

# Turkstra Mazza

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February 27, 2015

Via Email

Alvin Chan  
City of Hamilton  
Planning & Economic Development Department  
71 Main Street West  
Hamilton, Ontario  
L8P 4Y5

Dear Mr. Chan,

**Re: 1169 Garner Road East – Files UHOPA-15-004 and ZAC-15-008**  
**Our File No. 13400**

We are counsel to 2054971 Ontario Inc. in this matter. As you know, our client owns land that immediately abuts the subject lands.

In accordance with the Notice of Complete Applications and preliminary circulation for applications by Losani Homes (1998) Limited for lands located at 1169 Garner Road East dated January 27, 2015, please accept this letter of objection. Our client is opposed to these applications in their current form.

The applicant shows development across the entire width of their property with no road connections to the north, making it impossible to access their northerly lands. Approval and construction of this development would essentially land-lock their northerly lands and eliminate all points of access. There should therefore be no development permitted on this subject parcel until the northerly parcels have been completely developed.

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TURKSTRA MAZZA ASSOCIATES, LAWYERS

City of Hamilton  
Attn: Alvin Chan  
February 27, 2015

Page 2

This application calls for a total of 90 residential units using a single entry point on Garner Road. While we understand that typically the City of Hamilton will allow up to 100 homes using a single entry point on a temporary basis during the construction of a new development, this application proposes to retain a single entry point even after full build-out. Should the intersection at Garner Road be blocked for whatever reason, there will be no alternatives for emergency vehicle access, leaving 90 homes and families vulnerable. This parcel was originally designed with a road connection to the north, thereby providing a second access. Now that the applicant is attempting to isolate this parcel from the broader development, that is no longer the case.

We are also unclear as to where the stormwater is to be directed for this proposed development. It appears that no stormwater management facilities are being proposed. Our client's experience has been that when changes of this nature are proposed, the percent impervious increases and in turn so too does the volume of the required stormwater management pond(s). Since no stormwater management pond is proposed as part of these specific applications, what will its impact be outside of the subject boundaries? We cannot ignore the fact that this parcel is just a portion of the larger overall development planned for this area. Has the applicant demonstrated that the stormwater management pond(s) outside of this parcel can handle the increased volumes, with no impact to the lands of 2054971 Ontario Inc.?

The City of Hamilton has told our client that both development parcels in this area must be developed in a coordinated fashion, not in isolation as proposed. Our client's development was burdened with conditions to require this coordination at the applicant's request. It would be entirely inconsistent with the City's earlier directions for our client's development, to now allow this applicant to proceed independently and without providing for the coordination demanded by the City.

Yours truly,

  
Scott Snider

Ssjm  
13400/5  
cc. Angelo Paletta  
Dave Pitblado

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**Chan, Alvin**

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**From:**  
**Sent:** February-26-15 3:20 PM  
**To:** Chan, Alvin; Ferguson, Lloyd; Fabac, Anita; McKenna, Tanya  
**Subject:** Fw: public input,letter of concern, RE 1169 Garner Rd.

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**From:**  
**Sent:** Thursday, February 26, 2015 2:58 PM  
**To:** |  
**Subject:** public input,letter of concern, RE 1169 Garner Rd.

Feb. 26, 2015

File(s) : UHOPA-15-004 ZAC-15-008

RE: Notice of Complete Applications and Preliminary Circulation for Applications by Losani Homes (1998) Limited for a Revised Official Plan Amendment and Zoning By-law Amendment Applications for Lands Located at 1169 Garner Road East (Ward 12 ) Ancascter.

Attn: Alvin Chan,Tami Kitay, Lloyd Ferguson, S.Robichard, A. Fabac, and Tanya Mckenna.

As most of you know, I own 1157 and 1175 Garner Rd. ( which both presently have their own laneways) Losani's private Laneway for 90 town homes( 225 parking spots,...1 in driveway, 1 in garage, per unit, plus 45 additional parking spots )is presently located between my two properties, Sonoma Homes is also planning a 3 story building with 134 spots, which is located a few hundred feet away on the opposite side, beside the pump station. As stated in the past, I will be submitting plans for town homes on both of my properties. ( approx. 20 to 25 town homes ) My concern is traffic flow and alignment, as this may hinder my own development.

The following is a report by the CITY OF HAMILTON, dated sept. 2010,....proposed draft plan of subdivision and zoning by-law amendment for the CIMINO-D'AMICO LANDS (PED10176) (WARD 12)PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING DIVISION, submitted by Tim McCabe, and prepared by Cam Thomas. ( 1169 GARNER ROAD, ANCASTER, ONT.)

PAGE 30 of 31"... the preferred option for access from Garner Road East for future apartment sites according to traffic engineering is from 1175 Garner Road East in order to provide direct alignment with the existing intersection at Glancaster Road."

Page 19 of 31.....(v) "The proposal would be compatible with existing and future development in the surrounding area."

page 28 of 31 ...".In addition, traffic issues concerning acces from Garner Road would also seem to favour singular parcels rather than multiple parcels because of the need to limit points f access."

page 29 of 31..."The development of the proposed apartment building site is subject to site plan approval to ensure that the future site has been properly evaluated in terns of various development interests with respect to traffic, access,parking,servicing,grading,landscaping, and zoning conformity, among others."

The following is a report by City of Hamilton, [http://www.hamiltoncatch.org/view\\_article.php?id=855](http://www.hamiltoncatch.org/view_article.php?id=855). Cam Thomas " We would probably look at something comprehensive with that block and Mr.Cascioli in the future because of alignment and traffic issues." (page 4 of 8)

The following is an email sent to Cam Thomas from Tanya McKenna, fowarded to myself.

"Hi Cam, as you can see from the photo, 1175 would provide cl to cl access with Glancaster Road at the signal. This would be our preferred option given that Garner Road is a potential future rapid transit route. The properties would have to be merged or have easements established so that all properties would have access to the signal.

As I stated in the past to Alvin Chan, my properties are not for sale, but I would be interest in working together with The City of Hamilton, and Losani Homes to resolve these issues.

Regards,