November 18, 2013

Attention: Vanessa Robicheau
Co-Ordinator, Planning Committee

Clerks Department
City of Hamilton
71 Main Street West, 1st Floor
Hamilton, ON L8P 4Y5

Dear Ms. Robicheau:

Re: FRUITLAND-WINONA SECONDARY PLAN
Official Plan Amendment
Public Meeting: November 19, 2013

Please be advised that I represent Marz Homes (Fruitland) Inc., Benemar Construction Inc., Todoc Construction Limited, NGE Land Holdings Inc., Raffaela Marini and 1787482 Ontario Inc. who are the owners of properties lying within the Fruitland-Winona proposed Secondary Plan and are affected by the Official Plan Amendment which is subject of the public meeting on November 19, 2013 and will proceed to Council for subsequent approval.

The authorized representatives of these corporate entities attended at the initial public hearing and presented their comments relating to implementation of the Secondary Plan for the Fruitland-Winona area.

The position of these parties has not changed and they continue to urge Council to proceed with implementation as quickly as possible. The parties are aware that the prior matter is presently before the Ontario Municipal Board and wish to emphasize that the adoption of this new process by the City of Hamilton must move forward without delay and in conformity with the existing OMB scheduling so that hopefully, the appeals can proceed on the same time schedule.
At present, the concern of these parties lies with the location of the main arterial roadway at the proposed Barton Street exit, as that proposed location cannot be implemented without demolition of at least one existing home. At the prior meetings Councillors assured individual homeowners affected by the Urban Boundary Expansion and proposed location of roadways that there would be no expropriation. The concern is that the inability of developers to purchase the home or homes required to enable the arterial roadway to exit at its present location on Barton Street will prove not only costly, but result in additional substantial delay. Hopefully this can be dealt with at the Subdivision Application stage or, if necessary, at the OMB hearing.

I also represent Future Homes Construction Ltd., Sharon Restivo and 511437 Ontario Limited, the owners of property fronting on Fruitland Road and lying within the Urban Boundary Expansion. These parties have the same concerns with regard to the present location of the arterial roadway as set out above. In addition, these parties are concerned with the institutional and community park designation of the rear portion of the property which comprises the rear portion of the extremely large proposed community park and institutional designation of the entire property owned by 549367 Ontario Ltd. comprising of 21 acres.

The imposition of this extremely large community park and school sites occupying an area of approximately 25 acres is neither desirable, nor necessary. In view of the existence of a similar large facility located a short distance from this site, residents of this immediate area are already well served by the existing amenities. Further, development in the proposed expanded Urban Boundary area will be ongoing for many, many years thereby negating any immediate need for a second large facility.

Meetings with the local Councillors and residents have indicated that the residents prefer smaller accessible parks rather than the proposed huge, multi-purpose facility to which residents must drive.

I believe that the Greenbelt review is scheduled for 2015 and it is logical to assume that the large tract of land owned by E.D. Smith and presently in agricultural use will be the subject of a part of that review. In the event that this comes about then, if the City insists on having the large additional facility, the E.D. Smith lands afford a much better location and implementation would occur at a time when a large portion of the subject lands will have been developed.

Yours very truly,

YACHETTI, LANZA & RESTIVO

JACK S. RESTIVO

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