

OMB Case No.: PL180077  
OMB File No.: PL180077

Applicant and Appellant: Prespa Construction Limited

Subject: Application to amend Zoning By-Law  
No. (1507) - Neglect of  
Municipality of Central Elgin  
to make a decision

Property Address/  
Description: 146-156 William Street

Municipality: Municipality of Central Elgin

---

**Witness Statement of Deren Lyle, P. Eng.**

---

**CJDL**  
Consulting Engineers

30 January 2019

1406

30 January 2019

**WITNESS STATEMENT OF DEREN LYLE, P. ENG.**

**1. Introduction**

The following witness statement is submitted by Deren Lyle, P. Eng. of Cyril J. Demeyere Limited, Consulting Engineers.

This summary of opinion evidence has been prepared for the Local Planning Appeal Tribunal Hearing into the matter of an appeal against the Municipality of Central Elgin's neglect to make a decision regarding the proposed amendment to Zoning By-Law 1507 to permit a mixed use residential/commercial development at 146-156 William Street in Port Stanley.

**2. Qualifications**

I am a Registered Professional Engineer (P. Eng.) and have been employed by Cyril J. Demeyere Limited since 5 January 2009.

My Curriculum Vitae outlining my professional qualifications and experience is attached hereto as Appendix 'A'. My acknowledgement of Expert's Duty is attached hereto as Appendix 'B'.

**3. Retainer**

Cyril J. Demeyere Limited, a designated consulting engineering firm licensed under The Professional Engineer's Act, was contacted by Prespa Construction Limited c. 2005 regarding proposed development of the subject lands and has worked intermittently with Prespa over the years towards development exploration. My disciplines of focus at Cyril J. Demeyere Limited are civil and municipal engineering, and I am responsible for site plan and site servicing design, including sanitary and storm sewers, stormwater management, watermain, grading and utility coordination.

I prepared "Preliminary Servicing Report" (CJDL, 5 November 2018) and the corresponding Site Plan (6 November 2018) filed in support of this application. This Report and Site Plan have been updated since the initial submission c. October 2015 to reflect the current two (2) building, five (5)-storey proposal. This Report and Site Plan are included in the document book prepared for the hearing.

#### **4. Evidence**

##### **Why Not Park Land Exchange**

As approved by the Municipality of Central Elgin By-Law 2326, Prespa Construction Limited and the Municipality of Central Elgin consented to a land exchange in Why Not Park, located adjacent to the southeast corner of the subject lands.

The Site Plan that was presented to Municipality of Central Elgin staff and council, that formed the basis of the land exchange, is dated 8 June 2016. This Site Plan was finalized on 6 November 2018 upon receipt of final building footprints, and resubmitted as part of the modified development application package.

Refer to Appendix 'C' for an overlay drawing comparing the Site Plans. The following is a summary of revisions, focused in the area adjacent to Why Not Park:

- i) Overall concept remains generally consistent, with a five story building located both westerly and northerly adjacent to Why Not Park;
- ii) The balcony setback from the Why Not Park property line has been reduced from 1.0 m on the June 2016 Site Plan to zero on the November 2018 Site Plan. Balcony depth of 1.5m is consistent on each plan.
- iii) Parking spaces 89-93 have been added adjacent to the Why Not Park on the November 2018 Site Plan. This area was proposed as asphalt on the June 2016 Site Plan; however, was not a designated parking area.
- iv) The proposed west property line of Why Not Park on the November 2018 Site Plan has been shifted 0.92m (south limit) to 1.68m (north limit) east (into the park), and rotated 1.5° clockwise from the June 2016 Site Plan.

The property lines shown on the November 2018 Site Plan are consistent with the approved land exchange and corresponding Reference Plan 11R-10166 (refer to Appendix 'C').

##### **Preliminary Servicing Report and Site Plan**

My Preliminary Servicing Report (5 November 2018) concluded that:

##### **Transportation**

- i) Primary vehicular access to the site is proposed via First Street, which is proposed to be reconstructed as a two-lane cross-section concurrent with development of this project.
- ii) In accordance with the Ontario Building Code (OBC), emergency access to each building is available via their respective frontage on William Street and Edith Cavell Boulevard. A designated emergency access route is also available through the internal road and parking lot layout of the site.

### Sanitary Servicing

- iii) The existing sanitary sewer located within an easement that bisects the site, south of the proposed William Street building, has existing depth and capacity to provide sanitary service to the subject development.

### Storm Drainage and Stormwater Management (SWM)

- iv) The existing storm sewer installed toward the southwesterly limit of the site was designed with sufficient capacity to service the subject lands. Sewers are sized to convey a 2-year design storm in accordance with Municipality of Central Elgin design standards.
- v) To reduce volume of storm outflow from the site, the proposed internal drainage network has been designed with a drywell system that will utilize groundwater recharge potential as its outlet. Due to the proximity to Lake Erie, it is recommended that SWM quantity controls not be required; delay in peak flow from the site may increase the duration of the localized area of flooding at Edith Cavell Boulevard and William Street, prior to outflow to Lake Erie.

### Watermain

- vi) A water service connection to each apartment condominium building will be provided by extending a service from the existing municipal water distribution system, understood to be sufficient to serve the proposed buildings.

### Grading

- vii) Structures to be constructed on site will be set with finished floor elevation set to 176.8m to respect the applicable Lake Erie Flood Uprush Elevation, in accordance with Kettle Creek Conservation Authority regulations.

All of which is respectfully submitted,

A handwritten signature in black ink, appearing to read 'Deren Lyle', written in a cursive style.

Deren Lyle, P. Eng.

## **Appendix 'A'**

### **Curriculum Vitae**

## Professional Background

Principal,  
Cyril J. Demeyere Limited  
2009 - Present

## Professional Affiliations

Member, Professional  
Engineers of Ontario

## Education

Bachelor of Engineering,  
University of Guelph,  
Guelph, Ontario  
Class of 2011

## **Introduction**

Deren is an established Civil Engineer with a wide range of experience in the consulting engineering industry. Having strong technical skills founded by a practical approach to projects, Deren has consistently demonstrated effective design, project management and contract administration skills.

Deren serves as the Project Manager at Cyril J. Demeyere Limited for a range of civil engineering projects, typically focused on residential subdivisions, site plans and municipal road reconstructions. Through effective management of the project team, Deren is committed to building successful projects and working relationships that reflect his dedication to excellence in quality and performance. Deren's ability to complete projects within budget and on schedule makes him a strong asset to any project team.

## **Relevant Project Experience**

### Subdivisions

- McBain Farm Subdivision, Township of Southwold
  - 2018 - Present
- Little Creek West Lands Subdivision, Municipality of Central Elgin
  - 2018 - Present
- 42439 Sparta Line Subdivision, Municipality of Central Elgin
  - 2018 - Present
- Kemsley Farm Subdivision, Municipality of Central Elgin
  - 2016 - Present
- Harvest Run Subdivision, City of St. Thomas
  - 2016 - Present
- Miller's Pond Subdivision, City of St. Thomas
  - 2015 - Present
- Sunset Bluffs Subdivision, Municipality of Central Elgin
  - 2014 - Present
- Orchard Park South Subdivision, City of St. Thomas
  - 2011 - Present
- Jacklin Farm Subdivision, Municipality of Central Elgin
  - 2005 - Present
- Orchard Park Subdivision, City of St. Thomas
  - 2005 - Present
- Lake Margaret Estates Subdivision, City of St. Thomas
  - 2001 - Present
- Little Creek Subdivision (Phases 1 - 4), Municipality of Central Elgin
  - 2001 - Present
- Ducks Landing Subdivision, Norfolk County
  - 1996 - Present

## Site Plans

- 20 Tamarack Court Townhomes, City of St. Thomas
  - 2018 - Present
- Grand Trunk Crossing Condominiums, City of St. Thomas
  - 2017 - Present
- Lynhurst Trail Condominiums, Municipality of Central Elgin
  - 2016 - Present
- Southpoint Condominiums, City of St. Thomas
  - 2015 - Present
- 486 Burwell Road Townhouses, City of St. Thomas
  - 2015 - 2017
- Railway Capital Estates (Apartment), City of St. Thomas
  - 2015 - 2017
- Wellington Manor (Apartment), City of St. Thomas
  - 2015 - 2016
- 355 Edith Cavell Condominiums, Municipality of Central Elgin
  - 2013 - Present
- Lynhurst Condominiums, Municipality of Central Elgin
  - 2013 - 2017
- The Enclave at Orchard Park South Condominiums, City of St. Thomas
  - 2012 - 2014

## Municipal Road Reconstructions

- Lake Margaret Trail/Southdale Line Roundabout, City of St. Thomas
  - 2017 Construction
- Sunset Road Sanitary Sewer Extension, Municipality of Central Elgin
  - 2016 Construction
- Wellington Street/Manor Road Roundabout, City of St. Thomas
  - 2016 Construction
- Ross Street Railway Bridge Removal and Road Reconstruction, City of St. Thomas
  - 2014 Construction

## **Appendix 'B'**

### **Acknowledgement of Expert's Duty**





Ontario

Local Planning Appeal Tribunal  
Tribunal d'appel de l'aménagement local

**ACKNOWLEDGMENT OF EXPERT'S DUTY**

Case Number	Municipality
PL 180077	Municipality of Central Elgin

1. My name is.....Deren Lyle.....(name)  
I live at the .....Township of Southwold.....(municipality)  
in the.....County of Elgin.....(county or region)  
in the .....Province of Ontario.....(province)
2. I have been engaged by or on behalf of.....Prespa Construction Limited.....(name of party/parties) to provide evidence in relation to the above-noted LPAT proceeding.
3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:
  - a. to provide opinion evidence that is fair, objective and non-partisan;
  - b. to provide opinion evidence that is related only to matters that are within my area of expertise; and
  - c. to provide such additional assistance as the LPAT may reasonably require, to determine a matter in issue.
4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.

Date.....30 January 2019.....

.....  
Signature

**Appendix 'C'**

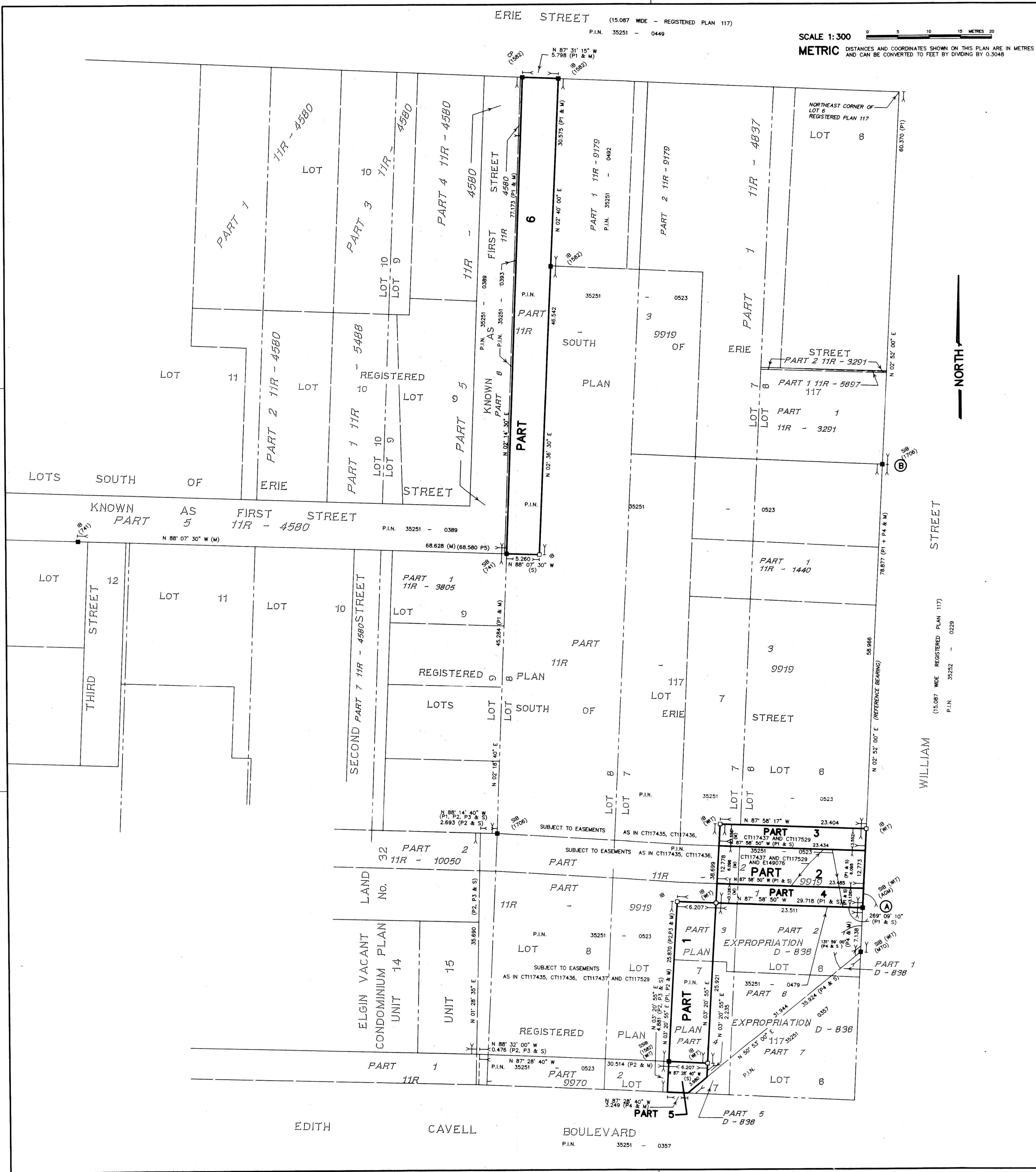
**Red/Blue Line Site Plan Overlay**

**Reference Plan 11R-10166**









PLAN 11R-10166  
RECEIVED AND DEPOSITED  
DATE March 20, 2017  
*[Signature]*  
KIM S. HUSTED O.L.S.  
REPRESENTATIVE FOR THE  
LAND REGISTRAR FOR THE  
LAND TITLES DIVISION OF ELGIN (No.11)

**PART SCHEDULE**

PART	LOT	PLAN	P.I.N.	AREA
1	PART OF 7	117	PART OF 35251-0479	160.68 SQUARE METRES
2	PART OF 6 AND 7	117	PART OF 35251-0523	142.97 SQUARE METRES
3	PART OF 6 AND 7	117	PART OF 35251-0523	83.22 SQUARE METRES
4	PART OF 6 AND 7	117	PART OF 35251-0523	73.45 SQUARE METRES
5	PART OF 7	117	PART OF 35251-0479	26.40 SQUARE METRES
6	PART OF 8	117	PART OF 35251-0523	426.32 SQUARE METRES

PART 1 AND 5 COMPRISE PART OF P.I.N. 35251-0479  
PARTS 2, 3, 4 AND 6 COMPRISE PART OF P.I.N. 35251-0523  
PART 2 IS SUBJECT TO EASEMENTS AS SET OUT IN E149076, CT117435, CT117436  
CT117437 AND CT117529  
PARTS 3, 4 AND 6 ARE SUBJECT TO EASEMENTS AS SET OUT IN CT117435, CT117436  
CT117437 AND CT117529

PLAN OF SURVEY OF  
PART OF LOTS 6, 7 AND 8  
SOUTH OF ERIE STREET  
REGISTERED PLAN 117  
MUNICIPALITY OF CENTRAL ELGIN  
COUNTY OF ELGIN

KIM HUSTED SURVEYING LTD.  
**SURVEYOR'S CERTIFICATE**  
I CERTIFY THAT  
(1) - THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH  
THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE  
REGULATIONS MADE UNDER THEM  
(2) - THIS SURVEY WAS COMPLETED ON THE 9th DAY OF FEBRUARY, 2017  
  
MARCH 20, 2017  
DATE  
*[Signature]*  
KIM S. HUSTED  
ONTARIO LAND SURVEYOR

**COORDINATE SCHEDULE**  
ALL COORDINATES ARE IN METRES AND WERE DERIVED FROM  
GPS OBSERVATIONS USING THE CAN-NET WORK,  
UTM, ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (1997.0)  
COORDINATE VALUES ARE TO URBAN ACCURACY AS PER SEC. 14 (2)  
OF O. REG. 216/10

POINT	NORTHING	EASTING
A	4723215.175	482273.364
B	4723286.785	482277.117

COORDINATES CANNOT, IN THEMSELVES, BE USED TO  
RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN

**NOTES**  
(1) - BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE WESTERN LIMIT OF  
WILLIAM STREET AS SHOWN ON DEPOSITED PLAN 11R-9919 HAVING A BEARING  
OF N 02° 52' 00" E  
(2) - TO CONVERT BEARINGS SHOWN ON THIS PLAN TO GRID BEARINGS  
- SUBTRACT 00° 07' 50" FROM THE NORTHWEST BEARINGS  
- ADD 00° 07' 50" TO THE NORTHEAST BEARINGS  
(3) - DISTANCES SHOWN ON THIS PLAN ARE METRIC GROUND DISTANCES AND  
CAN BE CONVERTED TO METRIC GRID DISTANCES BY MULTIPLYING BY 0.9996

**LEGEND**  
■ DENOTES SURVEY MONUMENT FOUND  
□ DENOTES SURVEY MONUMENT SET  
SB DENOTES STANDARD IRON BAR  
IB DENOTES IRON BAR  
RIB DENOTES ROUND IRON BAR  
(WT.) DENOTES WITNESS  
(AGM) DENOTES ARCHIBALD, GRAY & MCKAY  
(1582) DENOTES KIM HUSTED SURVEYING LTD.  
(1706) DENOTES W.I. HOUGHTON O.L.S.  
(741) DENOTES D.I. HOUGHTON O.L.S.  
(P1) DENOTES DEPOSITED PLAN 11R-9919  
(P2) DENOTES DEPOSITED PLAN 11R-10050  
(P3) DENOTES DEPOSITED PLAN 11R-9970  
(P4) DENOTES EXPROPRIATION PLAN D-836  
(P5) DENOTES DEPOSITED PLAN 11R-4580  
(M) DENOTES MEASURED  
(S) DENOTES SET  
P.I.N. DENOTES PROPERTY IDENTIFIER NUMBER

**KIM HUSTED SURVEYING LTD.**  
ONTARIO LAND SURVEYOR  
30 HARVEY STREET, TILLSONBURG ONTARIO, N4G 3J8  
PHONE: 519-842-3638 FAX: 519-842-3639

PROJECT: 16-12756RP2 REFERENCE: F.F.8 DISK No. DWG. D.W.  
CKD. B.V.