

July 15, 2020

To: **Committee of the Whole, Newmarket Town Council**

From: **David Elms; 741 Kingsmere Ave. Newmarket**

Re: **Council report 2020-49**

### **Historical background**

My wife and I moved with our young daughter to Kingsmere Avenue in January of 2004, to a nice quiet residential neighborhood. Two years later our daughter was accepted into grade one at Mazo De La Roche French Immersion Public School and was transported by school bus every day through to grade eight. The following year, after 33 years teaching high school math and physics, I retired. That then permitted me the opportunity to take our daughter across the street to drop her off at the bus and to pick her up upon afternoon return. It was then that I began to become aware of the traffic problems on Kingsmere. Thus, with our daughter about to go into second year university, this issue has been going on a long, long time.

### **February 2011**

I communicated via email with Theresa McNicol (Separate School Trustee) who in turn had Frances Bagley (Superintendent) telephone me and discuss this issue. Carol Taggio (Notre Dame Principal) also called me and promised to have a meeting with their planning administration, councillor, town officials, and community members (myself to be included). I heard nothing more from Ms. Taggio and none of my telephone messages were answered. I noticed that the departure time for the Notre Dame busses had been recently delayed by several minutes, of which reduced their departure problems but did nothing to solve the inconsiderate parents and law-breaking speeders.

**April, 2011** – Note to Councillor Vegh and Engineering Department, Mark Kryzanowski as per recommendation by Anne Sugar, Customer Service associate for the Town of Newmarket.

Parents pull up, park and often leave their vehicles for extended times in front of and all along the street. Many pull into our private driveways to wait for their children to be let out of school or to use in order to turn around. This is not only dangerous (a child is going to get hurt or even killed one of these days as they come running out from between these stopped cars) but also very inconsiderate to the owners adjacent to the school. Many of our driveways are of interlocking brick and not designed for such continuous traffic. Of course, this issue was compounded during the winter months with the reduced road allowance and dangerous snow banks

**June 9, 2011**– Note to Councillor Vegh

Just a note to let you know that the traffic issue on Kingsmere is not only bad but in fact is getting worse. Daytime parent pick-up with illegal parking, inconsiderate driveway turn-around, and speeding was gravely aggravated yesterday with a large (and very loud) event held at the school in the evening. The police and parking enforcement department were contacted by several owners in the neighborhood. The police claimed that it was not their problem and the town offices were closed.

**June 2011** – local resident email

Several residents have questioned the Town's refusal to install speed bumps on Kingsmere, a matter that I believe Tom Vegh is looking into. In discussion, one person writes: I was interested to hear that our road is designated as a main route. I would imagine that this makes the road a designated fire route (if emergency vehicles are not to be delayed). According to the Bylaw 8 of the Town's Parking Regulations and Enforcement: 'Parking or stopping in designated fire routes is not permitted.' If this is the case, then the Town has a duty to enforce that regulation.

However, if the road is not a main route, then there can be no objection to traffic calming measures. They can't have it both ways! Another resident writes: We also have been on the receiving end of offensive and rude behavior from parents parking in or blocking the end of our driveway.

And that: We feel that since the road was opened on the north side, it has been subject to a huge increase in traffic both commuter, construction and commercial. Our opinion is that the conditions now make our houses less marketable and subsequently less valuable, which should be of concern to all residents.

**June, 2011**

I had contacted the town and two chaps stood with me as I awaited my daughter's school bus at the intersection of Kingsmere and Ataire to observe. They stood there for about fifteen minutes but observed no major incidents (of course their bright orange safety vests rather cautioned any driver). My issue was brushed aside. Speed sensors were also placed at various locations on Kingsmere sometime that year.

There was much concern among local residents when the extension north through the Walker farm was proposed and additional speed sensors were installed. I again raised the issue and received the following data dated June 14, 2011 (file T-30 Kingsmere Ave.). If the operating speed at Ataire was 52 km/h then 15% of the traffic must have been traveling in excess of 52 km/h – in a 40 km/h school zone!

Road Section	Operating Speed	Median Speed	Volumes
Kingsmere n/o Cresta Rider (2010)	50 km/h	43 km/h	1,500
Kingsmere n/o Ataire(2010)	52 km/h	43 km/h	1,800
Kingsmere s/o Tegal (2010)	52 km/h	43 km/h	1,900
Kingsmere n/o Ivsbridge (2007)	41 km/h	30 km/h	320
Kingsmere s/o Ataire (2007)	53 km/h	45 km/h	990
Kingsmere s/o Ivsbridge (2004)	55 km/h	44 km/h	535

The operating speed of the road section indicates the speed at which 85% of the vehicles are travelling or less. The median speed indicates the speed at which 50% of the vehicles are travelling or less. The volume indicates the average daily volume of the direction.

**In the same letter**

In 2009, the Town undertook a parking review of Ataire Road at the request of the residents and implemented parking restrictions on both sides of the street. In addition, the Town Council added a further recommendation to contact the York Region Catholic School Board to address the issue of parking overflows onto the Town roads. This recommendation was undertaken in December 2009.

Considering the above information, additional site visits, and subsequent information provided, the traffic safety concern is primarily caused by the Notre Dame Catholic Elementary School traffic and parking operations and the overflow effects on the local roads and community. This is a local traffic management problem to be considered by the School Board as per their executed Site Plan Agreement and an enforcement issue to deal with the overflow onto the local roads.

How were Ataire residents able to get no stopping restrictions on both sides of the street whereas Kingsmere is only one side? Would Ataire not be a better place for parents to wait rather than the busy "collector" road of Kingsmere. As one can see in the picture below, there have been times when even Ataire is overwhelmed with vehicles.



The conclusion of the Town letter dated June 14, 2011 (file T-30 Kingsmere Ave.) indicates three “Next Steps”. Nothing came from those next steps and matters got worse once Kingsmere was fully opened up to Mulock.

#### Next Steps

The Transportation Management Policy Eng.1-02, has a section regarding speeds and mitigation. The current recorded speeds are within the tolerance of 15km/h above the posted speed limit for collector roads. The mitigation measures proposed under the category #1 are:

1. Community-based initiative In 2009 and 2010, the radar speed trailers, as part of the Speed Management Program, were deployed on Kingsmere Ave at least twice (2) times per year. Resources will be made available to increase the number of deployments in 2011.
2. Enforcement A copy of this memorandum will be forwarded to York Regional Police to provide a speed enforcement presence on Kingsmere Avenue and the community, and to the Town of Newmarket By-law Enforcement Department to enforce the parking restrictions in the community.
3. Contact School Board. Further to contact made in 2009, a copy of this memorandum will be forwarded to the School Board to review the traffic operations and parking issues. It should be noted that the Site Plan Agreement (under Bylaw 2006-34) which allowed the ‘8 pack’ of portables has contained in clause #17 an item that states, “the Board will ensure that the site will function at all times to accommodate traffic related to the school site property without adversely impacting on Town roads and agrees to make any future required modifications to achieve this result”.

The community and the Town agree that the road system is being adversely impacted by the school's

#### **April, 2012**

I made a submission at the Newmarket Town Council Meeting of April 8<sup>th</sup> 2012 in regards to the proposed National Homes Subdivision in the Stonehaven subdivision:

1. The Study does not consider where increased eastbound Stonehaven traffic may go. Any vehicle heading north or north-east from the proposed new subdivision may turn left at the Stonehaven/Kingsmere stop sign;
2. Kingsmere Avenue has undergone a large increase of traffic flow since it was opened up to the new subdivision of Walker’s Farm; an addition of 132 single family units providing vehicles coming from Dillman Avenue and thus many going across Stonehaven Avenue and up Kingsmere Avenue will only exasperate the problem;
3. The report indicates that afternoon "peak hours" are from 4:00 pm - 6:00 pm; a known fact in the community is that the heaviest afternoon traffic is between 2:30 and 3:30 when Notre Dame and Stonehaven schools are let out. There was no traffic data collected during the “true” peak hour”;

4. The study was done on Wednesday October 10<sup>th</sup>, 2012 a day when Notre Dame had its "Walk-on-Wednesday" campaign, hence reduced traffic compared to other school days;
5. Although working with and receiving moral support from Tom Vegh and Carol Taggio (Principal at Notre Dame) for the past few years in regards to traffic congestion, illegal parking on both sides of the roadway and inconsiderate driveway turnarounds, the situation along Kingsmere Avenue is still unreasonable when the school children are released. The addition of more vehicles due to National Homes proposal will only serve to increase this problem;
6. The posted speed limit signs are quite often disregarded as vehicles 'fly' along Kingsmere Avenue between Stonehaven and Ivsbridge.

#### **October 2012 – Traffic Impact study GHD National Homes**

The east parcel is expected to generate 8 total two-trips (2 inbound and 6 outbound) and 9 total two-trips (6 inbound and 3 outbound) during the weekday am and pm peak hours. These trips are considered insignificant for the purpose of measuring the traffic impact at Kingsmere Avenue and therefore no further study of these trips was carried out.

As one can observe, traffic impact on Kingsmere was ignored

#### **August 2014**

The issue of traffic speeds and parked/stopped cars during school pick-up times was raised again with a suggestion that a three-way stop be placed at Ataire and Kingsmere; it was refused in 2014.

### **RECOMMENDATIONS**

**THAT Development and Infrastructure Services Report – ES2014-51, dated August 25, 2014 regarding Kingsmere Avenue/Ataire Road – All-way Stop Review, be received and the following recommendation(s) be adopted:**

- 1. THAT the existing stop control at the Kingsmere Avenue/Ataire Road intersection remain as is due to:**
  - a. not meeting the warrants outlined in the Transportation Management Policy as approved by Town Council**
  - b. safety concerns as outlined in the Ontario Traffic Manual (Book 5) of the Ontario Ministry of Transportation.**

### **BACKGROUND**

At its regular meeting of May 5, 2014, Town Council adopted recommendations under "New Business" that stated:

*"57. That staff conduct a traffic feasibility for a 3-way stop installation at Kingsmere Avenue and Ataire Road."*

As a brief history, the following changes/additions were enacted regarding the local road network:

1. Ataire Road – the parking restrictions were amended in 2009 and 2011.
2. Ivsbridge/Kingsmere intersection – an all-way stop was implemented in 2010.
3. Kingsmere Avenue – an extensive review was conducted for speeding concerns in 2011.
4. Kingsmere Avenue – a Community Safety zone was implemented around Notre Dame Public School in 2012.

These are typical photographs of vehicles parked/stopped along Kingsmere at the time of school day closing:



**Fall, 2018**

In the past and again recently, I have been in contact with the school administration over the issue of so many cars parked along the road and with children attempting to walk across the road between these park (and speeding) cars.

Notre Dame's Principal Mr. Fitzpatrick even met with me in the fall of 2018 to discuss these issues and he put out a parking permitted map and a request to the parents - that fell on closed eyes.



Why is it that Stonehaven P.S. has been able to deal with this issue and not Notre Dame? Stonehaven also separates the school buses from the other vehicular traffic, Notre Dame doesn't as there is only a single entrance for both.

In another parent memo sent out by Mr. Fitzpatrick, he wrote:

Some parents may wish to drop off on the street but please do not park on Kingsmere Ave. You may be ticketed. Please note that for the crossing guard to be effective, cars need to leave a safe distance for the children to "see in each direction". Let us continue to be good to our neighbours as they are good to us. Please remember to **not** block or turn around/park in any private driveways. Please do not block or park too close to the school driveways. Busses need additional space to turn safely without clipping the front or back end of a stopped/parked car. U-turns are prohibited and would create a danger in any school area. As a gentle reminder, please ensure the safety of children by having them **wear seatbelts correctly**, at all times.

Part of the issue is that the "Kiss 'n Ride" at Notre Dame is not efficient enough to handle the school buses, teacher parking, and parent pick-up. Tom Vegh was involved with our dilemma at one time. He suggested moving the teacher parking to an empty lot across from the school. Unfortunately, the neighbors adjacent to that lot disagreed and Tom's idea was scrapped. I have suggested that the school re-designs the parking lot to have the pick-up cars flow right around the back of the school and out from the north side; this would involve moving the playground farther up into the adjacent park. That costs money and commitment, something which is obviously not available.

**October 2018** – notice that a car can do a U-turn here but not when a car is parked in the middle of the intersection.



**January 2018** – notice the driverless vehicle parked across my driveway, right under the No Parking sign.



**Fall 2018** – Notice the car parked across a neighbour's driveway.



**May 2019** – email from Councillor Grace Simon

I have been trying to address the issue to get street calming measures implemented. The police have been out to watch the stopping or lack of at Note Dame. Unfortunately, it can't be 24/7.

Ontario has passed that we are able to now have photo radar in school zones which I think will be very effective and as soon as it's available I certainly will be asking for it to be in-front of Norte Dame and Stonehaven.

**June 2019** – Driveway repair.

Under the lowest quote, we paid \$12,938 to have our brick driveway lifted and re-laid, much of the damage being between the sidewalk and roadway, the area where so many vehicles turn around.

**June 2019**

Under suggestion and approval from Grace Simon I designed and collected about a dozen signatures on a petition to the Town. Council Report 2020-49 is a direct result of that petition.

**June 2019** – notice to residents on Kingsmere

**Do you mind your driveway being used for parking or for turning around?  
Do you like the speed of traffic on Kingsmere?**

You may not be at home when the children get out of school but if you were you would see dozens of cars parked on the NO PARKING side of Kingsmere and often several stopped on the NO STOPPING side. You would also often see a parent parking on a private drive, waiting for their child. Drivers wanting to turn around will turn into a drive to do a three-point turn. The closer your house is to the school, the more frequent this abuse. If you have a brick drive as many do then you can guess what damage this must be doing in twisting the bricks; if it's asphalt then the damage of turning tires could be even worse, especially on hot days.

There is also the matter of safety – for the school children, your family, and your personal assets. A NO PARKING zone adjacent to a school is obviously designated for safety.

For several years, I have been fighting a losing battle with traffic on Kingsmere. I have been cursed, sworn at, and threatened when I have made a polite request for drivers not to park on my drive or on the street. I acknowledge that the area between the sidewalk and road is technically town property but we are the ones who clear the snow in the winter, cut the grass in the summer, and maintain the driveway condition. I have been in contact with the Newmarket police, Newmarket parking authority, Newmarket Bylaw office, Town of Newmarket Customer Service, the Director of Engineering for Newmarket, Catholic School Trustee, Notre Dame Principal, and Ward 1 councillor Tom Vegh. Of course, they are all sympathetic but nothing has been done as yet.

The homeowners along Ataire became so fed up with drivers loosening their brick drives that they petitioned the town to put NO PARKING signs, close together, on both sides of the street. Obviously, many voices speak louder than one.

Are you concerned at all? If there is enough community interest then I shall be collecting signatures to petition the town to act further on this matter. In the meantime, you can contact me at [Kingsmere.traffic@gmail.com](mailto:Kingsmere.traffic@gmail.com). Please feel free to contact any of those indicted above to reiterate these concerns.

**September 2019** – email to Councillor Grace Simon

It's now back to school, along with the accompanying traffic problems on Kingsmere. First day of school parking has brought back my bad memories of past attempts to solve our problems. This afternoon there were cars parked all along

Kingsmere on the east side from the school almost down to Stonehaven. Several were sitting across private driveways, with no-one in the car.

I gather that Principal Mr. Fitzpatrick has been replaced by a Deirdre Vance at Notre Dame. I am sure that he was not upset to be getting away from me! I am c.c.'g this to their Superintendent and Trustee to try to keep them in the loop. There is no email listed on Notre Dame's web site for the new Principal. The one thing that Mr. Fitzpatrick did do was to post a map of the legal parking areas in a parent newsletter; perhaps the new principal could be convinced to do this on every newsletter. (Note: I never heard from anyone at YCDSB)

### **March 2020**

Councillor Grace Simons held a Ward 1 meeting to introduce the proposal for development of the Police Grounds at Stonehaven and Bayview. I attended that meeting and although understanding the towns need for additional property taxes, I addressed my point that a third expansion (Walker, Dillman, Police) was going to add to the traffic flow along Kingsmere with subsequent increased problems.

### **June 2020**

Three sets of traffic calming devices were placed on Kingsmere BUT they were placed on the bend of the road close to Stonehaven where the traffic naturally proceeds slower than that on the straightaway past Ataire.

What is happening behind Notre Dame now? There has been large machinery working for several weeks up into the park. Even Grace Simons our Ward 1 Councillor doesn't know. If the YCDSB would have put in sufficient pick-up opportunity with separate bus access in the first place much of our problems would have been alleviated.

### **In Conclusion**

There have been problems with vehicular traffic along Kingsmere Avenue for many years, including speeding, parking, use of private driveways and lack of respect for local residents. I have been sworn at, middle fingered, threatened, told to "get a life", told to "move", and once nearly run over. I beg of Council to determine the best means to alleviate the traffic flow and parking/stopping on Kingsmere Avenue. A united front needs to be made between local residents, the Catholic School Board, Notre Dame Administration, Town Parking Authority and the York Region Police. This may include the school board redesigning the private vehicle pick-up and bus pick-up area to separately accommodate more vehicles, installation and enforcement of time designated No Stopping on both sides of the street adjacent to the school, installation of time designated No Stopping at the top of the intersection of Ataire and Kingsmere, installation of photoradar in the vicinity of the school, and consistent, regular visits by Parking Authority.