

**Communication C4.
Item No. 2
Committee of the Whole
(Public Meeting)
September 13, 2023**

From: Clerks@vaughan.ca
To: [Assunta Ferrante](mailto:Assunta.Ferrante)
Subject: FW: [External] O.P.A. File OP.23.005 Zoning By-law Amendment File Z.23.008
Date: Monday, September 11, 2023 8:49:15 AM

From: fausto tenaglia [REDACTED]
Sent: Sunday, September 10, 2023 12:15 PM
To: Clerks@vaughan.ca; Marilyn lafrate <Marilyn.lafrate@vaughan.ca>; Rebecca Roach <Rebecca.Roach@vaughan.ca>; Susan Kelly <Susan.Kelly@vaughan.ca>
Subject: [External] O.P.A. File OP.23.005 Zoning By-law Amendment File Z.23.008

My name is Fausto Mark Tenaglia and I reside at [REDACTED] Albion Vaughan Road.
I am writing in response to the above noted O.P.A. and zoning amendment which is scheduled for the public meeting Committee of the Whole on September 13th at 7:00 p.m.

I want to register my objections to this application request by submitting the following points:

1), Page 4 of The Planning Justification Report , filed by Glen Schmar Associates speaks of Surrounding Land Use Context.
"North: The lands immediately to the north are developed with Industrial and Employment uses, including office, truck and container parking, and transportation services."
" The property immediately south of the Site is an automotive part business which includes the storage of vehicles outside. "
Please note that the industrial , employment offices and truck storage (sea containers) site that they are most likely referring to is the 48 acre site formerly owned by Muscillo Transport. This site was sold back in 2015 or thereabouts. This property went through a rigorous OPA amendment commencing on March 22, 1988. After numerous O.M.B. hearings , decisions, public consultations appeals by both myself and area residents , and final O.M.B. decision of June 24, 1993, we have the present existent site.
This property went through the required processes to get where it is and what it wanted with numerous controls.

Furthermore, the lands immediately to the North and to the South of this proposed O.P.A. amendment , are not zoned as they are depicted.
There are ongoing numerous Notice of Violations, court charges and illegal uses. Following is an email from Harinder Singh outlining the status of properties immediately adjoining the property in discussion.

Harinder Singh <Harinder.Singh@vaughan.ca>

Jul 28, 2023, 11:48 AM

to Miriam, me

[REDACTED]

Hello Mr. Tenaglia,

I hope this email finds you well. I do apologize for the late response as I was away from the Office last week. Please see below my response/updates on our investigations related to the addresses noted:

1. 11065 Highway 50:

The subject property was under investigation but was brought into compliance [removal of outside storage and illegal use] late 2022 around November. With the new Zoning By-Law passed earlier this year and our proactive patrols, staff have identified new tenants that moved in earlier this year illegally using the property for truck storage/parking facility. We are awaiting confirmation from our Zoning Department to formalize specifics under the new Zoning By-Law before issuance of a Notice of Violation.

2. 11151 Highway 50, which is the site of Cap Utilities Ltd.

Charges before courts submitted May 2023 under new Zoning By-Law.

3. The property adjacent to 11151 Hwy 50 and fronting on Cold Creek Road. This property is about 2 acres in size and has numerous dump trucks on it. I will forward a picture of this site taken yesterday.

The subject property is still under investigation as a number of inspections with TRCA and our Engineering Development staff have been undertaken. A new Notice of Violation is being sent under the new Zoning By-Law for compliance

4), The 10.8 acre site known as part of Lot 28 , Concession 11, designated as Part 4, Plan 64R-19710 or 0 Highway 50. This site now has a

rezoning request posted in front.

Charges before courts submitted May 2023 under new Zoning By-Law – this is the same property as number 2.

5), 11050 Cold Creek Road. This site has been heavily graded. Would it be possible for you to ascertain who the present owners are of this site?

The subject property appears to have been sold recently and was noted conducting activities of site-alteration. As such, staff have conducted their field inspections with Engineering and Development and are currently conducting preliminary record searches before issuing Notice of Violation.

We hope to see some impact in the very near future from our consistent enforcement approach and strategy that will deter such illegal land use activity. Thank you for your patience and understanding while we continue to investigate these matters.

Sincerely,

Harinder Singh, B.A. CMM III, MLE Executive, Prop. Stds Executive
Supervisor Property Standards
905-832-8505, ext. 8279 | harinder.singh@vaughan.ca

2), Section 2.2.4.5 Employment Areas,

" to provide sufficient Employment Areas and appropriate land use designations to help achieve the York Region Official Plan target of an average minimum Employment Area density of 40 per hectare."

The 40 jobs per hectare is somewhat in discrepancy when compared to the Vaughan O.P.R. draft schedules . Appendix 1 of the Regional Employment Areas and Densities indicate this study area to be in West Vaughan, with a density target of 30 jobs per hectare.

In any event, if the Vaughan schedule is to be adhered to then this site would require at most 108 employees.

Reducing the landscape coverage of 17.27% from the total site would result in an approximate lot size of 9 acres.

9 acres equals 3.6 hectares. Therefore, 3.6 hectares would require an employee count of 108.

There are not 108 employees at this site, nor will there ever be. Parking a trailer or dump truck and leaving it there for 1 day or several weeks should not constitute an employee count of 1 or 108, even if there are 108 trucks parked. If 100 trucks roll into this site in an 8 hour day to drop off or pick up sea containers, this should not equate to as part of the "area density of 30 jobs per hectare."

The Planning Report also states that , " the Proposed Development proximity to the Go Transit network will aid in the enhancement of the local transit system as it encourages ridership for employees of the Owner's business operation."

I find this statement illusory and at best overly imaginative. Itinerant sea container and dump truck drivers do not go to nor come from Go Transit systems and then start to drive their trucks. In fact , there has never been more than 5 cars at most parked at the Mayfield Go Transit stop, and those users are only for the bus service. These sort of trucking and container depots require few employees to manage their daily operations.

Council should note that the location at 11151 Highway 50 was one of the 18 sites along with others on Highway 50, Nashville Road, King Vaughan Road Hwy 27 and Cold Creek Road that was brought to the attention of the Committee of the Whole on December 6, 2022.

At that time, all the members of Council were present with the exception of Mayor Del Duca.

All members exhibited interest and concern with respect to the blatant and unlawful uses of agricultural lands for outside truck and sea container storage.

Since that report, at least 3 more locations have been added to the list. The most recent one began grading on June 30th (15 acres at 11420 Cold Creek Road). How fortuitous and commemorative to work before and after Canada Day.

Note : this site is operational now with continuous grading operations.

When fully completed it will no doubt house more than 200 truck/ trailers and concomitant sea containers.

3), The Arborist Report for 11151 Hwy 50 by Palmer is outdated and erroneous in its information (2020).

Item 1 , states that "the site is agricultural field though it is understood that recent permitting has allowed grading to commence."

Please note that as far as the writer of this report is aware there was never any permission for grading to be executed on this property by the City of Vaughan.

In fact, the grading activity was totally unbeknownst to the City back in early November of 2021.

This illegal grading was executed at the discretion of the owner(s).

Recommendations to Council for Sept,13 meeting:

1), If Council members are seriously concerned about the blatant illegal use of agricultural land for outside truck and sea container storage and want to do something concrete to stop this, then it is recommended that this O.P.A. and temporary zoning change be unanimously rejected. The owner(s) have recourse to the O.L.T. for appeal. In fact, with the Court delay and postponement system in effect it will most likely take 3 years before this case is resolved. In the interim, the owner(s) have leave to continue their business and still advertise with insouciant impunity on Hwy. 50.

2), Rejection of this zoning request will show Council's appreciation and reinforcement of the diligent work of Bylaw enforcement personnel to notify and prosecute these illegal activities.

3, This O.P.A. request is a precedent test case for other similar cases now before Bylaw that will invariably ensue and come before Council.

Sincerely,