

Tuesday, September 19, 2017
Committee Of The Whole Meeting
Attention Mayor and Members of Vaughan Council

Regarding: Site Development File DA.17.021, Sevenplex Development

This package is to **object** the application A267-17 and
Site Development File DA. 17.021. Sevenplex Developments Inc.

Enclosed are the following documents pertaining to the above application:

1. Request for Deputation Letter prepared by Frank Mazzotta of Armour Heights Developments, dated September 15th 2017.
2. Objection Letter prepared by Frank Mazzotta of Armour Heights Developments, dated September 19th 2017.
3. Signatures of owners of YRCC 1161 (81 Zenway Blvd)
4. Traffic Report prepared by Jeff Mark of Mark Engineering, dated September 18th 2017.
5. Acoustical Comments prepared by Sam Du of Valcoustics Canada Ltd, dated September 18th 2017.
6. Objection Letter prepared by Joseph Burnett of Burnac Corporation, dated September 18th 2017.
7. Variance Report Summary prepared by Frank Mazzotta of Armour Heights Developments.
8. Site photos and allowance set back (3)

September 15, 2017-

Mayor and Members
Office of City Clerk
2141 Major Mackenzie Drive
Vaughan . Ontario
L6A 1T1

Dear Mayor and Members of Vaughan Council,

**Re: Request for Deputation
at Committee of Whole Meeting , September 19, 2017
Site Development File DA. 17.021
Sevenplex Developments Inc.**

My name is Frank Mazzotta and on behalf of the York Condominium Corporation , (YRCC 1161), I hereby request the opportunity to appear before the Vaughan Committee of Whole at its meeting of September 19, 2017, with respect to the site development application DA. 17. 021, filed by Sevenplex Developments Inc. YRCC 1161, represents property owners and business within the multi unit employment building , just west of the subject property. In reviewing the staff report for the said application, YRCC I would like to identify the following concerns:

1. Although the OPA and zoning permit a gas service station and related ancillary uses, such as convenience store , drive thru eating establishment and car wash, we feel that all these uses combined on this site is too congestion to allow for compliance to the existing zoning provisions and for the proper design of the site.
2. The proposed site plan requires relief from the zoning bylaw for 8 Items, which combined should not be considered as being minor in nature and simply remedied thru consent for variances by the Vaughan Committee of adjustment.
3. The proposed car wash is too close to the rear property line and a greater separation distance should be provided so to provide for proper landscape screening and reduce noise to abutting businesses.
4. Noise attenuation measure or buffering should be introduced along the west property limit.
5. The west elevation of the car wash need to be enhanced as they are visible from the abutting property and street sight line. (i.e. add spandrel panels)
6. There appears to be inadequate parking provided on site and we are concerned that any spill over parking of patrons to the this facility will end up within our property
7. Proper provisions for illumination to be incorporated into the design so as defuse lighting away from adjacent properties and businesses.
8. Access into and out of the site would create further congestion onto Zenway Boulevard and Highway No. 27 intersection , which is already heavily congested, especially during peak

hours. This will also make it difficult for patron to our existing business for existing our site with the backup of traffic. This will be particular event when refueling trucks coming to the site.

These are only some of the major issues and concerns that YRCC has with respect to the proposal and therefore, I would appreciate the opportunity to appear before the Committee on deputation , to address these items as well as others, as they pertain to this site development application.

Yours

Frank Mazzotta,
YRCC 1161

cc. Mayor and Members of Council

September 19, 2017

Good afternoon, Mayor Bevilacqua and Members of Council,

My name is Frank Mazzotta, and on behalf of the York Condominium Corporation 1161, 8000 Hwy 27 and Mr. Joe Burnett I hereby object to the application File DA.17.021. I represent 25 property unit owners and businesses within this prestige multi-unit employment complex immediately west abutting the subject property. Each member has signed a petition to object to this application which I am now submitting.

I have been in the development industry for over 30 years. I live in Vaughan and I have built in Vaughan and Pro Development. This application should not have been advanced through COA minor variance but should have been a zoning bylaw amendment.

I have reviewed the staff report for the said application and have summarized the following very as serious concerns forming the basis of my objection to this application:

1. Although the OPA and zoning permits a gas service station and related ancillary uses such as convenience store, drive thru, eating establishment and car wash, we feel that all these uses combined on this site is onerous, overzealous, dangerous, and will further and very adversely impact an overly congested intersection;
2. The proposed site plan application requires relief from the zoning bylaw for 8 separate matters, which individually and certainly on a combined basis, are not considered to be minor in nature. In fact, on a combined basis, these 8 matters have a very significant and material impact to the site, the intersection, the immediate buildings, owners and users, and the business park generally. These noted variances cannot be simply addressed or remedied thru consent by the Vaughan Committee of Adjustment Committee;
3. The proposed car wash identified in the application is far too close to the rear property line. In accordance with the requirements of the zoning bylaw, a much greater separation distance of approx. 18 metres should be provided in order to properly landscape, screen, and reduce noise to abutting businesses;
4. Noise from this operation will be significant and noise attenuation measures and buffering should be introduced along the west property limit. I have taken the liberty of engaging Sam Du from Valcoustics Engineering to inform us to our rights on the infringement of noise pollution. Section 14 of the Environmental Act indicated that ``shall not discharge a contaminant or cause or permit the discharge of a contaminant into the natural environment, if the discharge causes or may cause an adverse effect``. Noise is considered one of the contaminant.
5. The west elevation of the car wash needs to be enhanced and screened as it is visible from the abutting property and for the Zenway Boulevard sight line;
6. There is very inadequate parking provided on site. We are concerned that vehicles that cannot be accommodated with appropriate parking will stack or sit idle on Zenway Boulevard and/or park illegally in adjacent property parking lots. Proper provisions for illumination should be incorporated into the design in order to diffuse the significant gas station lighting away for adjacent properties and businesses.

7. Vehicle and Tractor Trailer access into and out of the site would create further congestion on the Zenway Boulevard and Highway No. 27 intersection, an intersection which is already very heavily congested at all hours of the day and especially during peak hours. This will also make it very difficult for employees, business owners and patrons trying to make their way in and around the business park and businesses will be hurt as a result of the unbearable and unmanageable traffic. This issue will be particularly damaging when tractor trailers and/or refuelling trucks enter or exit the site. I know and understand that EXP has been contracted and supplied a traffic study report which has concerns. At my own cost I engaged Mark Engineering to peer review and comment which will be submitting for your review.

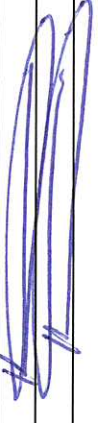














Section 45(1) of the Planning Act establishes ``four tests`` for determination as to whether a variance is deemed to be ``minor``. In the 2005 Vincent versus de Gasparis decision the Divisional Court clarified the four test minor variance process. While most minor variance applications involve more than one variance, each variance needs to satisfy each of the following four tests.

1. The variance must be minor in nature. The Court concluded that the Planning Act must be interpreted to mean that a variance can be more than minor for two reasons, namely that it is too large to be consider minor, or that it is too important to be consider minor.
2. The variance is desirable for the appropriate development or use of the land.
3. The variance maintains the general intent and purpose of the Zoning By-law.
4. The variance maintains the general intent and purpose of the Official Plan.


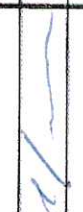
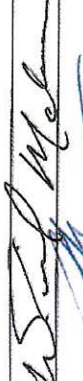



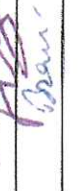


Please accept this letter as an official objection to the Application.

York Region Standard Condominium Corporation No. 1161
81 Zenway Blvd, Vaughan Ontario

Regarding: Objection of Application A267-17 and Site Development File DA. 17.021.

Unit #	Owner/Business	Owner Name	Signature (s)
1	2283836 Ontario Inc.	Harshwinder Singh Pabla, Jyoti Pabla	
2	2283836 Ontario Inc.	Harshwinder Singh Pabla, Jyoti Pabla	
3	Aquino Brothers Holdings Inc.	Joseph Aquino	
4	2365757 Ontario Limited	Frank Aquino	
5	Trade Electrical Contractors	Mario Parente, Nunzio Parente	
6	1873556 Ontario Inc.	Phil Carporrella	
7	Sky Wireless Communications	Steve Spizzirri	
8	2318481 Ontario Inc.	Anil Purri	
9	Grandbury Developments Inc.	Antonella Favaro, Claudio Vianna, Silvana Mauro	
10	Grandbury Developments Inc.	Antonella Favaro, Claudio Vianna, Silvana Mauro	
11	Grandbury Developments Inc.	Antonella Favaro, Claudio Vianna, Silvana Mauro	
12	1157135 Ontario Inc.	Antonella Favaro, Claudio Vianna, Silvana Mauro	
13	Integral Management & Consulting	Anne Marie Latter	
14	Giannace Family Holdings	Antonio Giannace	
15	2162699 Ontario Inc.	Francesco Vitucci	
16	Carrier Alliance Inc.	Joel MacKay, Rico Covello	
17	Weston Tae Kwon Do Ltd.	Vito Palella	
18	VRP Developments Inc.	Rick Venezia	
19	Brian Luckman	Brian Luckman	
20	Sagawest Developments Inc.	Andy Sturino	
21	Aces Capital Inc.	Daniel Seca	
22	2568300 Ontario Inc.	Victor Peca, Mauro Poletti	
23	Wildcard Inc.	Nadia Tedesco	
24	Mazzen Holdings Inc.	Frank Mazzotta	
25	Dan Fung	Dan Fung	

We the undersigned object to and support the objection of an Site Plan Application request regarding the application File DA 17.021 filed by Sevenplex Developments Inc. AND to the Variance Application A267/17 based on the same reasons listed in the objection letter by Frank Mazzotta dated September 18, 2017 (attached)

TENANT	ADDRESS	UNIT #	SIGNATURE	
Integrity Fitness Inc.	8000 Hwy 27	Unit 1		DEENA ABOKAR
1634443 Ontario Inc.	8000 Hwy 27	Unit 2		MANVIR KOONER
2484646 Ontario Inc.	8000 Hwy 27	Unit 3		
2359792 Ontario Ltd	8000 Hwy 27	Unit 4		
Silverthorne Cabinetry Inc.	8000 Hwy 27	Unit 5		WILLIAM MARSH
Colourtrenz Paint & Décor Centre Inc	8000 Hwy 27	Unit 6		ARTHUR INFUSINI
Fundy Tactical & Uniforms Ltd	8000 Hwy 27	Unit 7		PAUL MURPHY
2244250 Ontario Inc	8000 Hwy 27	Unit 8		YI KANG
Zenita Inc.	8000 Hwy 27	Unit 9 & 10		RAISIN CHABA
1742249 Ontario Inc.	8000 Hwy 27	Unit 9A		
2580162 Ontario Inc.	8000 Hwy 27	Unit 11		
2107525 Ontario Limited	8000 Hwy 27	Unit 12 & 13		GRAZIO-DE VITO
Tim Hortons Store # 2894	8000 Hwy 27	Bldg B		FRANK VALLE



MARK ENGINEERING

Excellence in Transportation & Traffic Engineering Problem Solving

September 18, 2017

Frank Mazzotta
President
Armour Heights Developments
81 Zenway Boulevard
Unit 24
Vaughan ON L4H 0S5

Re: Sevenplex Developments Inc
Highway 27 & Zenway Boulevard
City of Vaughan
Our File 201720, City File DA.17.021

I have reviewed the data you provided and have the following comments:

Committee of the Whole Meeting, September 19, 2017

1. Item 1.a) requires a number of studies, plans, reports, etc. to be approved prior to approval of the site plan. There is no explanation of what will happen if one of more of the documents are not approved.

Traffic Impact Study

2. Section 1.4 – The Zenway Boulevard configuration description accurately shows what is painted on the pavement at the new site access. However,
3. Section 1.6 – The forecasted annual growth rate is assumed to be 2%. There is no indication that this is what the Region is forecasting for the roads in the area.
4. The default values for the signal analysis should be shown somewhere in the report. The report should also show the existing signal timings.
5. The computer outputs attached do not show the 95th percentile queues for the Highway 27/Zenway Boulevard intersection. They do show the 50th percentile queues. Typically, the 95th percentile queues are used for future scenario analysis.
6. Sections 2.1, 3.6 & 4.3 should have tables showing the 95th percentile queues. Table 8 should use the total generated trips from Table 7, not just the new trips.

C:\Users\Jeff\Documents\MARK ENGINEERING\PROJECT FILES\2017 Projects\201720\201720 Report.docx

250 Bristol Road, Newmarket, Ontario L3Y 7X7
email: general@markeng.com

Tel: 905-836-4410
Toll Free: 1-877-MARKENG

7. In Section 6, there is no discussion of the possible conflicts between the queues of vehicles turning left onto Highway 27 and those vehicles wanting to turn left into the Zenway Boulevard access. The distance between the eastbound stop bar at Highway 27 and the centreline of the Zenway Boulevard access is about $84\pm$ metres, or about 11 car lengths. The 2023 50th percentile queue in the morning peak hour is calculated at 9.2 vehicles per lane; during the afternoon peak period, the length is 17.9 vehicles. The 95th percentile queues would be substantially longer. The result is that there will likely be vehicles trying to turn left across two queues of vehicles waiting to turn left at Highway 27.

This westbound-to-southbound queue at the Zenway Boulevard access is not calculated. The computer analysis is unclear what the queues at the access might be.

It is this last point that is the major concern. Typically, left turns are not permitted across double left turn lanes. The authorities usually require that there be no left turn access points along a road adjacent to double left turn lanes.

In this case, there is an existing access on the north side of Zenway Boulevard so it would be difficult to convert the accesses on the north and south sides to right-turns only. There is also the existing accesses to 81 Zenway Boulevard on the south side of the road and to 80 Zenway Boulevard/8000 Highway 27 on the north side of the road, both of which are close to the proposed access. There can be a lot of turning movements in a very short distance.

Please call if you wish to discuss this further.

Yours truly



J.M. Mark, P.Eng., FEC
Principal
Mark Engineering

Frank Mazzotta

From: Sam Du <sam@valcoustics.com>
Sent: September 18, 2017 4:05 PM
To: Frank Mazzotta
Subject: Gass Bar Car Wash in vicinity of your office

Frank,

As per our telephone discussions, I have summarized several items below for your consideration.

- 1) For compliance with the MOE noise guideline perspective, office uses are not considered noise sensitive. MOE noise guidelines do not apply to office buildings and thus noise from the proposed gas bar car wash site is not a noise guideline compliance issue in relation to your office.
- 2) However, Section 14 of the Environmental Protection Act (<https://www.ontario.ca/laws/statute/90e19#BK16>) indicates that "shall not discharge a contaminant or cause or permit the discharge of a contaminant into the natural environment, if the discharge causes or may cause an adverse effect". Noise is considered one of the contaminant. You may consider to use this clause to build up your case in this situation if you can demonstrate adverse impact on the office uses.
- 3) Other things aside from the noise, you may consider the planning issue, etc. which may impact your operations and/or the property values. I cannot give you much input on this. You may want to talk to a planner to see if there are any suggestions from them.

If you have any further questions, please let me know.

Regards,
Sam

From: Frank Mazzotta
Sent: September 18, 2017 4:18 PM
To: Frank Mazzotta

Prohibition, discharge of contaminant

14 (1) Subject to subsection (2) but despite any other provision of this Act or the regulations, a person shall not discharge a contaminant or cause or permit the discharge of a contaminant into the natural environment, if the discharge causes or may cause an adverse effect. 2005, c. 12, s. 1 (5).

Exceptions

(2) Subsection (1) does not apply to,

(a) a discharge that is authorized under this Act or the *Ontario Water Resources Act*, if the discharge does not cause and is not likely to cause an adverse effect; or

(b) a discharge of a contaminant that arises when animal wastes are disposed of in accordance with normal farming practices, if the only adverse effect that is caused or that may be caused by the discharge is an adverse effect referred to in clause (a) of the definition of “adverse effect” in subsection 1 (1). 2005, c. 12, s. 1 (5).

Section Amendments with date in force (d/m/y)

2005, c. 12, s. 1 (5) - 01/08/2007

When Ministry to be notified, adverse effect

15 (1) Every person who discharges a contaminant or causes or permits the discharge of a contaminant into the natural environment shall forthwith notify the Ministry if the discharge is out of the normal course of events, the discharge causes or is likely to cause an adverse effect and the person is not otherwise required to notify the Ministry under section 92. 2005, c. 12, s. 1 (6).

Same

(1.1) The notice required by subsection (1) shall be given in accordance with any requirements prescribed by the regulations. 2005, c. 12, s. 1 (6).

Exception

(2) Subsection (1) does not apply to animal wastes disposed of in accordance with normal farming practices. R.S.O. 1990, c. E.19, s. 15.

Section Amendments with date in force (d/m/y)

2005, c. 12, s. 1 (6) - 13/06/2005

Application of Part not restricted

16 Unless otherwise required by the context, the provisions of this Part also apply to the subject-matter of the individual Parts of this Act. R.S.O. 1990, c. E.19, s. 16.

Remedial orders

17 Where any person causes or permits the discharge of a contaminant into the natural environment, so that land, water, property, animal life, plant life, or human health or safety is injured, damaged or endangered, or is likely to be injured, damaged or endangered, the Director may order the person to,

(a) repair the injury or damage;

prevent the injury or damage; or

(c) where the discharge has damaged or endangered or is likely to damage or endanger existing water supplies, provide temporary or permanent alternate water supplies. R.S.O. 1990, c. E.19, s. 17; 2005, c. 12, s. 1 (7).

Section Amendments with date in force (d/m/y)

2005, c. 12, s. 1 (7) - 13/06/2005

Order by Director re preventive measures

18 (1) The Director, in the circumstances mentioned in subsection (2), by a written order may require a person who owns or owned or who has or had management or control of an undertaking or property to do any one or more of the following:

1. To have available at all times, or during such periods of time as are specified in the order, the equipment, material and personnel specified in the order at the locations specified in the order.
2. To obtain, construct and install or modify the devices, equipment and facilities specified in the order at the locations and in the manner specified in the order.
3. To implement procedures specified in the order.
4. To take all steps necessary so that procedures specified in the order will be implemented in the event that a contaminant is discharged into the natural environment from the undertaking or property.
5. To monitor and record the presence or discharge of a contaminant specified in the order and to report thereon to the Director.
6. To study and to report to the Director on,
 - i. the presence or discharge of a contaminant specified in the order,
 - ii. the effects of the presence or discharge of a contaminant specified in the order,
 - iii. measures to control the presence or discharge of a contaminant specified in the order,
 - iv. the natural environment into which a contaminant specified in the order may be discharged.
7. To develop and implement plans to,
 - i. reduce the amount of a contaminant that is discharged into the natural environment,
 - ii. prevent or reduce the risk of a spill of a pollutant within the meaning of Part X, or
 - iii. prevent, decrease or eliminate any adverse effects that result or may result from a spill of a pollutant within the meaning of Part X or from any other discharge of a contaminant into the natural environment, including,
 - A. plans to notify the Ministry, other public authorities and members of the public who may be affected by a discharge, and
 - B. plans to ensure that appropriate equipment, material and personnel are available to respond to a discharge.
8. To amend a plan developed under paragraph 7 or section 91.1 in the manner specified in the order. R.S.O. 1990, c. E.19, s. 18 (1); 2005, c. 12, s. 1 (8, 9).

Grounds for order

- (2) The Director may make an order under this section if the Director is of the opinion, on reasonable and probable grounds, that the requirements specified in the order are necessary or advisable so as,
- (a) to prevent or reduce the risk of a discharge of a contaminant into the natural environment from the undertaking or property; or
 - (b) to prevent, decrease or eliminate an adverse effect that may result from,
 - (i) the discharge of a contaminant from the undertaking, or
 - (ii) the presence or discharge of a contaminant in, on or under the property. 2005, c. 12, s. 1 (10).

Section Amendments with date in force (d/m/y)

2005, c. 12, s. 1 (8-10) - 13/06/2005

Instruments under Act, who is bound

Regards,

Frank Mazzotta

Armour Heights Developments Inc.
 81 Zenway Blvd., Unit 24
 Vaughan, ON, L4H 0S5
 Tel: 905-303-7800 #222
 Fax: 905-856-7807



Joseph Burnett
Chairman of the Board

September 18, 2017

Mayor and Members
Office of City Clerk
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

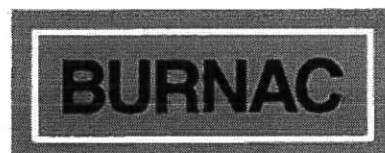
Dear Mayor and Members of Vaughan Council:

Re: Site Development File DA.17.021
Sevenplex Developments Inc.

The undersigned, Joseph Burnett, is the Chairman of the Board of both Burnac Corporation and Burnac Produce Limited, and hereby states as follows:

1. Burnac Corporation is the registered owner of the property located at 80 Zenway Boulevard, Vaughan and Burnac Produce Limited is the exclusive tenant of Burnac Corporation with respect to 80 Zenway Boulevard, Vaughan (collectively, both Burnac Corporation and Burnac Produce Limited shall hereafter be referred to as "**Burnac**").
2. Burnac occupies a substantial facility on the north side of Zenway Boulevard, which represents more than eighty per cent (80%) of the lands on the north side of Zenway Boulevard, between Vaughan Valley Boulevard and Hwy. 27. This facility is engaged in the fresh food business, servicing all parts of Canada from Coast to Coast.
3. The Burnac facility has assigned to it 64 vehicles representing large tractor trailer vans and 20 straight-job trucks and Burnac originally bought the lands and developed the building thereon with a state-of-the-art facility for the storage and distribution of perishable food products and ranks as the largest such facility and private distribution centre in Canada.
4. Burnac's original purpose of locating in Vaughan, and more particularly at this location, was to facilitate and ease the movement of the vast number of vehicles moving in all directions from this facility.

...2



Mayor and Members – Office of City Clerk

September 18, 2017

Page 2

5. At present, Zenway Boulevard between Vaughan Valley Boulevard and Hwy. 27 has become an extremely congested part of the area and, therefore, in order to grant these variances that are being sought, which will add substantial traffic and lack of movement of vehicles along Zenway through to Hwy. 27, are strongly objected to. The variances that I refer to are those variances being sought by development application DA.17.021 filed by Sevenplex Developments Inc.
6. At present, the OPA and zoning allows ancillary and related uses, such as a convenience store, drive thru eating establishment and car wash. All of these combined on this site is too congested to allow for compliance to the existing zoning provisions.
7. These are not, and I repeat, are not minor variances and the proposed site plan seeks to obtain relief from the zoning by-law of eight (8) uses which, combined, are not minor whatsoever.
8. At the risk of being repetitious, this is not in compliance with the zoning of the said site and is not a minor variance. The attempt to simply remedy this through consent by the Vaughan Committee of Adjustments, we respectfully submit is not valid.
9. Burnac totally supports the proposal put forth by Frank Mazzotta (YRCC 1161) and, more particularly, that access into and out of the site would create an intolerable congestion onto Zenway Boulevard and Hwy. 27.
10. This objection is part of the submission and objection to be put forth by Frank Mazzotta and on behalf of York Condominium Corporation (YRCC 1161).

Yours truly,

BURNAC CORPORATION

Joseph Burnett
Chairman

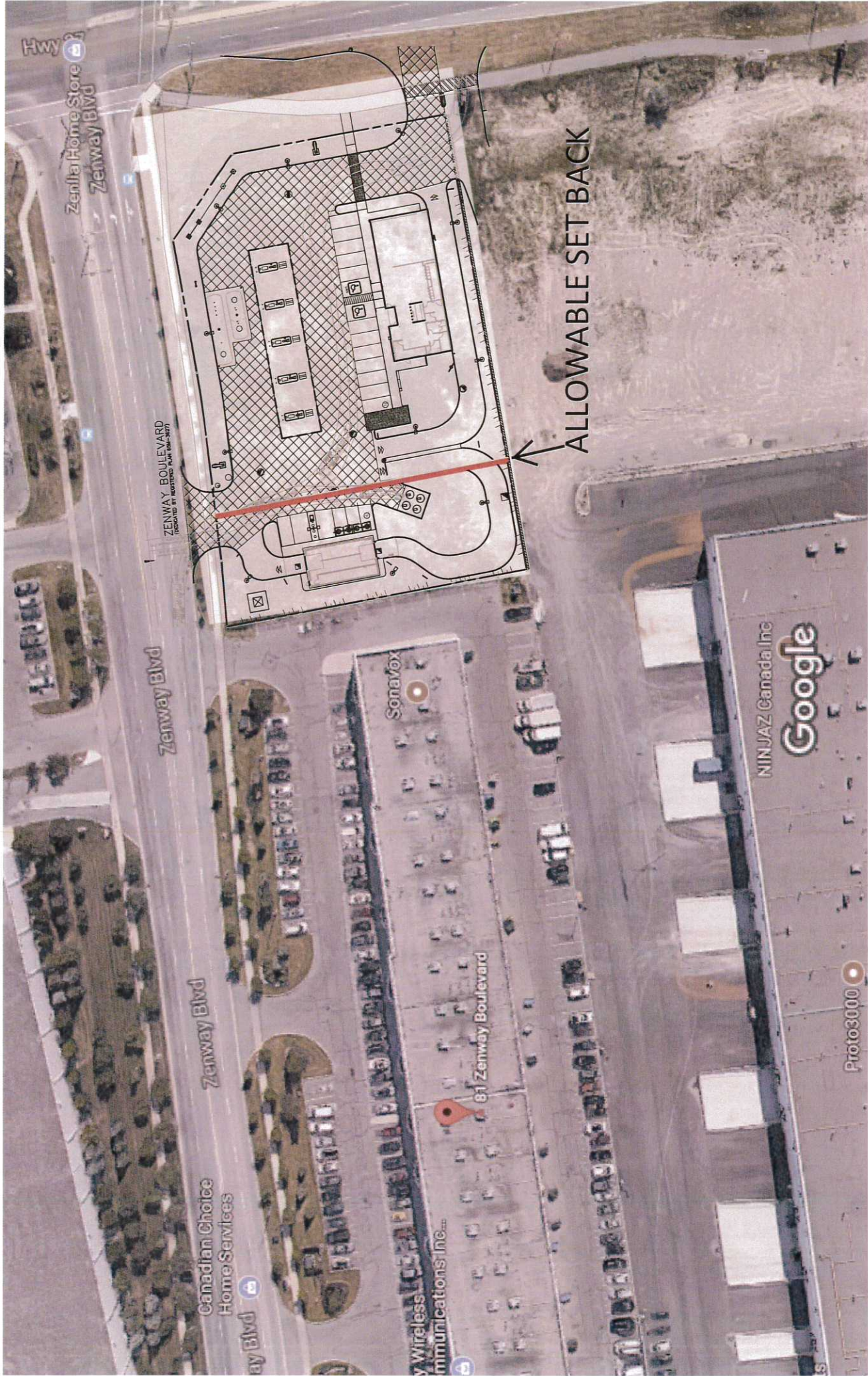




Image capture: Nov 2016 © 2017 Google Canada

Vaughan, Ontario



Google, Inc.

Street View - Nov 2016



