



**YACHETTI, LANZA & RESTIVO <sup>LLP</sup>**

BARRISTERS & SOLICITORS

154 Main Street East, Suite 100, Hamilton, Ontario L8N 1G9  
Telephone (905) 528-7534 Fax (905) 528-9928

**JACK RESTIVO PROFESSIONAL CORPORATION**

**HAND DELIVERED**

April 9, 2014

City Clerk's Office  
City of Hamilton, City Hall  
71 Main Street West, 1<sup>st</sup> Floor  
Hamilton, ON L8P 4Y5

**Attention: Vanessa Robicheau**

Dear Ms. Robicheau:

**Re: Fruitland-Winona Secondary Plan  
Official Plan Amendment  
Planning and Development Committee Meeting: April 15, 2014**

I represent Marz Homes (Fruitland) Inc., Benemar Construction Inc., Todoc Construction Limited, NGE Land Holdings Inc., Raffaella Marini and 1787482 Ontario Inc., the owners of properties lying within the Fruitland-Winona proposed Secondary Plan and located between Fruitland Road and Jones Road. The properties owned by my clients are affected by the Official Plan Amendment which is the subject of the Planning and Development Committee meeting scheduled for April 15, 2014.

I and several of the representatives of my clients have attended previously before the Committee and provided comments relating to the need to proceed with implementation of the Secondary Plan for the Fruitland-Winona area without further delay.

This Secondary Plan is unique in that the delay to moving to implementation of the same is unprecedented. The Secondary Plan has been the subject of the most exhaustive consultation process encountered by me in my forty (40) years of practice.

Public meetings have been held, re-held and re-held with the most recent Public Meeting having taken place on February 6, 2014 as outlined in the Public Feedback Report compiled by City staff. Regrettably, there is virtually nothing that is new in the Public Feedback Report and those in attendance have proceeded to "vent" the same complaints and issues as were previously presented to the Planning and Development Committee.

It is our hope and expectation that the Planning and Development Committee accepts our collective position that the City has gone far beyond the requirements of the Planning Act of Ontario to ensure that all of those affected by this Urban Boundary Expansion have had more than ample opportunity to come forward with public comment.

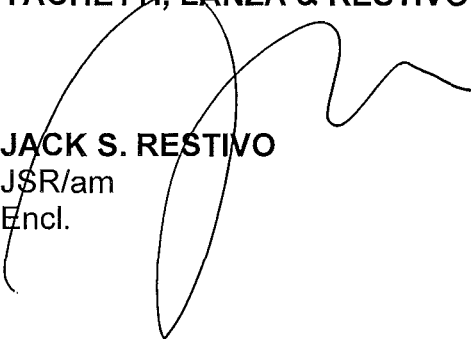
Our review of the Public Feedback Report detailing the very large variances of opinion on a great number of issues confirms our prior submission to you that this must move to Council approval and thereafter, to the Ontario Municipal Board where final resolution can be attained.

Further delay serves no one and leaves the silent majority of the local residents without their new schools, infrastructure works, parks and revitalized community.

A copy of my letter of November 18, 2013 is enclosed and forms part of this submission.

Yours very truly,  
**YACHETTI, LANZA & RESTIVO**

**JACK S. RESTIVO**  
JSR/am  
Encl.





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November 18, 2013

**Attention: Vanessa Robicheau**  
**Co-Ordinator, Planning Committee**

COPY

Clerks Department  
City of Hamilton  
71 Main Street West, 1<sup>st</sup> 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., Raffaella 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**

JSR/rl

# YLR

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## HAND DELIVERED

April 10, 2014

City Clerk's Office  
City of Hamilton, City Hall  
71 Main Street West, 1<sup>st</sup> Floor  
Hamilton, ON L8P 4Y5

### Attention: Vanessa Robicheau

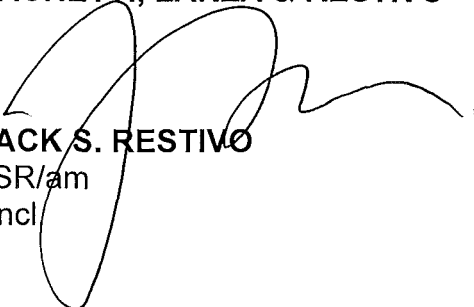
Dear Ms. Robicheau:

**Re: Fruitland-Winona Secondary Plan - Official Plan Amendment  
Planning and Development Committee Meeting: April 15, 2014  
My Clients: Marz Homes (Fruitland) Inc., Benemar Construction Inc., Todoc  
Construction Limited, NGE Land Holdings Inc., Raffaella Marini and  
1787482 Ontario Inc.**

Further to my correspondence of April 9, 2013 with regard to comments of the above referred to the landowners, I wish to advise that amendments to the Plan and Policies resulting from further consideration by the Planning and Development Committee on April 15, 2014 are not necessarily supported by these owners.

The right of these owners to object to such further amendments is hereby reserved.

Yours very truly,  
**YACHETTI, LANZA & RESTIVO**

  
**JACK S. RESTIVO**  
JSR/am  
Encl