



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2014-0172

Final Action:

Sponsor(s): License & Health Committee

AUG 05 2014

A Resolution to Amend the Noise/Vibration Variance Issued to Motor Castings Company.

WHEREAS, Motor Casting Company has a Variance issued by the West Allis Health Department pursuant to section 7.035 of the Revised Municipal Code; and,

WHEREAS, Motor Casting Company has requested an amendment to said Variance to eliminate the requirement of a sound barrier; and,

WHEREAS, Motor Casting Company is instead proposing that it cease using pulsers between the hours of 10:00 p.m. and 7:00 a.m. daily; and,

WHEREAS, the Variance expires after January 31, 2015, and the expense of the sound barrier for the remainder of the Variance term is unreasonable; and,

WHEREAS, the License & Health Committee has held hearings regarding the proposed amendment to the Variance and have made Findings of Fact, Conclusions of Law, and a Recommendation to the Common Council.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the Findings of Fact and Conclusions of Law of the License & Health Committee are hereby adopted.

BE IT FURTHER RESOLVED that the work plan for the Noise Variance issued to Motor Castings Company is hereby amended to eliminate the sound barrier requirement and to instead prohibit Motor Castings Company from operating pulsers between the hours of 10:00 p.m. and 7:00 a.m. daily.

ATTR-Resolution Amend Noise-Vib Variance MotorCastings

ADOPTED 8-5-14

Monica Schultz

Monica Schultz, City Clerk

APPROVED 8/8/14

Dan Devine

Dan Devine, Mayor

**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 COMPANY

**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:

1. 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.

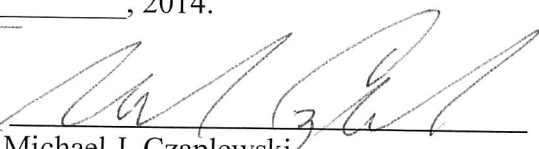
CONCLUSIONS OF LAW:

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 8 day of July, 2014.

By: 
Michael J. Czaplewski
License & Health Committee
West Allis Common Council



OFFICE OF THE CITY CLERK

Monica Schultz
City Clerk

August 19, 2014

Joseph Kempen
1325 S. 65 St.
West Allis, WI 53214

Dear Mr. Kempen:

Enclosed is a copy of the approved Findings and Recommendations and a copy of the signed Resolution R-2014-0172 which was adopted on August 5, 2014 by the Common Council to amend the Noise/Vibration Variance issued to Motor Castings Company premises located at 1323 S. 65 St.

Sincerely,

A handwritten signature in cursive script that reads "Monica Schultz".

Monica Schultz
City Clerk

/amn
enclosures

cc: Sally Nusslock, Health Commissioner
Chairperson Michael Czaplewski

COPY

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
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FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND RECOMMENDATION

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) ss.
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FINDINGS OF FACT:

1. 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

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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 8 day of July, 2014.

By: 

Michael J. Czapski
License & Health Committee
West Allis Common Council