



CITY of NOVI CITY COUNCIL

Agenda Item 1
November 24, 2014

SUBJECT: Consideration of a request from Eberspaecher North America, Inc. for a variance from Section 22-100(d)(1) of the City Code prohibiting loading and unloading of any commercial vehicle between the hours of 8:00 p.m. and 7:00 a.m. within 400 feet of a residential structure. The applicant would like to conduct loading and unloading activities between the hours of 5:00 a.m. and 11:00 p.m. within 210 feet of the adjacent residential property.

SUBMITTING DEPARTMENT: Community Development Department - Planning Division ^{Burb}

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

Eberspaecher North America, Inc. has formally requested a variance from the City Code for their property located at 43700 Gen Mar to allow loading and unloading activities to take place outside of the normally permitted hours within 400 feet of a residential structure. The City Council previously granted a temporary variance for this request on February 18, 2014 for a period of 9 months. The applicant has now applied for indefinite approval of the requested variance (to be valid only while Eberspaecher North America occupies the site).

Per Section 22-100(d)(1) of the City Code loading and unloading of any commercial vehicle is not permitted between the hours of 8:00 p.m. and 7:00 a.m. (the following day) within 400 feet of a residential structure. The applicant has requested the variance to permit loading and unloading activities to take place between the hours of 5:00 a.m. and 11:00 p.m. on the site within 210 feet of the adjacent residential development (i.e. loading may take place two hours earlier and three hours later than allowed by the City Code). As detailed in their November 12, 2014 letter, they are working to reduce those hours to 6:00 a.m. through 10:00 p.m. and hope to have that completed by January 1, 2015.

The applicant would like to continue running three shifts on the site in response to expanding business opportunities. The applicant has expanded their parking area to accommodate the additional workers for the added shift and the addition of an outdoor storage tank on the site. Per the applicant's materials, there are currently 5 trucks that move materials on the site in the hours not normally permitted.

Impacts to Adjacent Properties

The applicant contends the loading activities are screened from the residential development by the existing 8 foot berm along the west property line as well as the existing vegetation. Additionally, the applicant has submitted a Noise Study detailing the noise impacts during the last 9 months of activities on the site.

Kolano and Saha Engineers, Inc. a professional engineer specializing in acoustics, noise and vibration analyzed sound levels generated from the loading activities on site, off-site sounds (emergency vehicles, surrounding traffic, trains, etc.), and sounds from the environment (animals, insects, thunderstorms, etc.).

Staff has reviewed the variance request and the submitted Noise Study. The nighttime residential noise limit per the Zoning Ordinance is 55 dB(A). However, the ordinance does also take into account situations where background or ambient noise exceeds the noise limit, and allows an additional 6 dB(A) in such cases. Based on the results of the Noise Study, the average noise level at the property line of Eberspaecher (for the timeframe starting June 12, 2014, and the time frame starting August 1, 2014) was approximately 62 dB(A), which was lower than the average noise generated by off-site sounds and sounds from the environment in several instances. The study shows that in some instances Eberspaecher generated the loudest event of the day, and other times the loudest event of the day was an off-site event, such as the train going by, a thunderstorm, or emergency vehicles.

Eberspaecher has taken several steps to reduce their impact on the adjacent residential neighborhood. These include the following:

- Provided employee training to keep noise to a minimum
- Posted signage to remind employees to close loading doors and keep noise down
- Staggered start, quit and break times to reduce noise and vehicle traffic
- Planned for the installation of a barrier at the entrance of the facility to prevent truck traffic from entering the grounds during non-shipping activity hours (site plan under review in the Community Development Department)
- Limited truck traffic occurring outside of the hours permitted by the Zoning Ordinance to the eastern-most loading docks (furthest away from the residential property line)
- Disabled and covered an unneeded exhaust fan to further reduce noise from the operations.

Eberspaecher has also committed to work towards further reduction of noise impacts with the following:

- Installing an 18 foot tall sound barrier wall by next spring, following review and approval by the City Exploring nearby off-site locations for staged shipping activities outside of normal loading hours
- Shifting the type of production at the facility within the next twenty-four to thirty-six months from the current high volume/traffic state to low volume specialty manufacturing which will allow loading and unloading activities to be restricted to the normally permitted hours

Given the fact that most scenarios surpass the permitted noise levels, the applicant is seeking relief through a variance considered by the City Council. Given the lack of practical alternatives available, and the long-standing equivalent nature of the use of the property, the City Manager's Office is recommending approval of the variance with the limitations in the hours of delivery offered by the applicant.

Public Notice

Staff has sent a total of 25 letters (sample attached) to all property owners within 400 feet of the property as a courtesy. The public was invited to contact the Community Development Department with any comments or questions, and encouraged to provide written comments if desired. A public hearing is not required as part of the consideration of variances from the City Code. Staff has received several comment emails (attached) as a result of the previously referenced mailing. In addition, Ordinance Enforcement Officers have received a small amount of complaints over the last 6 months regarding noise at the facility. Police

Department records indicate noise complaints have been filed for the adjacent CVS Warehouse but not for the Eberspaecher site.

Consideration of Variance Request

The City Council is asked to consider the variance request as outlined in Section 1-12 of the City Code. Specifically, a variance may be granted when all of the following are satisfied:

- (1) A literal application of the substantive requirement would result in exceptional, practical difficulty to the applicant;
- (2) The alternative proposed by the applicant will be adequate for the intended use and shall not substantially deviate from the performance that would be obtained by strict enforcement of the standards; and
- (3) The granting of the variance will not be detrimental to the public health, safety or welfare, nor injurious to adjoining or neighboring property, nor contrary to the overall purpose and goals of the chapter or article containing the regulation in question.

RECOMMENDED ACTION: The City Council may choose ONE of the following TWO Options:

APPROVAL

Approval of the request from Eberspaecher North America, Inc. for a variance from Section 22-100(d)(1) of the City Code to allow loading and unloading of any commercial vehicle between the hours of 8:00 p.m. and 7:00 a.m. within 400 feet of a residential structure, with a finding that the standards of City Code Section 1-12, as provided above have been met, because:

- (a) The time limitations prevent full use of the building for its intended purpose and limit or impair the ability of the applicant to continue to use the building for its operations even for the times allowed under the ordinance, which is a hardship to the applicant;
- (b) The applicant is not requesting a permanent approval for loading/unloading beyond the hours permitted in the ordinance hours, but has indicated that within the next 24 to 36 months, the type of manufacturing performed at the facility will change, resulting in the loading/unloading to take place within the hours permitted by ordinance; and
- (c) The applicant has indicated in the letter dated November 12, 2014, that a number of measures will be taken to further limit noise from this site.

This approval is subject to the following conditions:

1. That the hours for loading and unloading activities shall not extend beyond the requested hours between 5:00 a.m. and 11:00 p.m., and those hours shall be further reduced to 6:00 a.m. through 10:00 p.m. by January 1, 2015, as offered by the applicant.
2. The applicant shall submit a plan for review by the Community Development Department, seek all necessary approvals, and install a barrier to prevent truck traffic from entering the grounds during non-shipping activity hours by April 1, 2015, weather permitting.
3. The applicant shall work toward the design of an approximately 18 foot tall sound barrier wall, to be submitted for review by the Community Development Department, and seek all necessary approvals in order for the sound barrier wall be installed by April 1, 2015, weather permitting.

4. The applicant shall explore nearby off-site locations that can be utilized for the off-hours loading and unloading.
5. The applicant shall commit to accomplishing what is offered in the November 12, 2014 letter:
 - a. Reduce from 12 to 5, the number of trucks loading/unloading outside of normal shipping hours.
 - b. Maintain the placement of the scrap trailer inside the building.
 - c. Maintain the posted notices inside the building that all shipping dock doors are to remain closed during the hours of 8:00 p.m. to 7 a.m.
 - d. Provide new-hire orientation indicating it is the company employee's responsibility to keep noise impacts to a minimum.
 - e. Maintain posted signs in west parking lot to instruct employees to keep the noise levels low.
 - f. Instruct any truck traffic required to operate outside of normal hours to use the most-eastern docks, furthest from the residential properties.
 - g. Keep the former 36 inch exhaust fan on the west corner of the building disabled and covered to further prevent noise from passing to neighbors to the west.
6. The applicant shall continue to monitor noise levels for one additional year with the additional protections offered in the applicant's letter of November 12, 2014, and share the noise levels with the Community Development Department and the City Manager's Office no later than November 24, 2015, in order to verify that noise levels from the facility are within permitted ordinance standards.
7. The variance shall expire upon the applicant securing an alternative facility for the production that is currently requiring the additional loading/unloading time, and in no event later than December 1, 2017.

ALTERNATIVELY, THE CITY COUNCIL MAY SELECT THE FOLLOWING SUGGESTED MOTION:

DENIAL

Denial of the request from Eberspaecher North America, Inc. for a variance from Section 22-100(d)(1) of the City Code to allow loading and unloading of any commercial vehicle between the hours of 8:00 p.m. and 7:00 a.m. within 400 feet of a residential structure, with a finding that the standards of City Code Section 1-12, have not been met, and specifically that:

- (a) The applicant has not demonstrated that there is anything unique about its operation as compared to other uses that require work adjacent to residential properties during nighttime hours;
- (b) The deviation for the ordinance that is being requested is substantial, and the applicant has not proposed an alternative that adequately protects the interests of the adjacent residential properties; and
- (c) The granting of the variance will be detrimental to the public health, safety and welfare and injurious to the adjoining and neighboring properties due to the additional noise generated from the operations of the facility at early and late (nighttime) hours in close proximity of the neighboring residential homes.

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Markham				

	1	2	Y	N
Council Member Mutch				
Council Member Poupard				
Council Member Wrobel				

Location Map

Eberspaecher City Code Variance

Location



Map Legend
■ Subject Property

Feet
0 55 110 220 330
1 inch = 199 feet



City of Novi
Planning Division
Community Development Dept.
45175 W Ten Mile Rd
Novi, MI 48375
cityofnovi.org

Map Author: Kristen Kapelanski
Date: 02-03-14
Project: Eberspaecher Loading Variance
Version #: 1.0

MAP INTERPRETATION NOTICE
Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

**Letter Sent to
Property Owners
within 400 ft.**



October 1, 2014

Re: City Code Variance Request from Eberspaecher North America Inc.
(43700 Gen Mar)

CITY COUNCIL

Mayor
Bob Gatt

Mayor Pro Tem
Dave Staudt

Andrew Mutch

Justin Fischer

Wayne Wrobel

Laura Marie Casey

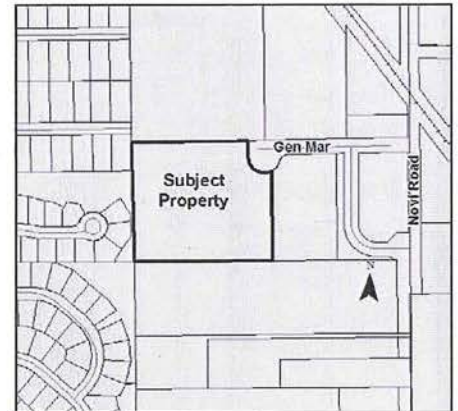
Gwen Markham

City Manager
Peter E. Auger

City Clerk
Maryanne Cornelius

To Whom it may concern:

Eberspaecher North America, Inc. located at 43700 Gen Mar received a temporary variance from the City Council on February 18, 2014 to allow loading and unloading activities to take place from 5:00 a.m. to 11:00 p.m. (which is outside of the normally permitted hours) within 210 feet of a residential structure. Eberspaecher was required to collect additional data on the potential noise impacts during that time frame and has now approached the City Council seeking a permanent variance from the requirements noted below. This variance would only remain in place as long as Eberspaecher occupies the existing building.



Per Section 22-100(d)(1) of the City Code loading and unloading of any commercial vehicle is not permitted between the hours of 8:00 p.m. and 7:00 a.m. (the following day) within 400 feet of a residential structure. The applicant has requested the variance to permit loading and unloading activities to take place between the hours of 5:00 a.m. and 11:00 p.m. on the site within 210 feet of the adjacent residential development (i.e. loading may take place two hours earlier and three hours later than allowed by the City Code).

This letter serves as a courtesy notice of the request. The variance request will be considered by the City Council at an upcoming meeting. City Council meetings begin at 7PM and are held in the Council Chambers at the Novi Civic Center (45175 Ten Mile Rd.). City Council agendas are posted on the City's website (www.cityofnovi.org) the Friday prior to all City Council meetings.

Written comments are preferred and should be directed to the Community Development Department. Members of the public are also welcome to comment during the Audience Participation portion of the scheduled City Council meeting. Questions and comments can be directed to Barbara McBeth (248.347.0587 or bmcbeth@cityofnovi.org) or Kristen Kapelanski (248.347.0586 or kkapelanski@cityofnovi.org) in the City of Novi Community Development Department.

City of Novi
45175 W. Ten Mile Road
Novi, Michigan 48375
248.347.0460
248.347.0577 fax

cityofnovi.org

Sincerely,

Kristen Kapelanski

Public Comments

From: [McBeth, Barb](#)
To: [Kapelanski, Kristen](#)
Subject: FW: Eberspaecher's GenMar Facility
Date: Monday, November 17, 2014 10:22:17 AM

From: McBeth, Barb
Sent: Tuesday, November 04, 2014 8:47 AM
To: 'Tom Swantek'; Staudt, Dave; Gatt, Bob; Mutch, Andrew;
; Casey, Laura; Markham, Gwen; Wrobel, Wayne **Cc:** Walsh, Sheryl;
Auger, Peter E.; Cardenas, Victor; Kapelanski, Kristen **Subject:** RE:
Eberspaecher's GenMar Facility

Dear Mr. Swantek,

I have been asked to respond on behalf of the Mayor and City Council members who were copied on your email.

Thank you for taking time to share your thoughts and write the email below. We will share the email again with the City Council members as Eberspaecher's request to extend the loading hours comes forward for consideration.

Thanks,
Barb

Barbara McBeth | Deputy Director Community Development
City of Novi | 45175 W. Ten Mile Road | Novi, MI 48375 USA
t: 248.347.0587 c: 248.343.1237 f: 248.735.5633

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From: Tom Swantek
Sent: Monday, November 03, 2014 3:51 PM
To: Staudt, Dave; Gatt, Bob; Mutch, Andrew; Casey,
Laura; Markham, Gwen; McBeth, Barb
Subject: [SPAM-GFI] - Eberspaecher's GenMar Facility

Recently when I read in the Community paper that Eberspaecher requested an hours variance to the noise ordinance, I thought I needed to write you. I think it is great that a new business has started up in our city and is offering employment to many of it's residents. Although I don't live near by Eberspaecher's Gen Mar Facility, I do have friends that live on Marlson and they inform me that they are not bothered at all by them, but are bothered by the loud semi trucks pulling into the CVS warehouse both day and night.

I think it is great the city is working with new businesses and bringing in new taxes to help our city grow, but I do think you should look into the matter of noise more closely to find out who

the real culprit is.

Thank you for your time and assistance

Tom Swantek
Novi Resident

From: [McBeth, Barb](#)
To: [Kapelanski, Kristen](#)
Subject: FW: Eberspaecher's Gen Mar Facility
Date: Monday, November 17, 2014 10:22:03 AM

From: McBeth, Barb
Sent: Tuesday, November 04, 2014 8:48 AM
To: Staudt, Dave; Gatt, Bob; Mutch, Andrew; Casey, Laura; Markham, Gwen; Wrobel, Wayne
Cc: Auger, Peter E.; Cardenas, Victor; Kapelanski, Kristen; Walsh, Sheryl
Subject: RE: Eberspaecher's Gen Mar Facility

Dear Mrs. Yarbrough,

I have been asked to respond on behalf of the Mayor and City Council members who were copied on your email.

Thank you for taking time to share your thoughts and write the email below. We will share the email again with the City Council members as Eberspaecher's request to extend the loading hours comes forward for consideration.

Thanks,
Barb

Barbara McBeth | Deputy Director Community Development
City of Novi | 45175 W. Ten Mile Road | Novi, MI 48375 USA
t: 248.347.0587 c: 248.343.1237 f: 248.735.5633

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From:
Sent: Monday, November 03, 2014 3:53 PM
To: Staudt, Dave; Gatt, Bob; Mutch, Andrew; Casey, Laura; Markham, Gwen; McBeth, Barb
Subject: [SPAM-GFI] - Eberspaecher's Gen Mar Facility

Recently when I read in the Community paper that Eberspaecher requested an hours variance to the noise ordinance, I thought I needed to write you. I think it is great that a new business has started up in our city and is offering employment to many of it's residents. Although I don't live near by Eberspaecher's Gen Mar Facility, I do have friends that live on Marlson and they inform me that they are not bothered at all by them, but are bothered by the loud semi trucks pulling into the CVS warehouse both day and night.

I think it is great the city is working with new businesses and bringing in new taxes to help our city grow, but I do think you should look into the matter of noise more closely to find out who the real culprit is.

Thank you for your time and assistance

Rebecca P. Yarbrough
Novi Resident

From: [McBeth, Barb](#)
To: [Karen Ledwidge Bondar](#); [Gatt, Bob](#); [Staudt, Dave](#); [Mutch, Andrew](#); [Wrobel, Wayne](#); [Casey, Laura](#); [Markham, Gwen](#); [Poupard, Doreen](#)
Cc: [Walsh, Sheryl](#); [Auger, Peter E.](#); [Cardenas, Victor](#); [Boulard, Charles](#); [Schultz, Thomas](#) RE: [SPAM-GFI] -
Subject: Eberspaecher temporary variance
Date: Wednesday, November 19, 2014 9:11:20 AM

Good Morning Mrs. Bondar,

Thank you for the additional information.

We will share this email with the Mayor and City Council members again in the packet being prepared for consideration at Monday's City Council meeting.

Thanks,
Barb

Barbara McBeth | Deputy Director Community Development
City of Novi | 45175 W. Ten Mile Road | Novi, MI 48375 USA
t: 248.347.0587 c: 248.343.1237 f: 248.735.5633

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From: Karen Ledwidge Bondar
Sent: Wednesday, November 19, 2014 8:45 AM
To: Gatt, Bob; Staudt, Dave; Mutch, Andrew; jfisher@cityofnovi.org; Wrobel, Wayne; Casey, Laura; Markham, Gwen; McBeth, Barb
Cc:
Subject: [SPAM-GFI] - Eberspaecher temporary variance

Good Morning,

I believe the Eberspaecher variance topic will be on the council agenda on Monday, November 24. I'm resending you my original email regarding my opposition to the variance becoming permanent as well as additional information I sent Barb McBeth regarding the dates and times of noise issues.

Please reread my original email to you dated October 1, 2014. I want to be very clear that the noise we've heard is NOT coming from CVS. My husband and I have lived in our home on Durson for 17 years and we are very familiar with the noise that comes from CVS since we have been dealing with that noise for 17 years. And, even if anyone confuses what noise comes from what company at any given time, doesn't that in itself speak to the issue of allowing companies to work past normal business hours? The noise issue is not being felt just by Novi Heights residents on Marlson but also on Stassen, Durson and Settlers Creek streets.

I cannot locate the second email I sent Barb Mcbeth (I have also included Barb on this email) but here are a list of other dates and times when the beeping noise was extremely loud. And, please keep in mind this was whether windows were open or closed. Many nights/mornings we turned our air conditioning on just to cover up the noise.

June 30 7:00 am
July 9 7:00 am
July 11 9:30 pm
July 14 6:45 am
July 17 5:45 am
July 17 8:00 pm
July 24 11:55 pm
August 19 6:50 am
Sept. 8 6:45 am
Oct. 2 7:00 to 11:00 pm

Thank you,

Karen Bondar
43999 Durson Street
Novi

----- Original Message -----

From: [Karen Ledwidge Bondar](mailto:Karen.Ledwidge.Bondar)

To: bmcbeth@cityofnovi.org

Cc

Sent: Friday, October 03, 2014 7:34 AM

Subject: Fw: Eberspraecher temporary variance

Good Morning Beth,

I'm sending you a copy of a letter I sent to the Mayor and council members this week regarding the noise I'm experiencing from the Eberspaecher temporary variance. I'll be putting together the list of dates for the summer where my husband and I were disturbed by the noise but wanted to give you a look at what the last week has been like because it seems to be getting worse and more frequent:

September 25 beeping began at 4:15 am

September 26 beeping began at 5:50 am

September 30 beeping began at 6:45 am

October 1 beeping began at 6:30 am

October 2 beeping began at 5:15 am

October 3 beeping began at 6:30 am

We can hear the beeping with our windows open AND closed and we're very opposed to Eberspaecher having extended operating hours on a permanent basis. Please call me if you have any questions.

Thank you,

Karen Bondar
43999 Durson Street
Novi

----- Original Message -----

From: [Karen Ledwidge Bondar](#)

To:

Sent: Wednesday, October 01, 2014 10:08 AM

Subject: Eberspraecher temporary variance

Good Morning Mayor and Council,

I live at 43999 Durson Street and am writing you regarding the temporary variance that has been granted to Eberspraecher.

Here's a little history. My husband and I do NOT live within 400 feet of Eberspraecher and apparently that is why we did not receive communication regarding the meeting last March to grant Eberspraecher a temporary variance. Many of our neighbors on Marlsen Street did receive notification and sent letters opposing the variance. I don't believe those letters were read at the council meeting when the temporary variance was granted. My husband and I found out about the temporary variance after the fact when we read about it in the Novi News. My husband contacted some of the council members and the Mayor. Mayor Gatt, you suggested we contact the police when we are bothered by the noise and we have done so several times since May.

I don't know where in the process you are of deciding whether to grant or not grant a permanent variance to Eberspraecher and I am pleading with you to **not** give them a permanent variance. We have been bothered by noise before 6:00 AM on many occasions and after 7:00 pm on many occasions. In fact, in the past two weeks the early morning beeping has gotten more frequent and earlier in the morning. If you lived where we live and you had to listen to constant beeping I think you would be bothered, too. It interrupts sleep, can be heard when outside and can be heard when inside with windows closed.

My husband and I have lived at our current address since 1997. At that time the CVS warehouse was **not** open 24 hours a day. Since they were given the approval to operate 24 hours a day we've put up with a lot of noise: beeping, pallets being unloaded and music. Now we are dealing with Eberspraecher noise. Unfortunately, because of what happened with CVS, many of our neighbors have lost faith that anything can be done about Eberspraecher working longer hours and the resulting noise. I fear Eberspraecher will be granted a permanent variance and then at some point they too will want to operate 24 hours a day.

Can you please let me know when you will meet again about Eberspraecher? If I cannot attend that council meeting can I be assured someone will read my letter?

Lastly, please put yourself in my shoes and my neighbors'. We live in one of the oldest Novi neighborhoods with large lots and many trees. It's a pretty and peaceful neighborhood. We did our research before purchasing this house about the businesses on Genmar Street. How CVS originally operated has changed and along with the Eberspraecher temporary variance we are now living in a place with daily noise that is disturbing and could possibly become worse based on the decision you make about the future operating hours of Eberspraecher. I am asking that you please **not** grant a permanent variance to Eberspraecher.

Thank you,

Karen bondar

From: [McBeth, Barb](#)
To: [Kapelanski, Kristen](#)
Subject: FW: City Code Variance Request by Eberspaecher North America Inc
Date: Monday, November 17, 2014 10:22:37 AM

-----Original Message-----

From: McBeth, Barb
Sent: Tuesday, November 04, 2014 8:29 AM
To: 'Segundo Baldovino'
Subject: RE: City Code Variance Request by Eberspaecher North America Inc

Thank you for your email. We will share it with the City Council as the request comes forward for consideration.

-----Original Message-----

From: Segundo Baldovino
Sent: Monday, November 03, 2014 11:22 PM
To: McBeth, Barb
Subject: City Code Variance Request by Eberspaecher North America Inc

Dear Ms. McBeth,

It has come to my attention the increasing noise a couple of hundred feet from my house the noise that this company makes during the night. Please do not allow this company to continue loading and unloading during the hours of 5:00am to 11:00 pm. My kids go to be at 9:00pm for school and the noise coming from this building is keeping them up as well as I, which I have to wake up at 5:00 am to go to work. I live at 24775 Thatcher Dr directly across this company. During this past summer we were unable to open our windows due to the noise. I propose the hours between 9:00am to 6:00pm for Eberspaecher to do thier unloading and loading.

Thank you,
Segundo Baldovino

From: [S.Yu](#)
To: [McBeth, Barb](#); [Kapelanski, Kristen](#)
Subject: Re: City Code Variance Request from Eberspaecher North American Inc.
Date: Monday, October 20, 2014 12:28:50 AM
Attachments: [City of Novi - Code Variance Request.pdf](#)

Dear Barbara and Kristen,

I am writing to **object** on the City Code variance request from Eberspaecher North America Inc. (43700 Gen Mar). My house is close to the subject property and encounter a lot of noise during daytime hours from the business in this area. It would be unacceptable to have noise from loading and unloading activities before 7:00 AM in the morning and after 8:00 PM in the evening as this would impact my family's sleeping time.

Thank you for your consideration.

Shuai Yu
24751 Thatcher Drive
Novi, MI 48375

From: [Stephanie A Ernster](#)
To: [McBeth, Barb](#); [Kapelanski, Kristen](#)
Cc: [Steve Ernster \(stephen_ernster@sbcglobal.net\)](#); [Kevin Kurkowski](#); [Luna \(yurikavan@hotmail.com\)](#)
Subject: City Code Variance
Date: Friday, October 10, 2014 8:38:56 AM

Dear Community Development Department of Novi:

We live at 43925 Settlers Creek Court and was told that Eberspaecher North America Inc (at 43700 Gen Mar) is requesting a city code variance that would allow them to expand the commercial vehicle loading and unloading times. Earlier this year I received a similar letter and even with my letter requesting you deny this request and my previous 2 instances calling the police due to excessive noise back there, your department granted them a temporary variance.

I had asked back then, with no response, what days of the week does this variance allow for? Is this 7 days a week or Monday-Friday?

I am also curious as to what additional data you required them to collect in this temporary variance time frame? Did they have a sound level meter outside my bedroom window at 5AM? Because I have not continued to call the police does not mean I don't hear them at all hours, especially late at night when we are trying to get to sleep.

Our house directly backs up to this subject property and 2 of our 4 bedrooms face the back of our house. During the week, by 7AM we are all up and getting ready for our day but at 5AM we are all still sleeping and this would be a great disturbance to our morning. Similarly, at 8PM we are all still up, probably with TVs and radios playing, so we don't really hear the loading and unloading but if allowed to continue until 11PM, we would have three kids in bed trying to sleep.

As I mentioned before in my letter and again here, in November last year we had to call the police out to that property because they were producing so much noise early on a Sunday morning. I mention this because we do hear the noise back there (even the loading and unloading of the trucks) but as long as it is during the times we are not trying to sleep, it is not a big deal.

We love our location in Novi. Please help us to continue to love our location and deny the request to change the city code.

Sincerely,

Stephanie Ernster

General Motors
Global Noise & Vibration Center
Fuel Economy/N&V Optimization
3300 GM Road, Milford, MI 48380

From: [F HIRJI](#)
To: [McBeth, Barb](#); [Kapelanski, Kristen](#)
Subject: City Code Variance Request
Date: Thursday, October 09, 2014 6:00:10 PM

Dear Barbara and Kristen,

Today, I received a City Code variance request letter from the City of Novi dated October 1, 2014. I am writing to **object** on the City Code variance request from Eberspaecher North America Inc. (43700 Gen Mar). I live very close to the subject property and encounter a lot of noise during daytime hours from the business in this area. It would be unacceptable to have noise from loading and unloading activities before 7:00 AM in the morning and after 8:00 PM in the evening as this would violate our privacy. I have 3 young children who have bedrooms facing the subject property and their sleep cycle would be negatively impacted. Please inform me if you require additional information.

Thanks,
Fayaz Hirji
24763 Thatcher Drive, Novi, MI

From: [McBeth, Barb](#)
To: [Staudt, Dave](#); [Gatt, Bob](#); [Mutch, Andrew](#); jfisher@cityofnovi.org; wwrobe@cityofnovi.org; [Casey, Laura](#); [Markham, Gwen](#); [Wrobel, Wayne](#)
Cc: [Auger, Peter E.](#); [Cardenas, Victor](#); [Kapelanski, Kristen](#); [Walsh, Sheryl](#)
Subject: RE: Eberspaecher's Gen Mar Facility
Date: Tuesday, November 04, 2014 8:47:34 AM

Dear Mrs. Yarbrough,

I have been asked to respond on behalf of the Mayor and City Council members who were copied on your email.

Thank you for taking time to share your thoughts and write the email below. We will share the email again with the City Council members as Eberspaecher's request to extend the loading hours comes forward for consideration.

Thanks,
Barb

Barbara McBeth | Deputy Director Community Development
City of Novi | 45175 W. Ten Mile Road | Novi, MI 48375 USA
t: 248.347.0587 c: 248.343.1237 f: 248.735.5633

cityofnovi.org | InvestNovi.org

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From:
Sent: Monday, November 03, 2014 3:53 PM
To: Staudt, Dave; Gatt, Bob; Mutch, Andrew; jfisher@cityofnovi.org; wwrobe@cityofnovi.org; Casey, Laura; Markham, Gwen; McBeth, Barb
Subject: [SPAM-GFI] - Eberspaecher's Gen Mar Facility

Recently when I read in the Community paper that Eberspaecher requested an hours variance to the noise ordinance, I thought I needed to write you. I think it is great that a new business has started up in our city and is offering employment to many of it's residents. Although I don't live near by Eberspaecher's Gen Mar Facility, I do have friends that live on Marlson and they inform me that they are not bothered at all by them, but are bothered by the loud semi trucks pulling into the CVS warehouse both day and night.

I think it is great the city is working with new businesses and bringing in new taxes to help our city grow, but I do think you should look into the matter of noise more closely to find out who the real culprit is.

Thank you for your time and assistance

Rebecca P. Yarbrough
Novi Resident

From: [McBeth, Barb](#)
To: [Tom Swantek](#); [Staudt, Dave](#); [Gatt, Bob](#); [Mutch, Andrew](#); jfisher@cityofnovi.org; wwrobe@cityofnovi.org; [Casey, Laura](#); [Markham, Gwen](#); [Wrobel, Wayne](#)
Cc: [Walsh, Sheryl](#); [Auger, Peter E.](#); [Cardenas, Victor](#); [Kapelanski, Kristen](#)
Subject: RE: Eberspaecher's GenMar Facility
Date: Tuesday, November 04, 2014 8:47:28 AM

Dear Mr. Swantek,

I have been asked to respond on behalf of the Mayor and City Council members who were copied on your email.

Thank you for taking time to share your thoughts and write the email below. We will share the email again with the City Council members as Eberspaecher's request to extend the loading hours comes forward for consideration.

Thanks,
Barb

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From: Tom Swantek [mailto:]
Sent: Monday, November 03, 2014 3:51 PM
To: Staudt, Dave; Gatt, Bob; Mutch, Andrew; jfisher@cityofnovi.org; wwrobe@cityofnovi.org; Casey, Laura; Markham, Gwen; McBeth, Barb
Subject: [SPAM-GFI] - Eberspaecher's GenMar Facility

Recently when I read in the Community paper that Eberspaecher requested an hours variance to the noise ordinance, I thought I needed to write you. I think it is great that a new business has started up in our city and is offering employment to many of it's residents. Although I don't live near by Eberspaecher's Gen Mar Facility, I do have friends that live on Marlson and they inform me that they are not bothered at all by them, but are bothered by the loud semi trucks pulling into the CVS warehouse both day and night.

I think it is great the city is working with new businesses and bringing in new taxes to help our city grow, but I do think you should look into the matter of noise more closely to find out who the real culprit is.

Thank you for your time and assistance

Tom Swantek
Novi Resident

From: [McBeth, Barb](#)
To: [Larry Wojciechowski \(larry.wojciechowski@eberspaecher.com\)](mailto:larry.wojciechowski@eberspaecher.com)
Cc: [Kapelanski, Kristen](#)
Subject: FW: City Code Variance Request by Eberspaecher North America Inc
Date: Tuesday, November 04, 2014 8:30:19 AM

Larry,
We received the email below yesterday.
Thanks,
Barb

-----Original Message-----

From: McBeth, Barb
Sent: Tuesday, November 04, 2014 8:29 AM
To: 'Segundo Baldovino'
Subject: RE: City Code Variance Request by Eberspaecher North America Inc

Thank you for your email. We will share it with the City Council as the request comes forward for consideration.

-----Original Message-----

From: Segundo Baldovino [<mailto:>]]
Sent: Monday, November 03, 2014 11:22 PM
To: McBeth, Barb
Subject: City Code Variance Request by Eberspaecher North America Inc

Dear Ms. McBeth,

It has come to my attention the increasing noise a couple of hundred feet from my house the noise that this company makes during the night. Please do not allow this company to continue loading and unloading during the hours of 5:00am to 11:00 pm. My kids go to be at 9:00pm for school and the noise coming from this building is keeping them up as well as I, which I have to wake up at 5:00 am to go to work. I live at 24775 Thatcher Dr directly across this company. During this past summer we were unable to open our windows due to the noise. I propose the hours between 9:00am to 6:00pm for Eberspaecher to do thier unloading and loading.

Thank you,
Segundo Baldovino

Information from the Applicant



November 12, 2014

Ms. Kristen Kapelanski
Planner
City of Novi
45175 W. Ten Mile Rd
Novi, MI 48375

Re: Eberspaecher North America
Loading/Unloading Variance Request
City of Novi Reference No. JSP 13-6

Dear Ms. Kapelanski:

On February 18, 2014, Eberspaecher North America requested and received a "temporary trial period" from the City Council a variance to the City Code prohibiting loading and unloading of any commercial vehicle between the hours of 8:00 pm and 7:00 am, within 400 feet of a residential structure. The request specified reducing the hours to 11:00 pm to 5:00 am and within 210 feet of the residential property.

Our facility is currently fully staffed with 200 employee and operating 24 hours a day, supplying exhaust systems for installation on the new Chrysler 200 at the Sterling Heights Assembly Plant. Our current schedule is a 5 day operation with occasional Saturdays as dictated by our customer.

Since the approval, Eberspaecher North America has initiated the following to reduce the noise impact to the surrounding neighborhood:

- Our current truck traffic is 21 trucks per day. Working with our trucking carrier we reduced the number of trucks outside of the normal shipping hours from 12 to 5 trucks.
- Placed our 20 yard scrap trailer inside of the building to keep the noise of dumping scrap metal to inside of the plant.
- Posted inside of all shipping dock doors notices that they are to remain closed during the hours of 8:00 PM to 7:00 AM.



- During our new hire orientation, the plant manager emphasizes to the new hires that it is their responsibility and are accountable for keeping their noise impact to the neighbors at a minimum.
- In our western parking lot, we posted numerous signs as reminders to our employees to respect our neighbors by keeping their noise down.
- Track traffic required to operate outside of "normal" hours are currently utilizing the most eastern docks - the point farthest away from our neighbors property line.
- The 36" exhaust fan on the west corner of the building was disabled and covered with insulation to prevent noise passing to neighbors on Swartz Creek Drive.
- As required, sound studies were completed and the results were shared with the City. Over four hundred (400) hours of recordings were evaluated during the studies. The sound origins were identified and grouped into three sources: Eberspaecher originated noise levels; Off-site noise levels which include emergency vehicles, planes, trains and other surrounding traffic; Mother Nature sounds - animal, birds, insects, thunderstorms. The sound studies data showed that the number of noise events and levels generated by Eberspaecher were nearly equal to that caused by Mother Nature and less than the number of noise events and levels generated by Off-Site sources.

We know that these items are not the end all actions that will prevent noise to reaching our neighbors. We will continue to explore any and all possibilities that will reduce the impact. With that, here are some additional items we are working on:

- Installing a gate over our drive that prohibits vehicles over 10 feet tall from entering our facility afterhours. This will be installed by December 1, 2014.
- We continue to work with our trucking carrier to move our shipping window from the temporary trial time to a 6AM until 10:00 PM window. This should be completed by January 1, 2015.
- In conjunction with our sound engineer, we are currently working on the designs for multiple 18 foot tall sound barrier walls that will further reduce noise exposure to our neighbors. Installation will occur next early next spring weather permitting.
- We are exploring nearby off-site locations that can be utilized for the outside normal hour required shipments. Completion date is undetermined at this at this time.



Eberspächer

- Within the next twenty-four (24) to thirty-six (36) months, the type of manufacturing performed at the facility will change from the current high volume/traffic state to a low volume specialty manufacturing. This change will result in the ability to perform loading/unloading activities within the desired 7am to 8pm hours.

Should the Council move to approve our request for variance, we will continue to implement the above actions and explore other possibilities that will reduce the noise impact to our neighbors.

Respectfully submitted,

Larry Wojciechowski
Plant Manager
Eberspaecher North America
Novi, MI 48375



**Eberspaecher Exhaust
Technologies of the
Americas**

Gen Mar – Novi, MI

September 20, 2014

**Shipping Activities
Hours Variance Request**

General Information



- **General Information**
 - Currently Employ 214 Associates
 - 10% Live within Novi
 - 70% Reside within 10 mile radius
 - 20% Commute greater than 10 miles
 - Operating on a three shift basis
 - Midnight shift = 34 Associates
 - Afternoon shift = 68 Associates
 - Day Shift = 112 Associates
 - Staggering start times to alleviate parking constraints
 - Reduce noise impact to neighbors
 - Truck Traffic is approximately 21 trucks per day
 - Outside current 8pm-7am = 5 trucks
 - All trucks within requested variance time

Reminders To Associates



49

KEEP DOOR
CLOSED
BETWEEN
4:30 PM / 7:00 AM
PER CITY ORDINANCE



**Please
Respect our
Neighbors
Keep Noise
Down**

Stopping Unwanted Trucks

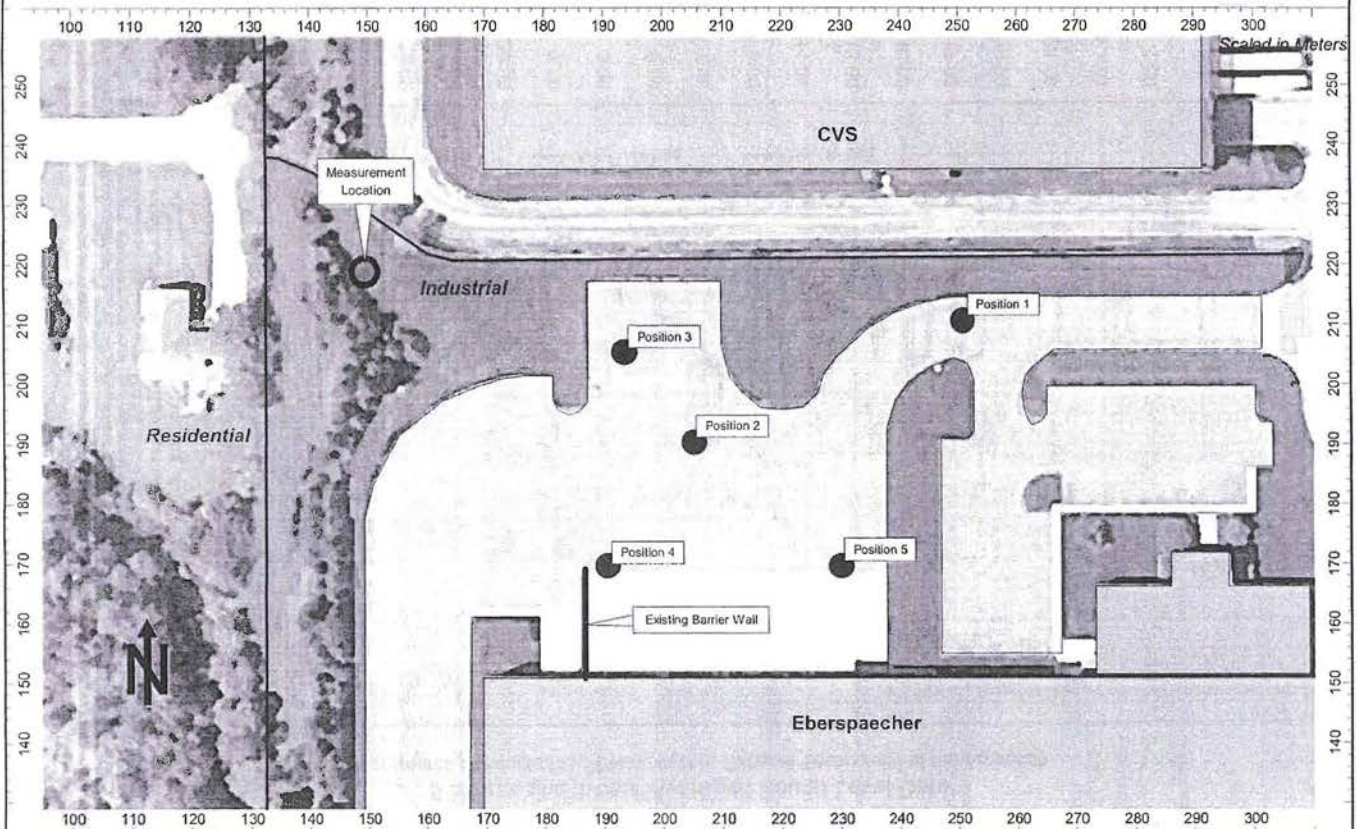


CLEARANCE 10'

NO THRU TRAFFIC

Simulated Study June 2013

**EXHIBIT 1
PARTIAL SITE PLAN OF THE EBERSPAECHER NOVI FACILITY PROVIDING
EXTENDED MEASUREMENT LOCATION AND PREDICTIVE MODELING TRUCK POSITIONS**



Kolano and Saha Engineers, Inc.

3559 Sashabaw Road - Waterford, MI 48329
248-674-4100 www.kandse.com

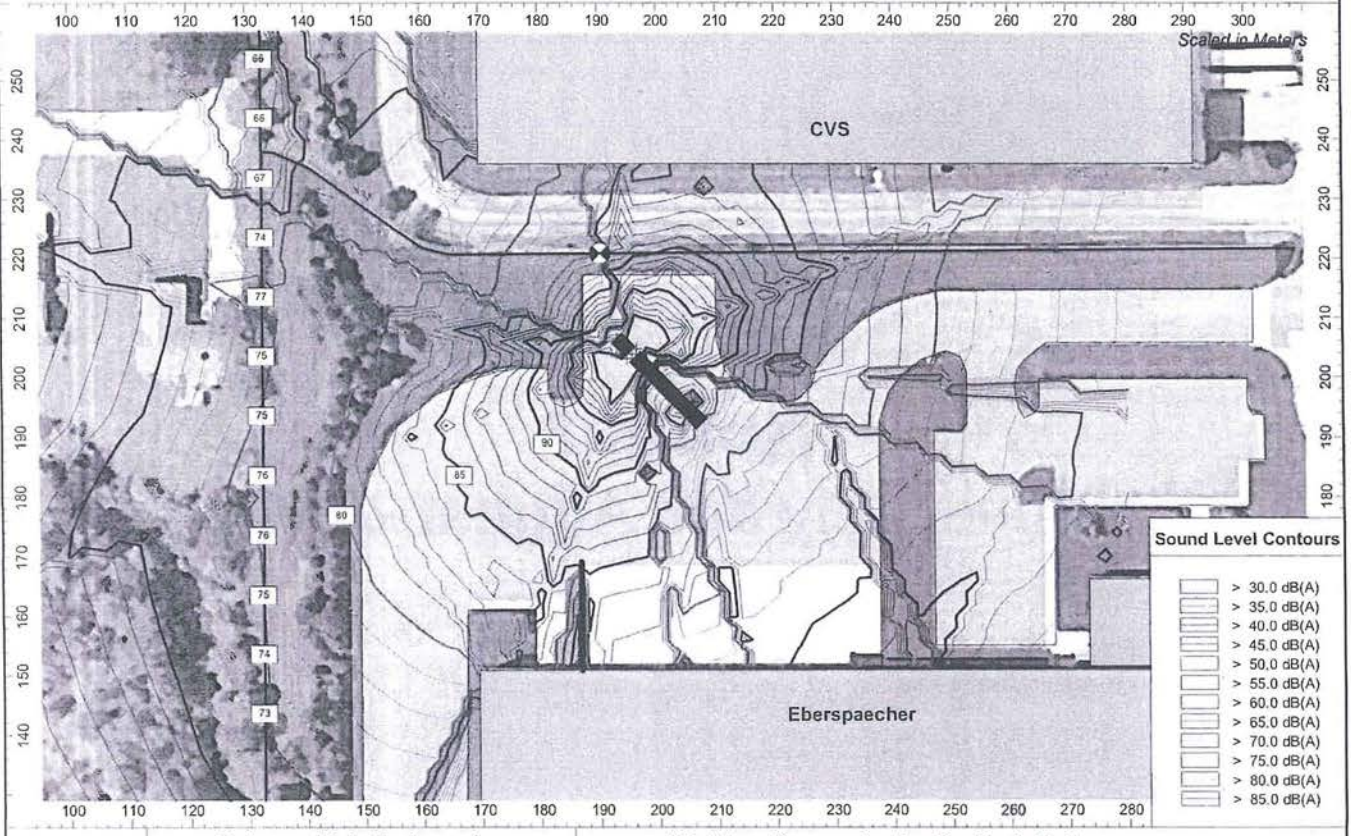
Project Name: **Eberspaecher Loading Dock, Novi**

Study Conducted for: Eberspaecher

Project No. : 2013-129

Analysis Date (day,mo,yr): 28.06.13

EXHIBIT 6
EBERSPAECHER NOVI FACILITY - LOADING DOCK TRUCK ACTIVITY NOISE; CURRENT SITE LAYOUT
TRUCK BACKING UP WITH PNEUMATIC BRAKE PRESSURE RELEASE - POSITION 3



Kolano and Saha Engineers, Inc.
 3559 Sashabaw Road - Waterford, MI 48329
 248-674-4100 www.kandse.com

Project Name: **Eberspaecher Loading Dock, Novi**
 Study Conducted for: **Eberspaecher**
 Project No. : **2013-129**

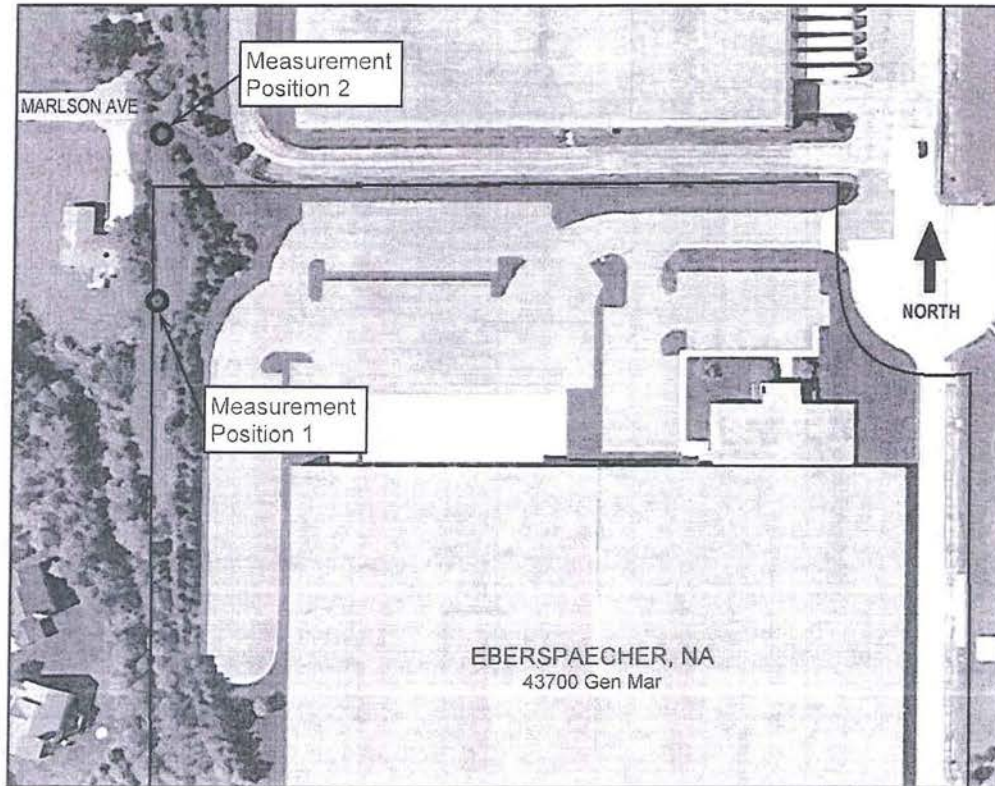
Analysis Dale (day.mo.yr): **21.06.13**

Actual Sound Study Results

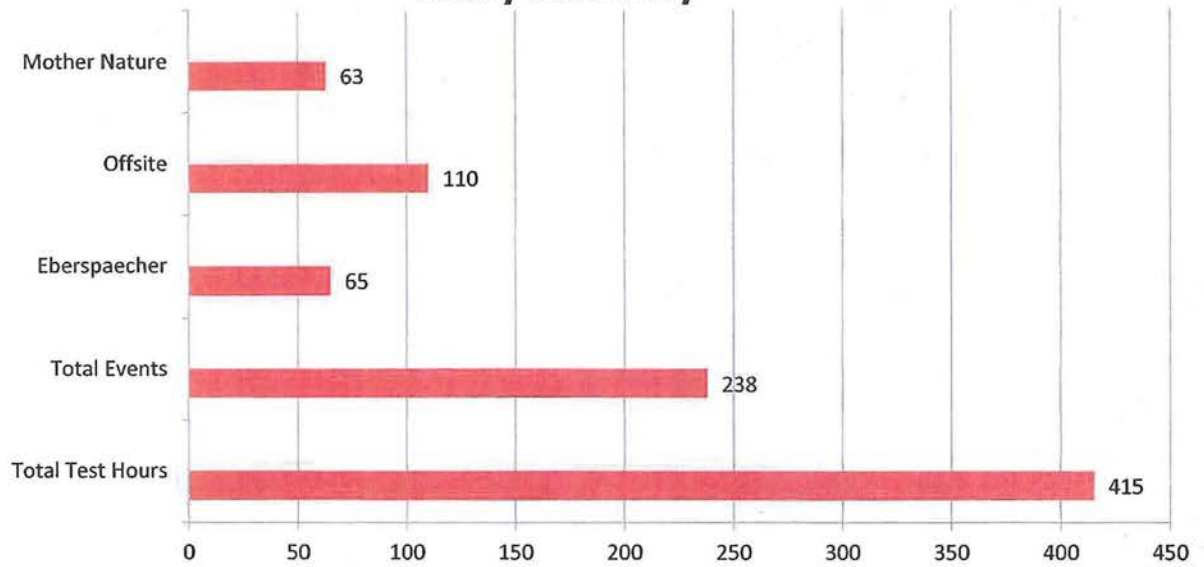
June, July and August 2014

EXHIBIT 1

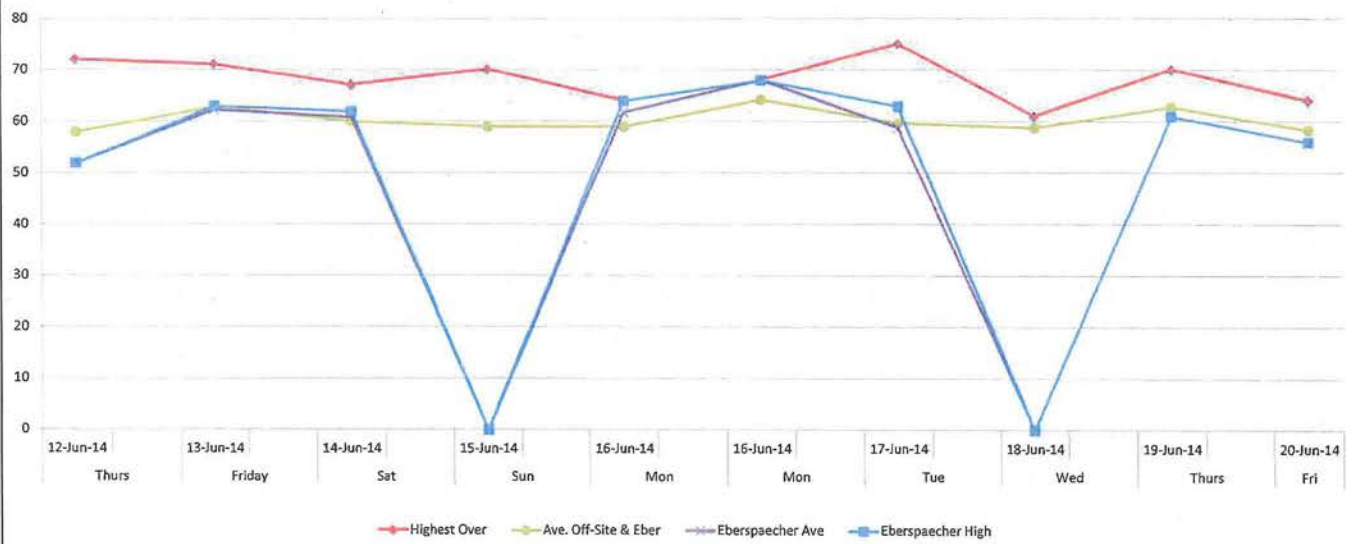
SITE PLAN OF MEASUREMENT LOCATIONS



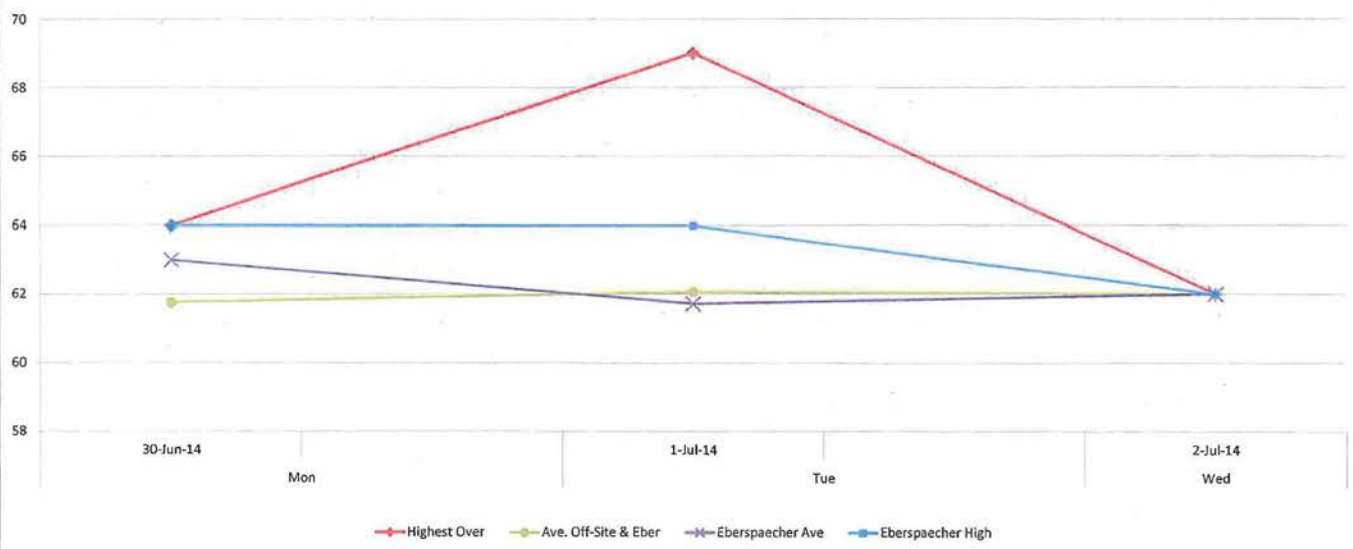
All Noise Study Summary



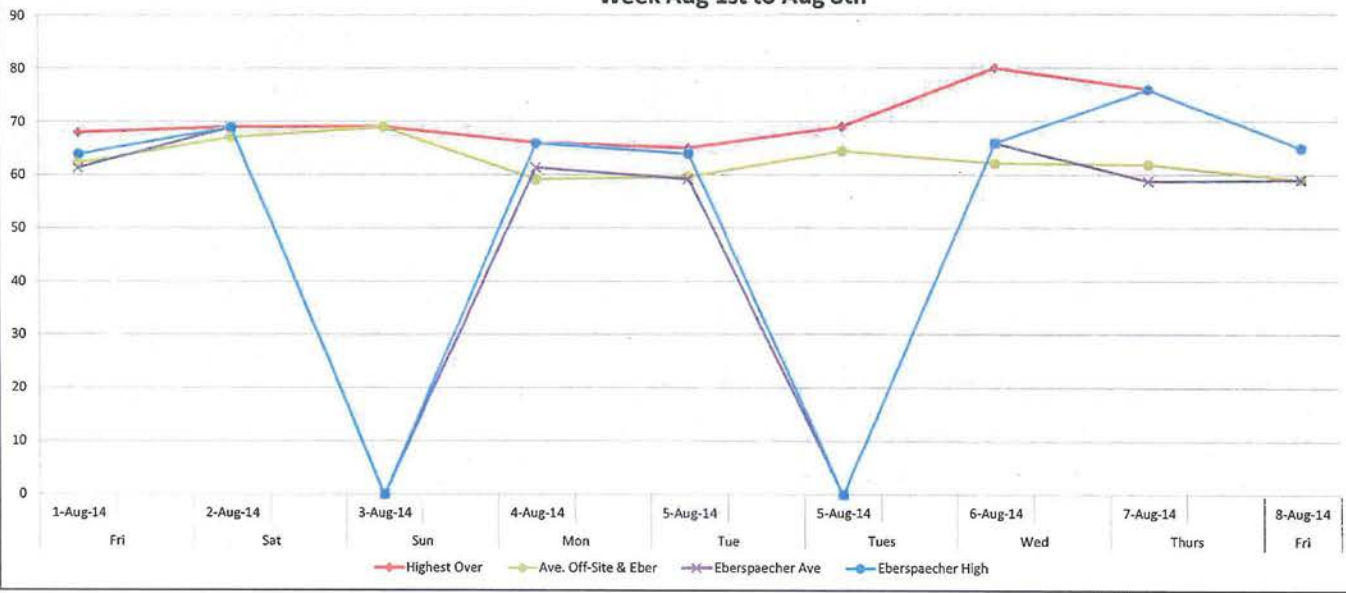
DbA Ratings Week June 12th to June 20th



DbA Ratings June 30th, July 1st & July 2nd



DbA Ratings Week Aug 1st to Aug 8th



	Thurs 12-Jun-14	Friday 13-Jun-14	Sat 14-Jun-14	Sun 15-Jun-14	Mon 16-Jun-14	Mon 16-Jun-14	Tue 17-Jun-14	Wed 18-Jun-14	Thurs 19-Jun-14	Fri 20-Jun-14
Total Monitoring Hours	13	24	24	24	15	6	24	16	9	6
Position	1	1	1	1	1	2	2	2	2	2

SAM - 7AM										
Eberspaecher	Study Start	10	14	4	8	Equipment Moved to Pgs 2	7	Equipment Failure	Equipment Failure	8
Traffic, Planes, Emergency Vehicles		2	1	0	4		2			1
Mother Nature		3	9	2	1		2			6
		5	4	2	3		3			1

8P - 11PM										
Eberspaecher	7	8	4	4	Equipment Moved to Pgs 2	5	8	Equipment Failure	5	Study Stopped
Traffic, Planes, Emergency Vehicles	1	2	2	0		1	4		0	
Mother Nature	6	3	2	4		3	4		4	
	0	3	0	0		1	0		1	

	Thurs 12-Jun-14	Friday 13-Jun-14	Sat 14-Jun-14	Sun 15-Jun-14	Mon 16-Jun-14	Mon 16-Jun-14	Tue 17-Jun-14	Wed 18-Jun-14	Thurs 19-Jun-14	Fri 20-Jun-14
Highest Over	72	71	67	70	64	68	75	61	70	64
Who	Offsite	Offsite	Offsite	Offsite	Eber	Eber	Offsite	Offsite	Offsite	Offsite
Highest Time	21:45	6:30	23:40	4:40	6:10	22:20	20:30	1:10	23:40	5:45
Off Site & Eber Ave	58	63	60	59	59	64	60	59	63	58
Eberspaecher Ave	52	62	61	0	62	68	59	0	61	56
Eberspaecher High	52	63	62	0	64	68	63	0	61	56
Eber Time	22:25	20:45	20:10	0	6:10	22:20	23:10	0	23:20	5:10

	Mon 30-Jun-14	Tue 1-Jul-14	Wed 2-Jul-14
Total Monitoring Hours	5	24	9
Position	2	2	2

5AM - 7AM	Study Start	21	16
Eberspaecher		4	2
Traffic, Planes, Emergency Vehicles		6	0
Mother Nature		11	14

8P - 11PM	9	10	Study Stopped
Eberspaecher	4	3	
Traffic, Planes, Emergency Vehicles	4	1	
Mother Nature	1	6	

	Mon 30-Jun-14	Tue 1-Jul-14	Wed 2-Jul-14
Highest Over	64	69	62
Who	Eber	Offsite	Eber
Highest Time	21:30	4:30	5:50
Off Site & Eber Ave	62	62	62
Eberspaecher Ave	63	62	62
Eberspaecher High	64	64	62
Eber Time	21:30	22:20	5:50

	Fri 1-Aug-14	Sat 2-Aug-14	Sun 3-Aug-14	Mon 4-Aug-14	Tue 5-Aug-14	Tues 5-Aug-14	Wed 6-Aug-14	Thurs 7-Aug-14	Fri 8-Aug-14
Total Monitoring									
Hours	6	24	18	24	14	6	24	24	16
Position	1	1	1	1	1	2	2	2	2

5AM - 7AM									
Eberspaecher	Study Start	3	1	15	10	Equipment Moved to Pos. 2	5	12	6
Traffic, Planes, Emergency Vehicles		0	0	5	6		1	5	6
Mother Nature		3	0	9	3		3	7	0
		0	1	1	1		1	0	0

8P - 11PM									
Eberspaecher	10	2	1	7	Equipment Moved to Pos 2	5	5	8	Study Stopped
Traffic, Planes, Emergency Vehicles	3	0	0	1		0	0	5	
Mother Nature	7	1	1	5		4	5	2	
	0	1	0	1		1	0	1	

	Fri 1-Aug-14	Sat 2-Aug-14	Sun 3-Aug-14	Mon 4-Aug-14	Tue 5-Aug-14	Tues 5-Aug-14	Wed 6-Aug-14	Thurs 7-Aug-14	Fri 8-Aug-14
Highest Over	68	69	69	66	65	69	80	76	65
Who	Offsite	Eber	Offsite	Eber	Offsite	Offsite	Train	Eber	Eber
Highest Time	22:20	4:15	22:00	22:50	5:55	20:50	4:55	22:30	6:10
Off Site & Eber Ave	62	67	69	59	60	65	62	62	59
Eberspaecher Ave	61	69	0	61	59	0	66	59	59
Eberspaecher High	64	69	0	66	64	0	66	76	65
Eber Time	20:30	4:15	0:00	22:50	6:10	0:00	6:50	22:30	6:10

Supporting Data

Table 1 – Measurement Exhibit List

EXHIBIT	Meas. Position	Day #	Date	Period
P1D1	1	1	Thr. June 12, 2014	13+ Hours (10:35 to 24:00)
P1D1-PM	1	1	Thr. June 12, 2014	4 Hr. Detail (20:00 to 24:00)
P1D2	1	2	Fri. June 13, 2014	24 Hours
P1D2-AM	1	2	Fri. June 13, 2014	4 Hr. Detail (4:00 to 8:00)
P1D2-PM	1	2	Fri. June 13, 2014	4 Hr. Detail (20:00 to 24:00)
P1D3	1	3	Sat. June 14, 2014	24 Hours
P1D3-AM	1	3	Sat. June 14, 2014	4 Hr. Detail (4:00 to 8:00)
P1D3-PM	1	3	Sat. June 14, 2014	4 Hr. Detail (20:00 to 24:00)
P1D4	1	4	Sun. June 15, 2014	24 Hours
P1D4-AM	1	4	Sun. June 15, 2014	4 Hr. Detail (4:00 to 8:00)
P1D4-PM	1	4	Sun. June 15, 2014	4 Hr. Detail (20:00 to 24:00)
P1D5	1	5	Mon. June 16, 2014	15 Hours (0:00 to 15:00)
P1D5-AM	1	5	Mon. June 16, 2014	4 Hr. Detail (4:00 to 8:00)
P2D5	2	5	Mon. June 16, 2014	6 Hours (18:00 to 24:00)
P2D5-PM	2	5	Mon. June 16, 2014	4 Hr. Detail (20:00 to 24:00)
P2D6	2	6	Tue. June 17, 2014	24 Hours
P2D6-AM	2	6	Tue. June 17, 2014	4 Hr. Detail (4:00 to 8:00)
P2D6-PM	2	6	Tue. June 17, 2014	4 Hr. Detail (20:00 to 24:00)
P2D7	2	7	Wed. June 18, 2014	16+ Hours (0:00 to 16:30)*
P2D7-AM	2	7	Wed. June 18, 2014	4 Hr. Detail (0:00 to 4:00)
P2D7-PM	2	7	Wed. June 18, 2014	4 Hr. Detail (11:00 to 15:00)
P2D8	2	8	Thr. June 19, 2014	9+ Hours (14:22 to 24:00)*
P2D8-PM	2	8	Thr. June 19, 2014	4 Hr. Detail (20:00 to 24:00)
P2D9	2	9	Fri. June 20, 2014	6+ Hours (0:00 to 6:00+)
P2D9-AM	2	9	Fri. June 20, 2014	2+ Hr. Detail (4:00 to 6:23)
P2D5	2	10	Mon. June 30, 2014	5 Hours (19:00 to 24:00)
P2D5-PM	2	10	Mon. June 30, 2014	4 Hr. Detail (20:00 to 24:00)
P2D6	2	11	Tue. July 1, 2014	24 Hours
P2D6-AM	2	11	Tue. July 1, 2014	4 Hr. Detail (4:00 to 8:00)
P2D6-PM	2	11	Tue. July 1, 2014	4 Hr. Detail (20:00 to 24:00)
P2D7	2	12	Wed. July 2, 2014	9+ Hours (0:00 to 9:15)
P2D7-AM	2	12	Wed. July 2, 2014	4 Hr. Detail (4:00 to 8:00)

* Measurement period was halted due to over temperature circuit protection fault.

The measurements are separated by days on which the measurements were conducted. For each day additional details were provided for morning and evening hours to help provide a closer look at the sound level data at the time of extended hours and for identification of significant sonic events. Icons located above the data line indicate the source of noise creating sound levels near or above the ordinance limits.

EXHIBIT P1D1-PM
Ambient Sound Level Measurements at the Eberspaecher West Property Line
Position #1 - West Property Line Adjacent to the Loading Dock
Detail Information for the Hours from 8PM-12AM

Measurements Conducted for: Eberspaecher

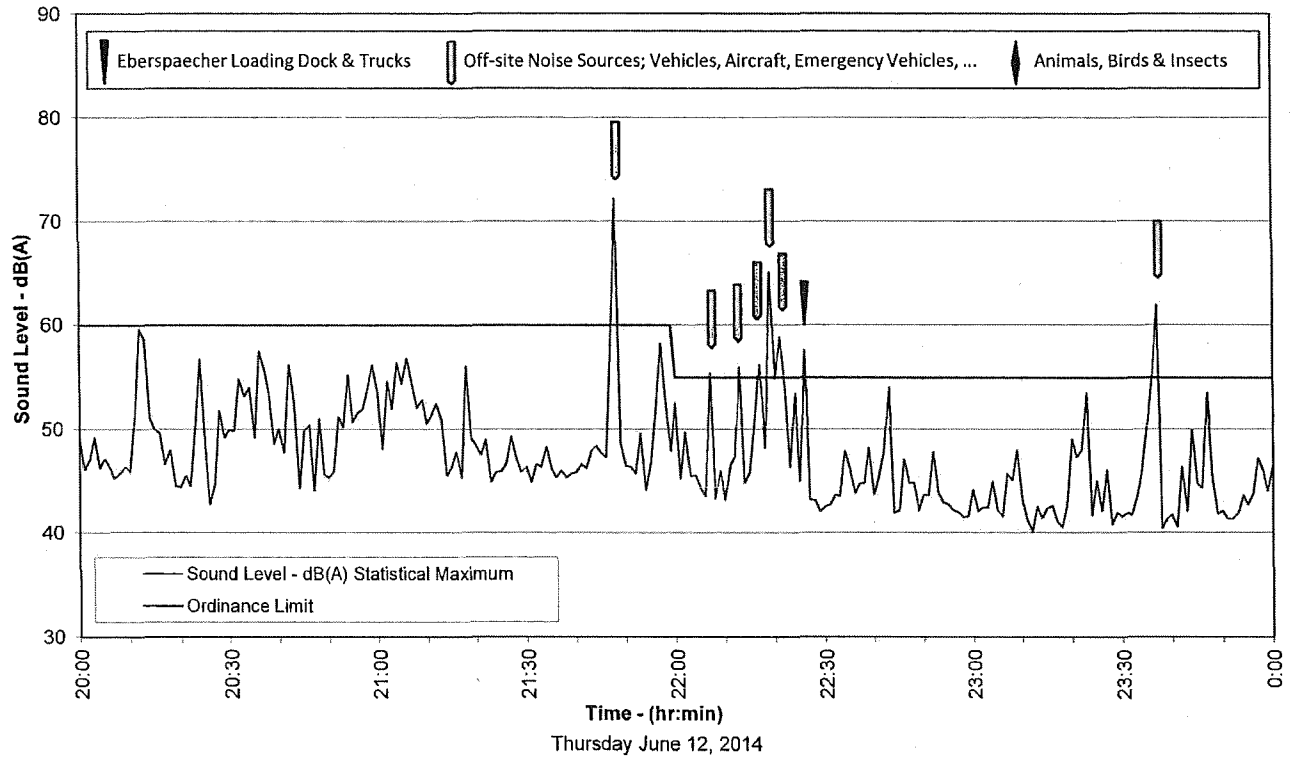


EXHIBIT P1D2-AM
Ambient Sound Level Measurements at the Eberspaecher West Property Line
Position #1 - West Property Line Adjacent to the Loading Dock
Detail Information for the Hours from 4AM-8AM

Measurements Conducted for: Eberspaecher

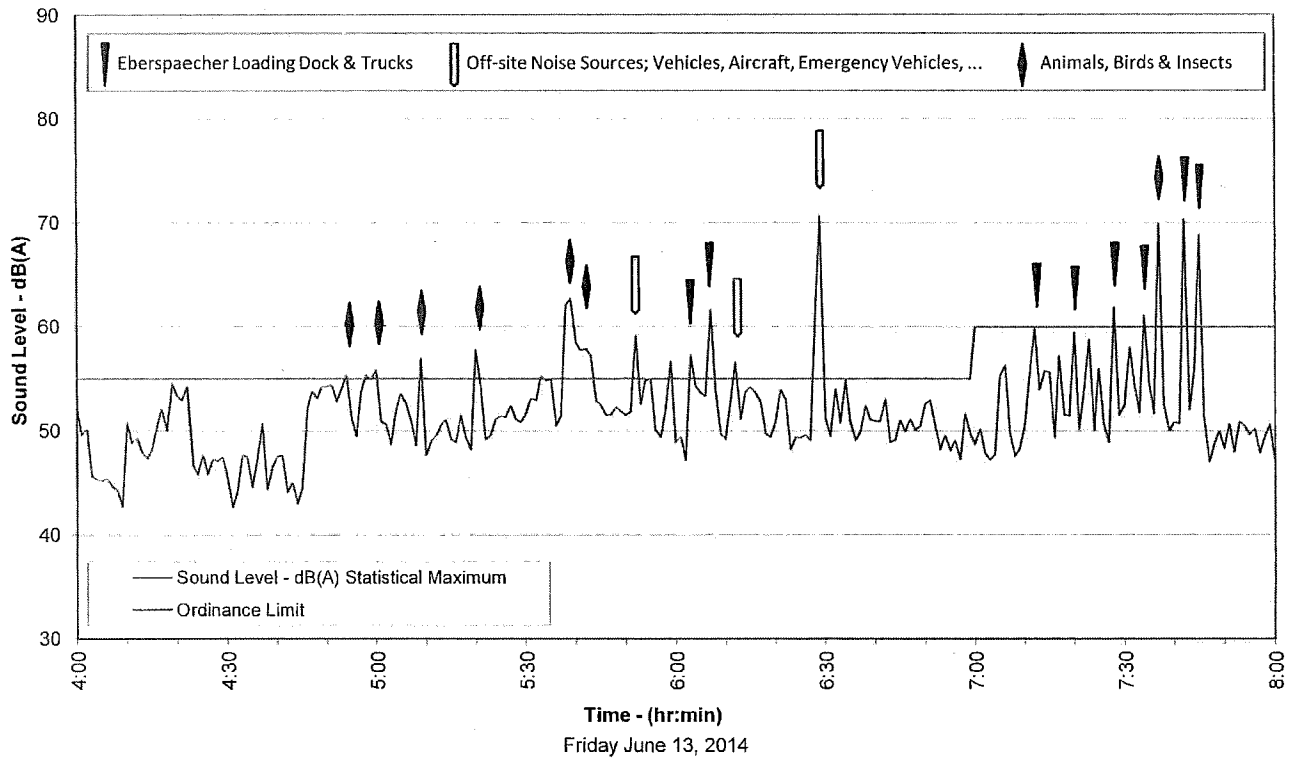


EXHIBIT P1D2-PM
Ambient Sound Level Measurements at the Eberspaecher West Property Line
Position #1 - West Property Line Adjacent to the Loading Dock
Detail Information for the Hours from 8PM-12AM

Measurements Conducted for: Eberspaecher

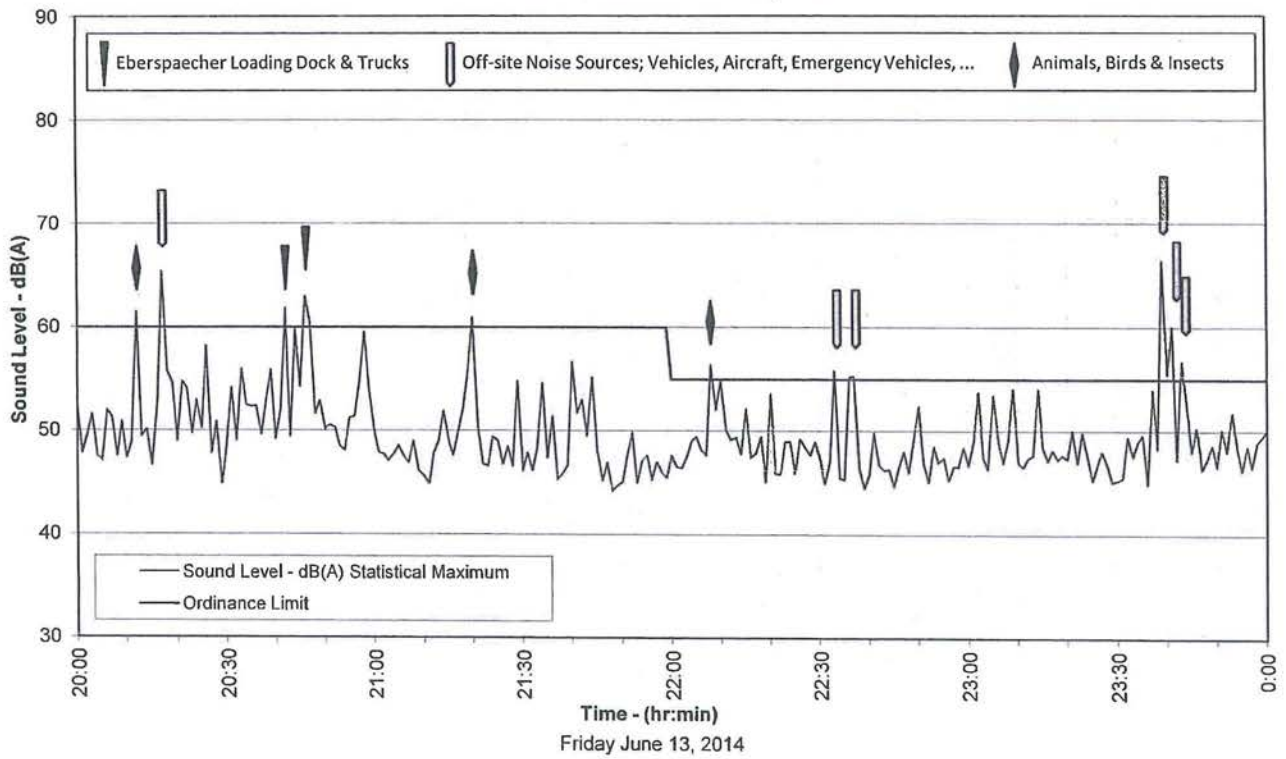


EXHIBIT P1D2-PM
Ambient Sound Level Measurements at the Eberspaecher West Property Line
Position #1 - West Property Line Adjacent to the Loading Dock
Detail Information for the Hours from 8PM-12AM

Measurements Conducted for: Eberspaecher

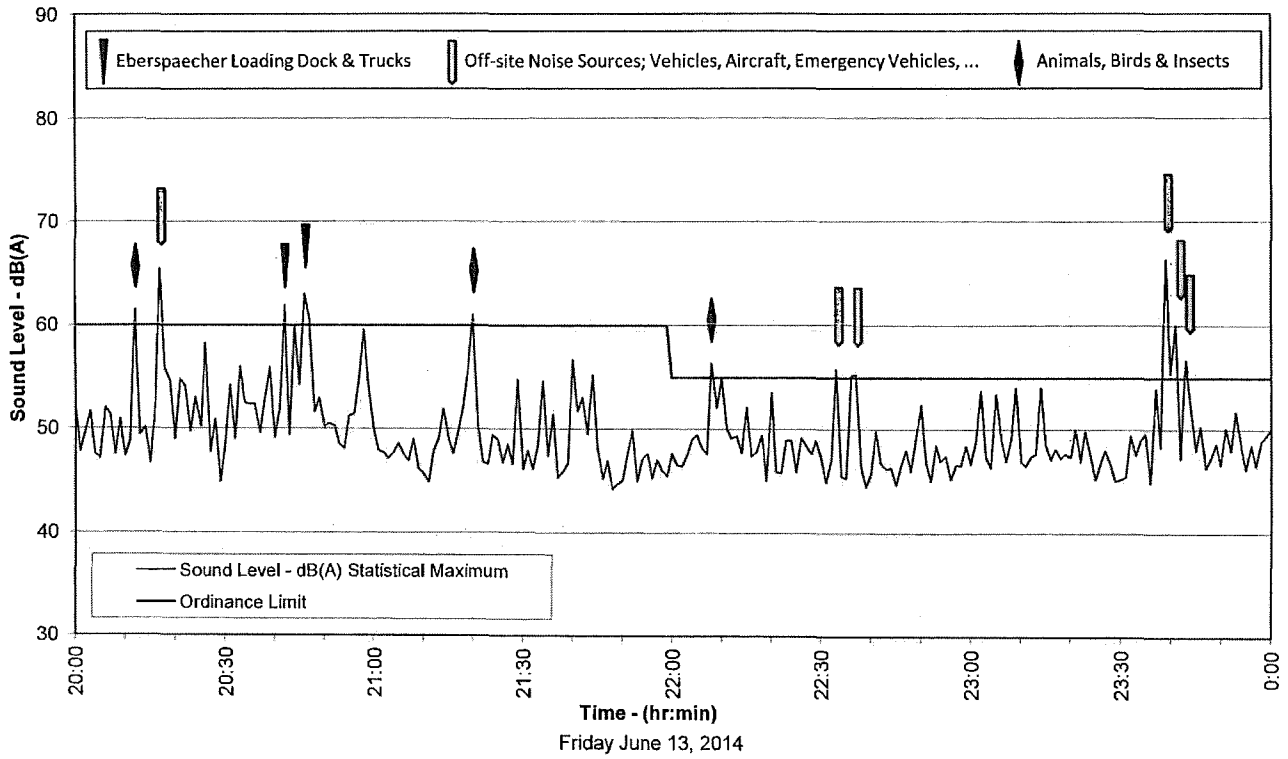


EXHIBIT P1D3-AM
Ambient Sound Level Measurements at the Eberspaecher West Property Line
Position #1 - West Property Line Adjacent to the Loading Dock
Detail Information for the Hours from 4AM-8AM

Measurements Conducted for: Eberspaecher

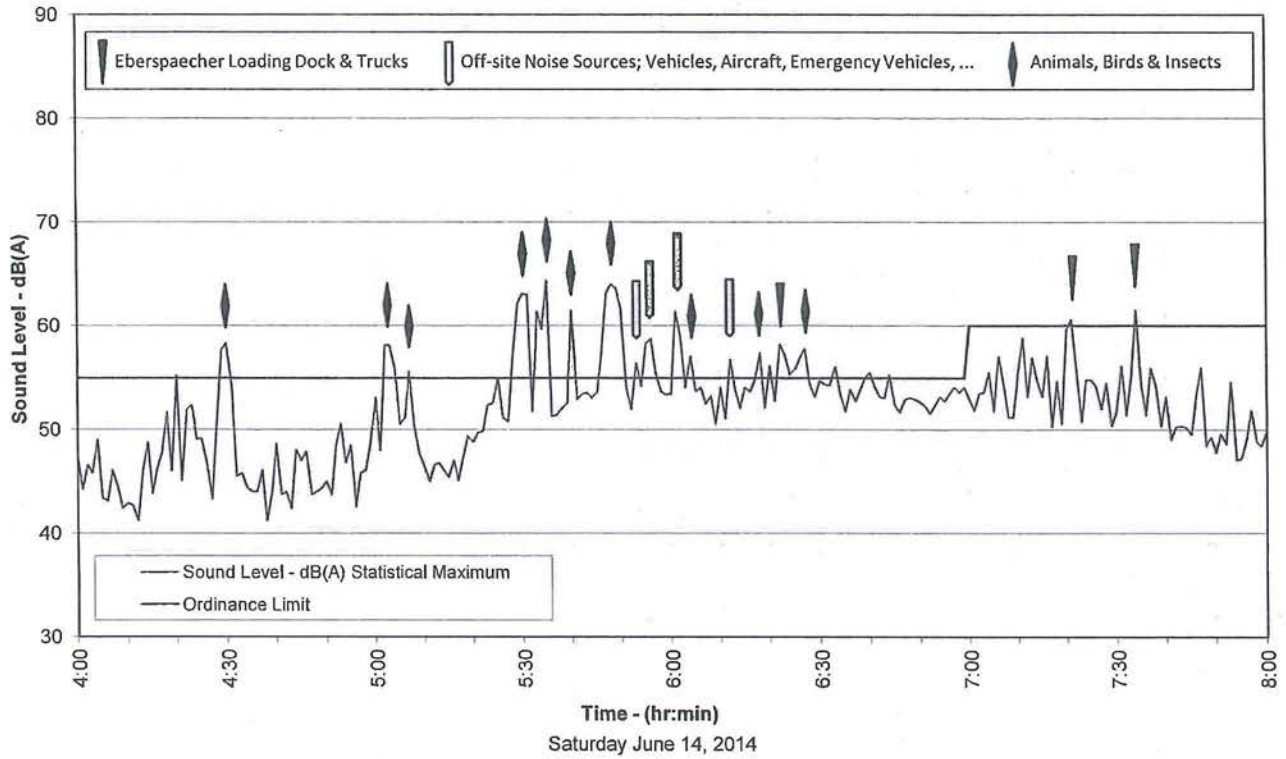


EXHIBIT P1D3-PM
Ambient Sound Level Measurements at the Eberspaecher West Property Line
Position #1 - West Property Line Adjacent to the Loading Dock
Detail Information for the Hours from 8PM-12AM

Measurements Conducted for: Eberspaecher

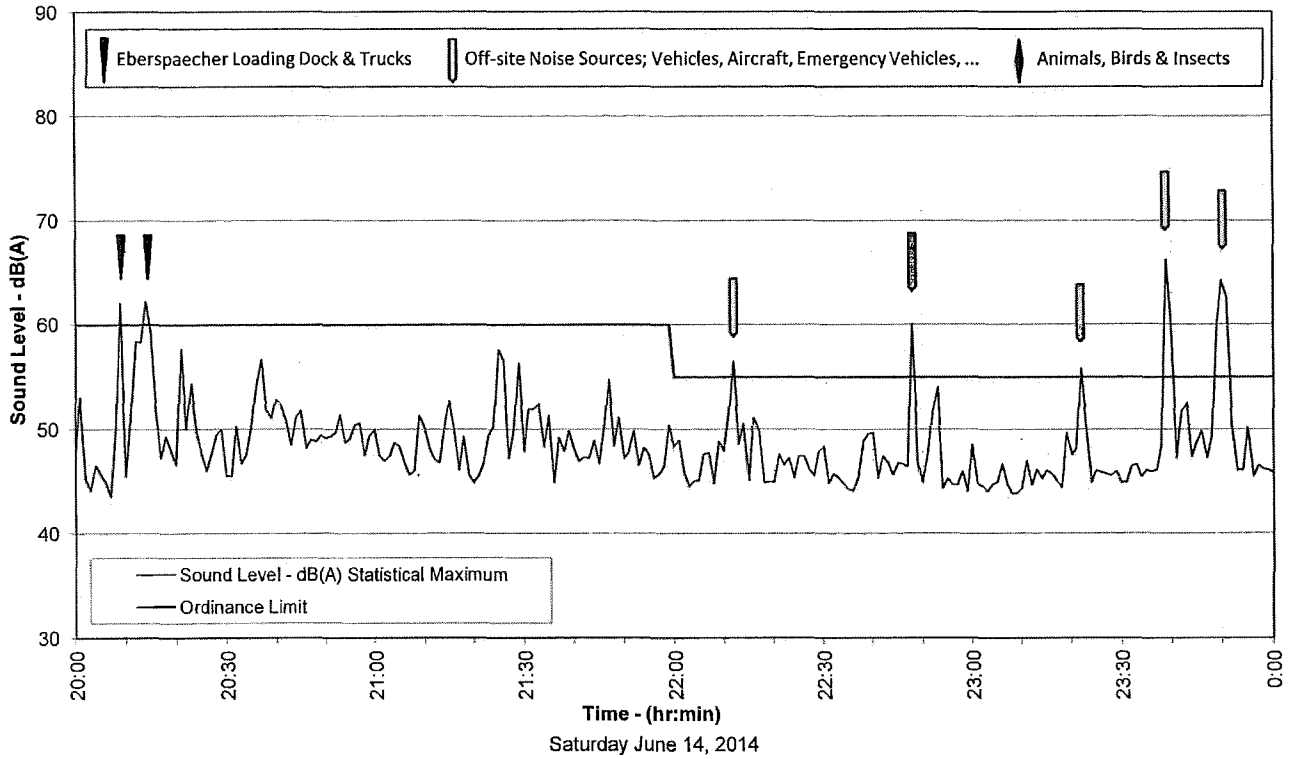


EXHIBIT P1D4-AM
Ambient Sound Level Measurements at the Eberspaecher West Property Line
Position #1 - West Property Line Adjacent to the Loading Dock
Detail Information for the Hours from 4AM-8AM

Measurements Conducted for: Eberspaecher

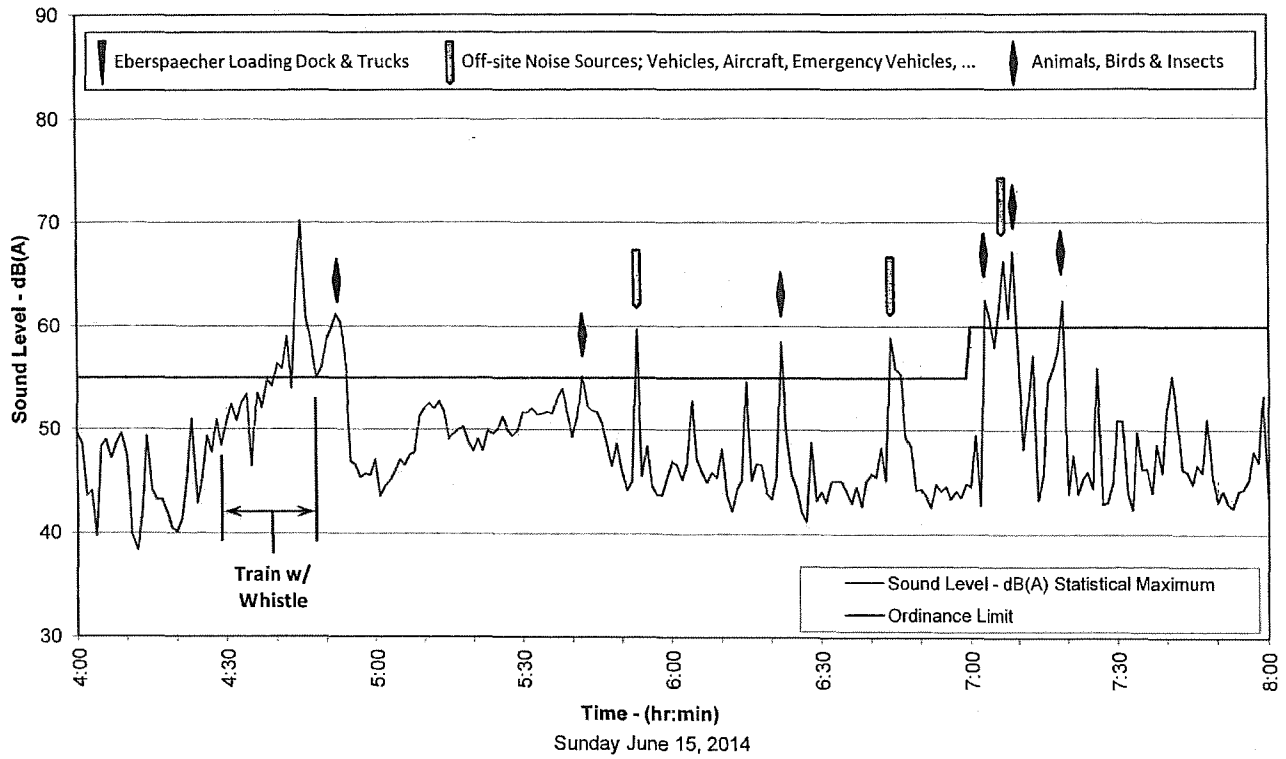


EXHIBIT P1D4-PM
Ambient Sound Level Measurements at the Eberspaecher West Property Line
Position #1 - West Property Line Adjacent to the Loading Dock
Detail Information for the Hours from 8PM-12AM

Measurements Conducted for: Eberspaecher

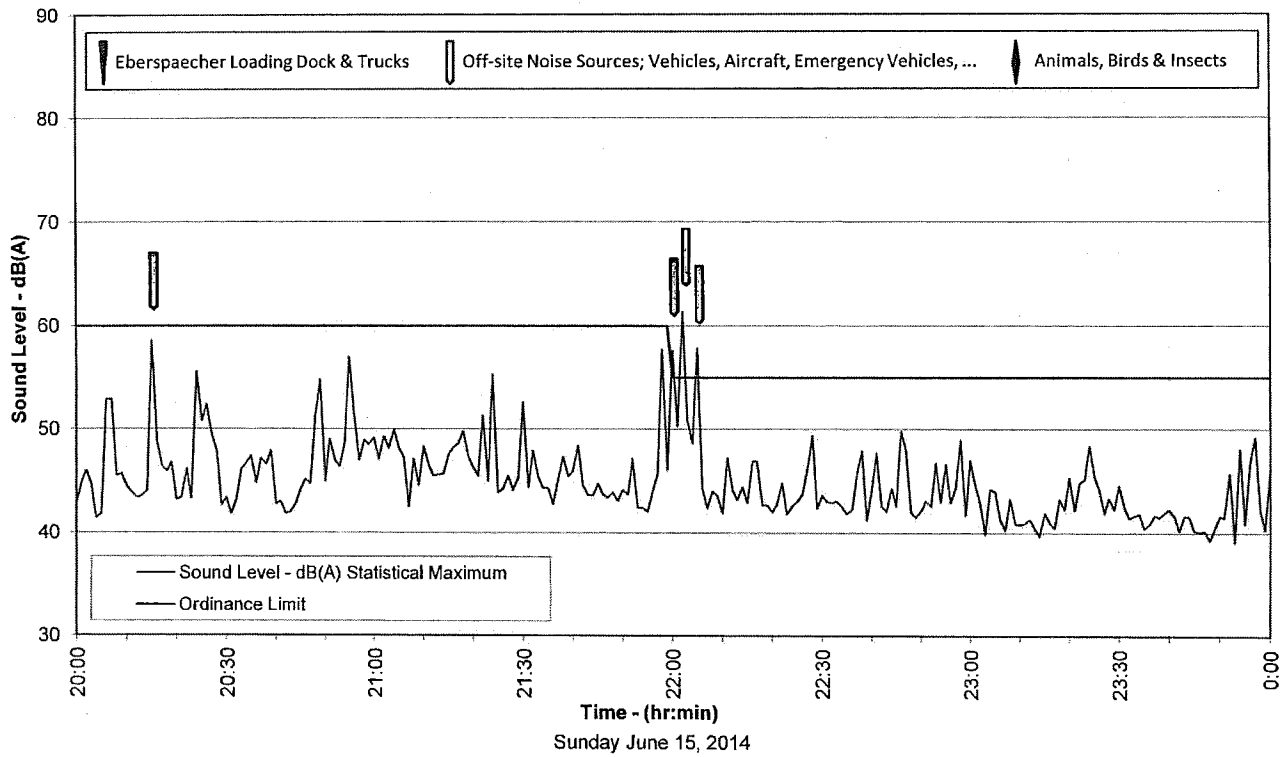


EXHIBIT P1D5-AM
Ambient Sound Level Measurements at the Eberspaecher West Property Line
Position #1 - West Property Line Adjacent to the Loading Dock
Detail Information for the Hours from 4AM-8AM

Measurements Conducted for: Eberspaecher

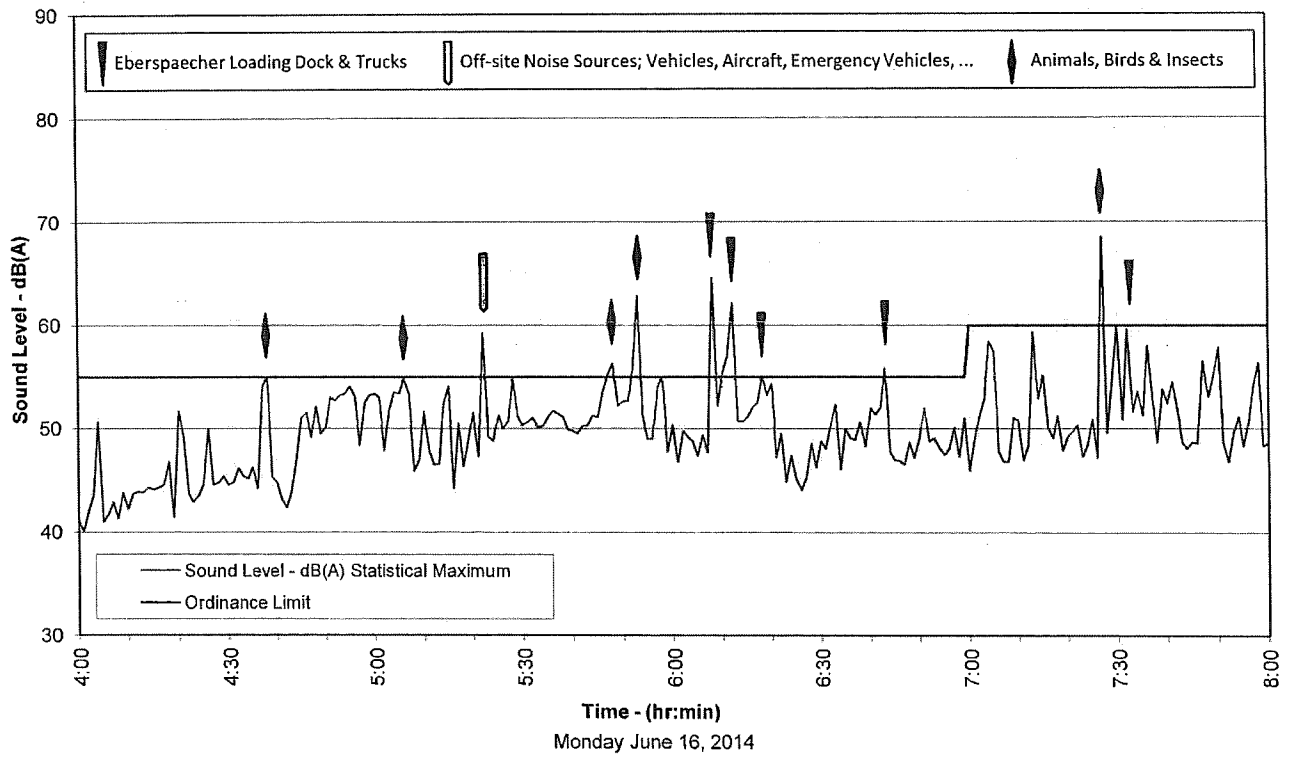


EXHIBIT P2D5-PM
Ambient Sound Level Measurements at the Eberspaecher West Property Line
Position #2 - Near Northwest Property Line Corner
Detail Information for the Hours from 8PM-12AM

Measurements Conducted for: Eberspaecher

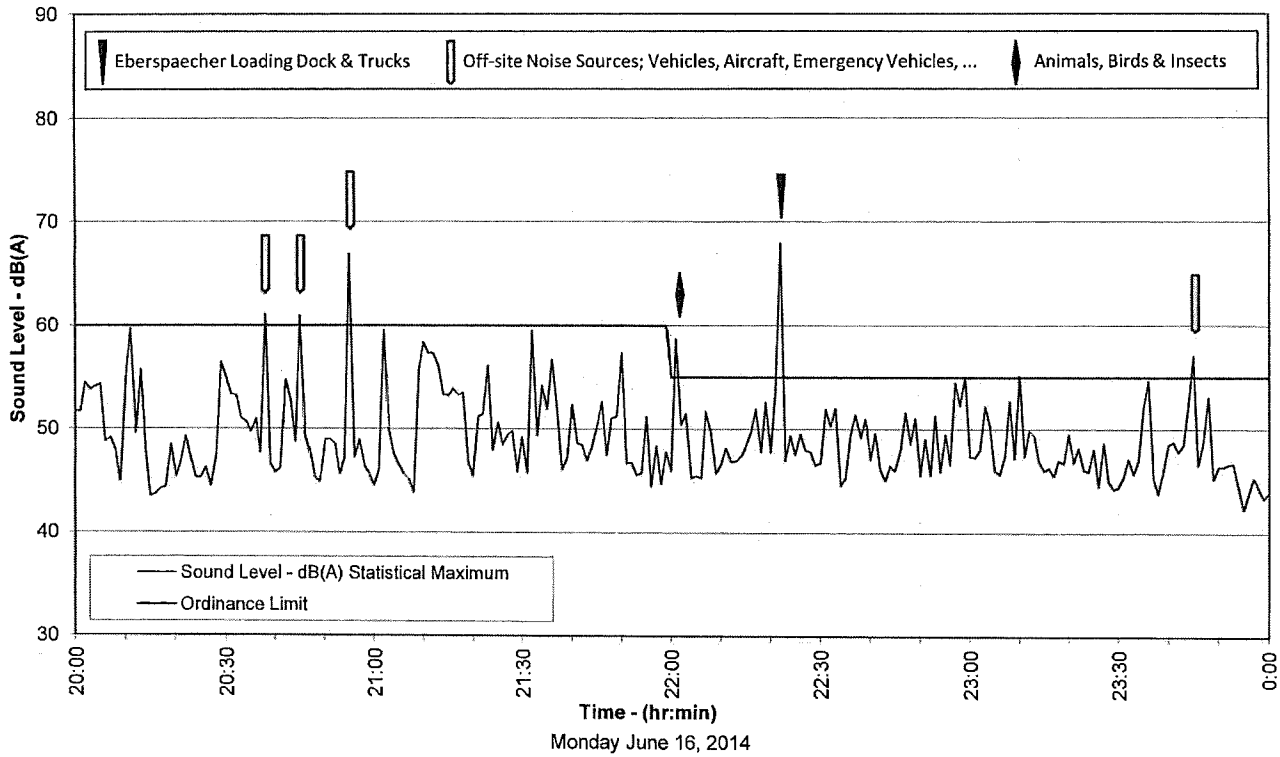


EXHIBIT P2D6-AM
Ambient Sound Level Measurements at the Eberspaecher West Property Line
Position #2 - Near Northwest Property Line Corner
Detail Information for the Hours from 4AM-8AM

Measurements Conducted for: Eberspaecher

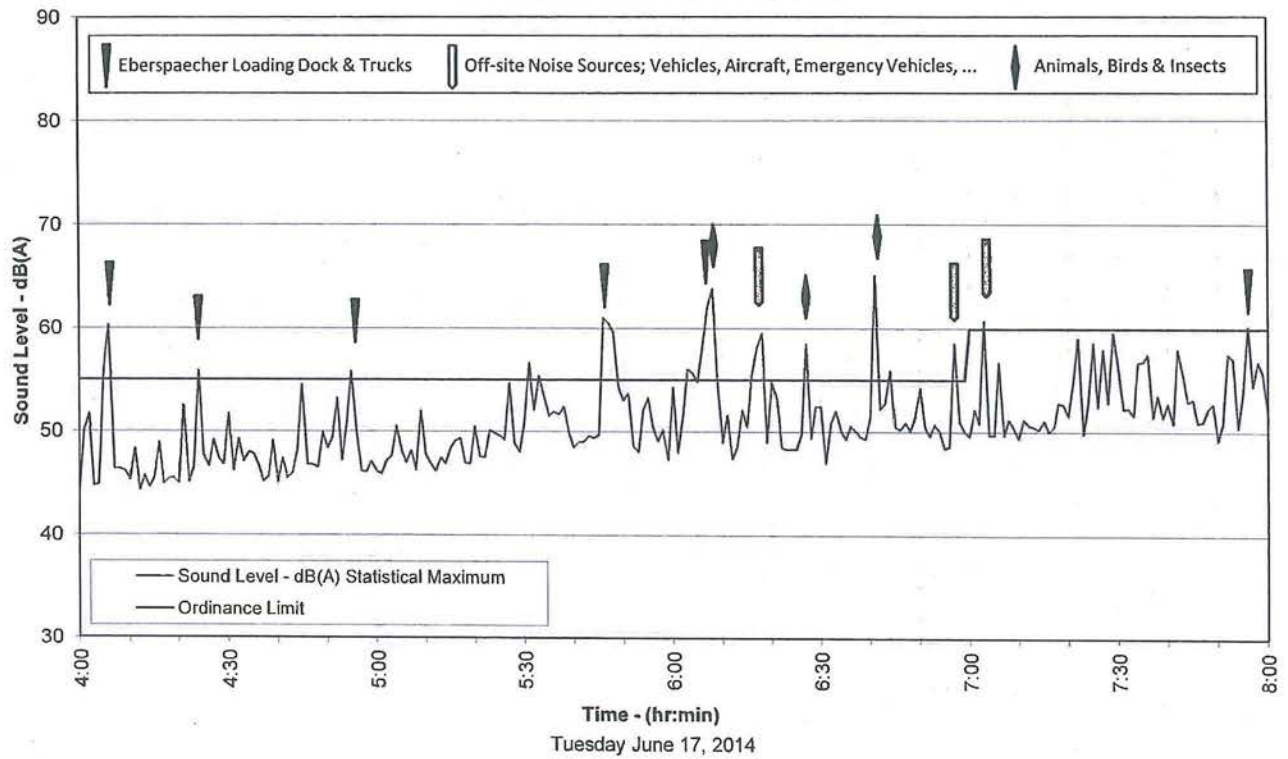


EXHIBIT P2D6-PM
Ambient Sound Level Measurements at the Eberspaecher West Property Line
Position #2 - Near Northwest Property Line Corner
Detail Information for the Hours from 8PM-12AM

Measurements Conducted for: Eberspaecher

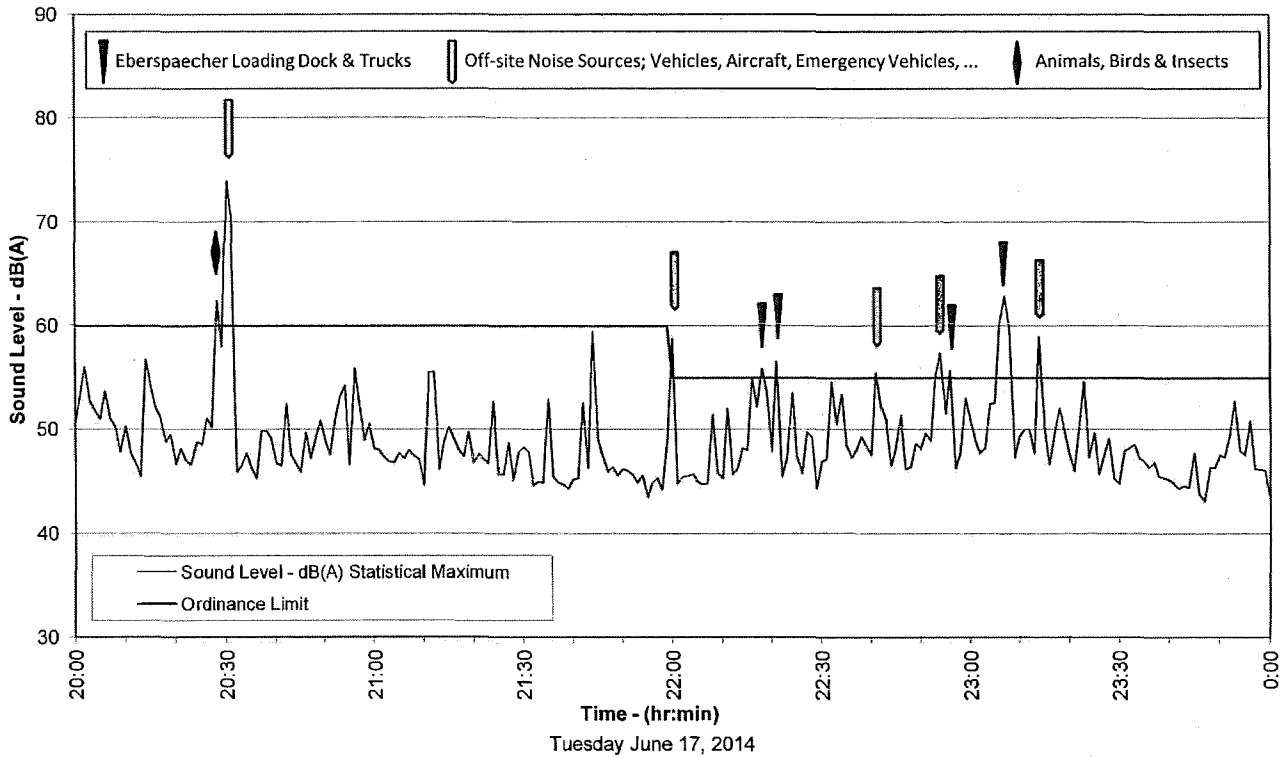


EXHIBIT P2D7
Ambient Sound Level Measurements at the Eberspaecher West Property Line
Position #2 - Near Northwest Property Line Corner
Day 7 (16+ Hours)

Measurements Conducted for: Eberspaecher

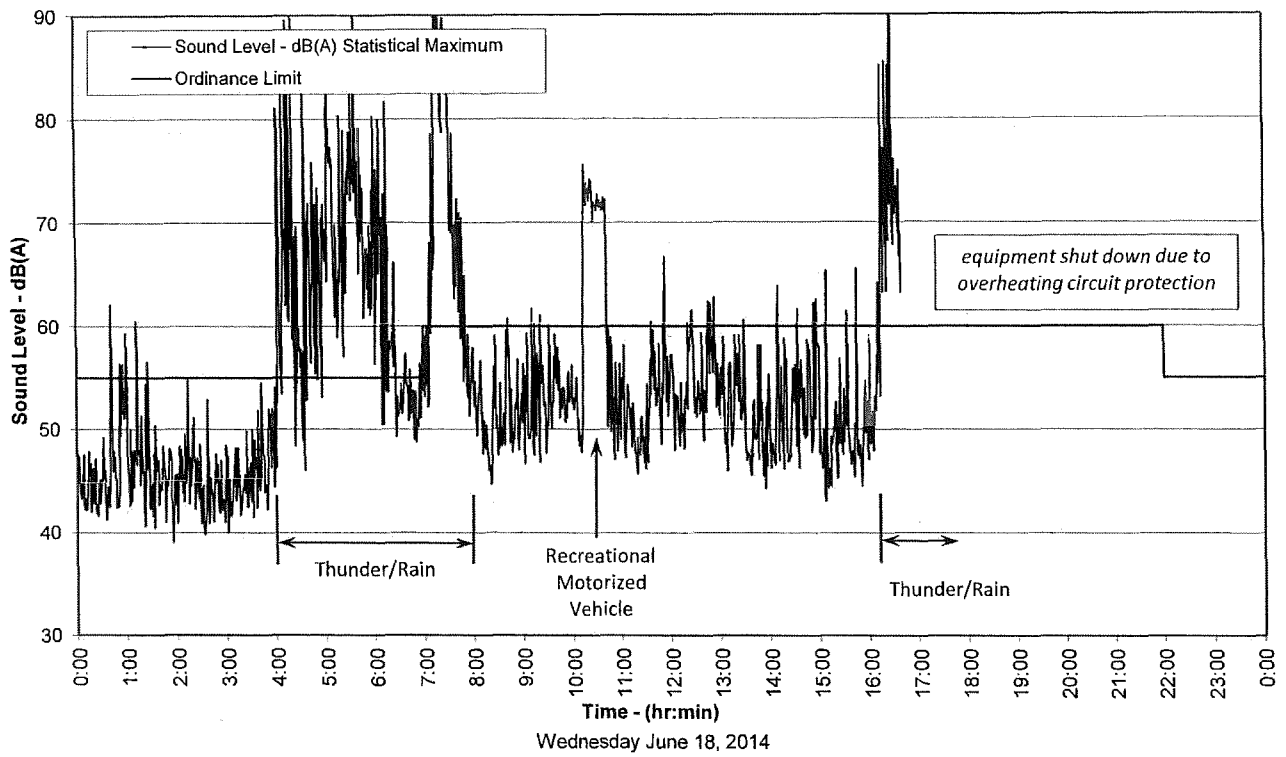


EXHIBIT P2D7-AM
Ambient Sound Level Measurements at the Eberspaecher West Property Line
Position #2 - Near Northwest Property Line Corner
Detail Information for the Hours from 12AM-4AM

Measurements Conducted for: Eberspaecher

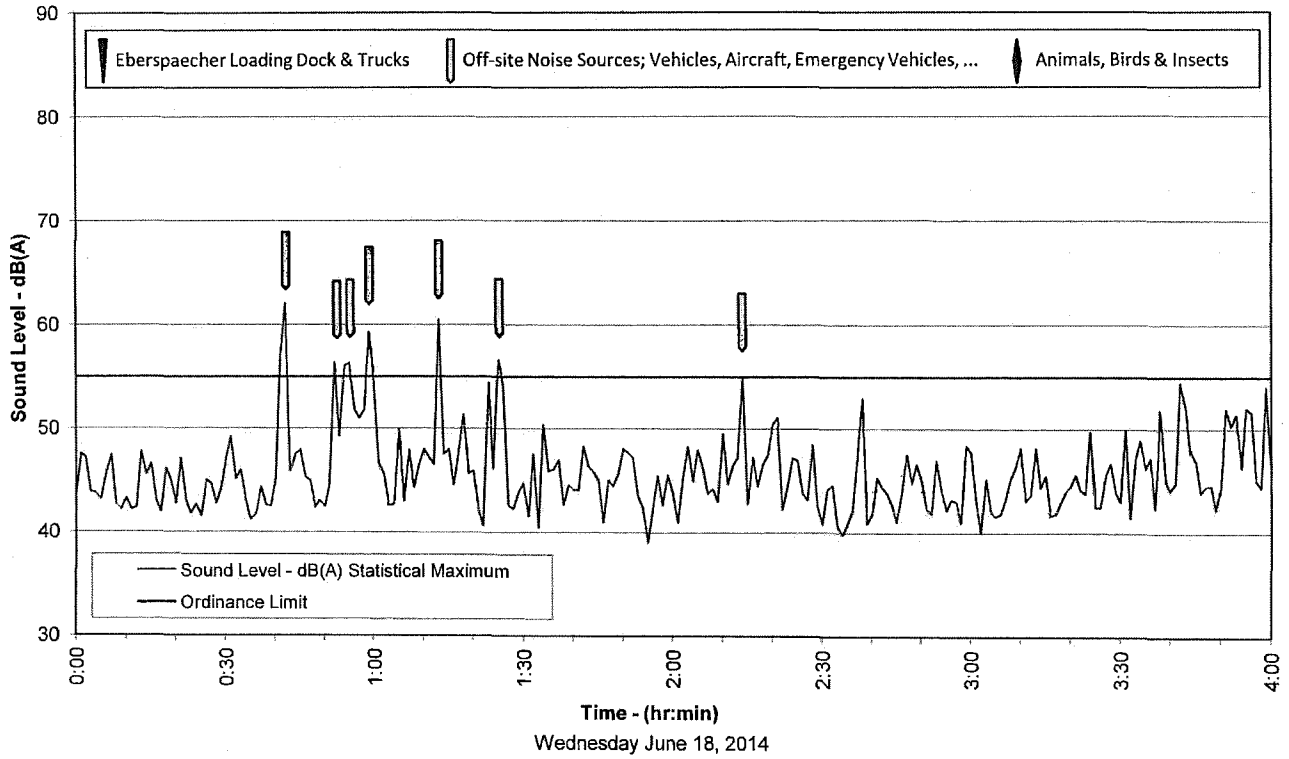


EXHIBIT P2D7-PM
Ambient Sound Level Measurements at the Eberspaecher West Property Line
Position #2 - Near Northwest Property Line Corner
Detail Information for the Hours from 11AM-3PM

Measurements Conducted for: Eberspaecher

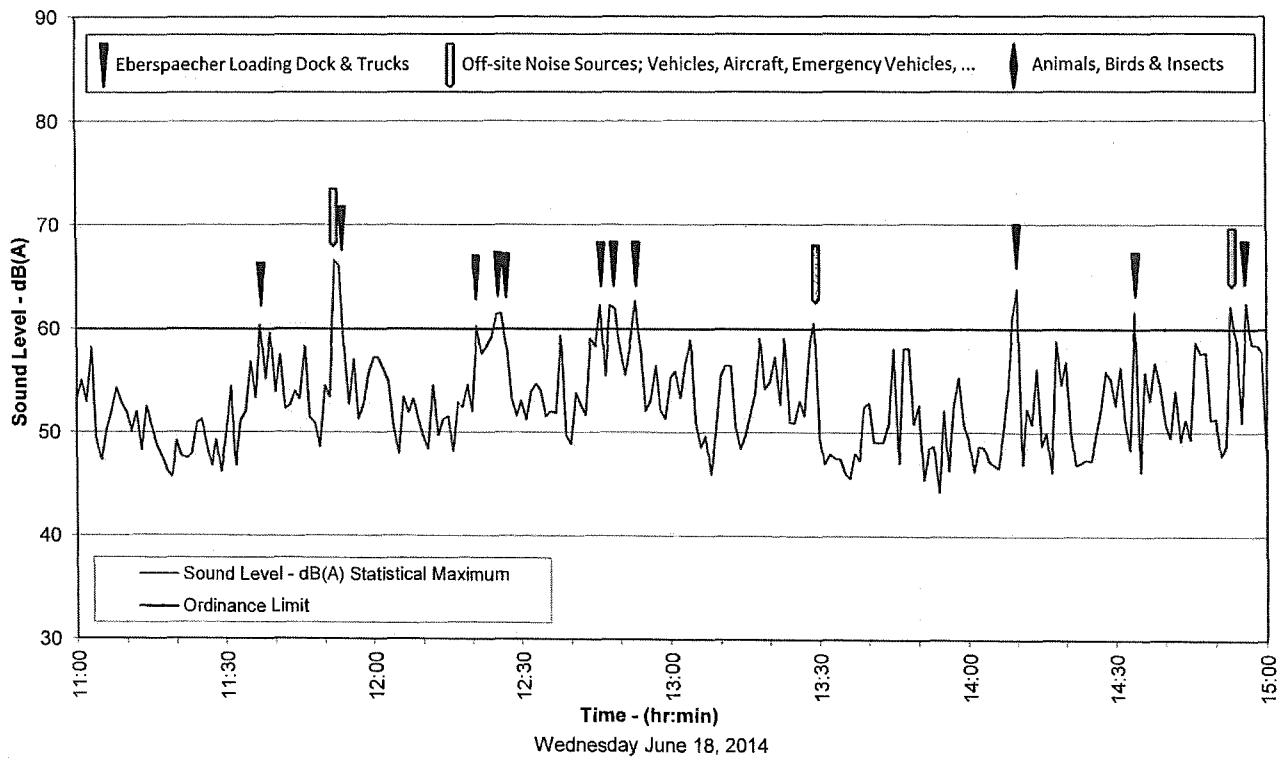


EXHIBIT P2D8
Ambient Sound Level Measurements at the Eberspaecher West Property Line
Position #2 - Near Northwest Property Line Corner
Day 8 (9+ Hours)

Measurements Conducted for: Eberspaecher

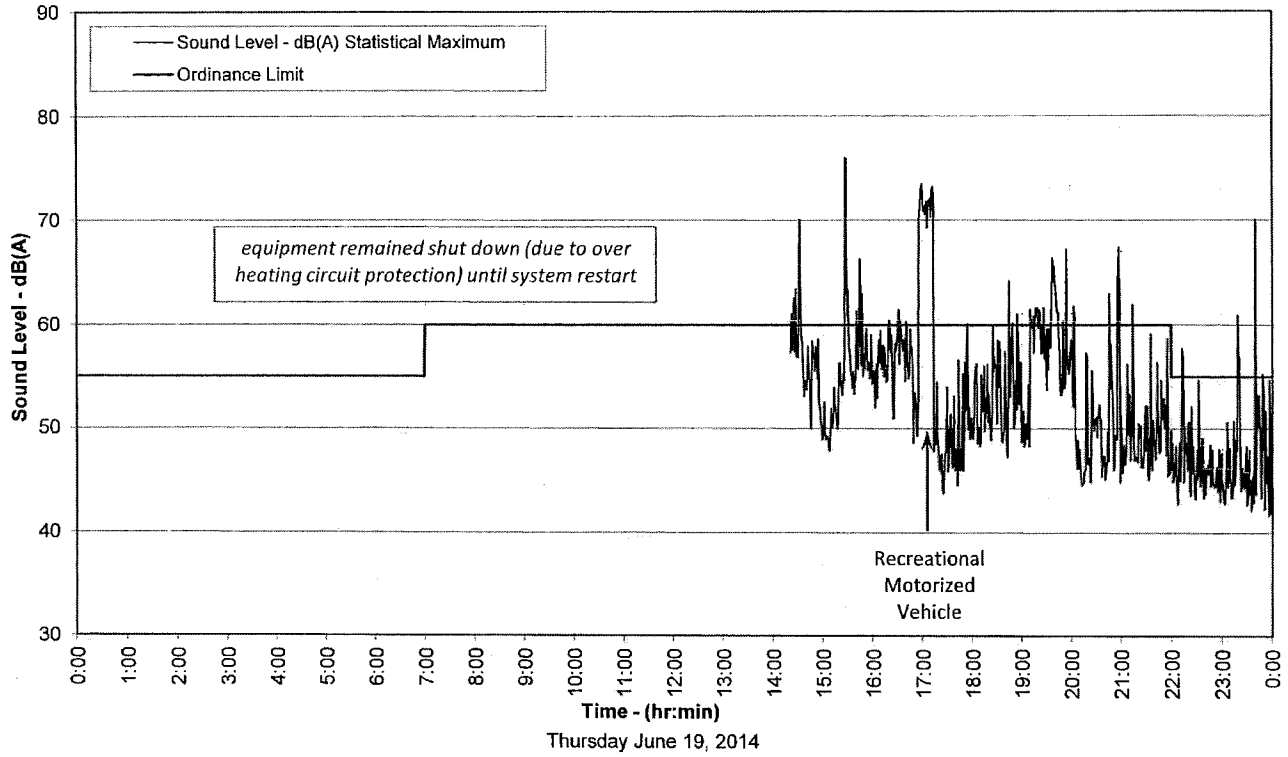


EXHIBIT P2D8-PM
Ambient Sound Level Measurements at the Eberspaecher West Property Line
Position #2 - Near Northwest Property Line Corner
Detail Information for the Hours from 8PM-12AM

Measurements Conducted for: Eberspaecher

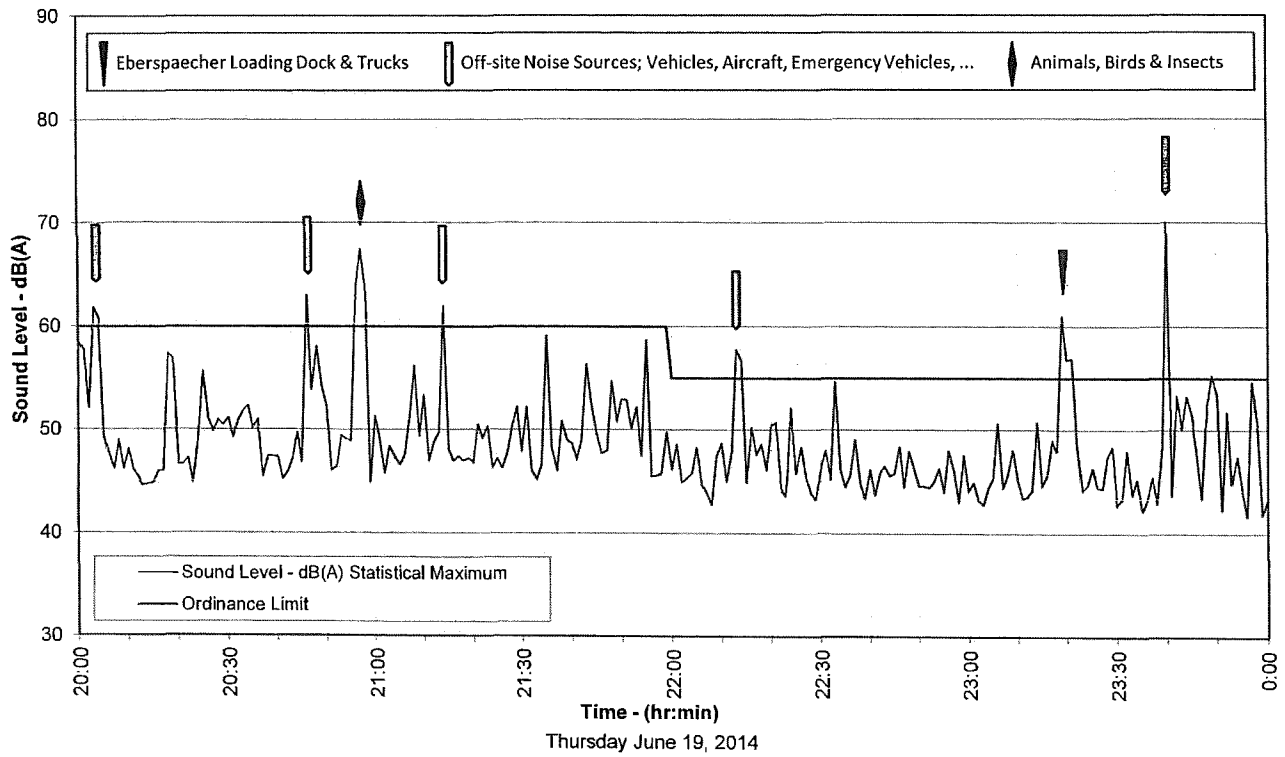
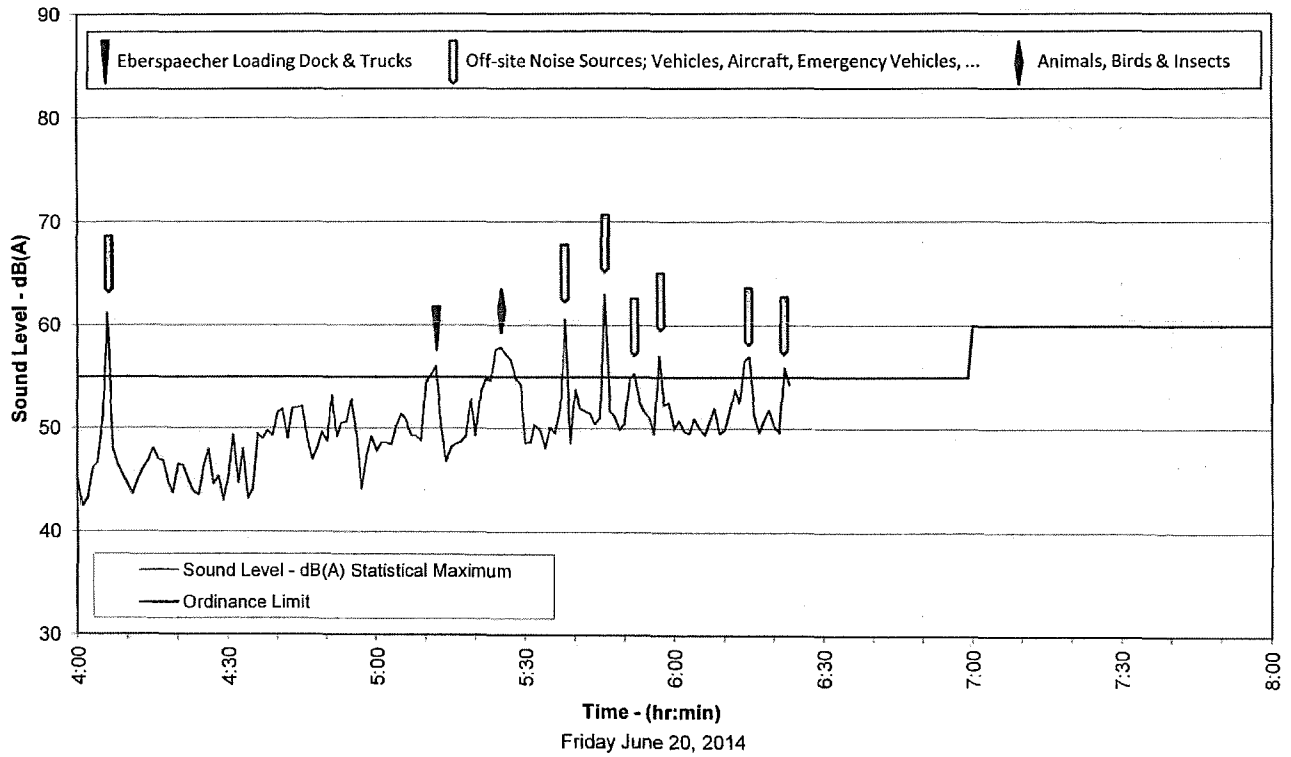


EXHIBIT P2D9-AM
Ambient Sound Level Measurements at the Eberspaecher West Property Line
Position #2 - Near Northwest Property Line Corner
Detail Information for the Hours from 4AM-8AM

Measurements Conducted for: Eberspaecher



DbA Ratings June 30th, July 1st & July 2nd

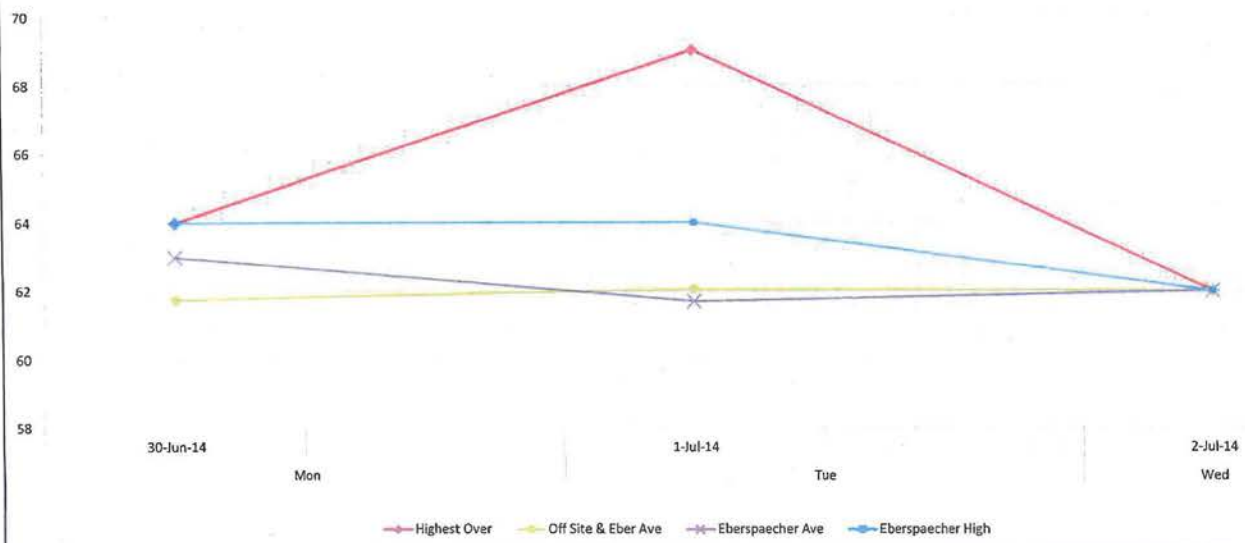


EXHIBIT P2D10-PM
Ambient Sound Level Measurements at the Eberspaecher West Property Line
Position #2 - Near Northwest Property Line Corner
Detail Information for the Hours from 8PM-12AM

Measurements Conducted for: Eberspaecher

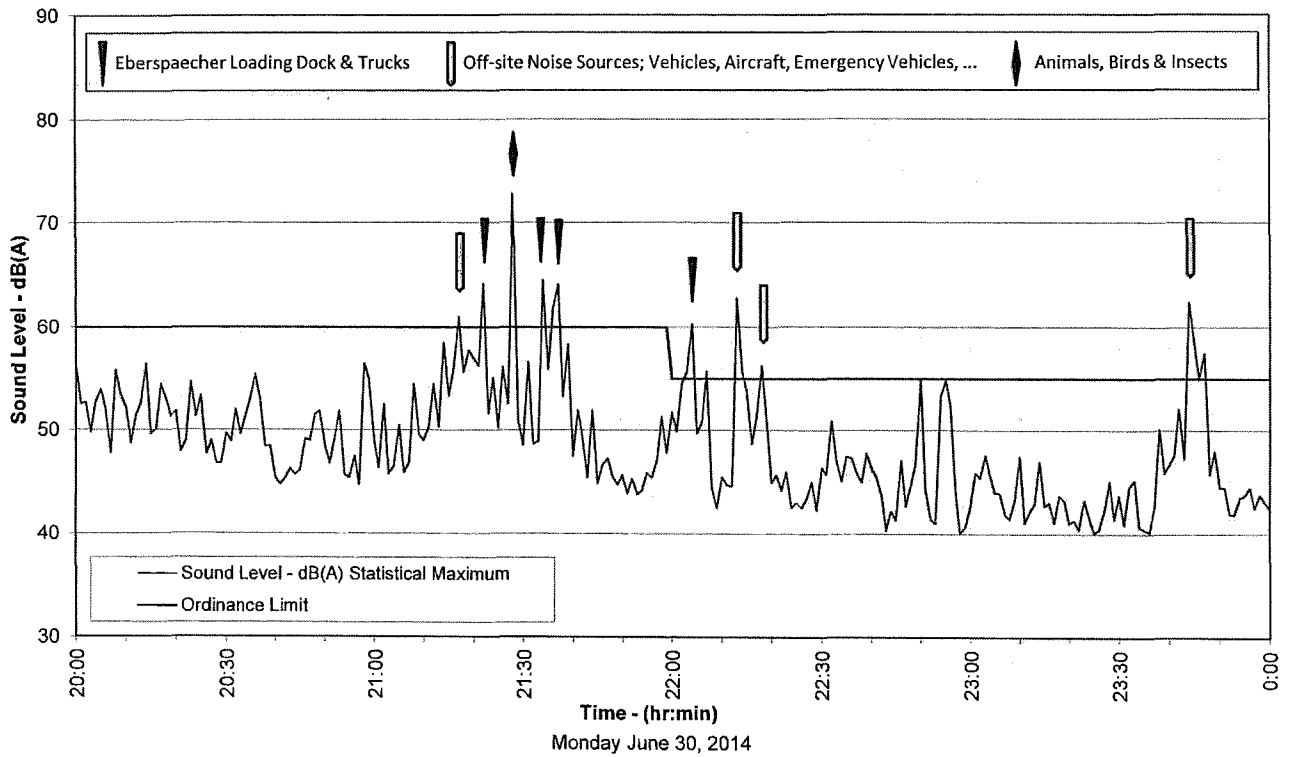


EXHIBIT P2D11-AM
Ambient Sound Level Measurements at the Eberspaecher West Property Line
Position #2 - Near Northwest Property Line Corner
Detail Information for the Hours from 4AM-8AM

Measurements Conducted for: Eberspaecher

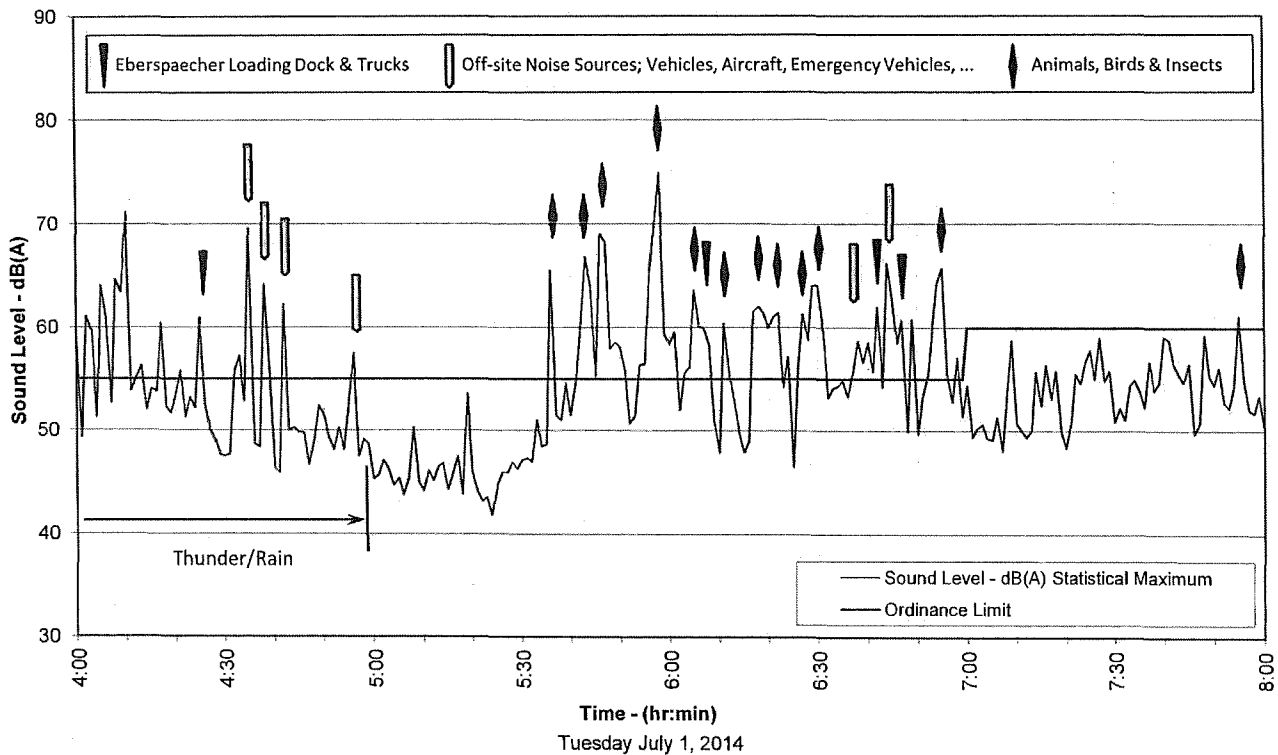


EXHIBIT P2D11-PM
Ambient Sound Level Measurements at the Eberspaecher West Property Line
Position #2 - Near Northwest Property Line Corner
Detail Information for the Hours from 8PM-12AM

Measurements Conducted for: Eberspaecher

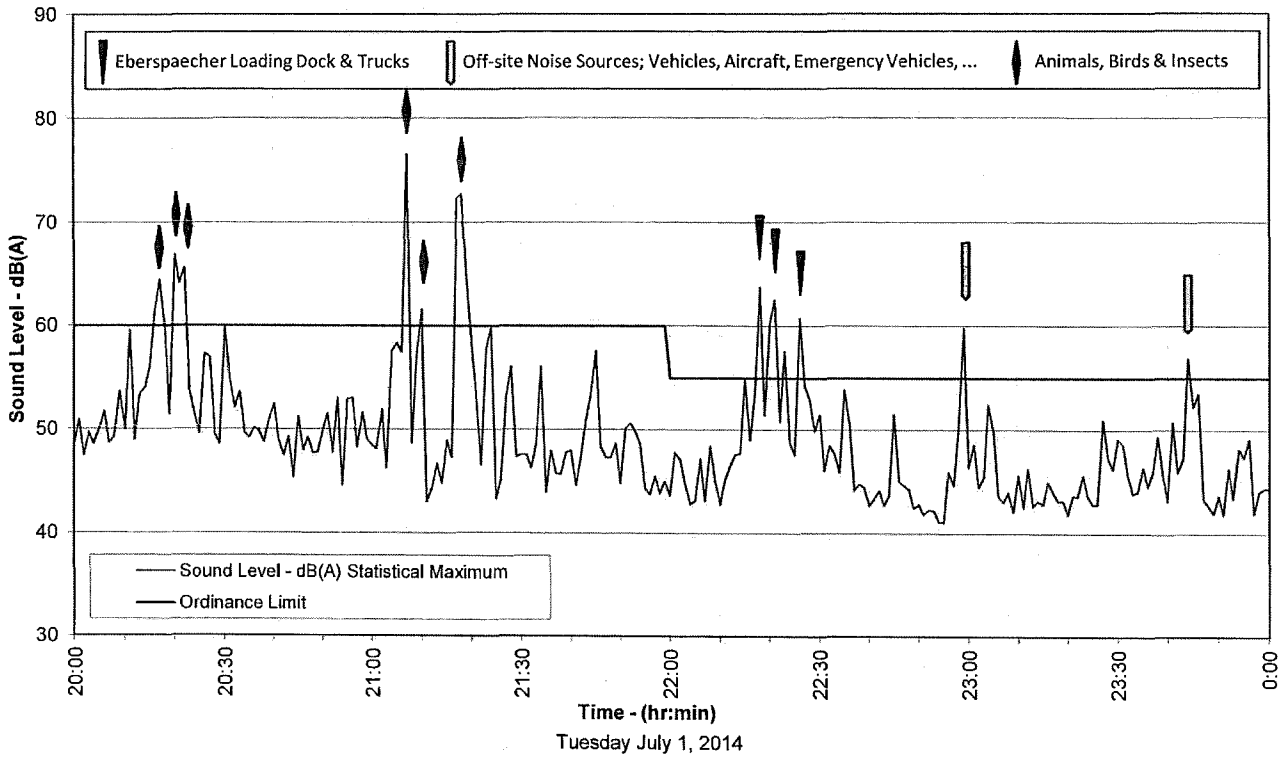


EXHIBIT P2D12-AM
Ambient Sound Level Measurements at the Eberspaecher West Property Line
Position #2 - Near Northwest Property Line Corner
Detail Information for the Hours from 4AM-8AM

Measurements Conducted for: Eberspaecher

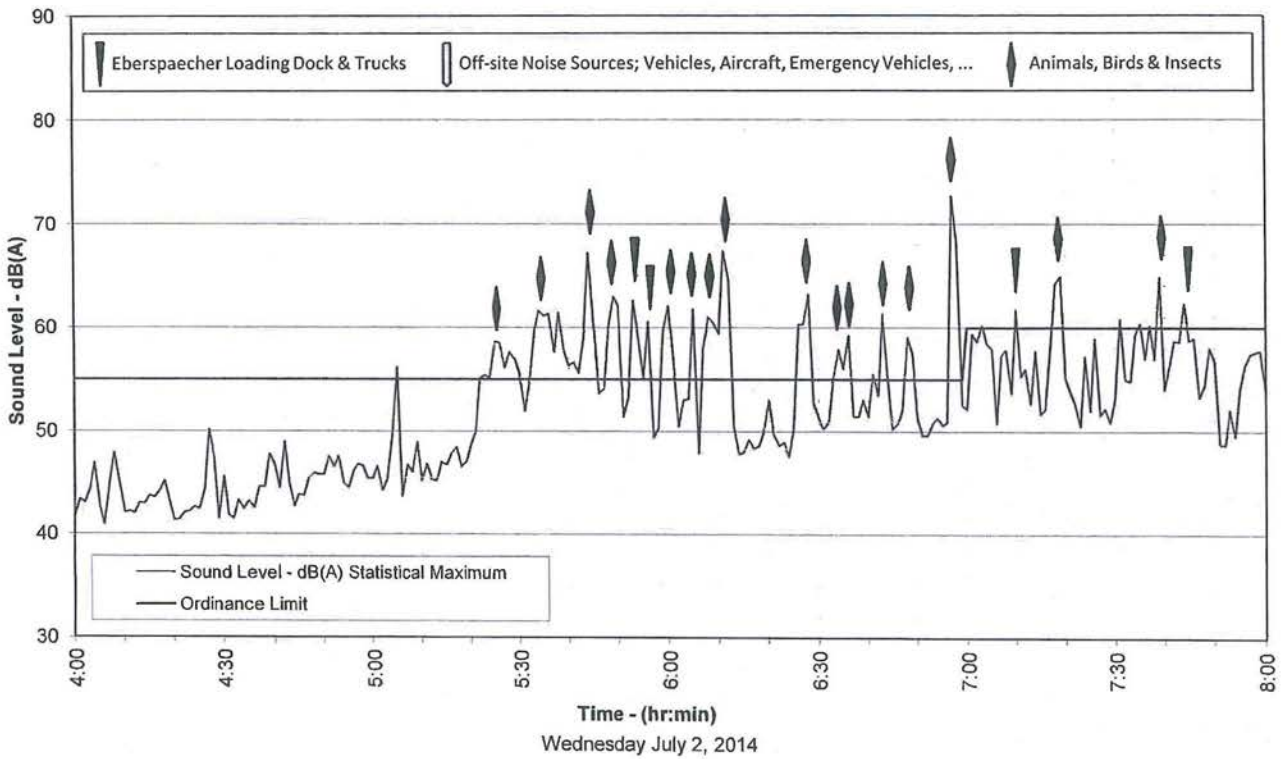


Table 1 – Measurement Exhibit List

EXHIBIT	Meas. Position	Day #	Date	Period
P1D1	1	1	Fri. Aug. 1, 2014	6+ Hours (17:40 to 24:00)
P1D1-PM	1	1	Fri. Aug. 1, 2014	4 Hr. Detail (20:00 to 24:00)
P1D2	1	2	Sat. Aug. 2, 2014	24 Hours
P1D2-AM	1	2	Sat. Aug. 2, 2014	4 Hr. Detail (4:00 to 8:00)
P1D2-PM	1	2	Sat. Aug. 2, 2014	4 Hr. Detail (20:00 to 24:00)
P1D3	1	3	Sun. Aug. 3, 2014	18+ Hours*
P1D3-AM	1	3	Sun. Aug. 3, 2014	4 Hr. Detail (4:00 to 8:00)
P1D3-PM	1	3	Sun. Aug. 3, 2014	4 Hr. Detail (20:00 to 24:00)
P1D4	1	4	Mon. Aug. 4, 2014	24 Hours
P1D4-AM	1	4	Mon. Aug. 4, 2014	4 Hr. Detail (4:00 to 8:00)
P1D4-PM	1	4	Mon. Aug. 4, 2014	4 Hr. Detail (20:00 to 24:00)
P1D5	1	5	Tue. Aug. 5, 2014	13+ Hours (0:00 to 13:40)
P1D5-AM	1	5	Tue. Aug. 5, 2014	4 Hr. Detail (4:00 to 8:00)
<i>Transfer Measurements from Position 1 to Position 2</i>				
P2D5	2	5	Tue. Aug. 5, 2014	8+ Hours (15:40 to 24:00)
P2D5-PM	2	5	Tue. Aug. 5, 2014	4 Hr. Detail (20:00 to 24:00)
P2D6	2	6	Wed. Aug. 6, 2014	24 Hours
P2D6-AM	2	6	Wed. Aug. 6, 2014	4 Hr. Detail (4:00 to 8:00)
P2D6-PM	2	6	Wed. Aug. 6, 2014	4 Hr. Detail (20:00 to 24:00)
P2D7	2	7	Thr. Aug. 7, 2014	24 Hours
P2D7-AM	2	7	Thr. Aug. 7, 2014	4 Hr. Detail (0:00 to 4:00)
P2D7-PM	2	7	Thr. Aug. 7, 2014	4 Hr. Detail (11:00 to 15:00)
P2D8	2	8	Fri. Aug. 8, 2014	16+ Hours (0:00 to 16:40)
P2D8-AM	2	8	Fri. Aug. 8, 2014	4 Hr. Detail (20:00 to 24:00)

* Measurement period was halted due to over temperature circuit protection fault.

The measurements are separated by days on which the measurements were conducted. For each day additional details were provided for morning and evening hours to help provide a closer look at the sound level data at the time of extended hours and for identification of significant sonic events. Icons located above the data line indicate the source of noise creating sound levels near or above the ordinance limits.

It should be noted that, due to excessive heat buildup in the measurement equipment enclosure on Day 3 (August 3rd), a circuit protection fault was triggered and the measurements were halted. The measurements were restarted a few hours later that day.

EXHIBIT P1D1-PM
Ambient Sound Level Measurements at the Eberspaecher West Property Line
Position #1 - West Property Line Adjacent to the Loading Dock
Detail Information for the Hours from 8PM-12AM

Measurements Conducted for: Eberspaecher

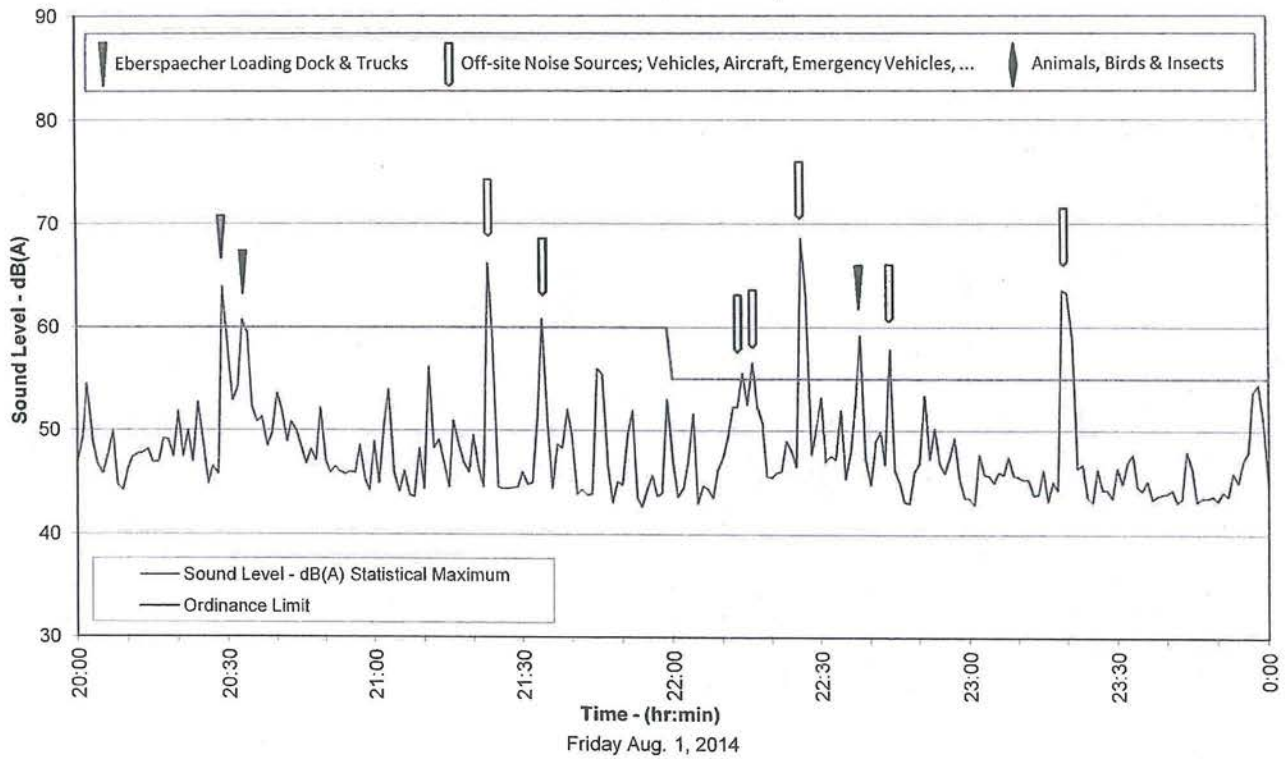


EXHIBIT P1D2-AM
Ambient Sound Level Measurements at the Eberspaecher West Property Line
Position #1 - West Property Line Adjacent to the Loading Dock
Detail Information for the Hours from 4AM-8AM

Measurements Conducted for: Eberspaecher

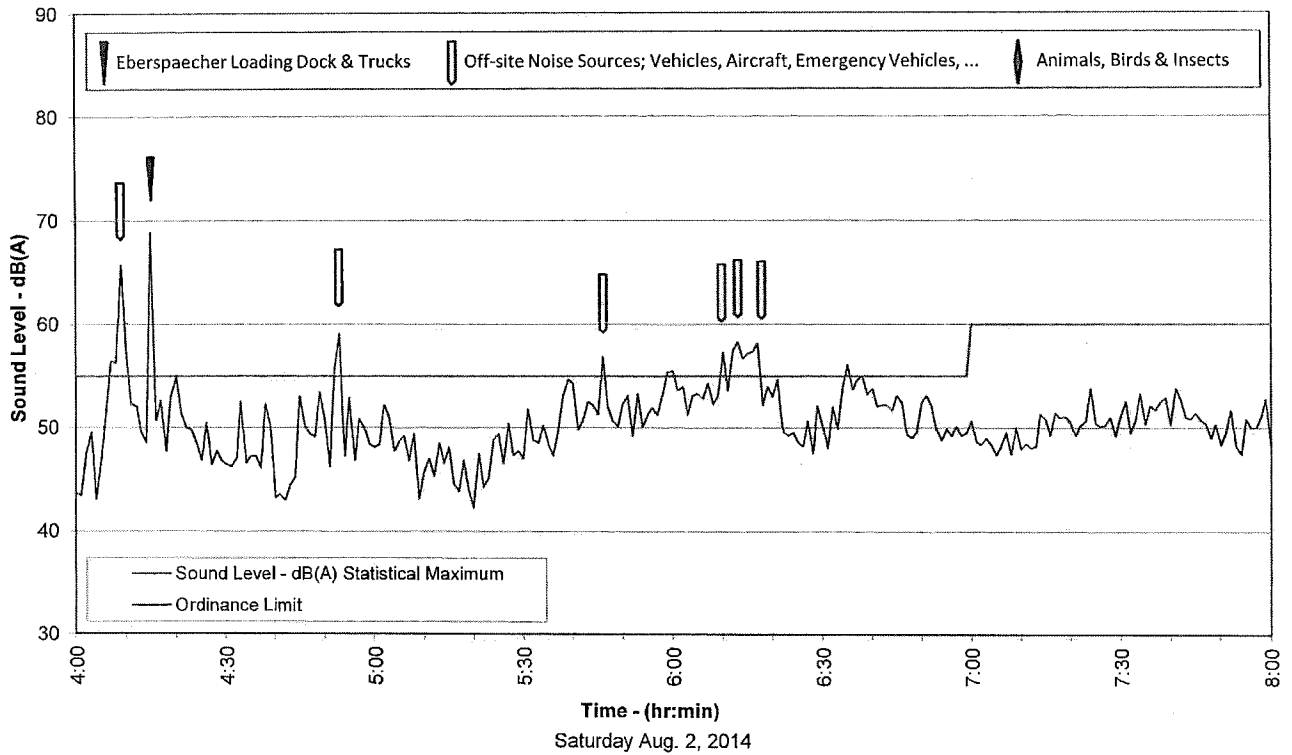


EXHIBIT P1D2-PM
Ambient Sound Level Measurements at the Eberspaecher West Property Line
Position #1 - West Property Line Adjacent to the Loading Dock
Detail Information for the Hours from 8PM-12AM

Measurements Conducted for: Eberspaecher

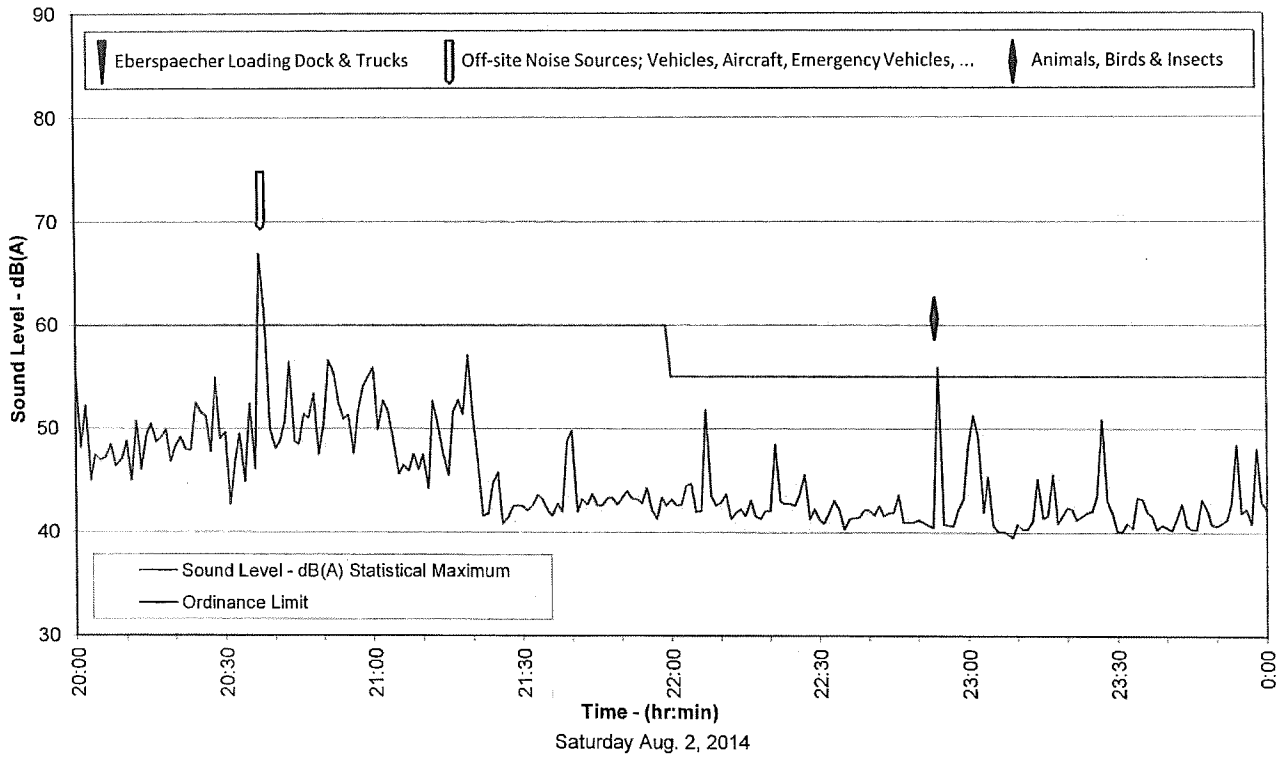


EXHIBIT P1D3-AM
Ambient Sound Level Measurements at the Eberspaecher West Property Line
Position #1 - West Property Line Adjacent to the Loading Dock
Detail Information for the Hours from 4AM-8AM

Measurements Conducted for: Eberspaecher

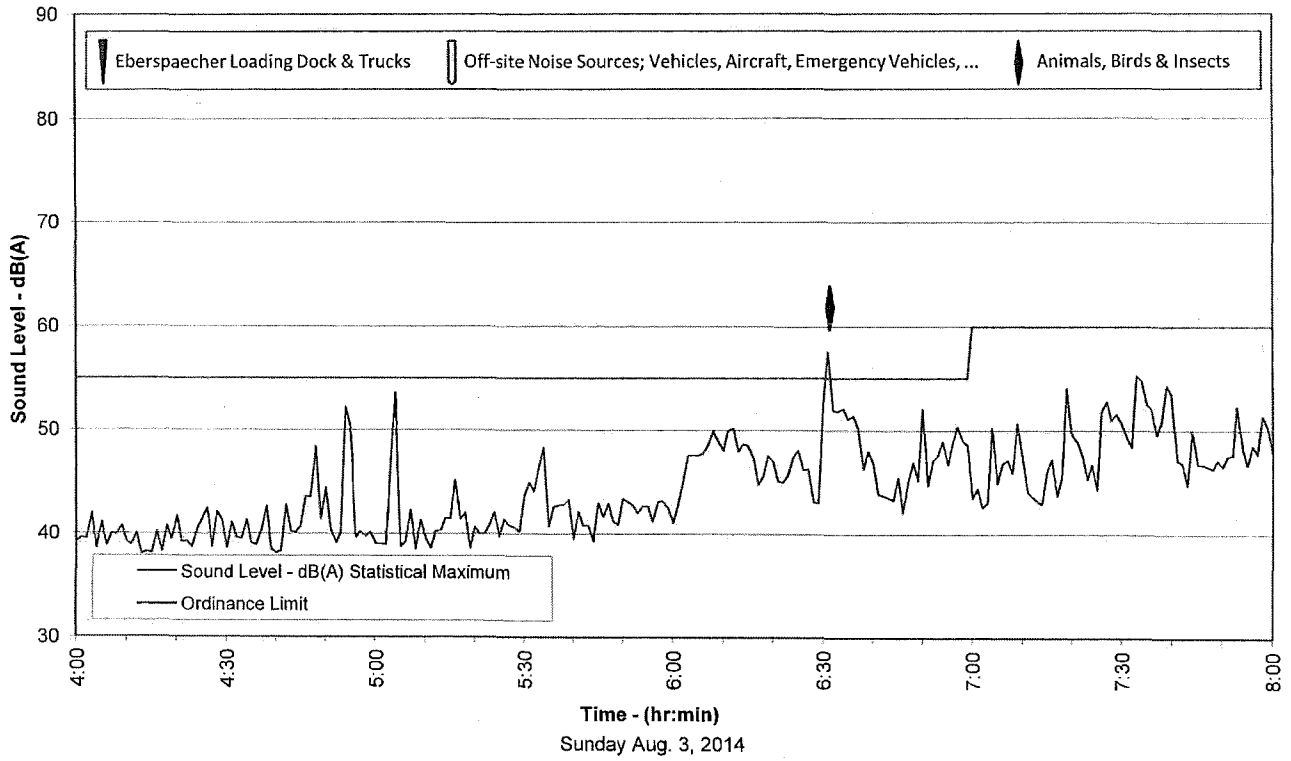


EXHIBIT PID3
Ambient Sound Level Measurements at the Eberspaecher West Property Line
Position #1 - West Property Line Adjacent to the Loading Dock
Day 3 (18+ Hours)

Measurements Conducted for: Eberspaecher

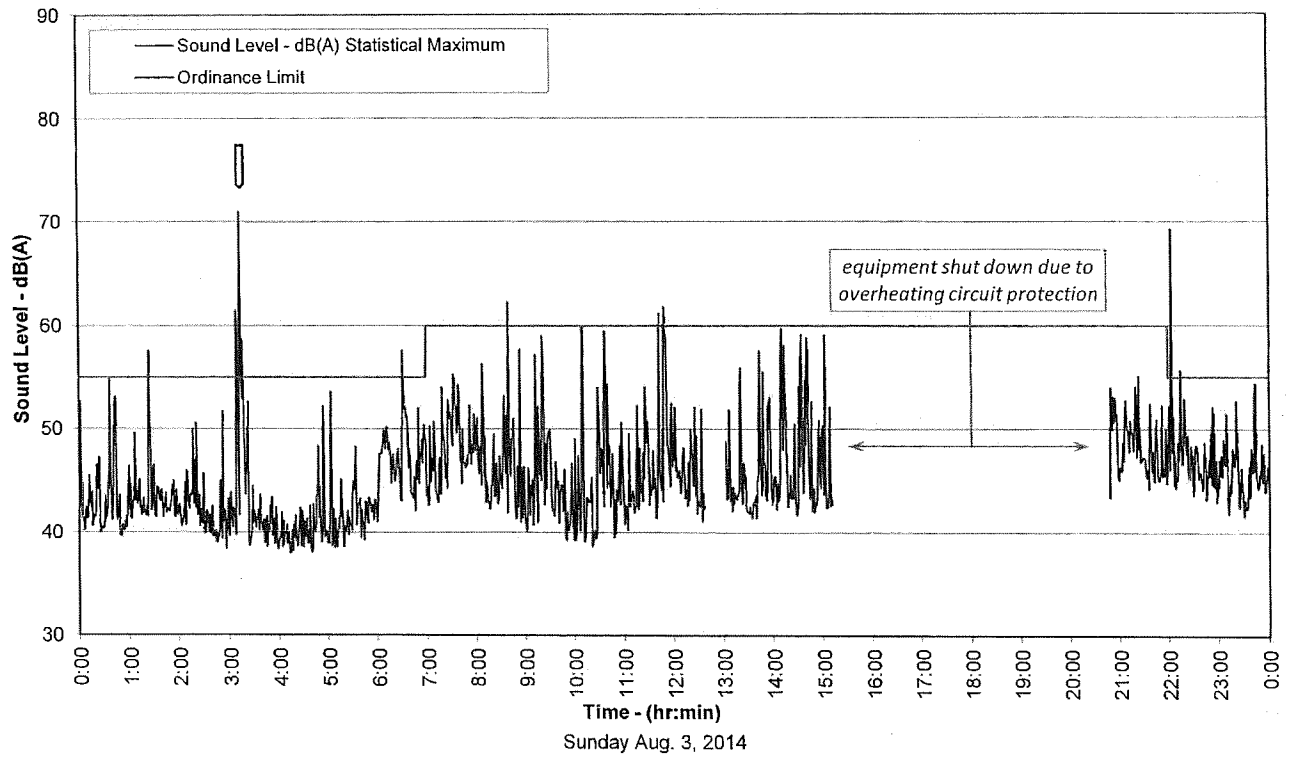


EXHIBIT P1D4-AM
Ambient Sound Level Measurements at the Eberspaecher West Property Line
Position #1 - West Property Line Adjacent to the Loading Dock
Detail Information for the Hours from 4AM-8AM

Measurements Conducted for: Eberspaecher

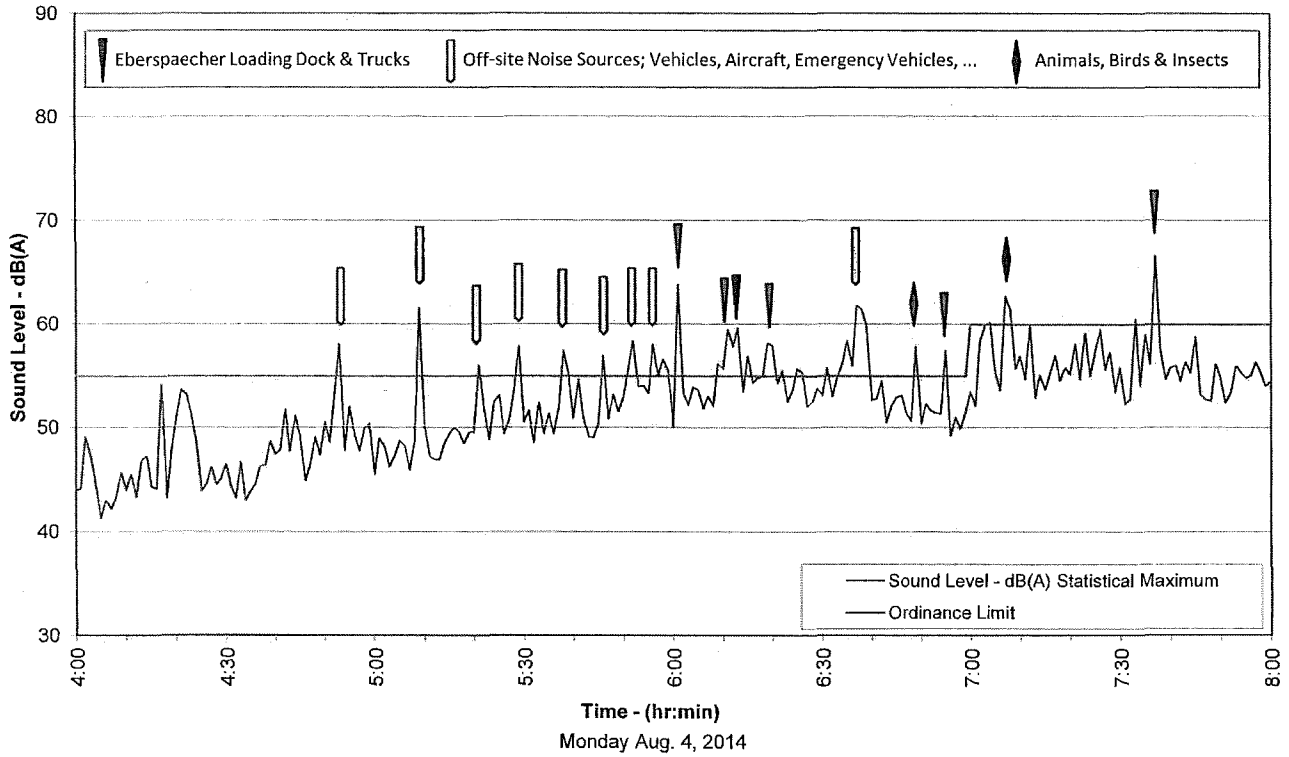


EXHIBIT P1D4-PM
Ambient Sound Level Measurements at the Eberspaecher West Property Line
Position #1 - West Property Line Adjacent to the Loading Dock
Detail Information for the Hours from 8PM-12AM

Measurements Conducted for: Eberspaecher

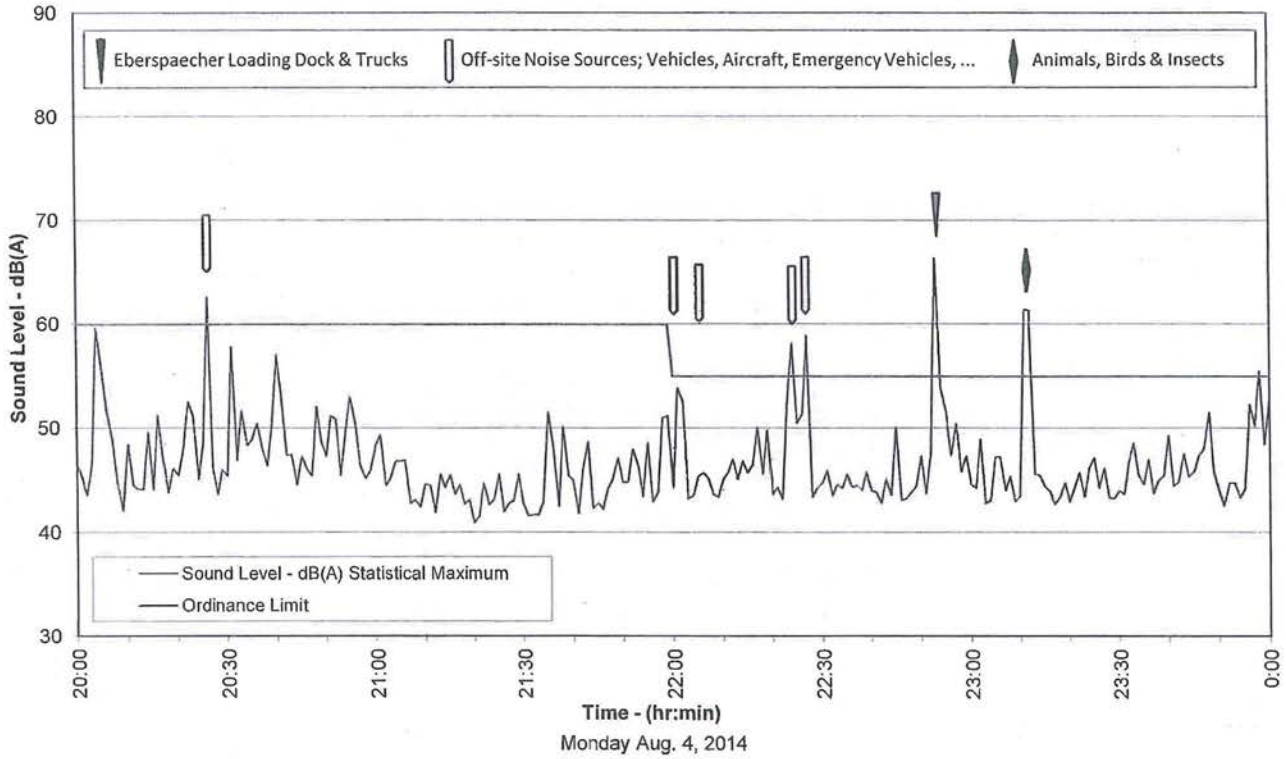


EXHIBIT P1D5-AM
Ambient Sound Level Measurements at the Eberspaecher West Property Line
Position #1 - West Property Line Adjacent to the Loading Dock
Detail Information for the Hours from 4AM-8AM

Measurements Conducted for: Eberspaecher

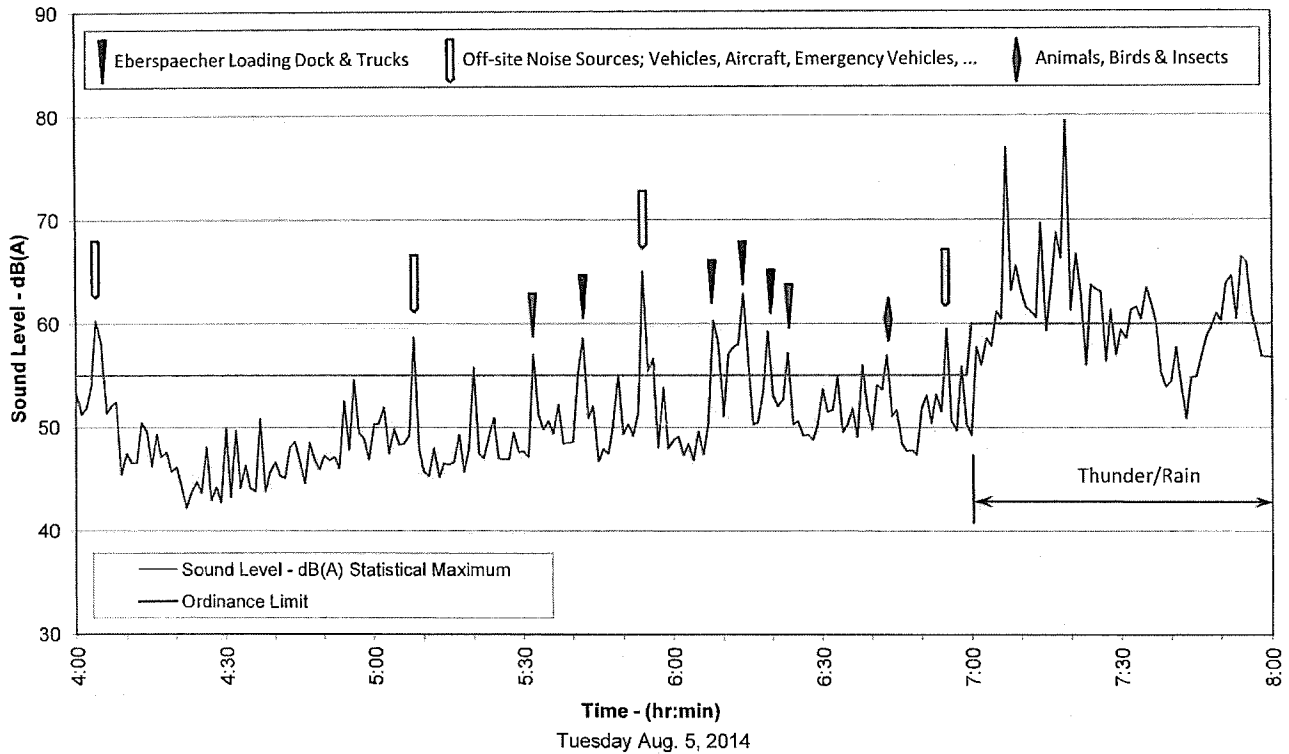


EXHIBIT P2D5-PM
Ambient Sound Level Measurements at the Eberspaecher West Property Line
Position #2 - Near Northwest Property Line Corner
Detail Information for the Hours from 8PM-12AM

Measurements Conducted for: Eberspaecher

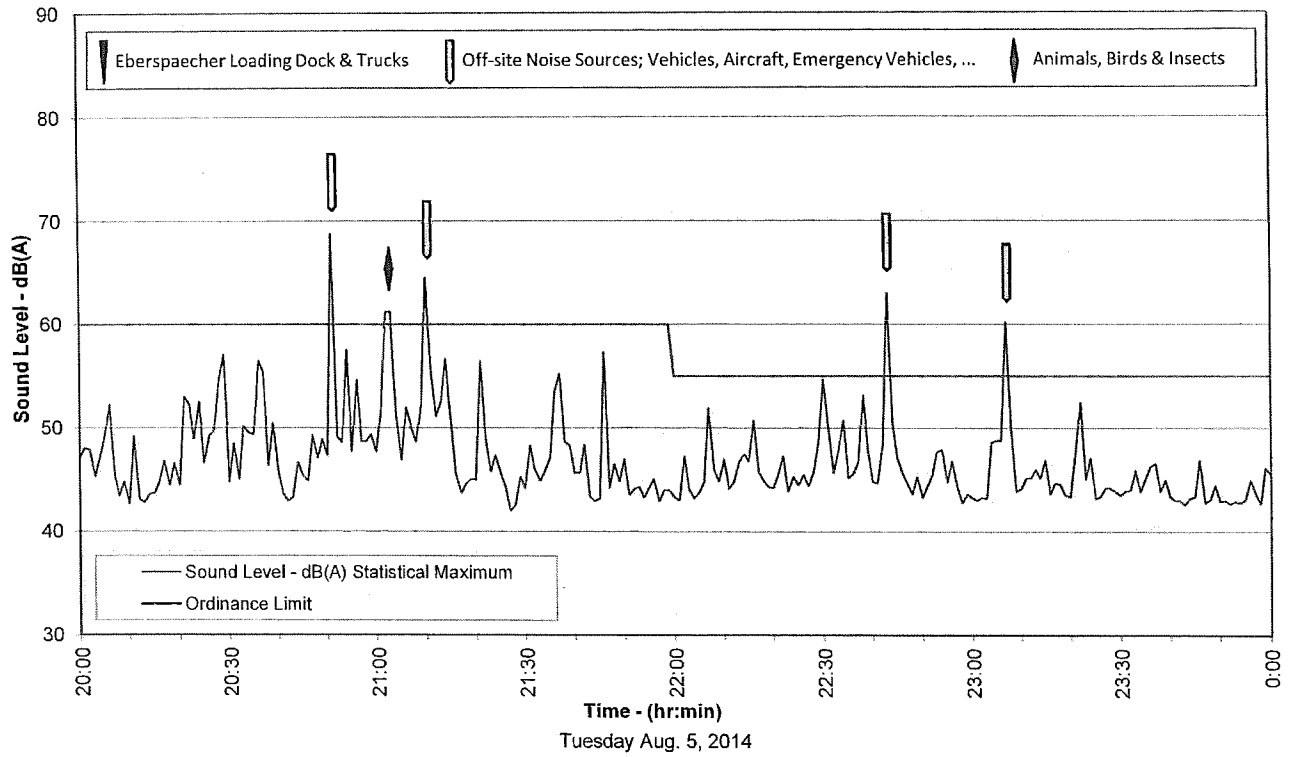


EXHIBIT P2D6-AM
Ambient Sound Level Measurements at the Eberspaecher West Property Line
Position #2 - Near Northwest Property Line Corner
Detail Information for the Hours from 4AM-8AM

Measurements Conducted for: Eberspaecher

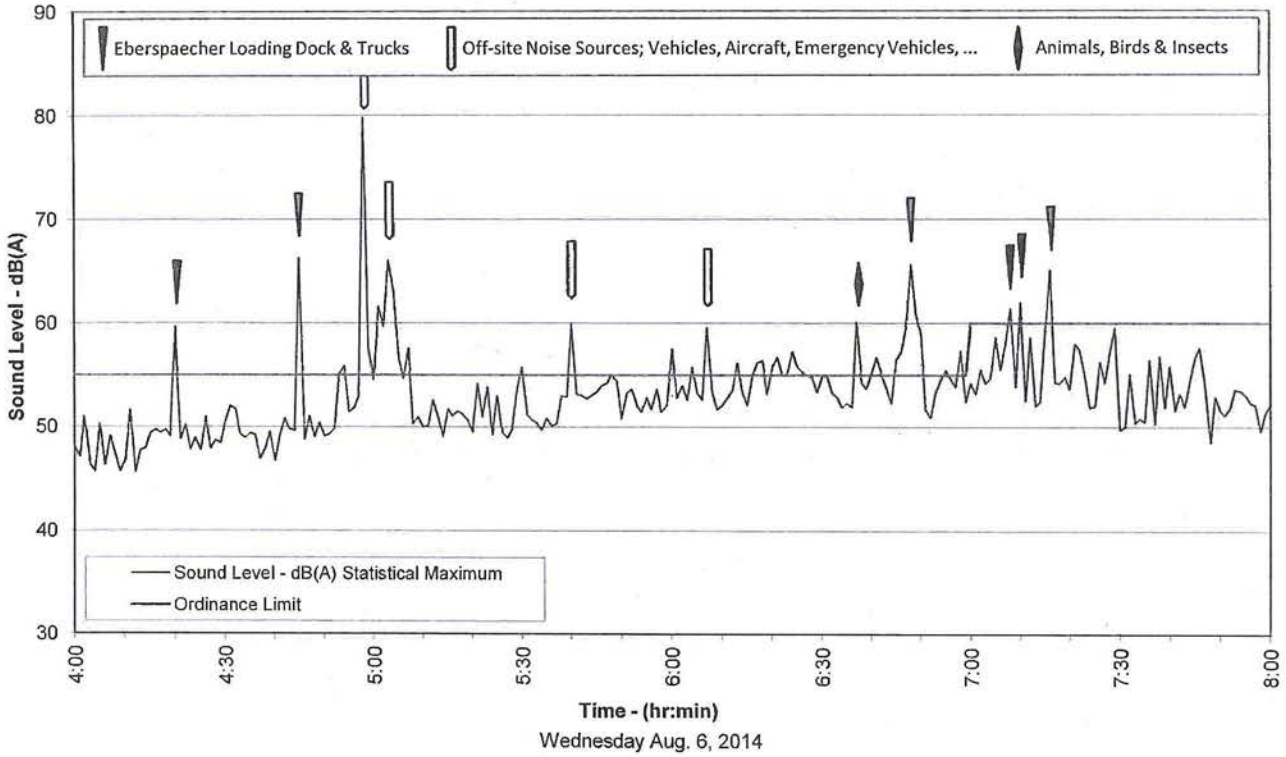


EXHIBIT P2D6-PM
Ambient Sound Level Measurements at the Eberspaecher West Property Line
Position #2 - Near Northwest Property Line Corner
Detail Information for the Hours from 8PM-12AM

Measurements Conducted for: Eberspaecher

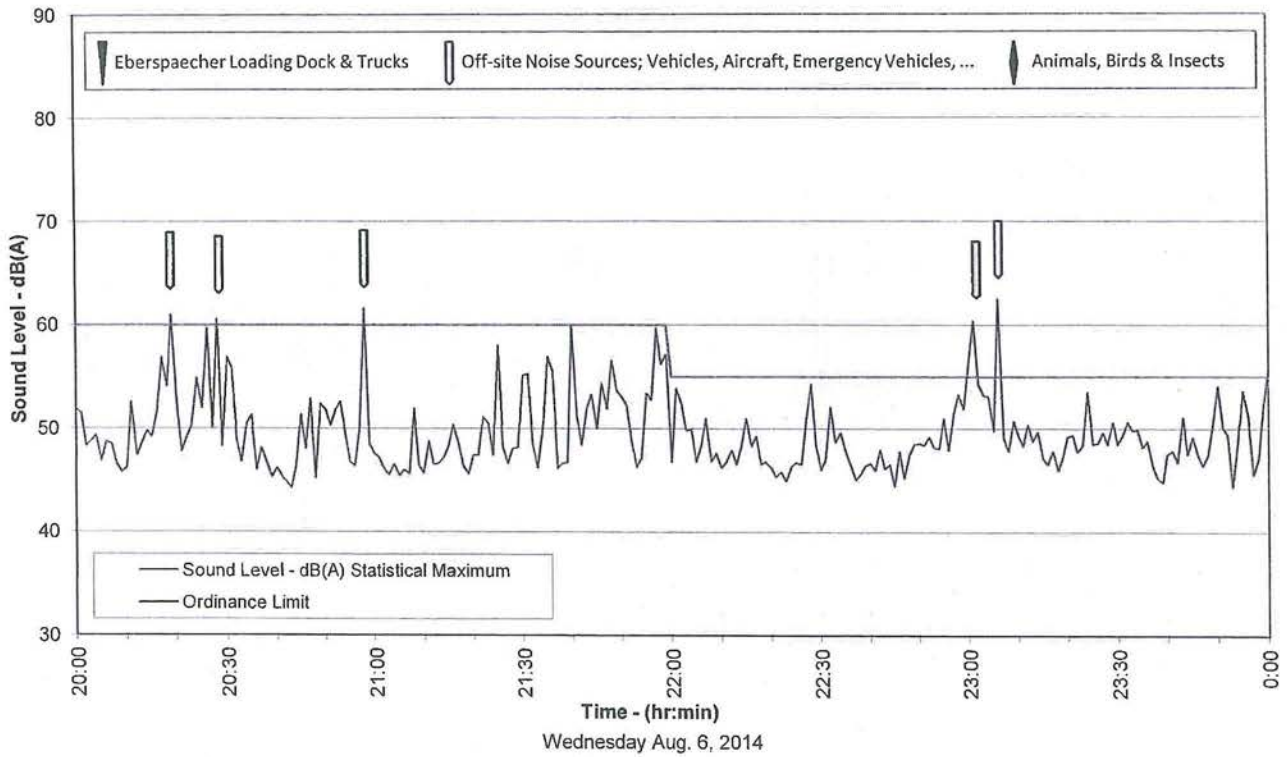


EXHIBIT P2D7-AM
Ambient Sound Level Measurements at the Eberspaecher West Property Line
Position #2 - Near Northwest Property Line Corner
Detail Information for the Hours from 4AM-8AM

Measurements Conducted for: Eberspaecher

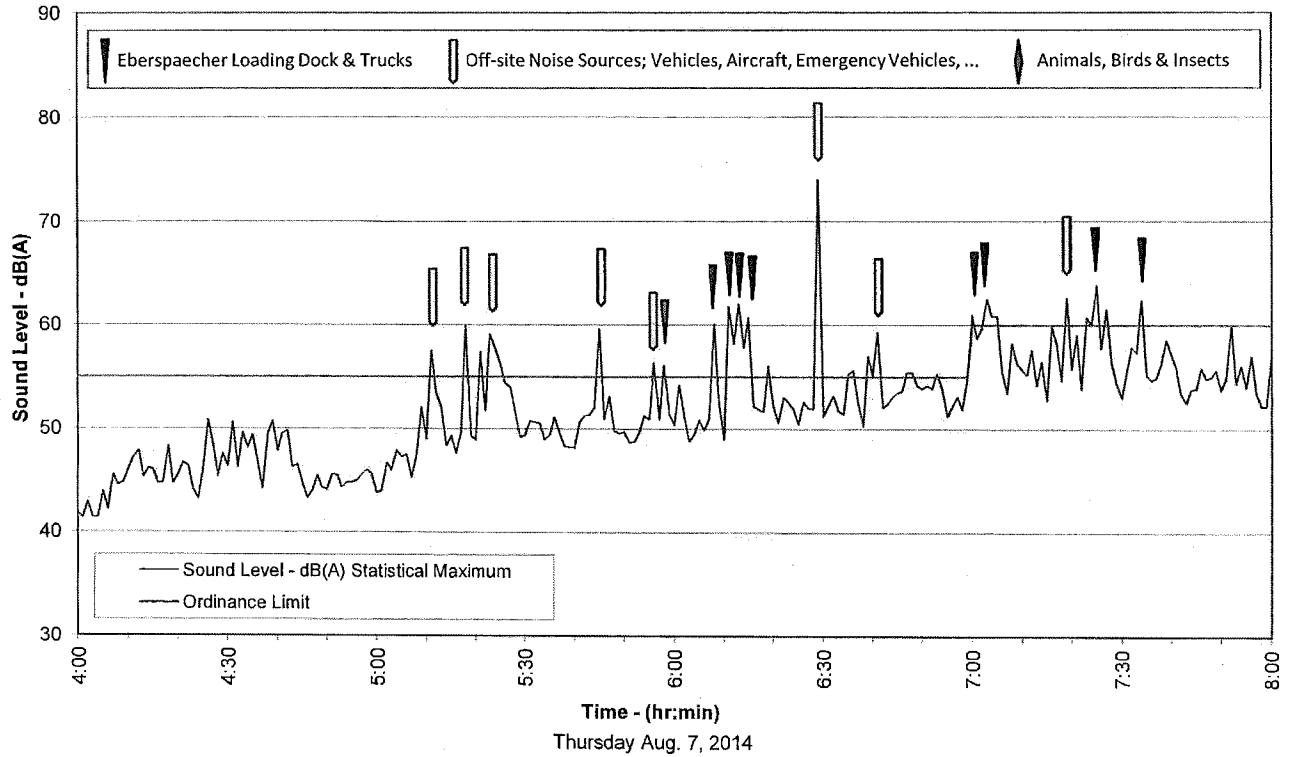


EXHIBIT P2D7-PM
Ambient Sound Level Measurements at the Eberspaecher West Property Line
Position #2 - Near Northwest Property Line Corner
Detail Information for the Hours from 8PM-12AM

Measurements Conducted for: Eberspaecher

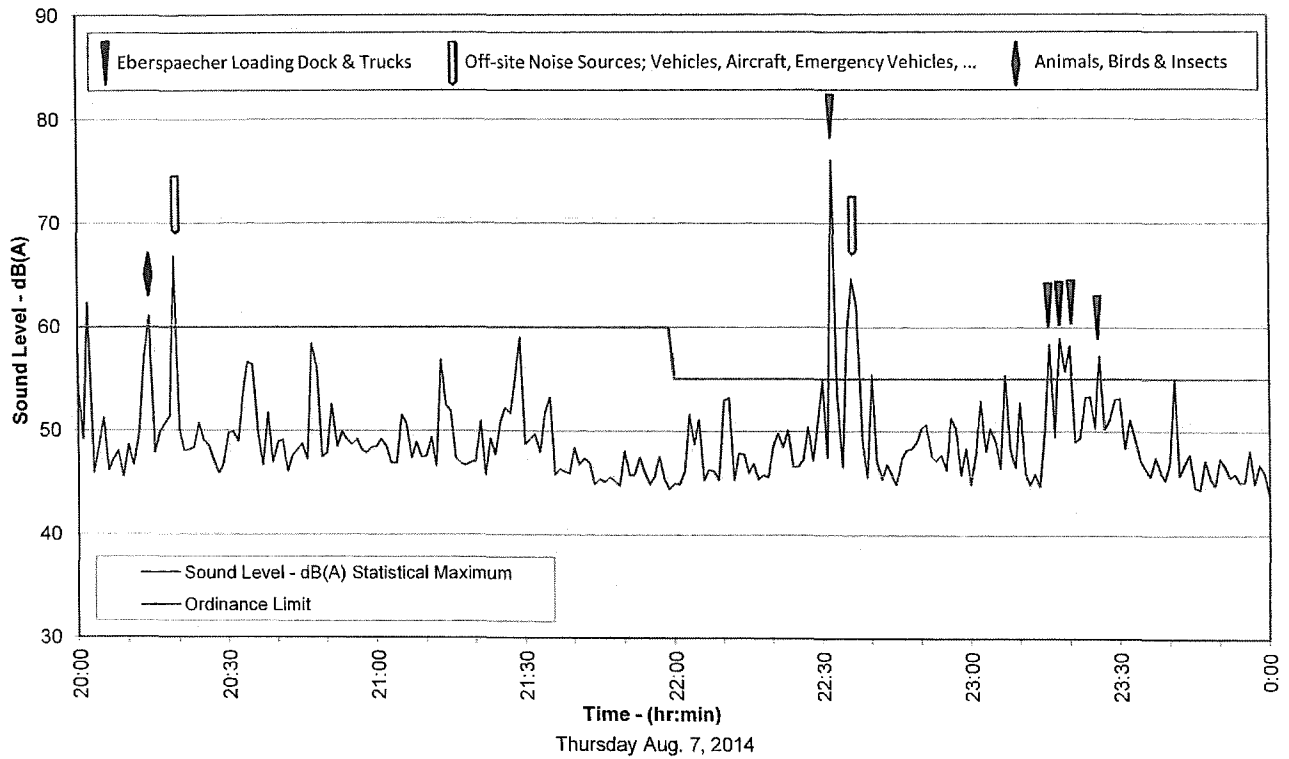
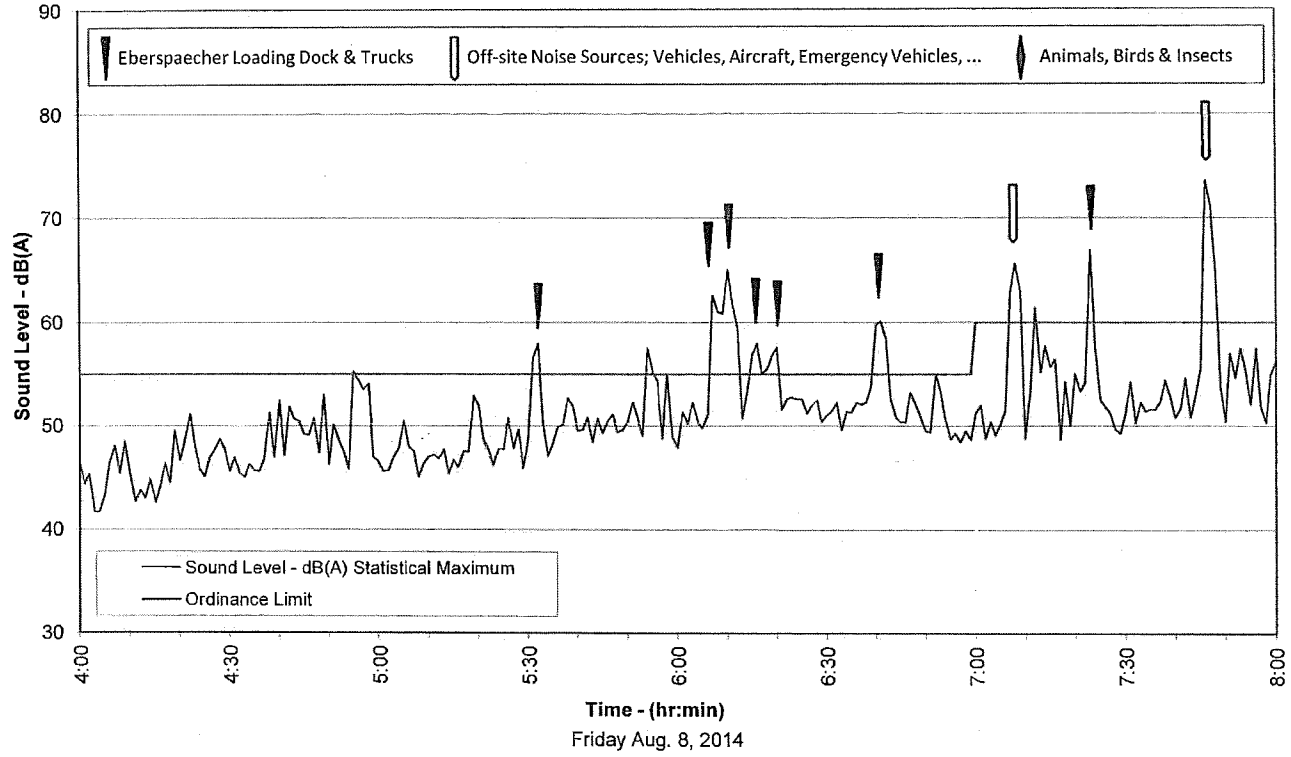


EXHIBIT P2D8-AM
Ambient Sound Level Measurements at the Eberspaecher West Property Line
Position #2 - Near Northwest Property Line Corner
Detail Information for the Hours from 4AM-8AM

Measurements Conducted for: Eberspaecher



**City Council Meeting Minutes
Excerpt – February 18, 2014**

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
TUESDAY, FEBRUARY 18, 2014 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**

Mayor Gatt called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Gatt, Mayor Pro Tem Staudt (absent excused), Council Members Casey, Fischer, Markham, Mutch, Wrobel

ALSO PRESENT: Clay Pearson, City Manager
Victor Cardenas, Assistant City Manager
Thomas Schultz, City Attorney

APPROVAL OF AGENDA:

CM 14-02-036 Moved by Fischer, seconded by Casey; CARRIED UNANIMOUSLY:

To approve the Agenda as amended with an addition under Mayor and Council Issues: City Manager Search Material

Roll call vote on CM 14-02-036 **Yeas: Casey, Fischer, Markham, Mutch, Wrobel, Gatt**
Nays: None
Absent: Staudt

MATTERS FOR COUNCIL ACTION:

2. Consideration of a request from Eberspaecher North America, Inc. for a variance from Section 22-100(d)(1) of the City Code prohibiting loading and unloading of any commercial vehicle between the hours of 8:00 p.m. and 7:00 a.m. within 400 feet of a residential structure. The applicant would like to conduct loading and unloading activities between the hours of 5:00 a.m. and 11:00 p.m. within 210 feet of the adjacent residential property.

City Manager Pearson explained that there is a provision in the City Code for Council to grant waivers such as this. This is a long-standing commercial industrial area and next to a residential area. Eberspaecher North America is growing and requires a certain number of trucks to come in to move components. They are asking for your consideration to find a way to make these accommodations for the additional shift.

Member Mutch cannot support the variance. He was looking for any alternatives or mitigation other than what was proposed. He didn't think what was presented to him was complete. He didn't want to subject any homeowner to the noise proposed at 5 a.m. He wants to work with them but can't overlook the impact.

Larry Wojciechowski, Plant Manager, noted they assemble automotive exhaust systems. They have looked at ways to prevent outside noise. Scrap is deposited internally as part of noise mitigation. Truck deliveries need to be made within a window of time and have them scheduled accordingly. The noise is of an air brake on a truck that breaks

the 55-decibel level. They are trying to engineer the noise reduction. They've looked at walls and additional trees. Member Mutch asked staff what else had been explored. Deputy Community Development Director McBeth said it is well treed now and there is a drop off in grade on the west side of the building. A wall was proposed but was not practical. Member Mutch asked why was the wall proposed. Ms. McBeth said the noise was hypothetical and hasn't been tested. She further explained that there could be more noise testing done or additional screening. Member Mutch explained that they don't want a situation where a problem would have to be undone and wants to avoid creating the situation. He will take the side of the residents. Mr. Wojciechowski said he didn't have the answer and didn't know if the simulation was exact. We have to see the results in order to determine whether or not there is a resolution to make the noise level acceptable. Member Mutch asked if the sound engineer could make some effort to mitigate the noise. He didn't think they were dealing with hypothetical but what generally could happen in this situation. He asked Ms. McBeth if there was an opportunity to ask what the realistic options were and impact of them to address his concerns. Ms. McBeth said there was a site plan review for the modification to the parking lot; there were meetings in the field, and various discussions. They could continue along those aspects of it but this was the request that was presented.

Member Wrobel noticed that there were 16 letters sent out to property owners within 300 feet of this property and asked about the responses. Ms. McBeth said they were a courtesy because this wasn't a public hearing. The three responses were generally regarding children sleeping during certain hours and concern about the noise in the morning and late evening. Member Wrobel was surprised no one spoke about any concerns at this meeting. He didn't think there was a great concern about this.

Member Markham echoed the concerns of Member Mutch. She drove to the site and noted that it is possible to see the homes through the screening. She would like to see more effort to evaluate the landscaping. She would be supportive if there was more information from a sound engineer that the test has been done and they can assure the noise would be mitigated.

Mayor Gatt agreed with what has been said and noted again that only three people responded to the notice. He suggested it be approved on a temporary basis for 6-9 months.

Member Fischer asked City Attorney Schultz for his opinion about an approval on a temporary basis. Mr. Schultz said this is a variance process in the City Code and not using the variance process under the Zoning statute, therefore, he thought they have greater ability to design a temporary variance if the proponents were willing to accept it and move forward. Another reason they have given the advice about a temporary variance in the Zoning Ordinance context is that they are usually building something that is permanent. He didn't think they are doing that in this case. The third point in terms of potentially designing something would be that the noise level has not been established. He quoted Ms. McBeth by saying they have to start somewhere. He thought it would be permissible and it would have to be crafted fairly by knowing what they (Eberspaecher) have to do at the end period, then wait for a response. Member

Fischer asked the applicant to respond to approval on a temporary nature. Mr. Wojciechowski felt that it would be acceptable and wants to see if the noise is intrusive. He felt it would be the best way to try to find out. He would also look at additional trees in the 6-9 months in the meantime to prevent something occurring. Member Fischer asked what will happen if they go to three shifts and add 200 people but nine months from now find it doesn't work. Mr. Wojciechowski said the 3 shifts was a potential, but they can do it in two shifts right now. The shipping hours will stay the same but more frequency during the business hours. Member Fischer said he appreciates the investment made in the City of Novi, but his position was similar to Member Mutch's position. He was in a similar situation. He doesn't see how they can approve it even temporarily. There would have to be no complaints after the trial period to allow a permanent waiver.

Member Casey agrees with the other members and cannot support this if there was a potential to disturb someone's sleep. She supports a temporary period for a shorter term. She noted that the Council meeting date was not mentioned in the letter to residents.

Member Wrobel prefers a longer, temporary period because of the change of the seasons for a good set of data.

Mayor Gatt suggested the longer term because of the different climates and when the trees are in bloom. He is on the side of the homeowner's.

Member Markham expects noise measurements taken with documentation of the data over the time to see the impact. Mr. Wojciechowski agreed with her.

CM 14-02-040 Moved by Fischer, seconded by Wrobel; MOTION CARRIED: 4-2

To approve on a temporary basis of nine months a request from Eberspaecher North America, Inc. for a variance from Section 22-100(d)(1) of the City Code prohibiting loading and unloading of any commercial vehicle between the hours of 8:00 p.m. and 7:00 a.m. within 400 feet of a residential structure. The applicant would like to conduct loading and unloading activities between the hours of 5:00 a.m. and 11:00 p.m. within 210 feet of the adjacent residential property given that the discussion found that application of the substantive requirement would result in an exceptional practical difficulty to the applicant and the alternative proposed by the applicant will be adequate for the intended use and shall not substantially deviate from the performance that would be attained by strict enforcement of the standard. The temporary period of nine months will help the City Council evaluate criteria and that the granting of the variance will not be detrimental to the public health safety, welfare or injurious to adjoining or neighboring properties not contrary to the overall purpose and goals of the chapter or

article containing the regulation in question. The temporary period will assist Council in determining that criteria also. There is a restriction to the applicant is requested to take additional data on the noise levels impacted during the allowed times beyond the 8 p.m. – 7a.m. time frame and report that back to Council also. Applicant will investigate alternative sound reduction ideas and concepts to mitigating the noise pollution to the neighboring and adjoining properties with the following conditions:

- 1. The findings were based on the temporary nature with it not being a permanent variance.**
- 2. The temporary variance is without prejudice to final determination at the end of the temporary period.**
- 3. It is not a final decision.**
- 4. It is based on part on the representations of the applicant's representative at this meeting.**
- 5. This temporary time period will help determine the applicability of the criteria that is necessary to decide the variance requested.**
- 6. Council can review this at any time during the nine months at the recommendation of Council's or staff's request based on resident feedback of the adjoining properties.**

Member Mutch would not support the motion. His concern was letting the applicant move forward then possibly denying them at the end of the temporary period. Also, if within the first week we get residents complaining. It can't be changed until the nine months are up. He felt he didn't have enough information. He felt it would be unfair to those residents with the noise. The best approach would have the applicant and staff look for alternatives with the sound engineers.

Member Fischer asked the City Attorney if language could be included in the motion for Council to have the opportunity to bring this back at any point based upon complaints from neighboring property owners. City Attorney Schultz agreed. Mayor Gatt asked if it could be a temporary waiver up to 9 months and allow Council to review it at any time. City Attorney Schultz said the motion needs to say it would be based upon a staff recommendation and to come back at Council's request.

Roll call vote on CM 14-02-040

Yeas: Wrobel, Gatt, Fischer, Markham

Nays: Casey, Mutch

Absent: Staudt

3.

**Previous Update
Sent to Council**



MEMORANDUM

TO: VICTOR CARDENAS, INTERIM CITY MANAGER
FROM: BARBARA MCBETH, AICP, DEPUTY DIRECTOR COMMUNITY DEVELOPMENT
SUBJECT: EBERSPACHER EXTENDED HOURS UPDATE
DATE: MAY 21, 2014

*Mayor & Council:
As promised on update
on the Eberspacher noise
variance. Extended hours
have yet to start.
FYI Vice*

On February 18, 2014, the City Council considered the request of Eberspacher to allow extended hours for loading and unloading at the building located at the west end of Gen Mar, west of Novi Road and south of Grand River Avenue. See attached excerpt from the meeting minutes, and the location map.

The City Code prohibits loading and unloading of any commercial vehicle between the hours of 8:00 p.m. and 7:00 a.m. within 400 feet of a residential structure. In this case, the applicant requested approval to conduct loading and unloading activities between the hours of 5:00 a.m. and 11:00 p.m. within 210 feet of the adjacent residential property. The City Council reviewed the applicant's request, and with additional comments from the plant manager, Larry Wojciechowski, the City Council agreed to a temporary (up to 9 month) approval for extended hours for loading and unloading at this location.

As a condition of the approval, the City Council requested that the applicant take additional data on the noise levels and report back to the city. The applicant was also instructed to investigate alternative sound reduction ideas and concepts to mitigate noise impacts on the adjacent and adjoining properties. The temporary time period was intended to help determine the applicability of the criteria that is necessary to decide the variance requested. It was also noted that the City Council can review this matter at any time during the nine months, at the request of the City Council or staff, based on resident feedback.

It has been about 12 weeks since the City Council considered the matter. Staff reached out on several occasions to offer assistance to the applicant in meeting the requirements of the City Council's temporary approval. In those conversations, Mr. Wojciechowski said he had contacted his sound engineer in order to discuss the best way to proceed. In March, Mr. Wojciechowski said that the extended hours had not yet started, with the anticipated starting date in later in the Spring.

Staff contacted Mr. Wojciechowski again last week and a meeting was arranged. Staff learned that the extended hours for loading and unloading will not go into effect until after Memorial Day (next Monday, May 26th). The applicant has arranged for a sound study to be conducted in June, to run continuously for a full two weeks, measuring sound levels at various locations on the property, and near the property line. A second test will be conducted in August to collect data for another two weeks at various locations, again as recommended by his sound engineer. Once the data collection is finalized, the applicant's sound engineer will evaluate the results and make recommendations for modifications or improvements to mitigate noise levels.

Mr. Wojciechowski assured staff that Eberspacher is looking for creative ways to mitigate off-hour noise generated and will be working to find a solution to reduce noise. He indicated that they have not been "dragging their feet" on this matter, but want to do things right, and move forward in a positive direction.

The city's ordinance officers noted that the city has received one complaint regarding noise between 5 and 6 a.m. on May 13th. The resident indicated that a loud beeping noise was heard, which woke the family. Staff shared this information with the applicant, and included the specific time and date that was complaint was made. The applicant checked the company's log of activity on the site, and responded by email: "We checked our logs and with our dock people and we didn't have activity until 7:05 (a.m.) on the 13th. We did note however a CVS truck in our lot at 6:00 am. It is possible it was there's and not ours. Unfortunately our neighbor can't differentiate the two."

Staff will continue to monitor the situation and report any updates to the City Manager's Office as available. The City Council's approval is set to expire November 18, 2014, which would be 9 months from the date of approval.

- C Thomas R. Schultz, City Attorney
- Charles Boulard, Community Development Director
- Tom Walsh, Building Official