

NGE LAND HOLDINGS INC.

950 Fennell Ave. E., Suite 105
Hamilton, Ontario, L8V 1X2
Phone (905) 387-2255, FAX (905) 574-3838
Email: cgalli@shaw.ca

May 31, 2013

Planning Committee
City of Hamilton
City Hall
71 Main Street West
Hamilton, Ontario
L8P 4Y5

VIA Email

Dear Sirs:

FRUITLAND-WINONA SECONDARY PLAN

Having attended Councilor Brenda Johnson's May 23, 2013 Community Meeting, regarding the above noted secondary plan/urban boundary expansion, and as one of the land owners in the area, we would like to provide our comments.

Community Advisory Group and NIMBYS

A representative of a Community Advisory Group (we believe a Mr. Kai DiFalco), gave a short speech at the beginning of the meeting indicating that the City did not choose one of the plans that the Group had put forward and basically demanded that one of their preferred plans be put in place. The Group appears to think that they were given the role of the Planning Department (and the Planning Committee) of the City and that they had control over the final plan and not the City. From the response at the meeting in support of the Group's position, a number of issues and concerns seem clear:

- The Group are not planners and their plans are based on emotion and what they feel is the proper mix for the neighborhood;
- They have no studies or legal support to back them up;
- They do not realize and/or do care about Provincial Laws and policies;
- They are influenced by "NIMBYS - Not In My Backyard Syndrome". and only care about what they want in the area - not the law;
- They are not considering what is fair for other new developments in the City - that is, they do not seem to care that all new Greenfield

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development are treated the same, at 70 people per hectare - they only care about what they want;

It appears that somewhere along the way, the Group got the mistaken impression that what they recommended would be put in place. In reality, they were only an Advisory Group, set up to make suggestions on what they would like to see in the area. At best, they could only hope that the City would implement into the secondary plan elements of their recommendations that would meet good planning, conform with the various backup studies, be acceptable to the requirements of the various City departments and be acceptable within the law.

They seem to think there are no constraints on the City and it is just a "shoot from the hip" attitude towards planning and development. In fact, the public in general seems to think there are no rules and that developers can build whatever they want, wherever they want.

We urge the Committee not to be swayed by the Advisory Group. Their comments are suggestions only and must work within the law, good planning and the various City requirements. Their views should not overrule the many other factors involved.

City Planning Department, The Law and Greenfield Developments

As we noted above, the proposed Secondary Plan is based on a number constraints the City of Hamilton Planning Department has to work within. These include, but are not limited to the laws of the Province of Ontario, numerous studies and reports, By-Laws in place for the City of Hamilton and requirements from the various City Departments.

The City of Hamilton's Planning Department is staffed by trained and experienced personnel, many of which hold degrees in the field. Although we do not always agree with their decisions, we understand that there are various factors that they have to take into account, and make work together, in order to prepare the plan. They have an understanding of the law and how it works with respect to the planning issues that face this secondary plan and how to implement them. Various processes and rules are in place which have been followed to produce this plan and any further delay (sending this plan back for further study) would not be productive and would likely produce the same results. We accept that the planners have taken into account all the suggestions and requests from the various parties and have acted reasonably and without emotion in preparing this plan, balancing the requests against the Laws of the Province and requirements of the various City departments.

Also as indicated above, this is a Greenfield Development which means it must conform with the rules for all Greenfield Developments. It must be fair to other similar developments and not get any special treatment. Although many of the residents are arguing that it will change the character of the area, they are not taking into account that the area is simply made up of farm land. In reality, this is the new development and must be based on the laws for all new developments. It should not and cannot get special treatment over other developments or the rules have no meaning.

Builder Developers and Density

As a builder/developer we will build whatever we are given and what the market wants. People attending the meeting complained about the density along Barton Street being too high (up to six storey buildings being allowed). As indicated at the meeting, this is included as a permitted use to meet the density targets of the Province of Ontario and to accommodate the farmers and wind studies etc. As was pointed out, the higher density may never be built, and under the current market conditions will not be built, as it is not economically feasible for builders to do so and it is not wanted by the Hamilton market. The plans allows for up to six storey building but anything less than that could be built depending on market conditions and builder preferences.

A good example of this is the "brow lands" in Hamilton at Sanatorium. A Toronto developer bought the property and proceeded to have it zoned for over 540 units (which they won at an OMB hearing). The property was recently sold to a Hamilton Developer who realized that the approved density was not economical to build and was not what the market wanted. As noted in The Spectator last week, the developer is proposing to build approximately 240 units on the property, or less than 50% of the approved plan.

As builders and developers we have to work with the community and with what the market wants. We will not build a product that will not sell or will not be profitable.

We urge the Planning Committee not to be swayed by the emotions of the Advisory Group and recognize that the current plan includes all elements necessary for approval and conforms to the laws of the Province of Ontario. Any delay or request to have "another look" at the plan, would be counterproductive and most likely produce the same result under the current laws and requirements of the City.

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If you have any questions please do not hesitate to contact the undersigned.

Yours very truly,
NGE Land Holdings Inc.



Per: Carl Galli, CPA CA, CBV