thinking of a 10-20 metre green belt with a gentle berm which would be created from the excavation of development. This could then be planted with natural flora and fauna and left as a more natural nature corridor for animals to access. Additionally we would create a 15 metre setback on our side of the property line on top of this, keeping farming activity further from these areas while still maintaining most of our farmable fields, and losing very little productive lands overall in the process. The establishment of a much better nature corridor leading into our sensitive ecological lands which also abut onto the Point Abino conservation area (more on that below) would allow for better overall movement of nature and sustainability of natural habitat.

## 2) EXPANSION OF POINT ABINO CONSERVATION AREA BY DONATION OF LANDS FROM THE MAZZUTO FAMILY

Perhaps the biggest potential loss in this process of not being able to fully identify our land for inclusion in the boundary is that we have approximately forty acres of significant ecologically sensitive areas that we are willing to formally donate to the region, with respect to future development considerations and credits with the proposed section of our land, which also join up to the existing conservation area and double or triple it's size and allow for full control of ecological management of this important area. had we had the opportunity to properly address this with staff, and council they would have the opportunity to see that our ideas do in fact fall directly in line with the maintenance of ecological and agricultural land, and serve to create a better defined town boundary for Crystal beach while providing lands for a lovely housing development in the future and maintaining a better separation between farm land and housing while also creating an invaluable green strip for an already identified important nature corridor. A huge opportunity is being struck down here arbitrarily.

We formally appeal and request that the staff and council re-consider adding our

proposed portion of land to the town boundary, as this opportunity allows our family to help the region, and to help ourselves with a modest development opportunity which also helps the region and town to achieve some of its objectives. We feel a huge opportunity for all sides is being squandered here, and we are very disappointed with the outcome of the last two weeks. 90% of our agricultural activity will be retained, and in fact the revenues of a potential development will allow us to intensify certain aspects of our agricultural activity potentially through much needed capital infusion. We implore you to consider the very serious strategic ecological considerations we have given above and to lead with the mind that our parcel of land actually offers much more intrinsic value in the spirit of this comprehensive review, and certainly more than the Marz Homes development site which has been included for Crystal Beach.

Lastly, we did not receive any information whether by phone or otherwise that our land was removed from the official plan. Our plan of action to argue this situation was very rushed. I literally found that we were excluded when I chose to review the Niagara Region website on Sunday, June 5.

We welcome some serious feedback and additional personal meetings, as we feel the region will actually consider this folly to not have included us in hindsight in the future.

Thank you

Shawn

On Tue, Jun 14, 2022 at 10:57 AM Heyworth, David <[david.heyworth@niagararegion.ca](mailto:david.heyworth@niagararegion.ca)> wrote:

Hi Steven:

Thank you for your e-mail. Please see a response below for each of your requests as follows:

- [a chronology of events and decisions following the public meeting leading to staff's decision to remove the land from the urban area designation](#)
- The subject lands were included within the urban area boundary in the proposed Niagara Official Plan that was posted for the statutory public meeting.
- The subject lands and abutting parcel to the east have been removed from the urban area for the Niagara Official Plan being recommended for adoption on June 15<sup>th</sup>, 2022 to the Region's Planning and Economic Development Committee.

- a copy of the letter sent to Mr. Mazzuto notifying him of the changed recommendation regarding his late father's land
- Regional staff made numerous attempts to contact the landowners that were affected by the change through phone calls and emails. Region planning staff did not send letters to the owner advising of the change. In particular, Mr. Mazzuto was advised of the reason for the change via phone.
- a copy of the letter sent to the Town notifying it of the changed recommendation regarding the urban area designation of its highest priority request for including the land in the urban area designation
- Town Planning staff were advised verbally of the change along with the Mayor and Regional Councillor of Fort Erie. It is important to note the Town's assessment occurred before the Region completed its Settlement Area Boundary Review (SABR). The Region's SABR incorporated the required Provincial criteria along with additional regional criteria. The Region's assessment did not identify locations by priority. The reasons noted below resulted in the lands being removed.
- a planning policy justification report supporting the changed recommendation and any agency or municipal comments and staff's response to them..
- After the April 28<sup>th</sup> Statutory Public Meeting staff reviewed the area further. The Crystal Beach Secondary Plan area is the subject of development interest with several proposals exceeding the density targets identified in the Plan. After careful consideration, planning staff took a cautious approach on the amount of land to bring in to the urban area until the Transportation Master Plan (TMP) can be updated to 2051. Therefore, Mr. Mazzuto site and adjacent property to the east were not included within the urban settlement area boundary.
- The implications of changed decision on the targets in the NOP and the recommended reallocation of the population that would have been accommodated on the land taken out of the urban boundary
- There are no implications on targets or reallocation of growth from Fort Erie to other municipalities associated with revised boundary recommendation. As outlined in the December Land Needs Assessment and Final Land Needs Assessment, the overall boundary expansion in Fort Erie is greater than required based on the Land Needs Assessment.

I hope this information is of assistance.

**Dave Heyworth, MCIP, RPP**

Manager, Long Range Planning  
Planning and Development Services  
Niagara Region

Phone: 905-980-6000 ext. 3476 Toll-free: 1-800-263-7215

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

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**From:** Heyworth, David

**Sent:** Friday, June 10, 2022 4:28 PM

**To:** 'Steven Rivers - South Coast Consulting' [REDACTED]; Morin, Lindsey  
<[Lindsey.Morin@niagararegion.ca](mailto:Lindsey.Morin@niagararegion.ca)>

**Cc:** Norman, Sean <[Sean.Norman@niagararegion.ca](mailto:Sean.Norman@niagararegion.ca)>; Shawn Mazzuto [REDACTED];  
Brian Miller <[dbmcapitalcorp@gmail.com](mailto:dbmcapitalcorp@gmail.com)>; Morreale, Diana <[Diana.Morreale@niagararegion.ca](mailto:Diana.Morreale@niagararegion.ca)>

**Subject:** RE: Your Phone Call - Niagara Official Plan

Hi Steven:

I will send a reply to this e-mail on Monday.

**Dave Heyworth, MCIP, RPP**

Manager, Long Range Planning  
Planning and Development Services  
Niagara Region

Phone: 905-980-6000 ext. 3476 Toll-free: 1-800-263-7215

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

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**From:** Steven Rivers - South Coast Consulting [REDACTED] >  
**Sent:** Friday, June 10, 2022 2:51 PM  
**To:** Morin, Lindsey <[Lindsey.Morin@niagararegion.ca](mailto:Lindsey.Morin@niagararegion.ca)>  
**Cc:** Heyworth, David <[david.heyworth@niagararegion.ca](mailto:david.heyworth@niagararegion.ca)>; Norman, Sean <[Sean.Norman@niagararegion.ca](mailto:Sean.Norman@niagararegion.ca)>; Shawn Mazzuto <[REDACTED]>; Brian Miller <[dbmcapitalcorp@gmail.com](mailto:dbmcapitalcorp@gmail.com)>  
**Subject:** Re: Your Phone Call - Niagara Official Plan

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Good afternoon again Lindsay,

I hope you're having a great time doing something you like on this beautiful afternoon.

We are of course looking for information related our delegation to the Planning Committee on 2022-06-15,

- a chronology of events and decisions following the public meeting leading to staff's decision to remove the land from the urban area designation
- a copy of the letter sent to Mr. Mazzuto notifying him of the changed recommendation regarding his late father's land
- a copy of the letter sent to the Town notifying it of the changed recommendation regarding the urban area designation of it's hghes priority request for including the land in the urban area designation
- a planningpolicy justification report supporting the changed recommendation and any agency or municipal comments and staff's response to them..
- The implications of changed decision on the targets in the NOP and the recommended reallocation of the population that would have been accommodated on the land taken out of the urban boundary

**Steven Rivers**

## **South Coast Consulting**

### **Land Use Planning & Development Project Management**

**189 Clare Avenue**  
**Port Colborne, ON L3K 5Y1**  
**Mobile: 905-733-8843**  
**Email: [info@southcoastconsulting.ca](mailto:info@southcoastconsulting.ca)**

On Fri, 10 Jun 2022 at 11:59, Morin, Lindsey <[Lindsey.Morin@niagararegion.ca](mailto:Lindsey.Morin@niagararegion.ca)> wrote:

Hi Steven,

I hope you're well. I understand you were trying to reach me yesterday and spoke with our planning student.

I remember that you made a submission in February 2022 asking for the incorporation of the two zone concept for flood plains into the Niagara Official Plan.

Your comments were included as part of report PDS 14-2022 for our Statutory Public Meeting on April 28, 2022, which is available on our website at the following link:  
<https://www.niagararegion.ca/official-plan/proposed-plan-meeting-april-2022.aspx>

In Appendix 4 to report PDS 14-2022 the following response was provided to your submission:

"It continues to be the position of Regional Planning staff that it is not the jurisdiction of the Regional Official Plan to attempt to implement a two zone floodplain in Niagara."

In addition, there is nothing that prevents the Local Area Municipalities from applying the two zone concept.

I wanted to mention this in case you were following up to your earlier submission.



We would be happy to discuss this further. If you were calling regarding a different matter, please let me know and I can redirect you to the most appropriate staff.

Kind Regards,

Lindsey

**Lindsey Morin**, MES(Pl.), MCIP, RPP  
Senior Planner – Regional Official Plan

Niagara Region

Planning and Development Services

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*Shawn*

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*Shawn*