

## WEST ALLIS COMMON COUNCIL LICENSE AND HEALTH COMMITTEE CITY OF WEST ALLIS

In the Matter of the Petition for Amendment of the Work Plan for the Noise Variance Issued to

# FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION

MOTOR CASTINGS (	COMPA	ANY
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STATE OF WISCONSIN	)
	) ss.
COUNTY OF MILWAUKEE	)

Upon deliberation and consideration of the petition presented to the License and Health Committee and the public hearings held on May 20, 2014 and June 3, 2014, the Committee finds:

#### FINDINGS OF FACT:

- That the estimated cost of the sound barrier greatly exceeds the actual quotes obtained by Motor Castings Company.
- 2. That the current Variance expires on January 31, 2015.
- 3. That it is unreasonable to require Motor Castings Company to pay over \$100,000 for a sound barrier on a Variance that will expire within seven (7) months.
- 4. That the sound made by the pulsers used by Motor Castings Company is especially disturbing during the nighttime hours when the ambient noise is reduced and the majority of nearby residents are sleeping.
- 5. That Motor Castings Company's request to turn off the pulsers during the hours of 10:00 p.m. to 7:00 a.m. each day is a reasonable alternative to the sound barrier given the cost of the sound barrier and the remaining duration of the Variance.
- 6. That amendment of the work plan for the Variance to eliminate the requirement of a sound barrier and to instead require Motor Castings Company to cease using pulsers during the hours of 10:00 p.m. to 7:00 a.m. is a reasonable modification that addresses both the cost

6. That amendment of the work plan for the Variance to eliminate the requirement of a sound barrier and to instead require Motor Castings Company to cease using pulsers during the hours of 10:00 p.m. to 7:00 a.m. is a reasonable modification that addresses both the cost factors to Motor Castings Company and the use and enjoyment of the surrounding area by the residents.

### **CONCLUSIONS OF LAW:**

That it is in the public interest to amend the work plan of the Noise Variance issued to Motor Castings Company to eliminate the sound barrier requirement and to instead require Motor Castings Company to cease using pulsers during the hours of 10:00 p.m. to 7:00 a.m. daily.

## **RECOMMENDATION:**

That the work plan of the Variance issued to Motor Castings Company be amended to eliminate the sound barrier requirement and that the work plan be amended so that the Variance prohibits Motor Castings Company from using pulsers during the hours of 10:00 p.m. to 7:00 a.m. daily.

Dated at this <u>8</u> day of <u>(Lud</u>

2014.

Michael J. Czaplewski

License & Health Committee

West Allis Common Council