

November 22nd, 2024

Attention: Joshua Cipolletta, Planner  
Marilyn Iafrate, Ward One Councillor

From - Mark Tenaglia  
RE - COW - Public Meeting  
Dec 3 -  
Item - 4-4

C4. Communication CW(PM) – December 3, 2024 Item No. 4
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### History of 11339 Albion Vaughan Road

1. Property purchased in or about 1986 by Dario Muscillo. Total acreage then was about 37.8 acres (15.3 ha).
2. November 17th, 1987 OP 31.87 Zoning By-Law amendment and application Z.75.87 refused by Planning Dept.
3. March 22, 1988 Amendment to Official Plan File OP.11.88 and Amendment to Zoning by-law file Z.24.88 submitted to Planning and Council for consultation to permit truck storage for approximately 100 tractor trailers and gravel trucks. Included would be 600 sq meters of office space and 1150 sq meters of truck servicing and repair facilities. OPA #274 was approved by Planning subject to 7 conditions to the O.M.B. One major condition was that there be constructed a "major landscape berm around the perimeter of the site to completely screen the trucks within the truck storage area." Please note that of the 37.8 acres a total of 21.9 acres was proposed for the owner's use. The remaining 16 acres would have contributed to an agricultural buffer zone to the northern residential and farming uses.
4. The above site was developed and used by Muscillo Transport with a 12 foot high landscaped berm demarcating the northern properties from the industrial use.
5. From 1988 to 1989, not only was the northwest berm totally removed but over 2 acres of the agricultural buffer land was graded over and the site used to build a heliport. This heliport was and has been extensively used for both day and night training classes. This heliport was completed and inspected on August 28th, 1989. A court hearing requested by Vaughan By-Law in 1990 determined that the heliport had federal jurisdiction. Local municipal governments have no input in these matters.
6. In August of 1990, a concrete batching plant was erected on the southern subject lands and operational.
7. In the same year, the Muscillo owner submitted Official Plan and Zoning By-Law Amendments to permit the above plant.

8. OP.49.90 and Z.85.90 approved for temporary 3-year permit by Council under OPA 377.
9. In 1992, applicant appeals Council to further expand into the northeast parcel of the agricultural buffer zone for more truck parking. At this time, all of the remaining landscaped north berm was removed by the owner. In the same year, OP.6.92 and Z.27.92 (OPA. 377) was approved and adopted by the Council.
10. In 1992, above OP.6.92 and Z.27.92 and OPA. 377 were appealed to the OMB by the present writer.
11. October 10th, 1995 OMB decision (M. A. Rosenberg) OPA. 377 to permit concrete batching plant was denied. Block C, former northeast agricultural buffer zone approved for truck parking and storage. Blocks D and E, approved for general industrial and limited commercial. Please note that the remaining agricultural land directly west of the heliport was left as an agricultural buffer zone as per initial OPA #274 (1998).
12. From 1995 to 2014, the remaining agricultural buffer land west of the heliport was always covered in grass. Not until 2015 did the then owner (Muscillo) decide to pave it over and populate the site with dump trucks and tractor trailers.
13. In early 2017, this 2 plus acre site was fully saturated with City of Toronto graders, backhoes and dozers.
14. Between September 2015 and February 2018 By-Law staff (Christina Booth) executed numerous site and court visits.
15. In or about 2018, this whole property was sold to new owners and subsequently in late 2019 due to a court decision, all tractors and graders were removed.
16. In the ensuing span of 4 years from 2019 to 2022 the present owners decided to emulate the previous owner's illegal actions. They inundated the site 5 times with tractors, graders and dump trucks. Each time they were cited with violations and compelled to remove the equipment. Thanks to the astute and persistent diligence of By-Law Officer Miriam Anania. These incursions were repelled. Since July 2023, this site has been kept relatively clear with the exception of the parking of 5-6 rental limos/cars accompanied by several sporadic employees parking on the site.

**In conclusion, I would like to submit the following:**

1. That the Planning Dept and Council unanimously refuse this Official Plan and Zoning By-Law Amendment.
2. That this Council reconfirm the intent and purpose of the 1989 OPA #274 decision with its "rural" designation of the adjoining northern lands and associated buffer zone.