



Town of Newmarket
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VivaNext Bus Rapid Transit Y3.2 Yonge Street Noise By-law Exemption Staff Report

Report Number: 2018-87

Department(s): Legislative Services

Author(s): Lesley Long, Supervisor of By-law Enforcement

Meeting Date: December 17, 2018

Recommendations

1. That the report entitled VivaNext Bus Rapid Transit Y3.2 Yonge Street Noise By-law Exemption dated December 17, 2018 be received; and,
2. That the request from RapidLINK for a noise exemption to perform necessary works for the vivaNext Bus Rapid Transit Y3.2 project between the hours of 9:00 PM to 7:00 AM from January 1, 2019 until December 31, 2019 (7 days a week), be approved; excluding December 25, 2019 (Christmas Day) and December 26, 2019 (Boxing Day); and,
3. That this approval is subject to ongoing staff supervision and community impact assessment and revocation if community impact is deemed excessive by staff or Council; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Purpose

The purpose to this report is to seek Council's approval of a request for an exemption from the Noise By-law (2017-76) from RapidLINK for the vivaNext Bus Rapid Transit Y3.2 project.

Background

VivaNext Bus Rapid Transit Y3.2 is continuing work along the corridor on Yonge Street to Davis Drive. RapidLINK has proposed to carry out several civil activities work during the evening / night and to do so, and RapidLINK will require an exemption from the Town's Noise By-law.

Work activities in the evening/night will:

- Minimize traffic congestion at the Yonge Street and Davis Drive intersections;
- Be less disruptive to the local businesses along Yonge Street;
- Reduce interaction with the public (questions from passer byers) and disruption to pedestrian traffic;
- Reduce user delays; and,
- Results in fewer complaints from the public and businesses along this section of Yonge Street.

The work carried out by RapidLINK will include routine civil work activities along the roadway and boulevards of Yonge Street, the activities include the following;

- Mainline Paving
- Reinstatement of driveways
- Concrete curb installation
- Watermain shutdowns and
- Storm and Sanitary sewer work
- Transformer relocations
- Excavation and mucking of materials
- Traffic closures
- Sidewalk Closures

This request is time sensitive as the previous exemption expires on December 31, 2018.

Discussion

The Noise By-law restricts the operation of construction equipment or the conduct of any alteration or repair of any building between 8:00 PM and 7:00 AM Monday through Friday and 9:00 AM to 5:00 PM on Saturdays, Sundays and holidays

Similar noise exemption requests have been granted by Council since January 2013.

The Region of York will be responsible for communicating and notify the surrounding residents and business owners.

Given the context for the process required to be undertaken, staff recommends approval of the exemption request to the Noise By-law during the hours requested. Council approval is required for this request because of the length of the exemption request.

Conclusion

Should Council approve of the Noise Exemption, staff will:

1. Ensure the Region of York notifies the residents and business owners of the noise exemption;
2. Notify York Regional Police;
3. Post the exemption of the Town's website; and,
4. Monitor any complaints.

Business Plan and Strategic Plan Linkages

The initiative relates to the Well-equipped and managed link of the Town's Community Vision-implementing policy and process that reflect sound and accountable governance

Consultation

Staff will work closely with the York Region Liaison Specialists regarding any concern with respect to excessive noise or vibration.

Human Resource Considerations

There are no human resources considerations related to this report.

Budget Impact

There is no budget related to this report.

Attachments

Attachment A - 2018-58: A by-law to provide an exemption to the Noise Control By-law

Approval

Kiran Saini, Acting Director Legislative Services/Town Clerk

Contact

For information on this report, contact Lesley Long, Supervisor of By-law Enforcement at 905-953-5300 extension 2222 or via email at llong@newmarket.ca.