

# D. CRUPI & SONS LIMITED

February 25, 2019

Charles O'Hara  
Ontario Growth Secretariat, Ministry of Municipal Affairs  
777 Bay Street  
c/o Business Management Division, 17th floor  
Toronto ON M5G 2E5  
Canada

Re: **ERO number 013-4506 Proposed framework for provincially significant employment zones**

Dear Mr. O'Hara,

We are contacting you from D. Crupi & Sons Limited to respectfully submit our support for the proposal on ERO#013-4506 - **Proposed framework for provincially significant employment zones**. We appreciate the opportunity to be heard and that, with this proposal, the Province recognizes the need to protect employment areas from the encroachment of sensitive land uses that are not compatible, such as, residential uses. This is especially important to those employment areas that are home to heavy industrial operators like ourselves. Allowing residential developments too close to, or within industrial employment areas creates incompatible land uses and conflicts that threaten the long-term stability and viability of an employment area. The potential adverse impacts resulting from the introduction of residential uses within an employment area, especially one containing heavy, Class 2 & 3 industries can be of such significance as to seriously compromise our ability to maintain current operations and/or the ability to expand operations in the future in response to changing market conditions.

We, like many of our industrial neighbours, are proud, Canadian business owners, who are good, responsible corporate citizens. We have invested and continue to invest a tremendous amount into establishing, growing and expanding our business here, into the area and in our employees. We chose our locations because they were planned and zoned appropriately, as well as being buffered from sensitive residential areas by distance and lighter industry and commercial/retail uses which provided a measure of certainty we could operate and have the opportunity to grow in these areas. Now we are all feeling uncertainty and pressure – once the erosion of the employment area starts with one development application, the floodgates open for other developers to apply for conversion on their lands. This creates instability and the future viability of the area for industrial operations immediately becomes uncertain. Taking action now to protect the future of these employment areas is critical to the survival and growth of the businesses within them and to the desirability of these areas for businesses looking to establish and invest in their businesses here.

Our company has been in the asphalt manufacturing, paving, road maintenance and aggregate production business since 1951 in the City of Toronto. Our main business operations are within the area generally referred to as the North Milliken Employment Area. On the list of proposed provincially significant employment zones, we operate within Area #6 on the list – 404 407 (Milliken) Steeles Kennedy, Toronto (generally bounded by Steeles Ave E, Midland Ave, Finch Ave and Kennedy Rd). We are a

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Group



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family owned business in its third generation and have been operating out of this employment area since 1969. Over the years, we have strategically acquired various properties within this industrial area and elsewhere in the GTA as our business needs grew and evolved. Though we have other locations, our Passmore Avenue properties, which form a substantive portion of this employment area, are the central hub of operations for our entire organization. All other subsidiary asphalt plants and related operations are dependent upon and supported by the operations and facilities on Passmore Avenue in the Milliken Employment Area.

Our asphalt manufacturing facility at 83 Passmore Avenue, located within this employment area is approved to operate 24 hours a day, seven days a week which is often required for the substantial amount of road construction work we do for the City of Toronto and other municipalities. We also have associated aggregate processing and recycling operations on the Passmore Avenue properties including at 83 Passmore Avenue, 3800 Midland Avenue and 70 Passmore Avenue as required. 70 Passmore Avenue is also home to our equipment maintenance facility which operates 24 hours a day, 7 days a week, year round, and our quality control laboratory. Our head office is located at 85 Passmore Avenue. These properties occupy approx. 8.1hectares (i.e. 20 acres). We also own and operate on other adjacent properties which form an integral part of our operations and business – 0 Passmore Ave (sometimes referred to as 86 Passmore Avenue) and 3820 Midland Ave.

We are extremely concerned for the future of our business operations and those of our industrial neighbours due to the pressures to convert employment and industrial lands within the area for high density, high rise residential purposes. While we recognize that the nearby Milliken Go Station is a major transit facility and that a fundamental element of the Official Plan is to provide for residential development, we submit that the opportunity for development around these “transit hubs” should not automatically be to mixed use developments including high density, high rise residential. Due to the limited land available to the City, much of the future demand for housing will, of necessity, have to be met through the construction of mid to high rise structures. However the need to go vertical does not mean that it is appropriate to develop high rise residential everywhere in the City. As per the City of Toronto’s Official Plan Section 2.24 “In the Employment Districts, the needs of business will take priority in city-building decisions. The Plan will provide a climate of stability and certainty in which businesses can make major investments. The land and buildings in the Employment Districts are important economic assets for new and expanding businesses. Once lands are lost to economic activity through, for example, conversion to residential use, it is almost impossible to return them to commercial or industrial uses.” This is especially the case in employment areas with heavy industry, like asphalt plants, where incompatibility and conflict between industry and residents is guaranteed. Transit areas should not default to residential developments but should instead consider that transit is also meant to bring people to their jobs as is the case for many of our employees and that there are other development opportunities perhaps better suited to be in close proximity to industry such as, commercial, office etc. Without the protection of employment lands, it becomes more and more difficult to create employment growth and although people need places to live, they just as importantly need places to work.



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Allowing high density residential mixed use developments in close proximity to heavy industry like our asphalt plants, aggregate processing operations and equipment maintenance facilities threaten our entire organization, the 300+ people we employ, the 300+ truckers that haul for us in peak season, providing haulage of not only asphalt but also the raw materials and products required in the manufacturing process, and the 1000+ subcontractors and suppliers we use for our business needs. The viability of our business operations and the associated significant capital investment, totalling in the tens of millions of dollars, are now under attack as a result of recent municipal planning decisions.

This long standing, stable and vibrant industrial area is home to many other industrial and commercial operators, many who have been in business in the City of Toronto for 40-100 years. It is a significant source of employment in the City of Toronto with great potential to continue growing if it is not threatened or negatively impacted by the introduction of sensitive land uses. Business operations in the area, like many other heavy industrial areas in the City, involve heavy truck traffic throughout all hours of the day and night, yard operations, inclusive of outside storage of goods and materials and the operation of heavy equipment which can result in noise, dust, odours and other fugitive emissions. Under no circumstance is it appropriate to put high density residential in close proximity to an employment area. The need to continually implement costly enhancements and mitigative measures, as has been our experience in the past, the inability to secure a location in close proximity to the markets we serve in the City of Toronto and surrounding areas, the prohibitive costs of relocation and the disruption of business would be insurmountable obstacles to overcome if our operations at this location are threatened, not to mention the loss of jobs and the on-going investment in community.

We first became aware of this proposal in relation to our Passmore Avenue properties within the Steeles/Kennedy area where we have already faced a lot of pressure fighting conversion applications to build residential on employment lands in close proximity to our industrial operations within this employment zone. However, this proposal also applies to other properties where we own and operate asphalt plants in the GTA. We have an asphalt plant located at 176 Bethridge Rd, Etobicoke which falls within Zone 14 – Pearson Airport Hub (Airport), 427/401, 410/407 & 403/401 – employment areas around Pearson Airport on the list of proposed provincially significant employment zones. Additionally, we own and are currently erecting an asphalt plant at 1089 Nelson Street in Oshawa which is contained in Zone 1, Durham South (Oshawa East & Clarington), employment areas in Oshawa and Clarington, along the 401 Highway, including parts of the General Motors Plant. These other two locations are the same as our Passmore Avenue asphalt plant operations and need the same protections and consideration. We were very pleased to see those employment zones also contained within the proposal.

One of our other locations with an asphalt plant is located at 477 Brimley Road in Scarborough which is an industrial employment area that, over time has been surrounded by residential development. It is unfortunately not within an area proposed as a provincially significant employment zone but we do face the same types of pressures at that location and our business suffers and is challenged constantly without the same proposed protections in place. Asphalt manufacturing operations must comply with many restrictions and criteria contained in the Environmental Compliance Approval for that particular location.



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At our Brimley Ave plant, despite being good corporate citizens who operate our business in a responsible manner, respectful of our neighbours, we have incurred great cost and difficulty appeasing residents who have moved into the area over the years do not want our type of industry in their backyards. It does not matter to those particular residents that an asphalt plant was operating on that property well before any houses were built. They just do not want it close to them. We have had to deal with issues addressing resident complaints to the MOE, often being blamed by residents for things that are nothing to do with our operations. This comes at a cost, both in mitigation measures necessary, and working hours to address complaints each time they are raised. Most importantly, on top of that, we have been restricted on that location in terms of how we can operate on that property including restricted hours of operation. This in turn limits the amount and type of business that we can do out of that location. We cannot afford to have that happen at any of our other locations.

In recent years our Company has been forced to defend, at a cost of close to a million dollars, against the approval of official plan and zoning by-law amendments. In our view we had no choice but to fight these approvals; we have been fighting for survival. Such amendments have and continue to be unequivocally advanced by the City of Toronto without regard to the potential impact upon our day to day operations and in detriment to our business and the jobs which the facilities and operations generate. Neither our company, nor our industrial neighbours, can afford to continue this costly and time consuming fight with City Hall over and over again, each time developers advance an application for the conversion of employment lands to permit high rise developments. Stronger protections are required to maintain the integrity and viability of the North Milliken Employment Area and other areas like it identified in this proposal. From our perspective, we need immediate and decisive action on the part of the Province to ensure the measure of certainty necessary for our business and the business activities of our neighbours to not only continue, but to also grow and thrive within the North Milliken Employment Area and our other locations. The introduction of residential, especially high density residential within an employment area can limit business operations and result in newly imposed business restrictions which are not conducive to maintaining a healthy employment area for core industrial uses.

There are some important considerations not covered within this proposal to identify and protect provincially significant employment zones. We respectfully submit that, along with this proposal, it is crucial to acknowledge that there are few, if any available employment areas within Toronto and surrounding areas where certain essential types of heavy industry can operate, such as, asphalt manufacturing plants. We now find ourselves in the position where the City of Toronto has identified an asphalt manufacturing plant as a prohibited use, even in heavy industrial areas where they are currently operating and, in our case, have been operating since 1969. This is the case with our other asphalt manufacturing facilities in the City which are all now changed to uses that are not legally permissible. This is frustrating, incredibly short-sighted from a planning and economic perspective and does not align with the protection of provincially significant employment areas. It is very difficult to believe that the City and the Province value and want to support our businesses and their growth and survival, when the message we are getting through policies, by-law amendments, and the conversion of employment lands all serve to choke business operators and make operating within the City impossible.



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Specifically, an example of this currently impacting our business is that we are in the appeal process for Zoning By-law 607-2015 which, as it applies to us, removes our permissions to operate an asphalt plant at our Passmore Avenue location, as well as our Brimley location and makes asphalt plants municipally prohibited uses. We submit that within these identified provincially significant employment areas, all current by-law amendments under appeal as they apply to these areas and specific properties, where current business operators stand to lose their previously zoned operating permissions, be cancelled and that those permissions be restored. In a city where employment areas are dwindling and eroding and where Class 3 industries like asphalt plants are prohibited everywhere, it does not make sense to remove those permitted uses where they exist and operate now. We need certainty that businesses like ours which the city needs to grow and maintain infrastructure, have a more certain future on these sites.

We would also emphasize that it is important to the viability of these industrial areas that any uses other than residential that are considered "Sensitive uses" such as places of worship, schools, etc. not be allowed to establish within the provincially significant employment zones. Any of those types of uses that have already been allowed to establish within any of the identified provincially significant employment zones should not preclude the permitted industrial uses in that area in any way. This matter needs to be clarified by policy statements to this effect in the Growth Plan as part of the proposed amendments.

Finally, it is crucial to recognize that this policy initiative is coming forward at a time when some employment areas are already fighting conversion/development applications within the employment areas identified. We are requesting and emphasizing the importance of adding a transition provision as part of this proposal whereby any changes to the zoning or development applications that are within the identified provincially significant employment zones and do not currently have final approval, inclusive of an Order of the Local Planning Appeal Tribunal on or before January 1, 2019, are frozen and cannot move forward.

We appreciate your consideration and the opportunity to speak to the importance of this matter and what this proposal means for businesses like ours. We have not felt that our businesses are valued or that the potentially crippling impacts have been properly considered with the many changes going on within the areas we operate. This provides a glimmer of hope that there is recognition of the vital need to maintain employment areas and allow them and the businesses that operate within them the ability to grow and thrive. Please contact us if you require any further information or input.

Sincerely yours,



Dominic Crupi  
Vice President