

**State of Illinois  
Pollution Control Board  
James R. Thompson Center  
100 W. Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
<http://www.ipcb.state.il.us/>**

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

In The Matter Of:	)	
	)	
Joseph & Victoria Morrissey	)	
	)	
Complainant(s),	)	
	)	
v.	)	PCB 09 - 10
	)	(For Board use only)
Geoff Pahios and Alpine Automotive, Inc	)	
	)	
Respondent(s)	)	

**Answer to First Affirmative Defense**



In the "Answer to Formal Complaint", the Respondents stated that the Complainants have "Come to the Nuisance" since the Complainant's house was built ten (10) years ago and the industrial park where the Respondent's business is located has been in operation for thirty (30) years. The Complainants admit that Alpine Automotive, Inc. did, in fact, operate in a different part of the industrial park at the time the Complainants built their house.

The Complainants did not file a Formal Complaint against the industrial park. The Complainants filed a Formal Complaint against the Respondent after the Respondent, Geoff Pahios/Alpine Automotive, Inc., moved from a location in the center of the industrial park, where no residents are located, to a location immediately adjacent to residential homes, which include the Complainant's, and began operations on July 1, 2007. So while the noise that the Respondent was creating may have been acceptable when the Respondent's business was surrounded by Class B and/or Class C land, the sound emitted to a Class A land now exceeds legal decibel levels and creates a significant and on-going nuisance.

Answer to First Affirmative Defense  
PCB 09-10  
Page Two

So, in effect, the "Nuisance Came to Us." Therefore, we respectfully request that the Board not dismiss this case with prejudice, as the Respondent has requested.

Respectfully submitted,  
Joseph & Victoria Morrissey

By:    
Joseph Morrissey Victoria Morrissey

CERTIFICATION

I, Victoria Morrissey, on oath or affirmation, state that I have read the foregoing and that it is accurate to the best of my knowledge.

Victoria Morrissey  
(Complainant's signature)

Subscribed to and sworn before me

this 3rd day

of October, 2008

Sandra L. Hansen  
Notary Public

My commission expires:

