



PUBLIC INFORMATION MEETING MINUTES THORNHILL REVITALIZATION

**July 9, 2013 - 7:00 p.m.
Council Chamber**

Attendance

Mayor Frank Scarpitti
Deputy Mayor Jack Heath
Regional Councillor Jim Jones
Regional Councillor Gord Landon
Regional Councillor Joe Li
Councillor Valerie Burke
Councillor Howard Shore
Councillor Don Hamilton
Councillor Carolina Moretti
Councillor Colin Campbell
Councillor Alan Ho
Councillor Logan Kanapathi
Councillor Alex Chiu

Andy Taylor, Chief Administrative Officer
Jim Baird, Commissioner of Development Services
Brenda Librecz, Commissioner of Community Services
Catherine Conrad, City Solicitor
Dennis Flaherty, Director of Communications and
Community Relations
Biju Karumanchery, Senior Development Manager
Nasir Kenea, Chief Information Officer
Joel Lustig, Treasurer
Martha Pettit, Deputy Clerk
Graham Seaman, Senior Manager, Sustainability Office
Kitty Bavington, Council/Committee Coordinator

The Public Information Meeting regarding the Thornhill Revitalization convened at 7:05 PM in the Council Chamber with Regional Councillor Jim Jones in the Chair. The meeting recessed briefly from 8:14 p.m. to 8:15 p.m.

DISCLOSURE OF PECUNIARY INTEREST

Councillor Valerie Burke disclosed an interest with respect to the subject of the Public Information Meeting, Thornhill Revitalization, by nature of a family owned business in the area, and did not take part in the discussion of or vote on the question of the approval of this matter.

THORNHILL REVITALIZATION (10.0)

1. CORRESPONDENCE

The following correspondence was provided, and will be received at the Special Council meeting immediately following this Public Information Meeting:

1. Richard Ruddock, President, Chemline Plastics Limited.
2. Dorothy and Alan Marks.
3. Barry A. Horosko, Brattys Barristers & Solicitors, on behalf of Granite Real Estate Inc.

4. Mary Flynn-Guglietti, McMillan LLP, on behalf of Mercedes-Benz Canada Inc.
5. Gerald S. Swinkin, Blake, Cassels & Graydon LLP, on behalf of Raywal Cabinets.
6. Ronald Ribchester.
7. Tony Busbridge.
8. Warren Ball.
9. Barry and Lori Schwartz.
10. Hannes Broschek.
11. Neil Hamilton.
12. Bob McIndoe.
13. Ian and Maria Galbraith.
14. Doris Kahnert.
15. Rob Lawson.
16. Beth Agnew.
17. David Taylor.
18. Larry Anklewicz.
19. Wayne Arcus.
20. Michael Aaron.
21. Jeff Nezon.
22. Eileen Liasi.
23. Don & Carolyne Gallagher.
24. Amanda Eason.
25. J. Lloyd Sexsmith.

2. INTRODUCTORY REMARKS

Jim Baird, Commissioner of Development Services gave a brief introduction to the Thornhill Revitalization initiative and outlined the public consultation process and the efforts of the staff, consultant, and Working Group to date. The Commissioner reviewed the recommendation to maintain the area for employment uses with the intent of transitioning the area to service employment. There are also specific recommendations for the former Canac Kitchens site, for transition to residential with limited retail use.

The Committee received clarification regarding grandfathering and legal non-conforming uses, and discussed the composition of the Working Group with respect to inclusion of residential and business owners.

3. PRESENTATION

Nick McDonald, Meridian Planning Consultants Inc., gave a presentation regarding the evolution of the project, the process and public consultation to date, the directions of Council, and the draft By-law. Mr. McDonald identified the study area, comprised of 34.1 hectares including 115 businesses (60 relating to the auto industry). The presentation included the current Official Plan policies; designations of General Industrial and Business Corridor; current zoning; the Interim Control By-law; Provincial Policy Statement; Growth Plan; Markham Employment Land Strategy (2009); compatibility of land uses; development of the former Canac Kitchen site; legal non-conforming uses; and improvements to the public realm and community amenities.

Mr. McDonald reviewed the directions of Council on March 19, 2013, with respect to the Canac site, as well as new Official Plan policies for the designations of Business Commercial and General Industrial categories in this area that would prohibit manufacturing, assembly and warehousing under certain conditions. The provisions of the draft By-law were outlined with respect to industrial uses, auto body repair or auto body shops, permitted uses, and holding provisions for the Canac site. Specific land use permissions granted historically for specific properties are recommended to be carried forward, with two exceptions.

The Committee requested copies of the consultant presentation.

4. DEPUTATIONS

Srdjana Jaksic, area resident and a member of the Working Group, spoke in support of the proposed by-law and discussed the lengthy efforts of the community to improve the area and environmental standards, and to provide a cohesive transition between residential and industrial uses while protecting existing businesses.

Arnie Rose, area resident and a member of the Working Group, spoke in support of the proposed by-law, and stated that Markham had established the objectives over two years ago, to create a vision for the future and to ensure the employment uses continue.

Alena Gotz, area resident, spoke in support of the proposed by-law and discussed health and pollution issues relating to industries in the area.

Brian Gordon, area resident, spoke in support of the proposed by-law.

Todd Silverman, area landowner, spoke in support of the revitalization plan, and stated that he had not received notice of this meeting. Mr. Silverman expressed concern that Raywal Cabinets had been in the community for 50 years and was now required to make improvements, and he also noted that Mercedes Benz had begun improvement to their building before the revitalization process was finalized.

Arthur Donin, area resident, spoke in support of the proposed by-law and stated his concern that auto body shops have loud fans, late hours, and need to be more sensitive to residents. Mr. Donin also spoke in opposition to cell towers in the area.

The Public Information Meeting recessed briefly.

Moved by: Mayor Frank Scarpitti
Seconded by: Deputy Mayor Jack Heath

That the Public Information Meeting recess at 8:14 p.m., to commence the scheduled Special Council Meeting.

CARRIED

Moved by: Councillor Colin Campbell
Seconded by: Councillor Alan Ho

That the Public Information Meeting reconvene at 8:15 p.m.

CARRIED

Ken Davey, area resident, spoke in support of the proposed by-law and discussed the evolution of industrial uses near residential uses. He suggested that we live in a rapidly changing environment and the new by-law will create opportunities for new industries and businesses.

Gail Gardner, area resident, spoke in opposition to the proposed by-law, stating that they had been aware of the train and industrial uses when they moved into the area 30 years ago. Ms. Gardner discussed the convenience of having auto repair services nearby and noted that responsible businesses want to continue to operate and are cleaning up the area. She expressed concern for increased traffic if condos and residences are built.

Dorothy Hillmann, area resident for 23 years, spoke in opposition to the proposed by-law, stating her preference to be in close proximity to amenities and services, including auto body shops. Ms. Hillman considered most business owners to be good, responsible citizens; those that are not are the responsibility of the Ministry of the Environment. Concern was expressed regarding grandfathering provisions and increased traffic-related pollution from additional residential uses.

Michael Dankevy, area resident, spoke in opposition to the proposed by-law and questioned the provisions for legal non-conforming uses with respect to the impacts to the integrity of existing businesses. Mr. Dankevy requested that existing uses be permitted as of right instead of being categorized as legal non-conforming uses.

Andrew Eaton, area business owner, spoke in opposition to the proposed by-law, stating that he had not been notified of this meeting. Mr. Eaton discussed their efforts to help the community and the impact the by-law would have on his business. Mr. Eaton presented a petition letter with signatures in opposition (received at Council).

Willem Tiemerima, area business owner, spoke in opposition to the proposed by-law and discussed recent events that prohibit him from parking his landscaping and snowplow vehicles on his property. Mr. Tiemerima stated that he has made improvements to his property, and that all of the businesses should not be categorized together, as the largest offenders are no longer operating and the pollution has been reduced. Mr. Tiemerima requested that the Working Group ensure there is balanced representation. A Point of Personal Privilege was raised by Councillor Howard Shore to clarify statements by Mr. Tiemerima.

Susan Eaton, area business owner since 1994, spoke in opposition to the proposed by-law with respect to the future impacts and potential growth of their business. Ms. Eaton stated that their auto business is a clean operation, it is CAA certified, and their clients prefer to have this service close to where they live.

Manuel Der Harouttounian, area business owner and a former member of the Working Group, spoke in opposition to the proposed by-law, as he considers that it is not a result of balanced representation. He considers that industries and products have changed, and businesses are cleaner now and continue to improve. Mr. Der Harouttounian suggested that traffic and pollution generated by the proposed uses and by the existing uses are not comparable.

Mike Papapetrov, area auto repair business owner for 20 years, spoke in opposition to the by-law, stating that the landowners and all of his customers are unified in this regard. He advised that his business has grown and gained the respect of the community by employing many people, operating a co-op program, and supporting community and sports teams. Mr. Papapetrov noted that Canac Kitchens is gone and that auto repair services are comparatively clean. There is an opportunity to beautify the neighbourhood with landscaping, and to be an example of residential and industrial uses co-existing.

Angela Papapetrov, area business owner, spoke in opposition to the by-law, stating that their position has been expressed at numerous meetings. Ms. Papapetrov stated that most of their customers are local residents, and she expressed concern that the by-law may stunt their growth and the natural evolution of business.

Gerald S. Swinton of Blake, Cassels & Graydon, representing Raywal Cabinets, spoke in opposition to the proposed by-law, suggesting that the businesses have evolved into non-polluting enterprises and must adhere to regulations going forward. As a functioning industrial community, he suggested that this exercise would thwart its natural evolution, suffocate existing uses, prohibit growth, impact property values and tax rates, and ultimately shut down the businesses. Mr. Swinton referred to Section 5.15 of the draft Official Plan with respect to policies recognizing the importance of industry and manufacturing.

The Committee commented on the approach for the Raywal site in the by-law and staff confirmed that it would be grandfathered, which is different from a legal non-conforming use, as it would not be limited to existing uses and can be rebuilt to the existing Gross Floor Area. Mr. Swinton responded that the property in question is very large, and the by-law would prohibit expansion and development of the property.

Brian Magee, President of Raywal Cabinets, spoke in opposition to the proposed by-law and the inference that it would eliminate manufacturing. Mr. Magee displayed an analysis of complaints indicating that there have been no complaints since 2011, and he stated that Raywal is meeting government requirements. He summarized that Markham's industrial jobs need a place to grow.

A Committee member reviewed past by-law infractions and noise complaints regarding the Raywal property. Mr. Magee advised that Markham's By-law Enforcement staff had been taking photos of all the area businesses today, in preparation of the passing of the by-law. The City Solicitor confirmed that pictures had been taken to establish base data for continuing non-conforming uses and to provide evidence of existing business prior to the by-law.

Jeff Ascott, area resident and Raywal employee, spoke in opposition to the proposed by-law with respect to potential impacts to his job and local employment opportunities.

Paul Glionna, area resident, spoke in opposition to the proposed by-law, with respect to the convenience of the mix of residential and commercial uses. Mr. Glionna suggested businesses that may have to close could become a blight on the landscape and eventually be replaced with condo developments.

Stewart Hoo, area business owner, spoke in opposition to the proposed by-law, stating that his business had grown over the years and he wants to be able to pass it on to his sons.

Robert Veitch, area resident, spoke in opposition to the proposed by-law, stating that he operates a professional office in Thornhill and he was aware of the business components when he moved into the community. Mr. Veitch referred to a recent letter from a Council member to the Ministry of Environment and questioned if the statements in the letter regarding noxious odours and chemicals in the area are supported with proof.

Brian Hopkins, area property manager, spoke in opposition to the proposed by-law, stating that he and his tenants had not been notified of this meeting.

Bob Lanthier of Chemline Plastics, a long-standing area business, spoke in opposition to the proposed by-law, stating that they had not been notified. Mr. Lanthier referred to a letter submitted by Richard Ruddick, President, suggesting that no consideration, consultation, notice, protection, or transitional provisions for businesses have been provided. As a technical supply company, they have to change to stay competitive, and any set-up changes would require the City's permission.

Staff confirmed that Chemline Plastics would be a grandfathered business as long as it is within the existing Gross Floor Area, and also confirmed that any exterior equipment installations would require City approval.

Frances Dankev, area business owner, spoke in opposition to the proposed by-law, stating that he had not been aware of the initiative prior to March 19, 2013. Mr. Dankev advised that his property is in a landlocked area and the by-law would be too restrictive with respect to replacement of tenants and potential growth.

George Dankevych, area business owner since 1970, spoke in opposition to the proposed by-law with respect to the need for economically-driven changes in use over the years. Mr. Dankevych suggested that it will take many years to complete the changes to the area, and that additional inspectors would be more beneficial than the proposed by-law.

Mario Morassutti, area business owner for 33 years, spoke in opposition to the by-law and stated that he had not been informed of some of the meetings. Mr. Morassutti referred to various problems with residents over the years - mainly with residents that moved in after the businesses - and their efforts to prevent and resolve issues. He suggested that legal non-conforming uses be given permanent legal status, and that the province should deal with the environmental issues.

Barry Horosko of Brattys Barristers & Solicitors, representing Granite Real Estate Inc., one of the largest land owners in the area, spoke in opposition to the proposed by-law. Mr. Horosko referred to his correspondence dated July 8, 2013, and advised that the Granite property on Green Lane is adjacent to an active railway line and is being prepared for a tenant, Mercedes-Benz Canada Inc. The owners want the use of the building to be able to evolve in the future - legal non-conforming use is not sufficient. Mr. Horosko suggested that a proposed permitted restaurant would not be appropriate at this site and that the proposed by-law would not lead to revitalization. He noted that Granite had requested to be part of the Working Group.

Mary Flynn-Guglietti of McMillan, representing Mercedes-Benz Canada Inc., spoke in opposition to the proposed by-law. Ms. Flynn-Guglietti displayed an aerial view of the area and renderings of proposed renovations to the building as a headquarters for Mercedes in the GTA, employing at least 80 people. Prior to entering into the long-term lease for the site, the permitted uses had been reviewed and they had been assured that the business would be welcome. The applicant is requesting a site-specific exemption to permit ancillary uses including office use, outside staging, servicing and repair. Stephen Inberg, speaking on behalf of Mercedes-Benz, agreed to provide a fence and other concessions the City may require.

Robert Mok, area resident, spoke in opposition to the proposed by-law. He noted that when the interim control by-law lapsed, the area was exposed to undesirable uses.

Roy Musselman, area resident, spoke in opposition to the proposed by-law and discussed appropriate new and old uses, as well as needlessly driving existing companies out of business because they can't grow or change.

Stan Kmiec, area resident, spoke in support of the proposed by-law and suggested that it be respectful of all parties by providing a reasonable balance of uses in the area. Mr. Kmiec noted the problem of constant, loud noise from Raywal, and other problems at the expense of the residents.

Marlene Cooper, area resident for 30 years, spoke in support of the proposed by-law. Ms. Cooper discussed pollution, noise, and health problems and suggested that the area should be able to stay vibrant and not lose jobs, now that Canac is gone and Raywal has added filters.

Lillian Tolensky, area resident, spoke in support of the by-law, and thanked Mr. McDonald for his work on this project. Ms. Tolensky discussed health issues and advised that she suffers from asthma.

Augustine Arrigo advised that his family has owned a business in this area for 50 years, and he spoke in opposition to the proposed by-law. He suggested that the area is improving on its own with the evolution of good business practices and without the benefit of the by-law, and that restricting businesses from growing will cause them to close up.

Kayla Cooper, area resident, spoke in support of the proposed by-law and discussed air pollution and ongoing health issues that have been discussed extensively.

Shahla Mehmami, area resident, spoke in support of the proposed by-law and discussed on-going health issues relating to air pollution.

Hanif Hirji, area business owner since 1994, spoke in opposition to the proposed by-law as he has spent many years establishing his business, and this will prevent his business from growing. Mr. Hirji suggested that the pollution from idling cars at railway crossings is worse than from the industries, and that a proposed park at the Canac site would help the community.

Dan Mascalidis, area resident, advised that he was only aware of this project in the last week, and suggested that more consultation with businesses and residents be held to achieve a balance. Mr. Mascalidis would not support the Canac site becoming a construction site for condos, but would support a park, and he also supports the Mercedes proposal.

Mehdi Goudarzi, area resident, spoke in support of the proposed by-law, suggesting that staff's mandate is to look after the residents, not the businesses. Mr. Goudarzi considered that the road network does not support industrial traffic.

A statement was read by the Vice-President of the Aileen-Willowbrook Ratepayers Association on behalf of the President, Peter Pavlovik. The association requested a referral of this matter to a committee of councilors and business and resident representatives, and that interim control be reinstated with no new businesses permitted until this matter is resolved.

The following members of the public had requested to speak on this matter but did not come forward when their names were called:

Eileen Liasi
Lynne Lurie
Parham Rashidi
Nicola Meno Lushaj
Matt Brudzynski

The Committee expressed appreciation for the participation of the public at this meeting and continued the discussion of this matter at the Special Council Meeting immediately following the Public Information Meeting.

ADJOURNMENT

The Public Information Meeting regarding Thornhill Revitalization adjourned at 11:35 p.m.
(For Information Purposes Only)

Minutes of Council, July 9, 2013: (for information purposes only)

(1) THORNHILL REVITALIZATION AREA - CITY-INITIATED AREA AND SITE SPECIFIC OFFICIAL PLAN POLICIES AND ZONING BY-LAW AMENDMENT (10.0)

Councillor Howard Shore provided a Powerpoint presentation outlining the background of the Purpose and Role of the Thornhill Area Revitalization Working Group, and the public process and recommendations to Committee and Council.

Council requested clarification from the Vice-President of Aileen-Willowbrook Ratepayers Association Inc. on the comments provided by the association at the Public Information Meeting held this date.

Discussion on the matter ensued.

Moved by Councillor Carolina Moretti
Seconded by Deputy Mayor Jack Heath

- 1) That the record of the Public Information Meeting held on July 9, 2013, with respect to City-initiated Area and Site Specific Official Plan Policies and Zoning By-law Amendment, applying to the Thornhill Revitalization Area, File PR 11 127722, be received; and,
- 2) That City-initiated Area and Site Specific Policies applying to the former Canac Kitchens site be included in the new Draft Official Plan; and
- 3) That the City-initiated proposal to amend By-law 77-73, as amended, as it pertains to the former Canac Kitchens site, be approved in accordance with the Council direction of March 19, 2013, which:
 1. Zones the former Canac Kitchens site with a Hold provision that will permit only existing uses until transportation and servicing matters have been resolved; and,
- 4) That the proposed amendment to By-law 77-73, as amended, as it pertains to the former Canac Kitchens site, be enacted without further notice; and,

- 5) That the Thornhill Area Revitalization Working Group be revised to include the four Regional Councillors, Ward Councillor Howard Shore, 5 community representatives and 5 business representatives; and that the appointment of the community and business representatives be delegated to the Members of Council appointed to this Committee; and,
- 6) That the following clauses in the City –initiated draft amendment to By-law 77-73 be referred to the Revised Thornhill Area Revitalization Working Group for a report back to the Development Services Committee by October 2013:
 1. Permits offices, personal services, financial institutions, commercial schools, and retail and restaurant uses, but restricts industrial uses to existing uses only;
 2. Prohibits all outdoor storage, auto body and auto repair, service stations and car washes, hotels, funeral homes, night clubs, and new commercial storage uses;
 3. Permits day nurseries, places of worship, private schools, and motor vehicle sales establishments, veterinary clinic, and indoor storage of motor vehicles on a site-specific basis subject to previous zoning by-law amendments; and further,
- 7) That Staff be authorized and directed to do all things necessary to give effect to this resolution.
(By-law 2013-139)

CARRIED AS AMENDED
(Councillor Valerie Burke abstained due to conflict)