

June 1, 2011

The Town of Markham
101 Town Centre Boulevard
Markham, Ontario
L3R 9W3

Attn: Mayor Frank Scarpitti & Members of Council

RE: Objection & Request to Terminate the Illegal Operation of the ConStrada Aggregate Recycling Facility (350 Yorktech Drive)

Dear Mr. Scarpitti and Members of Council:

We are writing on behalf of the citizens of Markham, residents & business owners from CIRCA 1+2 (YRSCC 1067 & 1183), EKO (YRSCC 1128 & 1138), Majestic Court (YRSCC 1166), First Markham Centre (YRSCC 1100), and First Markham Place.

We are deeply concerned about the industrial activities of the ConStrada Aggregate Recycling Facility (operated by Gemcross Developments) at 350 Yorktech Drive and would like for the Town of Markham to take immediate action to protect our long term health, the environment, and the living quality of the downtown Markham area.

We are demanding the closure of the ConStrada Aggregates recycling facility because:

- 1) **ConStrada Aggregates failed to live up to it obligation under the Site Plan Agreement that they would cease operations by 2008.**

The facility was approved by the Town in 2002 and 2005 for temporary use (3-year intervals) only, and ConStrada had committed in the April 2003 Site Plan Agreement "(zz) *That the Owner and the Applicant covenant and agree not to initiate any applications, transactions or legal action that would seek to permit the recycling facility as a temporary use beyond the proposed maximum six (6) year period, nor to seek permission for the use as a permanent use*". The temporary use by-law expired on June 14, 2008 and the site was to be converted to a permanent parking lot as the highest and best use of the land (By-Law 2002-268). However on June 23, 2008, ConStrada applied for another zoning by-law amendment, requesting the use to be permitted for an additional 3 years. We are concerned because the community today in 2011 is quite different to that of 2002, where there was little residential and major commercial uses around the aggregate recycling facility. An aggregate recycling facility is incompatible to the higher order developments in the adjacent Markham Centre area.

2) ConStrada Aggregates is currently operating without valid zoning permissions.

The Zoning By-Law Amendment application by ConStrada in 2008 was to permit the permanent operation of the aggregate recycling facility following the expiration of the temporary use permission on June 14, 2008. Town staff recommended this application be denied on the June 2009 meeting; however Council's decision was deferred to September 2009 pending additional information to be provided by ConStrada. We understand that ConStrada never came back to the Town to finalize the zoning approvals and has left the application idle while the facility continued to operate illegally without the proper zoning in place.

3) ConStrada Aggregates is in violation of the rules & regulations governing the operation of their facility, and a lack municipal enforcement exists.

The temporary use by-law restricted the stockpile heights to the lesser of the combined height of the perimeter berm and fence or a maximum height of 7 metres. Council also amended Traffic By-law 2002-139 to implement a heavy traffic prohibition on Rodick Road between Highway 7 and Yorktech Drive forcing truck traffic from this site to turn left when exiting the site. Unfortunately, ConStrada had no regard for the aforementioned restrictions and is in violation of these regulations. We are also not aware of any municipal By-law Enforcement staff monitoring this situation. The resultant is a negative effect on the flow of traffic as well safety and overall well-being of the nearby community. ConStrada has been operating with contravention to the associated By-laws and should be stopped immediately.

4) ConStrada Aggregates is causing air pollution and soil contamination, which may pose a significant health-risk to the public and the environment.

Town of Markham Planning staff reported to the Development Services Committee on June 2, 2009 that that operating an aggregate recycling facility at 350 Rodick Road is not an acceptable use of the land because of its proximity to high density residential, major commercial, and higher order land uses due to the considerable dust, noise and truck traffic. In fact, it has been shown that after window washing of nearby condominiums, the windows become caked in a fine dust just days after the washing forcing residents to keep their windows shut at all times. Furthermore, we understand that restaurants at First Markham Place have complained about the negative impact to safety of their food because of the dust entering their kitchens. Such a concern is alarming residents because of historical cases where prolonged exposure to hazardous materials would pose a significant health risk to the community, especially to children and the elderly. Such studies must be conducted to determine if there are such health risks to the Markham community at large.

To reiterate, an aggregate recycling facility, which generates considerable dust, noise and truck traffic, is not considered to be compatible use to nearby high density residential, major commercial, nor higher order land uses in the Markham Centre and Highway 7 corridor areas.

ConStrada Aggregates Recycling Facility - 350 Rodick Road



Dust storm resulting from ConStrada plant operations



ConStrada Aggregates Recycling Facility - 350 Rodick Road



Excessive stockpile heights beyond By-law limits



ConStrada Aggregates Recycling Facility - 350 Rodick Road



Illegal truck traffic on Rodick Road from/to Highway 7



Facts RE: Constrada Aggregate Recycling Facility

- Located at 350 Yorktech Drive, east side of Rodick Road across from First Markham Place / First Markham Centre
- This facility processes various materials from demolished buildings with a crushing machine to create granulars to be re-used in new construction, these materials are stored in outdoor open stockpiles
- This operation was approved by the Town in 2002 as a temporary use, not to exceed 6 years
- The permission for this facility expired on June 14, 2008 and is an illegal use which continues to operate
- In 2002, Council amended Traffic By-law 106-71 to implement a heavy traffic prohibition on Rodick Road between Highway 7 and Yorktech Drive. Truck traffic from this site has to turn left when exiting the site; but trucks illegally turn right from the site now to access Highway 7
- Constrada applied for a Zoning By-law Amendment in 2008 to permit this use permanently, Council decision was deferred in June 2009, but Constrada never came back to get formal approvals and just left the application idle while the facility continues to operate illegally
- Town staff comments on this application:
 - The Engineering Department advises that an aggregate recycling facility generates significant amount of dust and sediment
 - Staff do not support use on a permanent basis - staff do not consider an aggregate recycling facility to be an appropriate use at this location over the long term. This type of use should locate in areas permitting outdoor storage as a primary use, removed from residential, prestige employment and major commercial uses.



With hands joined together from EKO, CIRCA 1+2, Majestic Court, and First Markham Centre, we need to put a stop to the illegal operation of the Constrada Aggregate Recycling Facility **NOW** to protect our long term health, the environment, and the living quality of the neighbourhood we call home today.

Photo displays are in the lobby showing the dust and trucks traffic associated with this Constrada facility.

Should you have any questions or require additional information, please do not hesitate to contact us:

YRSCC 1128	55+75 South Town Centre	Kevin Wong	416.543.9382	kevinwong@chimax.ca
YRSCC 1128	55+75 South Town Centre	Edward Mak	416.856.0888	edward.mak@gmail.com
YRSCC 1138	30+32 Clegg	Maggie Du	416.744.4722	maggie.du@investorsgroup.com

To voice your objection to the continuation of this illegal use, please sign the petition form below and return to the conceirge or drop-box in the lobby.

By way of this petition, the undersigned hereby objects to the continued illegal operation of the Constrada Aggregate Recycling Facility located at 350 Yorktech Drive.

(circle one below)

Address: 55 South Town Centre Boulevard / 75 South Town Centre Boulevard / 30 Clegg Road / 32 Clegg Road