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July 5, 2021

Via email: hwillford@pelham.ca

Mayor Junkin and Members of Council
c/o Holly Willford, Town Clerk
Town of Pelham
20 Pelham Town Square
P.O. Box 400
Fonthill, ON
L0S 1E0

Attention: Mayor Junkin and Members of Council

CC: D. Cribbs, Chief Administrative Officer
B. Wiens, Director of Planning & Development

**Re: Draft Plan of Subdivision & Zoning By-law Amendment – Forest Park
Draft Plan of Subdivision & Zoning By-law Amendment – Kunda Park
Extension No. 4 (File 26T-1902002)
Town of Pelham, Regional Municipality of Niagara
Sterling Realty (Niagara) Inc.
Our File No. 13673**

We are counsel to Sterling Realty (Niagara) Inc. (“Sterling”). Our client has made applications to the Town of Pelham (“Town”) for the Proposed Forest Park Subdivision (“Forest Park”) and the Proposed Kunda Park Subdivision – Extension No. 4 (“Kunda Park”) in Fonthill (collectively, the “Applications”). We are writing to seek Council’s support regarding a proposed road crossing at the Steve Bauer Trail (the “Trail”).

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The Proposed Developments

Forest Park is a new proposed subdivision and the Kunda Park application is for the 4th phase of that development. The proposed developments are adjacent to one another and are highly integrated from a municipal servicing perspective. Proposed Kunda Park will be an extension of the existing residential community connecting to both Stella Street and Kunda Park Boulevard. Proposed Forest Park is a new residential development with proposed connections to both Port Robinson Road via a Station Street southerly extension and to the future Saffron Meadows Phase 3 subdivision. Together they straddle the Trail on the west and east sides.

The Applications as submitted include two (2) road crossings over the Trail. The road crossings resulted from consultations with Town Staff which advised trail crossings would maintain conformity with the East Fonthill Secondary Plan and address other planning considerations such as traffic dispersion, connectivity and optimizing emergency services accessibility.

While we understand that staff favour crossings of the Steve Bauer Trail and our client supports them, options that do not include any road crossing have been carefully studied. **To be clear, Trail crossings are not required to support either plan of subdivision. If Council elects not to permit any crossing of the Trail, both plans can proceed in any event.**

The Town Trail Resolution and Alternative Road Crossing Options

On January 11, 2021 Council passed the Town Trail System Motion which resolved in part that, “no new road crossings over the Steve Bauer Trail or the Gerry Berkhout Trail shall be permitted by the Town” (the “Trail Resolution”). As noted above, our client previously understood trail road crossings were desirable from a planning perspective.

Subsequent to the Trail Resolution, and further to consultation with Town Staff, our client undertook additional work to consider alternatives to the two (2) trail road crossings submitted in the Applications. Three (3) alternative proposed network options were explored and considered by Sterling’s transportation consultant R.V. Anderson Associates Limited (“RVA”) in a Transportation Review. A brief summary of the alternatives and evaluation criteria considered by RVA is provided below. A complete copy of the RVA Report is attached to this letter including its full evaluation.

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Option 1 – 1 Road Connection to Station Street, with Road Crossing Trail; No Road Extension Through PSW

Pros – traffic dispersion and connectivity with East Fonthill Neighbourhood, EMS access, construction access, consistency with secondary plan, improved trail safety

Cons – vehicular trail crossing

Option 2 – No Road Connection to Station Street, EMS Access Crossing Trail; No Road Extension Through PSW

Pros – EMS Access over trail, improved trail safety, pedestrian connection, trail access/use by pedestrians, improved trail safety

Cons – Vehicular and construction access from Stella Street only

Option 3 – No Road Connection to Station Street, with Walkway Crossing Trail; Road Extension Through PSW via Kunda Park Boulevard

Pros – trail crossing eliminated with pedestrian access only

Cons – Personal and construction vehicle traffic through existing neighbourhood only, impacts of road crossing through Provincially Significant Wetland (“PSW”), connectivity with East Fonthill Neighbourhood

RVA determined that the preferred option would be to include one (1) trail road crossing at William Street with appropriate signage and safety features. The Option 1 road network layout was preferred over the Option 2 alternative of no trail road crossing and the Option 3 alternative of a road crossing to the south over the PSW. Option 1 was preferred by RVA based on a multi-criteria evaluation and particularly, traffic operations, trail operations and safety, and natural environmental impacts. RVA concluded that breaking up the trail with a connection in fact improves the safety of the trail.

Sterling is seeking an exemption from Council’s Trail Resolution to permit one (1) trail road crossing at William Street. The expert advice it has been provided substantiates this request. Sterling supports the Town’s overall objective of preserving the Steve Bauer Trail and is confident the goals as set out in the Town Trail System Motion can still be met with the requested exemption for one road crossing over the Steve Bauer Trail.

Summary

We are confident that Council’s goals as set out in the Town Trail System Motion can still be met with the requested exemption for one road crossing over the Steve Bauer Trail. We respectfully request Council consider this exemption request in order to provide direction to Staff and to our client regarding the proposed developments. If Council approves this request, the necessary steps can be taken to advance the approvals with a single road crossing, including any required public highway designations. If an exemption to the Trail Resolution is not provided, Sterling will modify its applications accordingly and seek approval of such modified plans.

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If there is anything else you require, please do not hesitate to contact us. We look forward to Council's response to our client's requests.

Yours truly,



Shelley Kaufman

cc: D. Cribbs, CAO
B. Wiens, Director of Planning & Development
client
S. Snider, TMA

sk:ss
att:
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TURKSTRA MAZZA ASSOCIATES, LAWYERS