

Request to Speak to a Committee of Council

4.4

If your request is for a specific committee meeting, this form must be received by NOON the day before the scheduled committee meeting. Requests for Monday meetings must be received the Friday before the meeting. Requests for meetings scheduled for the day after a statutory holiday must be received the last business day before the meeting.

Standing Committee Requested

Kindly indicate which Standing Committee: *

Planning Committee

Requestor Information

Name of Individual: * Kim B. Foster

Name of Organization:

Do you or your organization represent a lobbyist (voluntary) Yes
 No

Contact Number: *

Email Address: *

Mailing Address: *

Reason(s) for delegation request: *

RE: PED09103(b). Meeting on April 17 at 9:30 am. I have been on record as opposing this specific Amendment to the Hamilton Official Plan for 17 Ewen Rd. and the neighbouring Industrial lands, as well as the Amendment to the Hamilton Zoning By-Law No. 6593 for 17 Ewen Rd. for over five years. There are employment issues, reflective noise concerns and the numerous variances that the Applicant has applied for that will negatively impact the nearby residents and local businesses. The OP Amendment is currently under Appeal at the OMB and a decision has not been rendered on this issue to date. I am unclear as to why the Planning Committee is considering this matter before the OMB renders a decision on the OP Amendment. (Question - Why did this window switch to a micro font?)

Will you be submitting a formal presentation?* Yes
 No

Requests to speak to Council are forwarded to the Standing Committee for consideration. Once considered by Committee, and approved, you will be notified of the date for your presentation.

This form is not for the purpose of presenting unsolicited proposals by Vendors to Committee. Such proposals are subject to a competitive process as required by the City's Purchasing Policy.

Personal information collected on this form is authorized under Section 5.10(2) of the City's Procedural By-law No. 10-053 for the purpose of contacting individuals and/or organizations requesting an opportunity to appear as a delegation before a Standing Committee and will be published with the Committee Agenda. The Voluntary Lobbyist Registry is a public document and will be available for viewing in the City Clerk's office. The Procedural By-law is a requirement of Section 238(2) of the Municipal Act. Questions about its collection can be directed to the Manager, Legislative Services / Deputy Clerk, City Hall, 71 Main St. W., Hamilton, ON L8P 4Y5 (905 546-2424 ext. 4304).

April 17, 2012.

To: The Chair and Members of the Economic
Development and Planning Committee.

Subject: Official Plan Amendment and
Zoning By-law No. 6593 for the lands
known as 17 Ewen Road (Hamilton) (PED09103(b))

Submitted by: Kim Foster
96 Ewen Road, (7 houses south of the Kraft site)
Hamilton, L8S 3C5.

Concerns About Approval of the 17 Ewen Road Project

The noise studies were done before Kraft completed a ten million dollar expansion. At that time Kraft re-configured its trucking yard on the property and added additional square footage to the existing plant. The changes were on the North side of the Kraft property, directly next to the 17 Ewen Road site.

The noise studies show that the Kraft operation currently emits an amount of noise over the limit of MOE guidelines (Novus, Appendix D, Table 7). Novus numbers also excluded "reefer" noise from refrigerated trailers left idling on the property and bulk truck unloading (repeated, metallic banging) noise (Appendix D, page 21.) These two exclusions of noise are significant especially for existing residents living to the south of the Kraft facility in the summer.

To date, that noise has been a constant but minor irritant for residents as the sound has been able to somewhat dissipate unimpeded, into the atmosphere. By allowing the construction of a ten story condominium next to the Kraft facility, much of the noise produced at the Kraft facility will be reflected off of that ten story structure and directed south toward the residents of Ewen and Rifle Range Roads.

The Novus sound study (Appendix D, Figure 11) shows sound contour lines based on a model simulation. Novus acknowledges that the sound contours are shifted slightly south after the condominium is constructed. How accurately that "model" will predict the actual sound reflected is a concern.

Residents in the condominium will be given noise suppression measures in their building but local residents, living to the south in the path of reflected noise, have not been given any remedies from the developer or the City of Hamilton in the event that they suffer from excessive reflected noise as a result of this project being approved.

Summary of Major Concerns

The proposed high rise condominium will be built next to a 24 hour food processing operation and the trucking yard of that facility. Noise, odours, truck traffic and the hours of operation at the food processor would exclude any residential usage next to their operation. From a planning perspective, the food processor and the condominium have mutually exclusive interests that cannot be accommodated. The condominium at 17 Ewen, is not compatible with the existing industrial and commercial businesses. The noise studies are based on data that has possibly changed due to the Kraft plant expansion. Existing residents to the south will experience greater noise than at present.

Kraft (and formerly Cadbury) were concerned about future restrictive impacts on their manufacturing facility and have appealed recent Amendments to the Urban Hamilton Official Plan at the OMB. In addition, an individual representing a group of local residents has been granted Participatory Status at the OMB hearing on this matter. As a decision has not been rendered on this issue by the OMB, I am surprised and concerned that this file is still moving forward.

Additional Concerns That Will Negatively Impact Local Residents

The building proposal has 15% of the required landscaping normally required. This is far less than most of the other businesses in the area including Kraft. In addition, homes on Ewen Rd. and Rifle Range Rd. have extensive green space around them. The 15% landscaping is merely a token effort and inadequate for any new construction outside of the downtown core.

Maximum gross floor area is 450% (4.5x) what would normally be allowed on this lot. This is more than a minor variance. This is a huge concession to the builder who has not offered any Community Benefit as often happens in other municipalities.

The building height significantly exceeds the maximum height allowed for other buildings in the Ewen Rd. industrial enclave. In addition, the nearby West Village Condo on the former CNIB site has nine stories and much larger setbacks.

The setbacks for the proposed 10 story condominium at 17 Ewen Rd. will be 2.1 meters on the West facing Ewen Rd. and 2.1 meters on the East facing Rifle Range Rd. This is far less than any other building in the area and further exaggerates how out of scale this proposed condominium is.

The setback for the South Yard which overlooks the Rail Trail is only 3 meters. Walking in such close proximity to a ten story building will be disconcerting for walkers who will be using the trail.

Parking spaces are less than what is required for a project of this size and will pose problems for local businesses and residents on both Ewen Road and Rifle Range Road.