

Submission regarding **Zoning By-Law Amendment Application Z-8769**
from Brockley Residents on October 4, 2017

It was with extreme dismay that neighbours on Dingman Drive east of Wellington Road have learned recently of the application before the Planning and Environment Committee to permit development of a second transport terminal in our immediate vicinity. None of us was aware of either the letter dated July 6th, or the more recent letter dated September 20th until we began to make enquiry about work already underway by Aviero Constructors Ltd. on Castleton Road. This company has fenced off the area, set up a trailer, and is busy excavating the proposed site even though it appears from the September 20th correspondence which we have procured that the hearing for the amendment which would grant permit for work on this site will not be held until next Tuesday, October 10, 2017. Our lack of information about this proposed development is particularly frustrating to us since a Citizen Coalition in our area as early as 2008 met with then Mayor DeCicco-Best and City officials from both Planning and Environment departments requesting that neighbours in our area be advised of ALL proposed development in our area which might have impact on us in potentially adverse ways, and that we be spared unsavory adjacent development. This is because we are in the unenviable position of being adjacent to lands which we feel have unfairly been given light industrial designation—poor zoning, we think, because they are so close to historic residential areas. In written correspondence dated October of 2008, citizens of Brockley asked that the City not permit in our area any more facilities or further development which would result in offensive **odour or noise**, or be in aesthetic dissonance with residences in our neighbourhood—in short, development which would be incompatible with residential neighbourhood. Part of a document we submitted at that time read,

*“Whenever we raise questions about a new plant--which by the time a first public meeting is convened seems to all but have a certificate of approval in hand—we are dismissed with a ‘Each project is being examined on its own merits’. This is simply not good enough. It is an irresponsible approach. The Government [read City] needs to be calculating the cumulative impact of all plants in terms of **noise** pollution, **odour** pollution and aesthetic pollution.”*

In this document we offered a number of recommendations, including:

“ The rules need to be changed about the distance for which notification must be given for proposed development. ALL citizens in our area within sight, smell, or hearing of proposed facilities generating potential fugitive emissions should be notified.”

As well in this document we asked that **SIGHT/SMELL/ and SOUND BUFFER CRITERIA** be established and met.

This request was followed up by a formal petition in 2010—with a signatory from virtually every household in Brockley--requesting special protection for our historic residential community in the light of its proximity to light industrial zoning.

However, given the reality that our community abuts lands which are zoned light industrial, we have continued to beg City planners to do what clearly lies within their power: namely to permit only light industrial uses which are not offensive in the above ways. Certainly the ING buildings at the corner of Roxburgh and Castleton which house Natra Chocolate America or Jones Enterprise would be more than acceptable as buffer businesses between our residences and industrial development which is less compatible with residential areas. This should not be a difficult process for planners when the City is considering application made for development in our area! Simply asking the following three questions and acting accordingly would prevent a lot of unnecessary grief:

- * Will the development **cause malodour** for Brockley residents?
- * Will the development **exacerbate noise levels** in the area beyond that from normal day traffic?
- * Will the development **be appropriate aesthetically** with residential neighbourhood?

Clearly the ING businesses exist in attractive buildings, and they are not emitting odour or undue noise, nor are they operating overnight as unfortunately a truck transport terminal would be.

In previously dealing with concerns of Brockley residents regarding our neighbourhood, City planners indicated measures of protection being made for our area included a 40-metre green space buffer as well as restrictions regarding lighting, sound, storage and loading. Clearly the buffer is already being contravened given this development appears to be abutting the north perimeter of the residential property of Les Scott at 2816 Dingman Drive—and all other “protections” will most assuredly be contravened with the proposed development.

And one added irony about the current proposal is that we opposed a transport terminal when the proposed site was at Dingman and Wellington, just across the road from the Firth Animal Hospital. The current site is now even closer to our homes! It is difficult for us to imagine that City planners would actually believe that citizens would be happy with this relocation! To add to the irony, with our recent cognizance of what is in process, and our contacting City planners about this, the response we have gotten is that “No one has complained about this before now.” Well, it’s difficult to voice opinion when decisions are being made,

and reports written behind closed doors without notification of intended usage of a site to citizens who will be affected—posting of a zoning change sign notwithstanding—which sign no average citizen driving by would divine to be precursor to a transport terminal!

City officials will be well aware that residents in the Brockley area have been suffering adverse effect for a decade with a still unresolved issue with odour in our area. However, in presentation by neighbours to the City on August 28th, Planning and Environment officials there will recall that a number of these neighbours also complained vigorously about noise in our area which they reported was interrupting their sleep, and/ or causing symptoms such as tinnitus. Already in the vicinity we have exposure to the noise of traffic on Hwy. 401 as well as from the plants of Ingredion and Stormfisher. However the Ryder truck depot has also been flagged recently by neighbours as an offending plant, and in particular the tonal reversing alarms that occur—especially at night--have been identified as a major disconcerting noise which forces neighbours to close their windows to try to blanket this pervasive unrelenting sound. The average person cannot sleep if subjected to 45 decibels, and for this reason neighbours also have expressed a desire for noise levels in our area to be measured—which request incidentally had been voiced *prior* to neighbours knowing about the proposed transport terminal which will only compound the problem. Indeed testimony was heard at the August 28th meeting from one resident who had to relocate because nocturnal noise in our area prevented her ability to sleep at night. Other neighbours have had as strong complaints, but are not in a position to pick up and move!

The City of London's Nuisance By-law protects citizens from noise which disturbs, and indeed **By-Law PW 12-17002** which was consolidated by City Council as recently as **June 13, 2017** cites section 128 of the *Municipal Act 2001* stating that instrument gives the City the **right "to prohibit"** "certain **kinds of noise** [that] **are or could become a public nuisance.**" This strikes us as being the tool that can veto Application Z-8769.

We submit that development of an expanded or second transport terminal, if allowed, will assuredly add to noise in our area which we regard already to be "public nuisance." We predict that we will find ourselves in a similar situation with noise to that we have been in regarding odour with Orgaworld and Stormfisher: businesses which point fingers at one another as the guilty culprit while residents meanwhile end up with a double dose of the nuisance at hand. We would ask the City not to allow compounding of noise levels and especially of tonal reversing alarms, since even at its current level noise is impacting us adversely.

We believe Ryder and either an additional transport depot, or expansion of the

Ryder terminal if that is what is happening—we are not clear what actually is planned on the proposed site—will only exacerbate the complaint that residents in our area already have with noise.

For this reason, we would respectfully request that site work be halted, and a thorough study of the concentration of noise in our area be undertaken before the requested Zoning By-law amendment be passed which would permit the development of a transport terminal on the subject site.

For all of the reasons explained above, we are united in opposition to the construction of the transport terminal proposed at 4380 Castleton Road.

Respectfully submitted,
Roma-Lynn Gillis
on behalf of Concerned Citizens in Brockley