

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)
(Insert your name(s) in the space above))
 Complainant(s),)

v.)

PCB 20 09-10 -
(For Board use only)

Geoff Pahios)
Alpine Automotive)
(Insert name(s) of alleged polluter(s)))
 Respondent(s))

Motions in Limine

Now come the complainants, Joseph and Victoria Morrissey, and request the Board to enter an order to exclude non-party witnesses from the hearing room for the hearing on this matter currently set for February 23, 24, 25th, 2010.

CERTIFICATION
(optional but encouraged)

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

Joseph Morrissey
 (Complainant's signature)

Subscribed to and sworn before me

this 11th day
 of Jan, 2011.

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In The Matter Of:

Joseph & Victoria Morrissey

(Insert your name(s) in the space above)

Complainant(s),

v.

Geoff Pahios

Alpine Automotive

(Insert name(s) of alleged polluter(s))

Respondent(s)

PCB 20 09-10 -
(For Board use only)

Witness and Exhibit List

Now come the complainants, Joseph and Victoria Morrissey, and disclose there list of witnesses and exhibits for the hearing on this matter currently set for February 23, 24, 25th, 2010:

Witnesses

Joseph and Victoria Morrissey
32 S. Chestnut Ct
Hawthorn Woods, Il 60047
847-726-1377

Frank & Karen Gambino
28 S. Chestnut Ct
Hawthorn Woods, Il 60047
847-438-8595

Geoff Pahois
 24675 W. August Lane
 Lake Zurich, IL 60047
 847-526-0474

Tom Thunder
 Roger Harmon
 1278 W. Northwest Highway
 Palatine, IL 60067
 847-359-1068

Greg Zak
 Noise Solutions by Greg Zak, Inc
 1800 Providence Lane
 Springfield, IL 62711
 217-698-3507

Exhibits

Opinion Letter by Greg Zak	6-Mar-09	Document
Noise Log		Document
Transcript – Dec 20, 2004 VOLZ Plan Commission mtg	20-Dec-04	Document
Feb 2 2005, VOLZ Mtg minutes	2-Feb-05	Document
March 2, 2005 VOLZ Plan Commission minutes	2-Mar-05	Document
Daily Herald Article	17-Oct-07	Document
Lake County Letter	12-Oct-07	Document
VOLZ Special Use Permit Application Jan 5 2005	5-Jan-05	Document
9-28-07 Threat posted online	28-Sep-07	Document
CDC Report on Impact Wrench	Online	Document
Jan 5, 2005 VOLZ Application for Site Plan Approval	5-Jan-05	Document
March 2, 2005 VOLZ Plan Commission Minutes	2-Mar-05	Document
Oct 12, 2007 Letter from Lake County Health Dept	12-Oct-07	Document
Landscape Plan Edited 2-08-05	8-Feb-05	Document
Dixon Letter	15-Aug-07	Document
Landscape inspection, Shawn Walkington	25-Sep-09	Document
Village ordinance 4-2-1-7 Deliveries		Document
VOLZ Ordinance 4-2-1-3 Public Nuisances		Document
Greg Zak - Meter calibration	9-Jul-08	Document
Oct 2007 Mayor Hunt letter to Lake Zurich	15-Oct-07	Email
Donna Lobaito email	27-Dec-06	Email
Dave Remus Email	1-Aug-07	Email
July 1 2008 Email to residents	1-Jul-08	Email
Email to Keith Hunt Sept 25th 2008	25-Sep-08	Email
Email from Bob Vitas	18-Apr-08	Email

Email to Pres Tolomie	15-Jan-08	Email
Email response from Pres Tolomie	9-Nov-07	Email
Email to Pres Tolomie, 2nd request for mtg	7-Nov-07	Email
Email to Pres Tolomie, request for Cooling off period	22-Oct-07	Email
Email from Margo, Tom Thunder	26-Jan-09	Email
Ariel Photograph #1	1-Oct-09	Photo
Ariel Photograph #2	1-Oct-09	Photo
Photo of tree removal May 2007	1-May-07	Photo
Photo of existing tree line	1-Feb-07	Photo
Picture of Opening South Door	4-Sep-08	Photo
Picture of Geoff Pahios Car	Oct 16, 2009	Photo
Sept 19 th 2008 Police Report Pahios threats	19-Sep-08	Police Report
Sept 26 th , 2008 Police report	26-Sep-08	Police Report
Video - Dec 1, 2008 VOLZ Trustee Mtg	1-Dec-08	Video
Video Examples of Noise		Video
Application for Amendment to Zoning Code	5-Jan-05	Document

Documents and Video sent via registered mail. .

CERTIFICATION
(optional but encouraged)

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

Joseph Merussey
(Complainant's signature)

Subscribed to and sworn before me

this _____ day

of _____, 20__.

Notary Public

My commission expires: _____

NOISE SOLUTIONS BY GREG ZAK, INC.

1800 PROVIDENCE LANE
SPRINGFIELD, ILLINOIS 62711
(217) 698-3507
(217) 698-5666-FAX
E-mail: gregzak@gregzak.com

March 6, 2009

Mr. & Mrs. Joseph Morrissey
32 S. Chestnut Ct.,
Hawthorn Woods, Illinois 60047
Home phone: 847-726-1377
Cell phone: 847-809-4560
josephrngr@yahoo.com

RE: Alpine Automotive Noise Impact

Dear Mr. & Mrs. Morrissey:

Noise Solutions by Greg Zak, Inc. was retained by you to advise you how to proceed with a course of action to be taken to obtain relief from the noise emanating from the premises of Alpine Automotive. The facility is located at 1320 Ensell Road, Lake Zurich, Illinois. Their primary functions are auto/truck repair, 24 hour towing service and as police impound facility. In 2007, the owner, Geoff Pahios, moved his business from the heart of an industrial park to a new location adjacent to residential homes with the expressed understanding that it would not have an adverse affect on the residential community. Since the new property is not zoned for outdoor storage or 24 hour towing, a special use permit had to be approved by the village. Alpine Automotive is operating as usual, but they are now adjacent to residential homes. The Morrissey backyard is approximately 200 feet away from the property line of this auto/truck repair facility.

Your particular concern was the noise being emitted to the Morrissey family residence, which has unreasonably interfered with the use of property and enjoyment of life. You and your family lose nightly sleep, as well as awakening in the early hours. In addition, it has damaged your family's emotional and physical health and well being.

You originally contacted us by phone on June 18, 2008 to inform us of the type of noise problem that you and your family were experiencing and what you had used to record the decibel levels. You used a sound level meter which is the IntelliSafe Model: JTS-1357, Serial No. 5970, digital sound level meter that you later sent to us for calibration. Your meter was calibrated with a Larson Davis Model CAL250, Serial No. 0761 precision calibrator traceable to the National Institute of Standards and Technology (NIST) to establish its accuracy. The IntelliSafe Model: JTS-1357 meter meets the international IEC 651 Type II standards. The expected sound pressure level indication on the meter was 109 dB(A) and it read 109 dB(A). Upon testing, the meter was neither reading high nor low, therefore, no correction was needed in any of your measurements. We checked the meter on Slow and Fast meter response and C-weighting and these were also

error free. While following our instructions and those of the sound level meter manufacturer, you recorded measurements as high as decibel levels in the mid-70s. The allowable limits are 61 dB(A) daytime, 51 dB(A) nighttime and 43 dB(A) nighttime for impulsive noise (i.e. air hammers and impact wrenches).

You have provided the following information on the types and frequency of the plant's daytime and at times, nighttime operations that result in the disruption of your activities. Some of the main sources of noise being emitted from this facility, include those from 24-hour towing, truck and auto repair, a ventilation system exhaust fan and truck idling engine noise.

Towing occurs on a daily/weekly basis during normal business hours. However, the worst towing operations are the police impounds that take place mostly from midnight to 3 AM and often on weekends. These are year round and several times a month. Heavy diesel trucks arrive, unhook the vehicle (very loud rattling of heavy chains across a furrowed aluminum bed) and rev the engines to lift then lower the bed. This engine noise is constant throughout the process. The types of noise during the day that are the most annoying involve the repairs portion of the business. These are impact wrenches, ratchets, air hammers, grinders, drills and cutting tools. These operations are loud inside their building, but much worse during the warmer weather, when work is often performed outside, since the building owner has not installed air-conditioning in his building. The ventilation fan exhaust is directed at the residences. An attempt at shielding has been installed, but the fan noise is still very audible year round, with no predictability as to when it starts. The sound is like a small jet engine pointing at the residences. The idling engine noise from trucks may last up to an hour at a time, which occurs each day.

The measurements that were taken by you, and recorded on your sound level meter, began in July of 2007 and continued through February 23, 2009. You have produced these hundreds of recordings by the use of video clips, in which you illustrate the sound levels obtained over that time period. You then sent us this data for us to review and evaluate.

In our opinion, the measurements you have taken and provided to us for review and evaluation indicate both a numerical exceedence of the Illinois Pollution Control Board's regulations, as well as a strong case for the existence of nuisance noise. Specifically, the Illinois Administrative Code, Title 35: Environmental Protection, Subtitle H: Noise, Chapter I: Pollution Control Board, Section 900.102, Sections 901.102 a), 901.102 b), and Section 901.104 address the noise provisions regulated by the State of Illinois. These regulations limit the noise levels allowable from an industrial facility to a residential area for both nighttime and daytime. Additionally, it restricts the levels for highly-impulsive sound. Compliance must be met with these regulations.

Alpine Automotive engaged a noise consultant to measure the noise emissions from their facility. The firm hired was Acoustic Associates, Ltd., owned and operated by Mr. Tom Thunder. Acoustic Associates conducted their noise testing on the afternoon of 5-6-08. You forwarded their report to us for our comments and analysis. The following are the results of our evaluation.

Figure 1 entitled: "Sound Level History at Property Line" graphs the time period tested from 2:29 to 3:22 PM. Although the narrative on page 1 of the report states that "recording began at 2:13 PM and continued it for over one hour," the graph does not support that timeframe. Therefore, a one hour Leq was not obtained, as required by the regulations. In addition, Sections 901.102 a) and b) of the regulations also require that measurements be taken in each of

the nine octave bands from 31.5 Hz to 8000 Hz. The graph depicts sound levels recorded in dBA, not in each of the nine octave bands. Consequently, there is no way to determine whether Alpine Automotive is in compliance with the octave band levels. In analyzing Figure 1 further, we noted that the testing performed by Acoustic Associates, in all probability, did not include any of the noise emitting sources that you have indicated are all part of your complaint. The references include "shop impacts, an air wrench and loud talking". There is NO reference to the noise from heavy diesel trucks revving their engines, the rattling of heavy chains across the aluminum beds, usually occurring within a few hundred feet, between Alpine and the residences. In addition, no identification of each of the equipment items and their specific sound levels were recorded so no valid conclusion can be made. There is no specific sound level measurement that separately provides a reading for the ventilation fan. This further emphasizes that the noise emissions that you and your family are subjected to cannot be determined by the sound testing performed by Acoustic Associates.

The Acoustic Associates report states that "the greatest noise, however, came from the jets that passed overhead". Since jet flyovers are not common to your neighborhood, their sound emissions are not part of the normal ambient. The jets are not a regular occurrence, so their sounds do not become a contribution to the background (or ambient) levels.

The conclusion cited in the report is that the noise from the shop, in their opinion, does not "appear" to exceed the State noise limits. However, it does point out the "high audibility and abrupt and distinct character" of the impact wrench. It further suggests that this noise could be decreased by hanging clear vinyl strips over the overhead doors, as sometimes seen in car washes. While we disagree that this insufficient attempt at mitigation will reduce the impact from the highly impulsive noise emitted from the daily operations of the facility, we note that even this minimal effort has not been made by the building owner to date.

With the information that you have provided and the data analysis performed, in our opinion, you have a solid case of a noise nuisance violation. Furthermore, we have concluded that the noise emissions emanating from Alpine Automotive are not in compliance with the State of Illinois Noise Regulations.

In our opinion, the noise impact on your residence is unacceptable. As a result of Alpine Automotives' violations, you and your family have been, and will continue to be, prevented from the normal enjoyment of your property and uninterrupted daily activities.

Sincerely,

Greg Zak, INCE

Thurs 9/17 8:35 Farrow (V)
600s

Fri 9/18 8:45 Land work (V)
Sunny 9:00 Outward Bark (2' lining)

* 9:05 Lung work 2 min (V)
9:17 Vets level (V)

9:20 Drive by / Geoff's car
getting out of car

11:40 Tow

Mon 9/21 7:45 Front room / Back one
9:07 Land work

Wed 9/23 7:40 am Front 1/2 open
Back all open

9:20 Geoff arrives

Thurs 9/24

9:50 Work horse (V)
Tom of horse (V)

9:50 Geoff not there
9:50 pm Tow
Work done - front

Thu 9/4 730 Dress over

No beef

745am
3:40 pm

Fast
Fast - last part
No + pie
Pick up car wash

Sat 9/6 208 pm

Fast

Mon Back out 11am

1am

Lowest cost
lot of noise

11:52

High fall

Tues 9/9 3:00pm Blowing powder

10am
containing 1/2 of them
Coff/More

Wed
lots of noise

Thu 9/11

Noise in AM
power washing det

10⁵ - 10⁵⁹

Drapping plastic
rim of truck
Impact
(hard under)

12

pan or

Sun 8/17 7:30 pm Fire tower
Water 63+

Mon 8/18 8:00 pm Tow

Tues 8:30 am Very loud
9:00 impact
of tower

readings from pulser

Wed 8/22 9:30 am Impact/yelling
trails

Geoff - not there
5:50 pm - walking for
hours (trails)

1:30 - (Swingstallings red room)
- Newung impact (4+)

Thurs 8/21 7:05 am Whiskerive Starts
7:45 Water of compact
- Pie of dead trees
- Beards on face

lots of water from pulser
9:16 am Talk

Apparatus Ciba Game

4:40 pm concrete day

10:55 am Roddot

gone

7/33 lots of work notes

fruelin blocking bay

7/24 7:33 am Impact wrenches

8:30- fruelin calling

rodwires

DEUCE
CUT TRACK ~~HERE~~

OVER 30 MW

DEUCE NOT ASSIGNED

332 Impact (V 65+)

7/25 8:30 am metal cutting

7-Sun 1:05 am Tow (miles)

gone all day
9:37 pm Tow

Mon 7/10 10:17pm Fow - (Violet)
11:15 left + checked
300 Fow (long violet)
+ yellowing (new way)

(one All Weekend)

Mon 7/14 8:40am Fow
Violet (65+) *

900 Grey nest at fence blue
up north of house
poured in nest's nest
Close check / AC

Tues AC / gons

Wed 7/16 9:15am Fow or
Violet (57+)
9:45 Fow (75)

Thu 7/17 AC closed all day
12:35pm Fow
1:25pm Fow
* 12:30am Fow leaving
Violet left

Wed 7/2 10³⁰ 2x videos (70+) Impact at tree

Gene all holiday w/e / sent notes

Thu 7/3 4:30 pm Foru

Mon 7/5 7:30 am Impact / Bevo ops
4:45 p Foru

Wed 7/6 ac

Tues 7/8 8 am Yelling
8:50-9:40 Unbandaging plastic

left rings - band bandaging
Fruwk - "Grand Island Exp"
Vidias (2)

Gene 4:27 p Foru

Wed 7/9 all am work nois
9:51 a Foru (2 videos)

Thu 7/10 10³⁰ 2 LODG videos (143)
of video cloning (143)
Sib - "good jobs"

10:33 Foru
3:50 p Foru

Wed 6/25 8:35 Raketulung

10:10 am Fan + bang
Vidoo x2 (65+)

talking away on

10:30 - 11:49 T week calling
in bag - 90 min

Thu 6/27 9:40 Bourgong + match
11:50 Fan

Gene-weekend

Mon 6/30 7:55 am Raketulung/work
HORRIBLE yelling + impact
wides (6+)

all on
11:55 Dull + few
2:35 Fan + bang + mp
Vidoo x4

Tues 7/1 Lots of double noise / Ah
105 Row V (60)

Wed 7/2 7:03-8:05 Talking
805 Fan / Vidoo (58-90)
Raketulung
Vidoo + the Recording

Wed 6/8 cont 1038 Videos/mtk 60+
1040 V/m Rachel 65+
x2

Thurs 1001 pm Forw 658-61 on video

Fri 6/9 750 am Mpk news
837 am LNU (Meyer + 60)
1000 Videos x 3
dubbing 65+

Sun 6/9 974 am Forw great videos 70+
x4

Mon 6/9 655-751 am For on

Door shut 815 am Forw 3+ Videos
door on → Shutter door "keeping video"
Forw 2 vid
351 - drive off 160+
not checking

Tue 6/9 715 Doran 2 hours
1135 Rachel/Vancey
40 Forw
3pm Forw

1111 1111 1111 1111

Fri 5/9 755 Loud noise yelling
Room open (V)

gone
2:30 Truck returning
3:35 Fan on Both doors open
4:10 Banging + fall (V)

Sat 5/10 3:25pm Tow (V)
5:08pm Tow
9:50pm Tow
2:00am

Sun 5/11 9:55pm Tow + hand falling (V)

Mon 5/12 9:15am Fan on
10:15 Fan off

Tues 5/13 7:30 Both doors open
9:20 Sm door open
9:30 door back open
9:30 Both doors / noise
Even 1) PD truck open door
2) Rusted veh

10:30 Tow
11:30 Fan on door open
12:30 Fan off

10:30 Tow
11:30 Fan on door open
12:30 Fan off

Wed 4/30 7am / Fan
Break 1:30 Fan off
8:50 Fan off
3:30 Tow (6:30)

3:30 Tow (6:30)
Vibes on bed

3:30 Big deer open / water

Wellhead / water deer

3:44 Fan on

4:10 Bill / deer open / banging

4:35 Bill deer open / banging

4:40 4:30 / deer / water

4:40 Working on tow / water

5:30 Sindsen / open

Thu 5/1 8am water
Fan on / open / impact / sub
jam / tow / jam

8:50 Same me taking video / sub / deer
Don't miss / bring / Fan on

9:00 Fan on / open / banging

9:30 Impact / am / open

11:50 Impact / am / open

Notes
all day
Vibes
Impact / 11:50
Ruck call / police
7:40 pm Tow (V ground)

7:40 am Time in break

**Courtesy Review for Alpine Automotive
Lake Zurich Board of Trustees
Plan & Development Committee Meeting
December 20, 2004**

Opening Comments

Paul Keiller (Flex Construction)

- Alpine Automotive has been in business for 26 years
 - Geoff – sole owner since 2000
 - Auto and light truck repair
 - No body work; no paint
 - Vast majority of business comes in the morning, completed the same day
 - Service 1600 residents and businesses

- Alpine came to Flex Construction looking for a new business site

- *“They do have a few options at this point; site in question (lots 9 and 10, 2.3 acres), represents Geoff’s best option”*
 - Accomplishes 2 goals:
 1. Cleaner, more efficient building
 2. New, multi-tenant facility encourages business owners in area to relocate to park
 - *“Provide sufficient parking space and landscape requirements”*

- Towing is a small but important part of Alpine’s business
 - Provide service for individuals, area businesses and to the Village through the Police Department
 - *“Portion of the parking lot will be screened from the residents to the north in Hawthorn Woods.”*

Questions from Board of Trustees/Answers from Paul or Geoff

Will you have outside storage for vehicles; will that be between the building and the residents/ neighborhood? *(Steve Callahan)*

- There will be parking in front of the building; storage of some outside vehicles (for approximately 3 days)

Questions from Board of Trustees/Answers from Paul or Geoff

Is storage of cars right behind residential? (Steve Callahan)

- *“Yes, storage of vehicles would be north of the building. North of this – through a tree line – are 3 residents that would be in view of this facility.”*

Normally, how much outside storage do you have? (Steve Callahan)

- On a heavy traffic day, can bring in 30 cars (Geoff)

How many would be overnight? (Steve Callahan)

- 10 overnight; depends on what they're in for
“Ultimately, could keep 10 overnight; clean them up for the following day, or a day after that. Try not to keep them more than 3 days.” (Geoff)

How many tow trucks do you have? (Older trustee)

- 4

Are they stored outside?

- I can house them in the building when they are not being used.
- Majority of the time, during the workday, they are housed behind the building (north side)

At night, do you store them inside?

- Most trucks go home with the drivers (in case of an emergency)
- Otherwise, they are stored inside

What type of screening do you have in mind, regarding the stored vehicles left there?

- *“That aspect of the project is yet to be designed; whatever's appropriate.”*
- *“There is a natural barrier with the tree line, at this point, and a snow mobile path between the residents to the north.”*
- *“Some appropriate type of fencing and foliage.”* (Paul-Flex)

During summer, what are your hours of operation? (Another older trustee)

- Open at 7 am, work from 8-5, M-F (Geoff)

Have a concern, regarding open doors through nice days, sound of impact wrenches, and so forth, and the proximity to the homes

- Design doesn't incorporate multiple bay doors – wouldn't have shop completely open.
- Talking about one bay in and one bay out; and 3rd bay for larger vehicles

Questions from Board of Trustees/Answers from Paul or Geoff

Clarification on bay doors – are you suggesting there are no bay doors in the back?

- There would be in the current operation (on Oakwood) (Paul)
- Process of planning for a more efficient, cleaner, more streamlined operation, ... drive in door at north end to drive into individual bays
- Wouldn't be as open as current operation
- *“Currently there are 3 residents in Hawthorn Woods that would be in view of this operation”*

Do you have any idea how far back these residences are from the lot line?

- *“I don't know exactly because there is a buffer area which was previously a snow mobile path. We would plan to speak to those 3 residents and share our plans with them, wanting to be a good neighbor, and address the issues they would have about the facility.”*
- *“Exact distance; I would think is about 250 feet, but I don't know specifically.”*

So you will have a meeting with the residents?

- Certainly

The 9,000 SF shop is the only part Alpine will occupy, not taking the 6,500 SF next to it?
(Gymatry-trustee)

- Correct; we are speaking to someone in the park and another company in Buffalo Grove

Will you meet with the Industrial Council?

- Yes

Does this proposal conform to all zoning?

- Current operation has a special use on it. Would be grandfathered in if we allow this to pass. *(another older man – not sitting with the trustees)*
- Now, we've permitted outside storage because it's been grandfathered in
- *“Question and concern with Industrial Council has been outside storage; whether it's acceptable or something that they want to have in the park; would have to be a variance granted.”*

So we would be asked for a variance for outside storage? (Steve Callahan)

- Correct

Questions from Board of Trustees/Answers from Paul or Geoff

There's no other location in the Village where they wouldn't need a variance? So in order to keep this business in the Village, we would have to grant that variance somewhere.

(Gymatry)

Towing operation also has the requirement (via contract with the Village), that it must be within corporate limits of the Village, if at all possible (that's outside storage)

(Trustee?)

- *"But that's only if it's desirable in all other aspects; parking, views, grading, etc.*

(Bondi)

Your 24 hour towing agreement, trucks are not kept on the premise or kept at residential areas?

- In some respects, right now, yes. I have one driver who is in the Village of LZ. We're in the process of finding a place to put the vehicle closer to where he sleeps, so he doesn't have far to go, but the truck is not in a residential area. *(Geoff)*

There would be access to the storage gate on the property by the driver, in the event of that?

- Yes

Closing

From the committee, are there any objections to moving this forward?

- No

Will go before the Full Board, and if approved, go on to the Planning Commission

- *Note: went before the Full Board on 12/22, with no additional information presented; move to Planning Commission meeting (set for 2/2 at 7:30 in the LZ Village Hall)*



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APPROVED

LAKE ZURICH BOARD OF TRUSTEES

REGULAR MEETING

70 East Main Street

Monday, December 20, 2004

1. CALL TO ORDER AND ROLL CALL

Meeting was called to order at 7:31 PM.

Present were Trustees Bondi, Callahan, McAvoy and Taylor. Also present were Finance Director Martynowicz, Fire Chief Mastandrea, Building & Zoning Director Paulson, and Police Chief Urry. Mayor Krischke, Trustees Gyarmaty and Tolomei were excused.

2. PLEDGE OF ALLEGIANCE

MOTION was made by Trustee Bondi, seconded by Trustee Callahan, to appoint Trustee McAvoy as President Pro Tempore for the meeting of December 20, 2004.

Voice vote, all in favor. MOTION CARRIED

3. MAYOR'S REPORT

4. PUBLIC COMMENT

5. APPROVAL OF MINUTES

A. Regular Village Board meeting December 6, 2004.

MOTION was made by Trustee Bondi, seconded by Trustee Taylor, to approve the Regular Village Board meeting minutes of December 6, 2004 as submitted.

Voice vote, all in favor. MOTION CARRIED.

6. CONSENT AGENDA

A. Warrant dated December 20, 2004. The Finance Committee recommends approval and the Board of Trustees approves the Warrant dated December 20, 2004, in the total amount of \$286,262.46, which includes the following items over 5 % of the total:

- 1. Great West Health Care - \$32,928.93 - 11.50%
- 2. Commonwealth Edison - \$24,715.04 - 8.63%
- 3. Holland and Knight - \$21,298.93 - 7.44%
- 4. Miscellaneous Refunds - \$18,523.96 - 6.47%
- 5. Bell Fuels - \$14,800.86 - 5.17%

B. Resolution for Illinois Municipal Retirement Fund Early Retirement Program: The Finance Committee recommends approval and the Board of Trustees approves the adoption of a Resolution for IMRF Early Retirement Incentive Program. (ASSIGN. RESOLUTION #2004-12-20A)

C. Proposed changes to Lake Regulations: the Committee of the Whole recommends, authorization and the Board of Trustees authorized the Village Attorney to draft an ordinance amending the lake regulations as authorized in the Attorney's memorandum to

the Village Administrator dated December 9, 2004. (ASSIGN. ORDINANCE #2004-12-330)

- D. Emergency approval for Temporary Parking lot expansion for Lake Zurich Harvest Bible Chapel: The Planning and Development Committee recommends approval and the Board of Trustees approves the construction of temporary parking lot and lighting with final engineering for grading, retention, and lighting to be submitted by May 2005.
- E. Request for Letter of Credit Reduction for Flex Court Subdivision: The Public Works Committee recommends approval and the Board of Trustees approves the reduction of Letter of Credit #1618 by \$249,326.43 for Flex Court Subdivision.
- F. Purchase of Four Squad Cars: The Public Works Committee recommends approval and the Board of Trustees approves the purchase of four 2005 Ford Crown Victoria Police Interceptors from Currie Motors at a total cost of \$81,648.00.
- G. Extension of SWALCO Oil Drop-Off Program: The Public Works Committee recommends approval and the Board of Trustees approves the third amendment for a two year extension to the SWALCO oil drop-off agreement.
- H. 2005 Street Maintenance Program: The Public Works Committee recommends approval and the Board of Trustees approves 2005 Street Maintenance Program as outlined in Public Works Director's memorandum to the Village Administrator dated December 6, 2004.
- I. Lot 42 Detention Pond Bid Acceptance: The Public Works Committee recommends approval and the Board of Trustees approves the low bid of Landscape Resources, Inc. bid of \$87,458.00 for work for Lot 42 Detention Basin Improvements Project.

MOTION was made by Trustee Taylor, seconded by Trustee Bondi, to approve the Consent Agenda as read.

AYES: 4 Trustees Bondi, Callahan, McAvoy, and Taylor

NAYS: 0

ABSENT: 2 Trustees Gyarmaty and Tolomei

MOTION CARRIED

- 7. **ADMINISTRATOR'S REPORT** - No report.
- 8. **ATTORNEY'S REPORT** - No report.
- 9. **COMMITTEE REPORTS**

Trustee McAvoy announced that IDOT has listed the Route 22 Bypass for acceptance of bids as of January 21, 2005 with activity to start sometime soon.

10. OTHER BUSINESS

- A. Courtesy Review for 900 Kenilworth Terrace to convert to Real Estate Appraisal Company.
- B. Courtesy Review for Lots 9 and 10 Lake Zurich Corporate Park for proposed move of Alpine Automotive.

Both of these items were discussed at last week's Planning and Development Committee meeting. No additional information was provided.

MOTION was made by Trustee Callahan, seconded by Trustee Taylor, to allow both Courtesy Reviews to move forward to the appropriate Boards and Committees without recommendation from the Board.

AYES: 4 Trustees Bondi, Callahan, McAvoy, and Taylor

NAYS: 0

ABSENT: 2 Trustees Gyarmaty and Tolomei

MOTION CARRIED

Article 4a



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- Departments**
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Corrected

VILLAGE OF LAKE ZURICH
PLAN COMMISSION MINUTES
FEBRUARY 2, 2005

The meeting was called to order by Chairman Cushman at 7:32 p.m.

ROLL CALL: *Present* - Chairman Cushman, Commissioners Bowling, Castillo, Crane, Jackson, Kmiecik, Minden, and Tassi. *Excused* - Commissioner Thelander.

Also present: Village Planner Gadde, Assistant Village Engineer Lebbos, and Village Attorney Cunningham.

APPROVAL OF MINUTES:

APPROVAL OF THE JANUARY 5, 2005 MINUTES OF THE PLAN COMMISSION MEETING:

Special Meeting:

MOTION was made by Commissioner Crane, seconded by Commissioner Kmiecik, to approve the January 5, 2005 minutes of the Plan Commission as submitted.

Voice Vote, AYES have it. MOTION CARRIED.

Regular:

Commissioner Bowling asked that the words "single-family" be added to the 12th paragraph on page 3 so the sentence would read, "Commissioner Bowling said she did not support single-family residential housing in that location because it was on Old Rand Road between two churches."

MOTION was made by Commissioner Bowling, seconded by Commissioner Jackson, to approve the January 5, 2005 minutes of the Regular Plan Commission as corrected.

Voice Vote, AYES have it. MOTION CARRIED.

PUBLIC HEARINGS:

LOTS 9 AND 10, LAKE ZURICH COMMERCE CENTER - TO CONSIDER A ZONING CODE TEXT AMENDMENT TO ADD TOWING SERVICES, A SPECIAL USE PERMIT FOR TOWING SERVICES AND AUTOMOTIVE REPAIR, SITE PLANS AND EXTERIOR APPEARANCE PLANS FOR THE PROPOSED AUTO REPAIR FACILITY ON LOTS 9 AND 10 IN THE LAKE ZURICH COMMERCE CENTER ZONED IN THE VILLAGE'S I-1 LIMITED INDUSTRIAL DISTRICT - PETITIONER FLEX CONSTRUCTION CORPORATION

Commissioner Minden recused himself to avoid any appearance of a conflict of interest and left the dias.

The public hearing was opened at 7:36 p.m. The court reporter swore in those testifying.

Paul Keeler of Flex Construction reviewed their proposal to relocate Alpine Automotive to a 2.3 acre site off of Ensell Road near the entrance to the Industrial Park off of Quentin Road. Their existing location is at 225 Oakwood, where they lease space. Mr. Keeler said Alpine repairs vehicles and provides towing services, including towing services for the Lake Zurich Police Department on a rotating schedule. Vehicle storage would be at the north of the facility, and screening would be provided.

Flex had a meeting with the area homeowners on January 22, 2005, and have revised their plan to incorporate the suggestions made by staff and the homeowners. Mr. Keeler said many



61462
 815-355-9810
 815 337 9140

- Government**
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Corrected

VILLAGE OF LAKE ZURICH
PLAN COMMISSION MINUTES

MARCH 2, 2005

- Departments**
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- [Fire](#)
- [Public Works](#)
- [Building & Zoning](#)
- [Parks & Recreation](#)

The meeting was called to order by Chairman Cushman at 7:33 p.m.

ROLL CALL: *Present* - Chairman Cushman, Commissioners Bowling, Castillo, Crane, Jackson, Kmiecik, Tassi, and Thelander. *Excused* - Commissioner Minden.

Also present: Village Planner Gadde, Assistant Village Engineer Lebbos, and Village Attorney Tappendorf.

APPROVAL OF MINUTES:

APPROVAL OF THE FEBRUARY 2, 2005 MINUTES OF THE PLAN COMMISSION MEETING:

The last sentence in the second paragraph on page two should be changed to state, "Alpine will occupy one unit, lease out one unit, and have two tenants in the entire facility." The last sentence on the seventh paragraph should read, "~~Commissioner Castillo said he would require the doors to remain closed while the facility is open as a condition for approval.~~" The first sentence in the fifth paragraph on page three should read, "Various members of the Plan Commission stated their concerns about the recent submittals on this project that the Plan Commission does not have and the many outstanding items." The second date for the special Plan Commission meeting should be changed to read March 16, 2005.

MOTION was made by Commissioner Crane, seconded by Commissioner Jackson, to approve the February 2, 2005 minutes of the Plan Commission as corrected.

Voice Vote, AYES have it. MOTION CARRIED.

CONTINUED PUBLIC HEARING:

LOTS 9 AND 10, LAKE ZURICH COMMERCE CENTER – TO CONSIDER A ZONING CODE TEXT AMENDMENT TO ADD TOWING SERVICES, A SPECIAL USE PERMIT FOR TOWING SERVICES AND AUTOMOTIVE REPAIR, SITE PLANS AND EXTERIOR APPEARANCE PLANS FOR THE PROPOSED AUTO REPAIR FACILITY ON LOTS 9 AND 10 IN THE LAKE ZURICH COMMERCE CENTER ZONED IN THE VILLAGE’S I-1 LIMITED INDUSTRIAL DISTRICT – PETITIONER FLEX CONSTRUCTION CORP.

The public hearing was reopened at 7:40 p.m. The court reporter swore in those testifying.

Kelly Sheehan of Flex Construction summarized the proposal that was presented at the February 2, 2005, Plan Commission meeting and addressed the changes made and provided clarification to questions posed by the Plan Commission last month. The exhibits were displayed and reviewed including the revised landscape plan, final approved engineering drawings, and a letter dated February 23, 2005 with eight exhibits attached. The exhibits included chamber oil and grit separator drawings, an automobile shredder residue report addressing mercury switches, a plat to clarify property lines, a review of proposed setbacks, the revised landscape plan, a review of decibel readings, a count of parking spaces, and a towing incident report. A total of 83 parking spaces are provided including four handicapped spaces. There will be 27 secured spaces for Alpine in the rear, 10 in the front, and they will have the capacity to park 18 cars inside. Each of the other tenants will have 10 parking spaces in front and 5 in the rear.

Bob Wardanian, Flex Construction, explained that that the enclosed dock is open in the front. The 10 x 10 foot doors will be recessed and 40 feet in.

~~Mark Cook reviewed the revised landscape plan, which shows two rows of trees offset from each~~

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other in a zigzagged pattern. The Colorado blue spruce and Austrian pine trees will be 16 feet on center. He said this should provide an adequate visual and sound barrier. They will be 7 feet tall, and the spread will be 6-8 feet diameter. He anticipates they will reach full opacity in five years. The existing northern tree line will not be touched.

Commissioner Castillo asked for clarification on trash enclosures. Mr. Wardanian said they have included a trash enclosure detail, but many tenants prefer to keep their trash inside their dock area allowing the enclosures to be eliminated.

Attorney Peter Wifler is representing Alpine Automotive. He said he spoke with Joe Morrissey and they discussed Mr. Morrissey's concerns about drainage, engineering, and landscaping.

Joe Morrissey, 32 S. Chestnut, Hawthorn Woods, said the petitioner has made progress addressing the concerns raised and has addressed the safety issues satisfactorily. Mr. Morrissey would like the scrub trees to remain. He would like the new trees to be closer together. He said he would prefer not to have a 24-hour towing business behind his house and again stated his desire for adequate barriers to noise, light, and sound.

Joel Saltzman, 8 Bedford, asked if the decibel readings provided included the backup warning sensor noise. He asked that more trees be provided and asked if the building would be air conditioned.

The petitioner responded that they were not sure what sounds the decibel readings included and that the automobile repair bays would not be air conditioned. Ms. Sheehan said the rear doors will be open in the nice weather. Mr. Wardanian said he did not recommend adding more trees because they would be too close to each other and die off. Mr. Cook added that the survival rate for more mature trees is lower.

The public hearing was closed at 8:15 p.m.

Discussion followed. Commissioner Bowling said she had an issue with the allowance of a special use in the Industrial District on that lot. She cannot support this project because of its location within the industrial park and because the outdoor storage will be a permanent condition. Commissioner Tassi said the nuisance factor concerns him due to the proximity to homes. It is the towing aspect of this business that is the issue. Commissioner Thelander pointed out that the petitioner has provided extra landscaping and increased the required setbacks because of the nearby residences.

MOTION made by Commissioner Jackson, seconded by Commissioner Crane, to recommend the Board of Trustees approve a Zoning Code text amendment to add towing services in the I-1 District as a special use.

AYES: 5 Chairman Cushman, Commissioners Crane, Jackson, Kmiecik, and Thelander.

NAYS: 3 Commissioners Bowling, Castillo, and Tassi

MOTION CARRIED

MOTION made by Commissioner Jackson, seconded by Commissioner Crane, to recommend the Board of Trustees approve a special use for a towing service and auto repair for Lots 9 and 10 in the Lake Zurich Commerce Center.

AYES: 5 Chairman Cushman, Commissioners Crane, Jackson, Kmiecik, and Thelander.

NAYS: 3 Commissioners Bowling, Castillo, and Tassi

MOTION CARRIED

Commissioner Tassi asked if additional trees could be planted across from the snowmobile path by the Hawthorn Woods residents' lots. Chairman Cushman said that area is in Hawthorn Woods and is the residents' common area.

MOTION made by Commissioner Jackson, seconded by Commissioner Kmiecik, to recommend the Board of Trustees approve the site plan for Lots 9 and 10.

AYES: 8 Chairman Cushman, Commissioners Bowling, Castillo, Crane, Jackson, Kmiecik, Tassi, and Thelander.

NAYS: 0

MOTION CARRIED

MOTION made by Commissioner Jackson, seconded by Commissioner Kmiecik, to recommend the Board of Trustees approve the exterior appearance plans for Lots 9 and 10.

AYES: 8 Chairman Cushman, Commissioners Bowling, Castillo, Crane, Jackson, Kmiecik, Tassi, and Thelander.

NAYS: 0

MOTION CARRIED

PUBLIC HEARINGS:

900 KENILWORTH TERRACE – ZONING CODE MAP AMENDMENT TO REZONE THE SUBJECT PROPERTY TO O-2 LIMITED OFFICE DISTRICT, SITE PLANS AND EXTERIOR APPEARANCE PLANS FOR THE PROPOSED APPRAISAL OFFICE ON THE SUBJECT PROPERTY CURRENTLY ZONED IN THE VILLAGES'S R-5 SINGLE FAMILY DISTRICT

Chairman Cushman announced at the beginning of the meeting that this item would be continued until April 6, 2005 per the petitioner's request.

480 GRAND AVENUE – TO CONSIDER A PRELIMINARY AND FINAL PLAT OF SUBDIVISION FOR THE SUBJECT PROPERTY CURRENTLY ZONED IN THE VILLAGES R-4 SINGLE-FAMILY DISTRICT – PETITIONER ROBERT JIRASEK

The public hearing was opened at 8:46 p.m. The court reporter swore in those testifying.

Project engineer Dave Hemd presented their petition to divide the lot to allow construction of a second home. Lot 1 will be 15,000 s.f. and 120 x 125 feet. Lot 2 will be 20,000 s.f. and odd shaped with the narrowest dimension being 120 x 125 feet. There is an existing home on Lot 2. They will provide a 5-foot sidewalk along Old Rand Road. A 25-foot conservancy soil buffer will be provided. They will request a corner side yard and conservancy soil variation from the Zoning Board of Appeals. Mr. Hemd said they understand that the existing house may not be expanded or demolished and rebuilt unless it was destroyed by fire or a natural disaster because it is a non-conforming lot. The house will be hooked up to Village sewer and water.

Ms. Maureen Naden, 458 Grand Avenue, said the back yards of 458 and 452 are swamps because of the Cambridge Home development. She said they are forced to hook up to Village sewers because their septic is not functioning. She strongly objected to the subdivision and addition of a new home because she thought it would exacerbate her drainage problem.

Assistant Village Engineer Lebbos provided a brief history on the flooding in that area and said there is a lack of a drainage system in place. He said a fully obstructed field tile contributed to Ms. Naden's problem, and the flooding existed prior to the Cambridge Development. The Village required Cambridge Homes to correct drainage issues in that area three years ago. Last year the Village required Concord Homes to install the water and sewer systems along Grand Avenue and enhance the surface drainage system by installing new culverts and storm sewer system. He addressed the improvements proposed by the petitioner and said it should improve the drainage in the area. The petitioner will install a storm sewer system and connect it to the Village system at Grand Avenue. The storm sewer can accommodate the water and will not impact the depressional storage area north of the subject property. Assistant Village Engineer Lebbos said he anticipates a 70% improvement due to the petitioner's improvements.

The public hearing was closed at 9:25 p.m.

MOTION made by Commissioner Tassi, seconded by Commissioner Kmiecik, to recommend the Board of Trustees approve the plan of subdivision for 480 Grand Avenue.

AYES: 8 Chairman Cushman, Commissioners Bowling, Castillo, Crane, Jackson, Kmiecik, Tassi, and Thelander.

NAYS: 0

MOTION CARRIED

MOTION made by Commissioner Kmiecik, seconded by Commissioner Tassi, to recommend the Board of Trustees approve the final plat of subdivision for 480 Grand Avenue.

AYES: 8 Chairman Cushman, Commissioners Bowling, Castillo, Crane, Jackson, Kmiecik, Tassi, and Thelander.

NAYS: 0

MOTION CARRIED

515 CAPITAL DRIVE – TO CONSIDER A SPECIAL USE PERMIT FOR THE PROPOSED CO-LOCATION OF A PERSONAL WIRELESS SERVICE ANTENNA AND RELATED EQUIPMENT ON THE SUBJECT PROPERTY CURRENTLY ZONED IN THE VILLAGE I-1 LIMITED INDUSTRIAL DISTRICT – PETITIONER JEFF FOWLE

The public hearing was opened at 9:28 p.m. The court reporter swore in those testifying.

Jeff Fowle, representing T-Mobile, presented his proposal to co-locate an antenna on the existing 140-foot Sprint monopole and install related equipment.

Village Planner Gadde said staff recommends there be no advertising on the pole or support structures.

The public hearing was closed at 9:23 p.m.

MOTION made by Commissioner Bowling, seconded by Commissioner Castillo, to recommend the Board of Trustees approve a special use permit for the personal wireless service antennae and related equipment at 515 Capital Drive.

AYES: 8 Chairman Cushman, Commissioners Bowling, Castillo, Crane, Jackson, Kmiecik, Tassi, and Thelander.

NAYS: 0

MOTION CARRIED

ADJOURNMENT:

MOTION was made by Commissioner Crane, seconded by Commissioner Kmiecik, to adjourn the meeting.

Voice Vote, AYES have it. MOTION CARRIED.

The meeting was adjourned at 9:36 p.m.

Submitted by: *Janet McKay, Recording Secretary*

Approved by: _____ 4/6/05



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Updated: April 16, 2005

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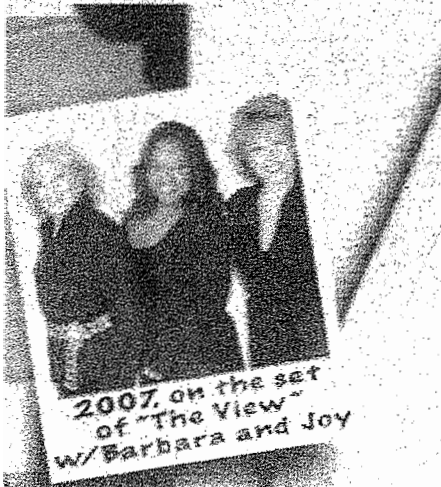
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light. It's like a shining star for

See DREAM on PAGE 12

the way
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...man Estates



Car shop needs muffler?

Residents want villages to do something about noise

BY MADHU KRISHNAMURTHY
mkrishnamurthy@dailyherald.com

Neighbors of a Lake Zurich auto repair shop have asked Hawthorn Woods village officials to intervene in hopes of solving noise problems.

Several homeowners in the Lakewood Meadow subdivision irked by "daily noise pollution" from abutting Alpine Automotive in Lake Zurich's industrial park made a plea to Hawthorn Woods trustees this week to resolve the issue. It prompted an e-mail from Mayor Keith Hunt to the Lake Zurich village board requesting action.

The key issue for residents is the "teeth-grinding" noise of repair work conducted outside the auto shop. Neighbors posted videoclips of noise recorded from the shop online on YouTube.com.

"We're not trying to put them out of business," said Joe Morrissey, a spokesman for the residents. "Just do the work inside the bays and keep the doors closed. It makes all the difference in the world as far as the sound echoing."

Lake Zurich Village Administrator John Dixon said Alpine Automotive is allowed to repair vehicles outside anywhere on the property.

"On a hot day, they'll leave the doors open, and that's not unusual for an automotive repair type of place," Dixon said. He added the auto shop is not air-conditioned and the owner has agreed to do repairs indoors when feasible weather-wise.

Dixon said any noise from Alpine's outdoor activities is an occasional occurrence and not

See MUFFLER on PAGE 9

PUTIN ISSUES WARNING ON

Muffler: Mayor suggests shop get air conditioning

Continued from Page 1

an ongoing problem.

Lake Zurich village officials said the auto shop has complied with neighbors' requests to adjust lighting and provide adequate landscaping on the property, and limit towing vehicles to the rear of the building at night. They hope to also minimize any nuisance caused by noise.

"It's something that we do intend to monitor and keep trying to work with all the parties concerned, try and make things as peaceable as possible and to take reasonable steps to do that," Lake Zurich Mayor John Tolomei said.

Tolomei said it's a reasonable request for the auto shop to not conduct business outdoors.

Alpine Automotive president Jeff Pahios said neither neighbors nor Lake Zurich officials brought up concerns with any outdoor repair work during the planning process.

"From day one, there was no mention that we would not be able to work with the doors open," he said.

"We designed the shop so we could get a breeze running front to back. If the doors are closed, my productivity levels would drop so much because the heat inside the building would be astronomical."

Hunt said the auto shop should spend the money to install air conditioning.

"Every other building that area has an enclosed portion," he said. "They do not conduct any business activities outside. We ask that the folks follow the same protocols and be good neighbors to Hawthorn Woods."

Hunt said Lake Zurich should apply the same standard for noise pollution in this case as with the village ordinance banning hunting outside village boundaries.

"If guns are too loud, Lake Zurich residents, the impact wrenches are obviously too loud for Hawthorn Woods residents," he said.

Time doesn't ease families' pain

BY CHRISTY GUTOWSKI
DAILY HERALD LEGAL AFFAIRS WRITER
cgutowski@dailyherald.com

It was 10 years ago today that their children died.

In the past decade, the families went from victim to advocate, sparked tougher laws and watched the drunken driver behind their grief be freed from prison, only to end up behind bars again.

But one constant has remained — Allison, Jenni Linn and Jennifer are never coming home. As they do each year, the families of the Waubonsie Valley High School girls gathered at 4:05 a.m. today at the crash scene to mark the exact moment their lives changed forever.

"We just feel like a part of them for that split-second," said Pam Anderson of Naperville. "We lay a flower and light a candle. We just

Her daughter, Jenni Linn, died Oct. 17, 1997, along with best friends Allison Matzdorf and Jennifer Roberts, all 16, after an intoxicated motorist sparked a collision while running a red light at Eola Road and New York Avenue in Aurora.

Randy Visor survived the crash, but his passenger, Ana Pryor, a 27-year-old mother of three, was killed. Visor served less than one-third of a 13-year prison term before being paroled in 2002. He was arrested again March 16, 2006, for driving with a revoked license. The 38-year-old Batavia man will be back today in Kane County court to ask a judge if he can serve in a work-release program during the one-year jail term he received for the arrest.

The girls' parents, after visiting the crash site, cemetery or church, also will be in the courtroom to continue advocating on behalf of their

still get that same knot in their stomachs when recalling sights, sounds and emotions of that morning.

It's the details — the sickening realization that a child was missing, a police chaplain arriving at the door, a lifeless body on a steel table — never can be forgotten.

Still, with time, change comes. Outrage from the deaths sparked a widespread effort to stiffen the penalties for drunken drivers who kill.

A law that went into effect Jan. 1, 2000, doubled penalties for intoxicated motorists convicted in crashes involving multiple deaths. It also required that they serve 85 percent of the prison term before being eligible for parole.

More recently, the families, including Pryor's child, successfully lobbied for a measure that makes driving with a revoked license a felony offense for any motorist convicted of reckless homicide.



Health Department and
Community Health Center

Dale W. Galassie, M.A., M.S.
Executive Director

Environmental Health Services
3010 Grand Avenue
Waukegan, Illinois 60085-2399
Phone 847 377 8020
Fax 847 249 4972

October 12, 2007

Joe Morrissey
32 S. Chestnut Court
Hawthorn Woods, Illinois 60047

Dear Mr. Morrissey:

As discussed, enclosed are several copies of the noise log to document noise from the nearby towing company. The extra copies can be distributed to interested neighbors. The information recorded on the form may be helpful if you pursue resolution through the Illinois Pollution Control Board.

Please contact me at 847-377-8016 if you have any questions or need additional information.

Sincerely,

Michael F. Kuhn
Solid Waste Unit Coordinator
Environmental Engineering Section

Enclosure

VILLAGE OF LAKE ZURICH
SPECIAL USE PERMIT APPLICATION

I. APPLICANT INFORMATION

A. Owner. Name, address, and telephone number of owner:

Mr. Geoff Pahios
Alpine Automotive Inc.
225 Oakwood Rd.
Lake Zurich, IL 60047

B. Trustee Disclosure. In the case of a land trust, the name, address, and telephone number of all trustees and beneficiaries of the trust:

N/A

C. Applicant. Name, address, and telephone number of applicant, if different from owner, and applicant's interest in the subject property:

Flex Construction Corporation
244 Telser Rd.
Lake Zurich, IL 60047
847 540 0200
Design/Build Contractor

D. Consultants. Name, address, and telephone number of each professional consultant advising applicant with respect to this application:

(1) Attorney: SALVI, SALVI & WIFLER P.C.
Peter J. Wifler
335 Chancery Ln. P O Box 399
Lake Zurich, IL 60047
847 438 6153

(2) Engineer: TERATEK
603 E. Burnett Rd.
Island Lake, IL 60042
847 487 0500

III. CRITERIA FOR SPECIAL USE PERMIT

Below are the criteria that will be used by the Lake Zurich Plan Commission and Board of Trustees in determining the merits of this application. Please respond to each criterion as it relates to this application.

- A. Code and Plan Purpose. The proposed use and development will be in harmony with the general and specific purposes for which the Lake Zurich Zoning Code was enacted and for which the regulations of the district in question were established and with the general purpose and intent of the Lake Zurich Official Comprehensive Plan.

The proposed use and development will be in harmony with the general and specific purpose for which the Lake Zurich Zoning Code was enacted , furthermore the use blends well with the purpose and intent of the Lake Zurich Comprehensive Plan.

- B. No Undue Adverse Impact. The proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the area, or the public health, safety, and general welfare.

The proposed use and development of this parcel will have no adverse effects upon the community or Industrial Park.

- C. No Interference with Surrounding Development. The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable district regulations.

The scale of this proposed building is in keeping with neighboring parcels and meets all Village of Lake Zurich setbacks.

- D. Adequate Public Facilities. The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools, or the applicant will provide adequately for such services.

The proposed parcel is current served adequately by the essential public facilities and public utilities.

E. No Traffic Congestion. The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets.

This site is located in the Industrial Park therefore, there will be no impact to traffic through residential streets .

This business currently is located two blocks from the proposed site.

F. No Destruction of Significant Features. The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

The proposed building will not result in the destruction, loss or damage of any natural, scenic, or historic feature of significant importance.

G. Compliance with Standards. The proposed use and development complies with all additional standards imposed on it by the particular provision of the Lake Zurich Zoning Code authorizing such use.

The proposed building complies with all additional standards imposed by the Lake Zurich Zoning Code.

IV. CERTIFICATION

The applicant certifies that all of the information contained in this application is correct to the best of the applicant's knowledge.

The owner of the Subject Property, if different from the applicant, states that he or she consents to the filing of this application and that all information contained in this application is true and correct to the best of his or her knowledge.

The applicant understands that an incomplete or nonconforming application will not be considered. in addition, the applicant understands that the Village may require additional information prior to the consideration of this application which may include, but is not limited to, the following items:

- A. Minimum yard and setback dimensions and, where relevant, relation of yard and setback dimensions to the height, width, and depth of any structure.
- B. A vehicular and pedestrian circulation plan showing the location, dimensions, gradient, and number of all vehicular and pedestrian circulation elements including

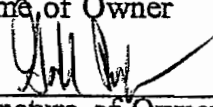
rights-of-way and streets; driveway entrances, curbs, and curb cuts; parking spaces, loading spaces, and circulation aisles; sidewalks, walkways, and pathways; and total lot coverage of all circulation elements divided as between vehicular and pedestrian ways.

- C. All existing and proposed surface and subsurface drainage and retention and detention facilities and all existing and proposed water, sewer, gas, electric, telephone, and cable communications lines and easements and all other utility facilities.
- D. Location, size, and arrangements of all outdoor signs and lighting.
- E. Location and height of fences or screen plantings and the type or kind of building materials or plantings to be used for fencing or screening.
- F. A detailed landscaping plan, showing location, size, and species of all trees, shrubs, and other plant material.
- G. A traffic study.

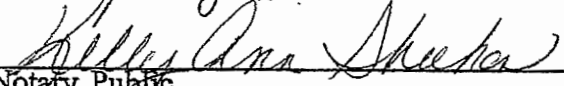
If the applicant fails to provide any of the above information, or any other information requested by the Boards, Commissions, or Staff, then the application will not be considered.

THE OWNER OF THE SUBJECT PROPERTY AND, IF DIFFERENT, THE APPLICANT ARE JOINTLY AND SEVERALLY LIABLE FOR THE PAYMENT OF THE APPLICABLE APPLICATION FEE. BY SIGNING THE APPLICATION, THE OWNER AND, IF DIFFERENT, THE APPLICANT EACH HAS AGREED TO PAY SAID FEE AND TO CONSENT TO THE FILING AND FORECLOSURE OF A LIEN AGAINST THE SUBJECT PROPERTY FOR THE FEE PLUS COSTS OF COLLECTION, IF THE ACCOUNT IS NOT SETTLED WITHIN 30 DAYS AFTER THE MAILING OF A DEMAND FOR PAYMENT.

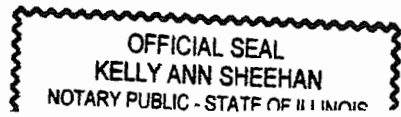
I, or we, have read the above certification, understand it, and agree to abide by its conditions.

Geoff Pahios
Name of Owner

Signature of Owner

Subscribed and sworn to before me this 3rd day of January 2005.


Notary Public

My Commission Expires: November 13 2008



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NIOSH Safety and Health Topics

Noise and Hearing Loss Prevention



[HLP Home](#) > [About HLP](#) > [Noise Meter](#)

Learn More About Hearing Loss Prevention

Noise Meter

Play around with the Noise Meter and hear the different sounds and sound intensities of everyday objects. The red bar below shows how long it takes before a particular sound level becomes dangerous to the human ear. For example, a chain saw has a sound intensity of about 110 dB. Without proper hearing protection, running a chain saw for only 2 minutes can become dangerous to the human ear.

For more information on standards for noise exposure, see:

[Criteria for a Recommended Standard: Occupational Noise Exposure](#)

DHHS (NIOSH) Publication No. 99-128

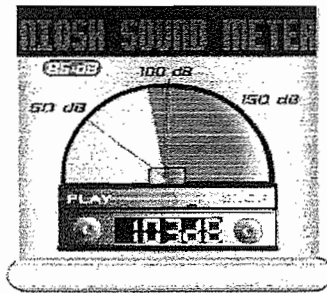
Provides a basis for a recommended standard to reduce the risk of developing permanent hearing loss as a result of occupational noise exposure.



Weakest Sound Heard

- Whisper
- Normal Conversation
- Ringing Telephones
- Power Lawn Mower
- Bolt Sander
- Tractor
- Hand Drill
- Impact Wrench
- Bulldozer
- Spray Painter
- Chain Saw
- Jackhammer
- Ambulance Siren
- Jet Engine at Takeoff
- 12-Gauge Shotgun
- Rocket Launch

Exposures > 85 dB may cause hearing loss



Impact Wrench
103 dB

Noise and Hearing Loss Prevention



Topic Index:

- [HLP Home](#)
- [Learn More about Hearing Loss Prevention](#)
- [At-Work Solutions for Noise](#)
- [Frequency-based Solutions](#)
- [Current Research on Noise and Hearing Loss](#)
- [Publications and Products](#)
- [Other Resources](#)
- [Questions / Comments](#)

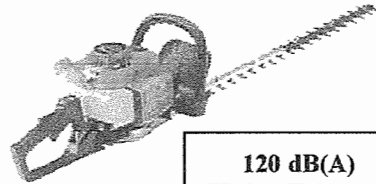
Done



Occupational Hearing Loss Among Lawncare Workers



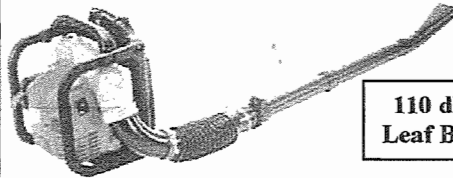
MICHIGAN STATE UNIVERSITY



120 dB(A)
Hedge Trimmer

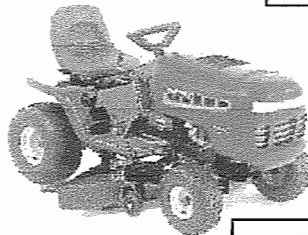
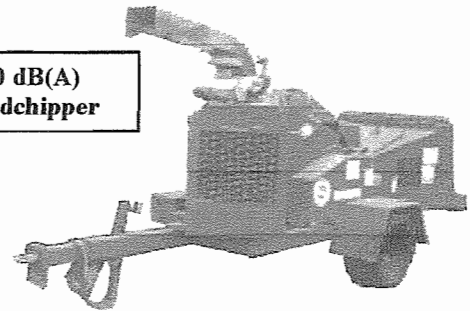


120 dB(A)
Chain Saw



110 dB(A)
Leaf Blower

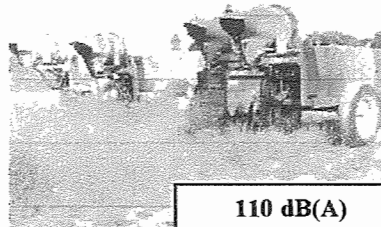
100 dB(A)
Woodchipper



100 dB(A)
Lawn Tractor

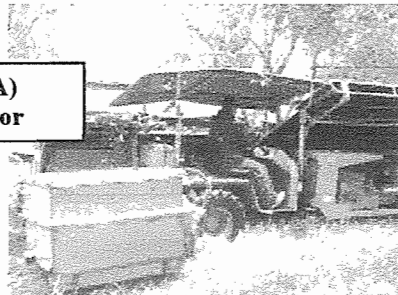


100 dB(A)
Bench Grinder



110 dB(A)
Grain Dryer

90 dB(A)
Harvester



100 dB(A)
Tractor without
Sound proof cab

Did you know that FARMERS suffer more HEARING LOSS than other occupational groups?



MICHIGAN STATE UNIVERSITY

Now Hear This . . .



Volume 10, No. 3

Fall 2007

Noisy Work But No Workplace Hearing Conservation Program

Excessive noise at work causes hearing loss in many different industries. The OSHA requirement for a hearing conservation program is based on an 8-hour time weighted average. This means that if an individual has intermittent noise exposure throughout the day, the low noise exposure times are averaged in with the higher noise exposure times. If the average is less than 85 dBA, then the company does not have to provide a hearing conservation program which would include education, provision of hearing protective devices and audiometric testing. Many industries have noisy equipment and exposures but because of the time-weighted average requirement, do not meet the OSHA cut off of 85 dBA. Because we see hearing loss among workers in industries that are not required to have a hearing conservation program, we have developed educational brochures to distribute to workers in some of these industries.

Brochures have been developed for auto repairers, farmers and lawn care workers. The brochures show pictures of equipment in each of these industries and the noise levels when using them (see figures 1-3).

Additionally the brochures tell individuals how they can protect their hearing and how noise exposure is cumulative so that even if they have hearing loss they should protect what hearing they still have.

These brochures are available on our website www.oem.msu.edu and we can also provide you copies to distribute. Contact Amy Sims at amy.sims@ht.msu.edu or at 517-353-1846. The brochure for lawn care workers would also be of use for the homeowner, since much of this same equipment is used by people around their own houses.

The other way you can help is to let us know about facilities which you think meet the OSHA requirement for hearing conservation programs but your patients tell you they are not receiving the required components such as education, hearing protective devices and/or audiometric testing. Please email us at odreport@ht.msu.edu or call us at 1-800-446-7805 with information about companies that you suspect should but are not providing a hearing conservation program.

The main requirements of the Occupational Noise Exposure standard

The MIOSHA occupational noise exposure standard (Rules R 325.60101 through R 325.60128) contains requirements for implementing a Hearing Conservation Program when employees' exposures are at or above the "action level" (AL) of 85 dBA. This limit is expressed as an eight-hour time-weighted average (TWA8).

When employee exposures exceed the "permissible noise exposure limit" (PNE) of 90 dBA TWA8, the employer must implement feasible administrative (i.e. work practice, employee rotation) and/or engineering controls to reduce the exposures to less than 90 dBA TWA8. Engineering controls are defined as any modification or replacements of equipment or related physical change at the noise source or along the transmission path (with the exception of hearing protectors) that reduces the noise level.

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East Lansing, MI 48824-1316

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Ruth VanderWaals
Patient Interviewers:
Lindsay Anderson
Amy Krizek
Francisco Terrazas
Amanda Williams Shannon Rochl

Michigan Law Requires the Reporting of Known or Suspected Occupational NIHL

Reporting can be done by:

Internet
www.ocm.msu.edu
E-Mail
ODREPORT@ht.msu.edu
FAX
517-432-3606
Telephone
1-800-446-7805
Mail
MIOSHA-MTS Division
P.O. Box 30649
Lansing, MI 48909-8149

Suggested Criteria for Reporting Occupational NIHL

1. A history of significant exposure to noise at work; AND
2. A STS of 10 dB or more in either ear at an average of 2000, 3000 & 4000 Hz. And the employee's total hearing level is 25 dB or more at the same three frequencies. OR
3. A fixed loss.*

*Suggested definitions: a 25 dB or greater loss in either ear at an average of: 500, 1000 & 2000 Hz; or 1000, 2000 & 3000 Hz; or 3000, 4000 & 6000 Hz; or a 15 dB or greater loss in either ear at an average of 3000 & 4000 Hz.

Printed on recycled paper.

In this issue:
v10n3: Noisy Work But No Workplace Hearing
Conservation Program

Address service requested.

*Michigan State University
College of Human Medicine
117 West Fee Hall
East Lansing, MI 48824-1316
Phone (517) 353-1846*

Now Hear This...

VILLAGE OF LAKE ZURICH

APPLICATION FOR SITE PLAN APPROVAL

I. APPLICANT INFORMATION

A. Owner. Name, address, and telephone number of owner.

Mr. Geoff Pahios
Alpine Automotive Inc.
225 Oakwood Rd.
Lake Zurich, IL 60047

B. Trustee Disclosure. In the case of a land trust, the name, address, and telephone number of all trustees and beneficiaries of the trust:

N/A

C. Applicant. Name, address, and telephone number of applicant, if different from owner, and applicant's interest in the Subject Property:

Flex Construction Corporation
244 Telser Rd.
Lake Zurich, IL 60047
847 5400200
Design/Build Contractor

D. Consultants. Name, address, and telephone number of each professional consultant advising applicant with respect to this application:

(1) Attorney: SALVI, SALVI & WIFLER, P.C.
Peter J. Wifler
335 Chancery Ln. P O Box 399
Lake Zurich, IL 60047
847 438 6153

(2) Engineer: TERATEK
603 E. Burnett Rd.
Island Lake, IL 60042
847 487 0500

(3) Architect: Robert Wardanian
244 Telser Rd.
Lake Zurich, IL 60047
847 540 0200

(4) Other (specify): _____

II. SUBJECT PROPERTY

A. Address: Lots 9 and 10
Lake Zurich Commerce Center

B. Present Zoning Classification: I 1

C. Current Square Footage or Acreage: 2.3 Acres

D. Principal Use: Auto Repair Facility

E. Square Footage Devoted to Principal Use: 33,805 sq. ft.

F. Secondary or Accessory Use: N/A

G. Square Footage Devoted to Secondary Use: N/A

[If more than two uses exist on the Subject Property, please attach an additional sheet listing each additional use.]

H. Proposed Use If Not Currently Developed: _____

I. Covenants, Conditions, or Restrictions. List any covenants, conditions, or restrictions concerning the type of improvements, setbacks, area, or height requirements placed on the Subject Property and now of record and the date of expiration of said restrictions.

No covenants exist currently.

J. Contracts or Agreements. Describe any contract or agreement of any nature relevant to the sale, disposal, or development of the Subject Property.

Mr. Geoff Pahios and the Property Owner have a contract that is being negotiated; it has not yet been executed.

Approval from the Village of Lake Zurich of this Zoning and Special Use Change is a condition to the contract being executed.

K. Legal Description. Legal description of the Subject Property.

See Attached.

III. CRITERIA FOR SITE PLAN APPROVAL

Below are the standards for site plan approval. The Plan Commission and Board of Trustees shall apply these standards when analyzing this application. Please address each standard as it relates to this application, demonstrating that you have considered these elements in developing the site plan for the Subject Property.

A. Condition Precedent. The application is submitted in connection with another application, the approval of which is a condition precedent to the necessity for site plan review, and the applicant has secured the approval of the Board of Trustees on that application.

Exterior Appearance application has been submitted with this application; it will be reviewed concurrently.

- B. Development Standards. The site plan adequately meets specified standards required by the Lake Zurich Zoning Code with respect to the proposed use or development, including special use standards where applicable.

The site plan meets all specified standards required
by the Lake Zurich Zoning Code with respect to the proposed use

- C. Rights-of-Way. The proposed site plan causes no interference with easements or rights-of-way.

The site plan as proposed causes no interference with
easements or rights-of-way.

- D. Topographical or Physical Features. The proposed site plan suggests no unreasonable interference with the enjoyment of significant natural, topographical, or physical features of the site.

The site plan as proposed suggests no unreasonable
interference with the enjoyment of the natural, topographical
or physical features of the site.

- E. Traffic. The proposed site plan creates no undue traffic congestion or hazards in the public streets, and the circulation elements of the proposed site plan pose no hazards to safety on or off site or disjointed, inefficient pedestrian or vehicular circulation paths on or off site.

The site plan proposed creates no undue traffic congestion
or hazards to the public streets and the traffic circulation
on the site has been designed to be as efficient as possible.

- F. * Screening. The screening of the site provides adequate shielding from or for nearby uses.

The site will be adequately screened.

G. Amenities. The proposed structures or landscaping have sufficient amenities in relation to, and are compatible with, nearby structures and uses.

The proposed building will be precast, the same building material as the surrounding buildings and the landscape and amenities proposed will be compatible with other surrounding buildings.

H. Open Space. In the case of site plans submitted in connection with an application for a special use permit, the proposed site plan makes adequate provision for the creation or preservation of open space or for its continued maintenance.

The site plan submitted allows for building set-backs that will provide some open spaces and landscape areas that is in keeping with the surrounding area. The landscape areas will be regularly maintained.

I. Drainage or Erosion. The proposed site plan shows appropriate drainage facilities and erosion control and fully and satisfactorily integrates the site into the overall existing and planned drainage system serving the Village.

The proposed site plan shows appropriate drainage and erosion control and it integrates the site into the planned drainage system serving the Village.

J. Utilities. The proposed site plan places reasonable burdens on specified utility systems serving the site or area and fully and satisfactorily integrates the site's utilities into the overall existing and planned utility systems serving the Village.

The proposed site plan places no undue burden on the utility systems serving the area or the site.

K. Public Uses. The proposed site plan provides for required public uses designated on the Lake Zurich Official Map.

This site does not allow public use, however the Lake Zurich official map does not call for any public uses in the industrial park.

L. L. P. 10.00

IV. CERTIFICATION

The applicant certifies that all of the information contained in this application is correct to the best of the applicant's knowledge.

The owner of the Subject Property, if different from the applicant, states that he or she consents to the filing of this application and that all information contained in this application is true and correct to the best of his or her knowledge.

The applicant understands that an incomplete or nonconforming application will not be considered. In addition, the applicant understands that the Village may require additional information prior to the consideration of this application.

If the applicant fails to provide any additional information requested by the Village, its Boards, Commissions, or Staff, then the application will not be considered.

THE OWNER OF THE SUBJECT PROPERTY AND, IF DIFFERENT, THE APPLICANT ARE JOINTLY AND SEVERALLY LIABLE FOR THE PAYMENT OF THE APPLICABLE APPLICATION FEE. BY SIGNING THE APPLICATION, THE OWNER AND THE APPLICANT EACH HAS AGREED TO PAY SAID FEE AND TO CONSENT TO THE FILING AND FORECLOSURE OF A LIEN AGAINST THE SUBJECT PROPERTY FOR THE FEE AND COLLECTION COSTS, INCLUDING ATTORNEYS' FEES, IF THE ACCOUNT IS NOT SETTLED WITHIN 30 DAYS AFTER THE MAILING OF A DEMAND FOR PAYMENT.

I, or we, have read the above certification, understand it, and agree to abide by its conditions.

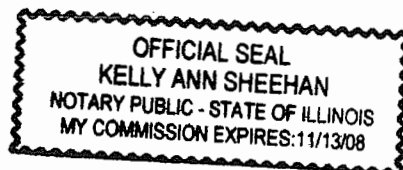
Geoff Pahios
Name of Owner

Geoff Pahios
Signature of Owner

Subscribed and sworn to before me this 5th day of January 2005.

Kelly Ann Sheehan
Notary Public

My Commission Expires: November 13, 2008



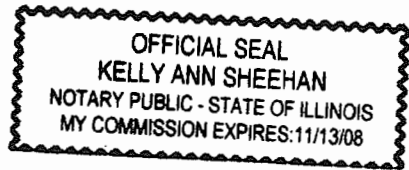
Flex Construction Corporation
Name of Applicant (if different from Owner)

[Handwritten Signature]
Signature of Applicant

Subscribed and sworn to before me this 5th day of June 20 05.

[Handwritten Signature: Kelly Ann Sheehan]
Notary Public

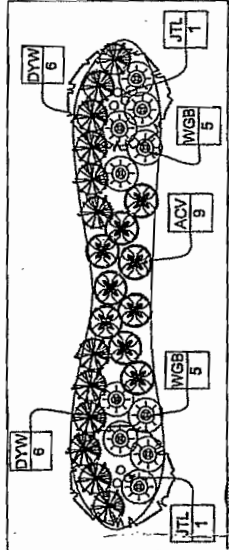
My Commission Expires: November 13, 2008



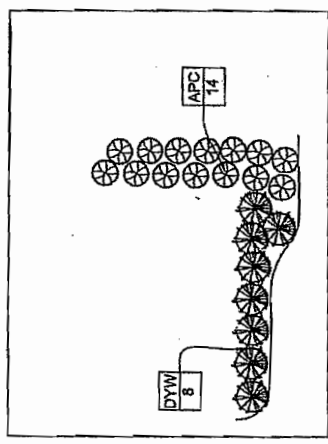
**LEGAL DESCRIPTION
ALPINE AUTOMOTIVE, INC.**

LOTS 9 AND 10 IN LAKE ZURICH COMMERCE CENTER, BEING A
SUBDIVISION OF SECTIONS 15, 16 AND 21, IN TOWNSHIP 43
NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN,
IN LAKE COUNTY, ILLINOIS.

2 ENLARGEMENT PLAN I
SCALE: 1" = 10'-0"

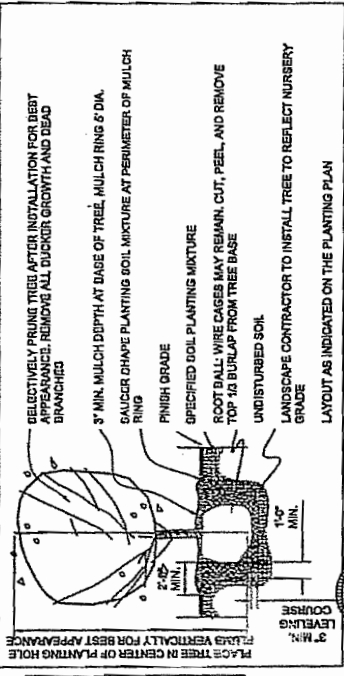


4 ENLARGEMENT PLAN III
SCALE: 1" = 10'-0"

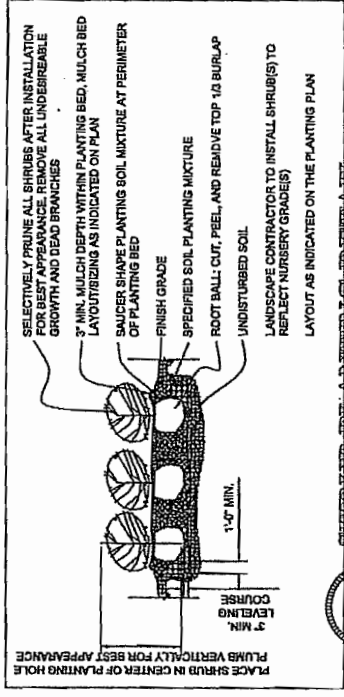


5 ENLARGEMENT PLAN IV
SCALE: 1" = 10'-0"

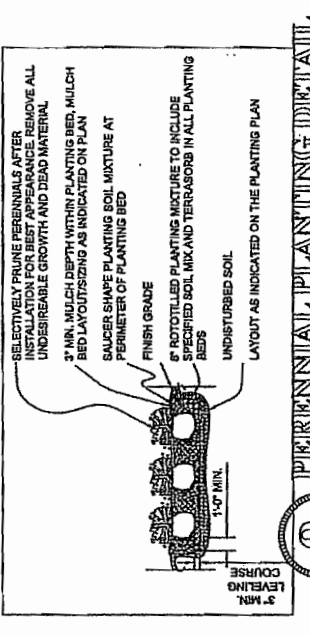
3 ENLARGEMENT PLAN II
SCALE: 1" = 10'-0"



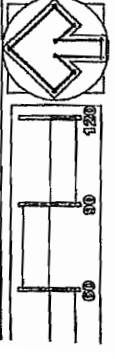
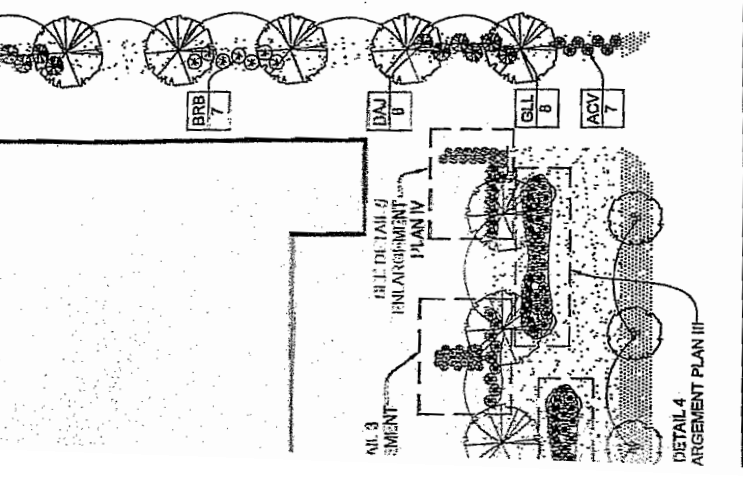
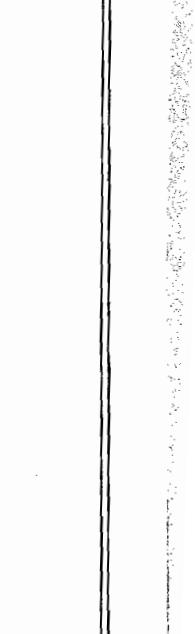
6 TREE PLANTING DETAIL
N.T.S.



7 SHRUB PLANTING DETAIL
N.T.S.



8 PERENNIAL PLANTING DETAIL
N.T.S.



AREA:
SEA = 57,883 SF
SEA REQUIRED (15%) = 8,682 SF
SEA SHOWN (25%) = 14,415 SF
SEA 7
SEA 8
SEA 9
SEA 10
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SEA 100

LANDSCAPE NOTES:

1. ANY AND ALL SUBSTITUTIONS REQUEST MUST BE SUBMITTED IN WRITING TO THE OWNER'S REPRESENTATIVE PRIOR TO ORDERING SUBSTITUTION MATERIALS.
2. ALL PLANTS SHALL RECEIVE MULCH COVER IN PLANTING BED, INCLUDING PERENNIAL PLANTINGS.
3. CONTRACTOR SHALL WARRANTY ALL SEED AND PLANT MATERIAL FOR A PERIOD OF ONE YEAR.
4. ANY DISCREPANCIES FOUND BETWEEN THE PLAN AND PLANT LEGEND QUANTITIES, THE PLAN QUANTITIES SHALL BE USED.
5. THERE ARE NO EXISTING TREES ON SITE.
7. ALL LANDSCAPING MATERIAL SHALL BE INSTALLED IN ACCORDANCE WITH THE PLANTING PROCEDURES ESTABLISHED BY THE ILLINOIS EPA URBAN MANUAL.
8. EACH TYPE OF TREE SHALL BE APPROVED BY THE VILLAGE'S DIRECTOR OF PUBLIC WORKS PRIOR TO PLANTING.
9. SALT TOLERANT TREES TO BE INSTALLED.
11. ALL UTILITY WILL BE SCREENED WITH LANDSCAPE.

TREES ON SITE:
SIZE 7 S.D.,
7 S.D.,
7 S.D.

TREES ON SITE:
SIZE 7 S.D.,
7 S.D.,
7 S.D.

529 North Barron Boulevard
Crystal Lake, IL 60009
(815) 723-1891 (815) 723-1892 FAX
website: www.3ddesignstudio.com
email: info@3ddesignstudio.com

scale AS INDICATED
design BY
date 01-06-07
revision 01-27-07
revision 02-08-07
sheet

ACTION AS RESULT OF MEETING
Amongst the Lakewood Meadows Homeowners Association,
Alpine Automotive, and the Village of Lake Zurich

A meeting was held on August 15, 2007 with the above referenced representatives to discuss four issues:

- 1. Lighting – As of August 22, 2007 there have been some bulbs turned off at the truck delivery bays and the Alpine Automotive has agreed to order shields that will be put on the bottom of the four lights on the rear of the building. They will be installed as soon as they arrive. As an alternative, the lights will be turned downward to see if that helps.**
- 2. Trees – Village Arborist has been to the site and reconfirmed that the trees on 16 foot centers are the appropriate plantings for the rear area of Alpine Automotive. There are not sufficient gaps or space for additional trees to be placed on the Alpine side of the tree line. If the Lakewood Meadows Homeowners Association wishes to put trees on their side of the property line, there would be no objection to them to do those plantings.**
- 3. Noise – The owner of the property at Alpine Automotive will make efforts to keep the noise level down as much as possible. He will instruct their employees to not open doors unless needed for ventilation purposes or high heat temperatures. It is noted that the doors will be closed during certain times because of temperatures, but will have to remain open at times with the understanding that they do have neighbors nearby.**
- 4. Towing – Alpine Towing has agreed to place vehicles in the front of the area after 10:00 p.m. until 6:00 a.m. and then to drive them to the back the next day. If undrivable, the vehicles will be placed in the rear secured area.**



Village of Lake Zurich

Public Works Department

TO: Vijay Gadde

FROM: Shawn Walkington, Village Arborist

Date: 9/25/09

Re: Alpine Auto

I inspected the landscaping material on September 24. All material listed on the plan was there and in good condition.



4-2-1-7: BUSINESS DISTRICT DELIVERIES AND SIMILAR NOISEMAKING ACTIVITIES:

A. Definitions: For purposes of this section, the following terms have the meaning ascribed to them herein:

COMMERCIAL AREA: A property zoned in any business district under the Lake Zurich zoning code and developed with a commercial or business use.

RESIDENTIAL AREA: A property zoned in any residential district under the Lake Zurich zoning code.

SERVICE AREA: The area within a property in a commercial area used for shipping or receiving deliveries, including any roadway, driveway, or alley used as access to the shipping or receiving area.

B. Prohibited Acts:

1. **General Prohibition:** All deliveries, garbage pick up, loading and unloading, parking lot sweeping, and related and similar activities in a commercial area that cause noise disturbing to people in any adjacent residential area are prohibited at all times between the hours of nine o'clock(9:00) P.M. and seven o'clock (7:00) A.M. every day.
2. **Limitation On Vehicles In Service Areas:** Except as provided in subsection D of this section, no person, firm, manager, or corporation may cause or permit, or may allow to continue, any commercial motor vehicle, delivery truck, or garbage truck to enter into or to remain in a service area adjacent to a residential area at any time between the hours of nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M. every day.
3. **Limitation On Noisemaking Activities:** Except as provided in subsection D of this section, no person, firm, manager, or corporation may cause or permit, or may allow to continue, any noise associated with: a) the unloading of any vehicle, truck, or trailer, b) the operation of any forklift, cart, overhead door, or c) any similar noisemaking activity in a service area adjacent to a residential area at any time between the hours of nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M. every day.

C. **Additional Restrictions By Owners:** Nothing in this section prohibits a property owner or a business owner from imposing restrictions on deliveries, vehicles, or noisemaking activities in addition to the restrictions set forth in this section.

D. Exceptions:

1. **Snow Removal:** This section does not apply to snow removal operations.

2. 680 South Rand Road: Instead of the hours of prohibition set forth in subsection B of this section, the hours of prohibition for the property at 680 South Rand Road developed with a Costco store are between nine o'clock (9:00) P.M. and six o'clock (6:00) A.M. every day.

E. Notification To Drivers:

1. Notice By Owners: All property owners and business owners within a commercial area are required to provide advanced notice to vendors, suppliers, and drivers of delivery trucks and other vehicles affected by this section about the restrictions set forth in this section.
2. Warning Signs: Property owners and business owners must cause warning signs to be installed in clearly visible locations, stating:

*NO TRUCK TRAFFIC ALLOWED
BETWEEN 9:00 PM AND 7:00 AM
ANY DAY
Lake Zurich Municipal Code
Section 4-2-1-7A*

Each warning sign must be not less than eighteen inches by twenty four inches (18" x 24") in size. Each sign must have a white background with reflective red lettering. The warning letters must be not less than two and one-half inches (2¹/₂") in height. The reference to the Lake Zurich municipal code must be in lettering not less than one-half inch (¹/₂") in height.

Warning signs must be posted at each entrance to a regulated service area in such a manner as to adequately warn drivers about the restrictions before those drivers enter into the service area. The location of a warning sign must be chosen by the property owner or business owner with the assistance of a member of the Lake Zurich police department's traffic safety unit.

F. Penalties:

1. General Penalty: Any person, firm, manager, or corporation violating any provision of this section will be subject to fine not to exceed seven hundred fifty dollars (\$750.00). Each occurrence of a violation of this section will constitute a separate offense subject to a separate fine.
2. Payments To Avoid Prosecution: Any person, firm, manager, or corporation that receives an ordinance violation ticket for a violation of a provision of subsection B of this section may avoid prosecution by paying a fine pursuant to the following schedule:

<u>Payment</u>	First	Second	Third And
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4-2-1-3: PUBLIC NUISANCES AFFECTING PEACE AND SAFETY:

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of Section 4-2-1 hereof:

- A. **Unlawful Building Construction:** All buildings erected, repaired or altered in violation of the provisions of the ordinances of the Village relating to materials and manner of construction of buildings and structures.

- B. **Signs and Signals Imitating Traffic Signs and Signals:** All unauthorized signs, signals, markings or devices which purport to be or may be mistaken as official traffic-control devices placed or maintained upon or in view of any public highway or railway crossing.

- C. **View Obstructions at Intersections:** All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.

- D. **Trees Overhanging Public Ways:** All limbs of trees which project over a public sidewalk less than eight feet (8') above the surface thereof or less than ten feet (10') above the surface of a public street.

- E. **Fireworks:** All use or display of fireworks except as provided by the laws of the State of Illinois and ordinances of the Village.

- F. **Dangerous Buildings:** All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human use.

- G. **Utility Wires Over Public Ways:** All wires over streets, alleys or public grounds which are strung less than fifteen feet (15') above the surface of the street or ground.

- H. **Noises and Vibrations:** All loud and discordant noises or vibrations of any kind.

crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Village⁶ or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable length of time after the purpose thereof has been accomplished.

- J. Open, Unguarded Cellars, Wells, Excavations, Etc.: All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.

- K. Abandoned Refrigerators and Freezers: All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside by pushing only with the strength of a small child.

- L. Property Use Creating Assemblies Which Obstruct Public Ways: Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.

- M. Unauthorized Signs or Advertisements⁷: Any advertisements or signs affixed to any building, wall, fence, sidewalk, street or other private or public property without permission of the owner thereof.

- N. Dangerous, Overhanging Signs and Awnings⁸: Any sign, marquee or awning which is in an unsafe condition, or which overhangs any roadway, or which overhangs any sidewalk less than eight feet (8') above the sidewalk surface.

- O. Fire Hazards: Any structure, material or condition which constitutes a fire hazard or will impair the extinguishing of any fire.

- P. State Law Nuisances: Any nuisance so defined by the Illinois Compiled Statutes⁹. (1989 Code)

NOISE SOLUTIONS BY GREG ZAK, INC.

1800 PROVIDENCE LANE
SPRINGFIELD, ILLINOIS 62711
(217) 698-3507
(217) 698-5666-FAX
E-mail: gregzak@gregzak.com

July 9, 2008

Mr. & Mrs. Joseph Morrissey
32 S. Chestnut Ct.
Hawthorn Woods, IL 60047
Phone: 847-726-1377
Cell: 847-809-4560

Refer to: Noise from Alpine Auto Repair Facility

Dear Joseph and Victoria:

Enclosed you will find the IntelliSafe Model: JTS-1357, Serial No. 5970, digital sound level meter that you sent to us for calibration. The meter has been calibrated with a Larson Davis Model CAL250, Serial No. 0761 precision calibrator traceable to the National Institute of Standards and Technology (NIST) to establish its accuracy. The expected sound pressure level indication on the meter was 109 dB(A) and it read 109 dB(A). Since the meter is neither reading high nor low, no correction will be needed in any of your measurements. We checked the meter on Slow and Fast meter response and C-weighting and these were also error free. The \$50 charge for calibration will be included on your next invoice.

When measuring a continuous or steady sound source, the meter should be set for "Slow Response" and "A-weighting". The clanging and banging sounds that you hear are impulsive, not constant or steady, and would be measured on "Fast." However, you will need to take a measurement for the ambient or background sound level in order to know how loud the noise is when compared to the usual background sound. It is also important to use the windscreen to get accurate readings. In order to clarify the above, it would be less expensive for you if we have phone contact to provide you with further details.

When submitting your formal complaint to the IPCB, it is not recommended to also send your noise measurements. In fact, they will not be considered at this stage of the complaint process, nor reviewed. The Board must first notify you that they have accepted your complaint and provide you with a case number to identify your file.

If you have any questions or need further information on the use of the meter, please feel free to contact us.

Sincerely,



Greg and Pat Zak
Enclosure

FW: Alpine Noise - VHW Meeting 7pm tonight

Monday, October 15, 2007 3:04 PM

From: "Keith Hunt" <KHunt@huntassoclaw.com>**To:** tolomei@volz.org**Cc:** josephmgr@yahoo.com, branding@volz.org, callaghan@volz.org, taylor@volz.org, johnson@volz.org, mcavoy@volz.org, poynton@volz.org, "Cliff Wright (E-mail)" <cwright@colonial-properties.com>, "Greg Gehrke (E-mail)" <gtg4@aol.com>, "Jim Krischke" <jkrischke@vhw.org>, "Jim Silvers" <jsilvers@aol.com>, "Joann Weick (E-mail)" <NLKmom@aol.com>, "Keith Hunt" <khunt@vhw.org>, "Neil Morgan" <nmorgan@brightstarpartners.com>, "Steve Riess" <sriess@virtuallyhired.com>

1 File (22KB)



Alpine Auto |

Mayor Tolomei:

I am writing this on behalf of the Village of Hawthorn Woods to formally complain about and object to the noise pollution that Alpine Towing is making which is disturbing many residents in the Lakewood Meadows subdivision of Hawthorn Woods immediately to the east of that site. I would encourage you to visit www.youtube.com and search for "alpine noise" to see several video/audio clips regarding the operations there.

Do your ordinances permit this business to conduct the operations outside? With the bay doors open? I must say that I think it is extremely poor planning to situate the building on the site with the access doors facing toward the residential subdivision in the rear of the lot rather than facing toward the industrial park. I think that at a minimum common courtesy and a "good neighbor policy" would require that the building not be allowed to be built in this configuration.

I understand that the Village of Lake Zurich been working with the homeowners affected but so far to no avail. While the attached document suggests some discussions and potential points of compromise, I think it falls far short of what should be done. I would request that the Village, at a minimum, require the following:

1. Doors be kept closed at all times except to enter/exit vehicles
2. Lighting solution as suggested in attachment
3. No outside operations -- all operations other than pure storage must be conducted inside of building behind closed doors -- I would suggest that heat is no excuse to keep doors open since they can provide other means of ventilation or air conditioning
4. An evergreen buffer be planted at Alpine's expense

Please consider this as a formal request from the Village of Hawthorn Woods in the spirit of good neighbor relations which the two Villages have always enjoyed. The business at issue may be a permitted use under the terms of your ordinances but since the residents have been there longer than this business, the business should yield to the needs of the residents who were there first -- and conduct its operations as good neighbors. It is important to note that none of the other uses in the Industrial Park emit that kind of noise or conduct operations outside in proximity to neighboring residential uses. My understanding is that the company made promises to your Board that it would adequately buffer this use and would not disturb the adjacent neighbors due to noise -- which has turned out not to be the case.

Thank you for your attention to this matter.

Keith Hunt
Mayor
Village of Hawthorn Woods

From: Joseph Morrissey [mailto:josephrngr@yahoo.com]

Sent: Monday, October 15, 2007 2:00 PM

To: vixenkm@comcast.net; bgcoach121@comcast.net; Wojtaszekm@aol.com; Cmlien@comcast.net; csloffen@opentext.com; seal22b@aol.com; Coleen.grenier@bairdwarner.com; monsooco@hotmail.com; darnelandersen@yahoo.com; Bcakes300@aol.com; Dhowe82@aol.com; Stark.family4@comcast.net; hguen@allstate.com; jacqueline_n_jimenez@yahoo.com; jlschultze@earthlink.net; Jennifer.Elias@earthlink.net; Joanne.Fleming.HLA2@statefarm.com; Kmgamb@aol.com; Kakamholz@sbcglobal.net; m.lakota@worldnet.att.net; r.berbeka@comcast.net; labraham22@comcast.net; lokug@sbcglobal.net; klblake999@comcast.net; alally@sbcglobal.net; Joeyzgirl@comcast.net; Mergastolo@msn.com; Rosemarieremus@sbcglobal.net; sunadda@aol.com; Rwd3@sbcglobal.net; Tnoda@duncancarpet.com; terriojohnson@comcast.net; Mrpar3@msn.com; Brian Bertoia; kevin blake; Frank Gambino; griffinusa@comcast.net; Dave Remus; Joey Saltzman; Amy and Mike

Cc: Joseph Morrissey

Subject: Alpine Noise - VHW Meeting 7pm tonight

Friends and Neighbors,

There is a Village of Hawthorn Woods meeting tonight in which we are going to officially ask the trustees of HW for support with the ongoing noise/zoning issue we are experiencing with Alpine Automotive. We are not on the agenda, but I intend to make a brief statement in the open forum.

However, since Mayor Hunt has already pledged his support, we have been asked not to make a long presentation at tonight's mtg. They are aware of the issue and are willing to help us.

Illinois has the toughest noise pollution laws on the books and Alpine is in clear violation. There is both a decibel limit which they are probably over as well as a "quality of life" provision. You are not allowed to make noise the "unreasonably interferes with the enjoyment of life".

We will be filing a claim with the Illinois Pollution Control Board which is the governing body for noise pollution. An impact wrench, about 105db on a sound meter, falls between a bulldozer and a chainsaw according to OSHA. Even in the bay, if the bay doors are open it still puts out about 63-71db 25ft back from the property line. If you go to youtube dot com and search on "Alpine Noise" I have been documenting some of the noises.

Feel free to call me or attend tonight, but keep in mind that our village cannot tell Lake Zurich, what to do. We are only asking for help with our case to the IPCB.

Joseph Morrissey
847 726 1377

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Version: 7.5.488 / Virus Database: 269.14.10/1070 - Release Date: 10/14/2007 9:22 AM

towing". Then, in the application for special use permit they stated that "the proposed building will not result in the destruction, loss or damage of ANY natural, scenic, or historic feature of significant importance"

I do not see how the proposed landscaping can be put in without removing part of the north tree line. The agreement was to have both; the north tree line with a row of evergreens. We selected our lot because it is adjacent to light industrial. Light industrial make great neighbors. The zoning was changed after we moved in. Nobody would intentionally move next to a 24 hour towing and police impound facility, unless the distance and barrier were sufficient enough.

I would appreciate any and all help and advice on how to proceed. I have attached a few pictures to help clarify our concerns. I will print out copies and send them to you in case you cannot download them.

Think of this from an engineering perspective. What if they assured the board that our property would not flood because of a berm separating the two properties, then removed the berm without sufficiently replacing it and our property flooded because of water from the adjacent property?

Joseph Morrissey
32 s chestnut ct
Hawthorn Woods, il
847 726 0411 Home office
847 726 1377 Home

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FW: LZ Trustee Meeting on Aug 20th

Wednesday, August 1, 2007 1:38 PM

From: "Dave Remus" <DaveR@beaconfasteners.com>
To: josephrnr@yahoo.com
Cc: brian@onlinebrian.com, klblake999@comcast.net

Sorry for the delay in getting this sent. I will forward any reply that I receive from the village. DAR

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

From: Dave Remus
Sent: Wednesday, August 01, 2007 1:36 PM
To: 'dixon@volz.org'
Subject: LZ Trustee Meeting on Aug 20th

Dear Mr. Dixon:

My name is David Remus and I am President of the Lakewood Meadow Homeowners Association in Hawthorn Woods. The homeowners in our development have some concerns with a neighboring property's new building that is in Lake Zurich. The building in question is the new Alpine Automotive building.

As a community, we feel it is best to focus on what can be realistically done to improve the current situation. On August 20th, we will appeal to the LZ Trustees for the four below changes;

- 1.) Dim the lighting at night. The empty loading bay is lit to 14fc (4fc over the maximum allowed). Also, add shields to the building lights to cut the glare. It is bright now, it will be worse in the winter.
- 2.) Reduce the noise. Most of the noise, other than towing, could easily be reduced by simply closing the rear bay/garage doors.
- 3.) Additional Landscape Screening. The board provided for five additional trees, however, the 25 newly planted trees would have to be dug up and moved closer together to make room for them. A more reasonable solution is to work with Alpine and the village landscape architect to improve the tree line. We also have resources that we would be willing to provide as well.
- 4.) Towing - The loudest noise from the unloading of cars is the truck engine revving when the platform moves up and down. Drivable cars could be unloaded in the front of the building and driven into the lot. Most of the vehicles seem to be DUI impounds; they usually are drivable and tend to be impounded in the late evening/early morning hours.

Rather than having all the homeowners come to the meeting at Village Hall, we will circulate a petition and have a few members of our association present the request at the August 20th meeting. Thanks in advance for allowing us the opportunity to present our concerns.

Sincerely,

David A. Remus

**IPCB Complaint - Morrissey v. Alpine**

Tuesday, July 1, 2008 12:17 PM

From: "Joseph Morrissey" <josephrngr@yahoo.com>**To:** "Brian Bertoia" <brian@onlinebrian.com>, "Kevin Blake" <kevin.blake@lockton.com>, "Joanne Fleming" <joanne.fleming.hla2@statefarm.com>, "Frank Gambino" <frank.gambino@dodtec.com>, griffinusa@comcast.net, "Keith Hunt" <khunt@vhw.org>, khunt@huntassoclaw.com, "Donna Lobaio" <dlobaio@vhw.org>, "Jennifer Paulus" <jpaulus@hwpd.com>, "John Tolomei" <tolomei@volz.org>, "Bob Vitas" <vitas@volz.org>, "Joanne Weick" <n1kmom@aol.com>, "Joseph Morrissey" <josephrngr@yahoo.com>, "Victoria Morrissey" <vixenkm@comcast.net>, peterson@volz.org, "William Urry" <william.urry@volz.org>

Several weeks ago I called Geoff Pahios, owner of Alpine Automotive, one last time to try to work out a solution before going to the IPCB for a hearing. It was a pleasant conversation, but he feels;

- He is not in violation of Ill EPA laws,
- He paid to have a noise study done which supports his case that decibel limits are not being exceeded,
- We can't win a case on a noise as a nuisance/quality of life issue
- My decibel readings are inadmissible in court since they do not account for octave bands
- He has made voluntary changes to control noise.
- He is willing to go to court

The noise level has been so bad that he must truly believe that we have no recourse. The reality is that he is getting bad advice or choosing to ignore good advice. We are completing our Formal Complaint with the IPCB and will be filing shortly. As a community, we no longer need to contact the police/village to document violations. Police reports are inadmissible unless the officer is present at the hearing. The Lake Zurich Police have made it clear, however, that they are more than willing to step in when the noise is bad.

We have met with our noise consultant who is the preeminent expert on noise and noise law in the state. I have read dozens of IPCB Orders and understand how the decisions are made. It is clear that we will win, however, the most likely outcome is a negotiated settlement. IPCB penalties are not paid to the complainants, but to the IPCB so there is no incentive for us **not** to negotiate a settlement. We just want the noise to stop.

It is at that time that we will once again need the support and resources of both communities.

Until then, have a nice summer and thanks again for the continuing support. Feel free to contact me if you wish to discuss this in more detail.

Joseph Morrissey
847 726 1377



Oct 2 could be end for Morrissey vs Alpine

Thursday, September 25, 2008 11:10 PM

From: "Joseph Morrissey" <josephrngr@yahoo.com>
To: "Hunt, Keith" <khunt@vhw.org>, "Joanne Weick @ AOL" <nkmmom@aol.com>, "HuntWork, Keith" <khunt@huntassoclaw.com>, "John O'Reilly" <oreillylaw@comcast.net>, "Paulus, Jennifer" <jpaulus@hwpd.com>, ragsdale@volz.org
Cc: "Dan Peterson" <peterson@volz.org>, "Bob vitas" <vitas@volz.org>, "Escamilla, Armando" <azescamilla@hwpd.com>, "John Tolomei" <tolomei@volz.org>
Bcc: "Madhu Krishnamurthy" <mkrishnamurthy@dailyherald.com>, "Frank Gambino" <frank.gambino@dodtec.com>, "Ralph Berbecka" <r.berbeka@comcast.net>, griffinusa@comcast.net, "joanne fleming" <joanne.fleming.hla2@statefarm.com>, "Amy and Mike" <amis21@comcast.net>, "Brian Bertoia" <brian@onlinebrian.com>, rwd3@sbcglobal.net, "kevin blake" <kevin.blake@lockton.com>, "Nick Tassi" <nicktassi@amacai.com>, "Victoria Morrissey" <vixenkm@comcast.net>

All,

When confronted by Officer Escamilla, Geoff Pahios admitted to the verbal attack on Victoria. Imagine somebody who is so mad at you that he frightens and intimidates your wife then yells the most hurtful and derogatory slurs as she runs back into the house. **It is time to end this before things escalate further.** On Oct 2, I will present my case to the IPCB and ask for a negotiated settlement simply to abate the noise. Geoff has vowed to fight this to the end. If I were a vindictive person, I would let him. He will lose the case, spend tens of thousands of dollars in attorney fees, and face monetary penalties by the board. The irony is that he may not be aware of the noise his people make when he is not there.

Joseph

--- On **Mon, 9/22/08**, Paulus, Jennifer <jpaulus@hwpd.com> wrote:

From: Paulus, Jennifer <jpaulus@hwpd.com>
Subject: RE: Please help! Fw: Alpine Automotive
To: josephrngr@yahoo.com, "Hunt, Keith" <khunt@vhw.org>, "Joanne Weick @ AOL" <nkmmom@aol.com>, "HuntWork, Keith" <khunt@huntassoclaw.com>, "John O'Reilly" <oreillylaw@comcast.net>
Cc: "Dan Peterson" <peterson@volz.org>, "Bob vitas" <vitas@volz.org>, "Escamilla, Armando" <azescamilla@hwpd.com>
Date: Monday, September 22, 2008, 1:09 PM

Dear Mr. Morrissey –

I had an officer go over to meet with your wife on Sunday. She wanted to wait to speak with you before pursuing the matter any further. Officer Escamilla did take a report of the incident you described and will follow-up with your wife when he returns to duty this Wednesday.

Sincerely,

Jennifer R. Paulus
Chief of Police
Hawthorn Woods Police Department
2 Lagoon Drive
Hawthorn Woods, IL 60047
847-438-9050

From: Joseph Morrissey [mailto:josephrngr@yahoo.com]
Sent: Friday, September 19, 2008 5:39 PM
To: Paulus, Jennifer; Hunt, Keith ; Joanne Weick @ AOL; HuntWork, Keith ; John O'Reilly

Cc: Dan Peterson; Bob vitas
Subject: Please help! Fw: Alpine Automotive

Chief Paulus,

I will be completely out of contact this weekend. I am in South Dakota working with the Lakota Indians clearing pastures on tribal lands. No phone or internet. Does anyone know Geoff personally? Calling my wife a "cunt" and "fattie" doesn't sound rational. I understand that I am a big thorn in his side, but this is taking an ugly turn and I am 800 miles away.

I only have cell/email for a few more hours tonight and possibly again tomorrow morning. Does this sound like Geoff or is his contempt for me boiling over?

Joseph Morrissey
cell 202-683-0425

--- On Fri, 9/19/08, vixenkm@comcast.net <vixenkm@comcast.net> wrote:

From: vixenkm@comcast.net <vixenkm@comcast.net>

Subject: Alpine Automotive

To: "John O'Reilly" <oreillylaw@email.msn.com>

Cc: "Joseph Morrissey" <josephrnr@yahoo.com>

Date: Friday, September 19, 2008, 2:44 PM

Mr. O'Reilly,

I wanted to make you aware of new developments regarding our case against Alpine Automotive with the Illinois Pollution Board.

Earlier today, when the noise started up at Alpine again, I grabbed my video camera and sound meter with the intent of documenting the inappropriate noise and level. When I reached the bike path, which is on our property, I began video taping the noise. The owner of Alpine Automotive, Geoff Pahois, was standing on a ledge near the roof of his building, alongside another individual and security cameras.

When he noticed me with my video camera, on my property, he began waving and shouting phrases including, "All good"; "Anything I can help

you
with?"

Geoff then threatened legal action with, "Hope you're not recording my

conversation or I'll have to take you to court." I was clearly out there attempting to document the inappropriate noise and level, when he began shouting at me.

In an effort to diffuse the situation, I shut the camera off and began walking back to my house. Then the vulgarity started. He shouted, high up so all the neighbors could hear, "You cunt!"

I said nothing and continued to walk across my lawn to my house. He then yelled, "Keep it up fatty."

My husband is out of town and I am now fearful to be outside, and even more so allowing my kids anywhere near the tree line that runs along our bike path on our property. He unleashed such vulgarity when I was just standing on the path;

I am deeply concerned what he would do or say if the kids are playing along there.

We have a hearing set with the IPCB for October 2nd, and will continue to apprise you of the status.

Please let me know if you would like to discuss this further, and how we should proceed in an effort to protect our family and restore some form of quality of live. Needless to say, we are all quite traumatized over here.

Sincerely,

Victoria Morrissey



Re: IPCB Complaint against Alpine Automotive

Friday, April 18, 2008 4:56 PM

From: "Bob Vitas" <vitas@volz.org>

To: nlkmom@aol.com, vixenkm@comcast.net, frank.gambino@dodtec.com, jpaulus@hwpd.com, dlobaito@vhw.org, jbassett@vhw.org, khunt@vhw.org, "Daniel Peterson" <Peterson@volz.org>, "Susan Ragsdale" <Ragsdale@volz.org>, "John Tolomei" <Tolomei@volz.org>, "William Urry" <William.Urry@volz.org>, josephrnrgr@yahoo.com

-----Inline Attachment Follows-----

Dear Joe,

Just to keep you abreast of the Villages review of this matter, I had a long discussion with Mt. Pathios yesterday by telephone and discussed the Village's concerns with regard to the situation. He is as frustrated as you are and we are becoming. I advised him that the matter must be handled as soon as possible and he has assured me that he is exploring several alternatives to alleviate the situation. As more information becomes available I will so advise all of you. Thank you and have a nice week end.

Regards,

Bob Vitas
Village Administrator
70 East Main Street
Lake Zurich, Illinois 60047
847.540.1683 office
847.540.1768 fax

>>> Joseph Morrissey <josephrnrgr@yahoo.com> 4/11/2008 5:21 PM >>>

In March, Frank Gambino and I met with President Tolomei, New Village Administrator Bob Vitas and Dan Peterson to discuss ways to force Alpine Automotive to be a better neighbor. It was a good meeting and the Village of Lake Zurich is very sympathetic to our noise concerns. Unfortunately, despite all of the misleading statements made to the village, the only enforceable document is the ordinance. However, they are looking at other ways to help us and are working on a plan.

Our best course of action is to file a formal complaint with the IPCB (Ill Pollution Control Board) which is the governing body for noise. After speaking with the IPCB attorney, it is better for me (or someone else) to file as an individual rather than a community. If a community files the complaint, they must be represented by a lawyer. This process does not move quickly.

On advice from the IPCB attorney, it is in our best interests to ask Alpine "one last time" to voluntarily comply by;

- Moving/shielding exhaust fan.
- Restricting work to inside the bays with the doors closed.
- Towing vehicles to the front entrance instead of the rear.

It is possible that the owner of Alpine is unaware of how strict Illinois Law is regarding noise pollution. Here is the State of Ill definition;

Noise pollution: the emission of sound that unreasonably interferes with the enjoyment of life or with any lawful business or activity.

Imagine if your business was being affected by loud music from kids in the next town over. Alpine chose to move next to a residential community. They can't unreasonably interfere with our enjoyment of life. We should be able to barbecue without the sound of impact wrenches.

I have received the forms from the IPCB and will have my attorney help me fill them out. I may ask some of you to speak on our behalf during the process. Also, I have promised Police Chief Paulus and President Tolomei that we would not use police resources to "publicly" document our case. However, be aware of the noise levels and times so that you can provide information to the board when needed.

Thank you all for your support. We truly are getting closer to a solution.

Joseph Morrissey
32 S. Chestnut ct.
Hawthorn Woods, IL
847 726 1377

Note: forwarded message attached.

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Alpine Noise - Mtg Request

Tuesday, January 15, 2008 10:51 AM

From: "josephmgr@yahoo.com" <josephmgr@yahoo.com>

To: "John Tolomei" <Tolomei@volz.org>, "Joseph Morrissey" <josephmgr@yahoo.com>, "Keith Hunt" <KHunt@huntassoclaw.com>, tolomei@volz.org, Ragsdale@volz.org, jwright@zcgwlaw.com, vitas@volz.org

Cc: josephmgr@yahoo.com, branding@volz.org, callaghan@volz.org, taylor@volz.org, johnson@volz.org, mcavoy@volz.org, poynton@volz.org, "Cliff Wright (E-mail)" <cwright@colonial-properties.com>, "Greg Gehrke (E-mail)" <gtg4@aol.com>, "Jim Silvers" <jsilvers@aol.com>, "Joann Weick (E-mail)" <NLKmom@aol.com>, "Keith Hunt" <khunt@vhw.org>, "Neil Morgan" <nmorgan@brightstarparkers.com>, "Steve Riess" <sriess@virtuallyhired.com>, "Madhu Krishnamurthy" <mkrishnamurthy@dailyherald.com>, "Georgia Evdoxiadis" <gevdoxiadis@dailyherald.com>, "Dave Remus" <daver@beaconfasteners.com>, "kevin blake" <kevin.blake@lockton.com>, "Brian Bertoia" <brian@onlinebrian.com>, "Victoria Morrissey" <vixenkm@comcast.net>, "Frank Gambino" <frank.gambino@dotdec.com>, griffinusa@comcast.net, "Ralph Berbecka" <r.berbecka@comcast.net>, "joanne fleming" <joanne.fleming.hla2@statefarm.com>, "Amy and Mike" <amis21@comcast.net>, rwd3@sbcglobal.net, "Joey Saltzman" <jsaltzman@oldworldind.com>

Mayor Tolomei and Administrator Vitas,

We had hoped that the winter months would be a welcomed hiatus from dealing with issues from Alpine Automotive. We were over-optimistic.

The winter months have brought an increase in towing. More disturbing is the fan/exhaust system that they run during the day when the bay doors are closed. We hear it all day from inside our house with the windows closed. It is that loud. The way the law is written in Illinois, Alpine is polluting our community with noise. It is a good law. Imagine if the kids next door to your house started a rock band. You would not care as long as you did not have to hear it. Alpine promised the village board and the planning commission that the neighbors would not be affected because we are too far away and that they would put up "adequate screening". At a minimum, "adequate screening" should mean that it complies with Illinois law regarding noise.

The "cooling off" period was supposed to give the new Administrator a chance to get settled before dealing with this. We really think that a fresh perspective might help. Let's stick to our original timing to deal with this in the spring. However, we are sad and frustrated that this is a year round issue.

Thank you again for taking an interest in our community.

Joseph Morrissey
32 S. Chestnut Ct.
Hawthorn Woods
847 726 1377

John Tolomei <Tolomei@volz.org> wrote:

Dear Mr. Morrissey,

I am willing to take productive steps to avoid or minimize the acrimony between you and Alpine Automotive. I have spoke with staff, the police department, and others involved in investigating and evaluating the extent of disturbance imposed by the Alpine Automotive on adjacent landowners and the conflicting positions of the parties. I have also personally spoke to the owner of Alpine Automotive to find out what can be done to resolve the disputes over what activities occur and what activites can be abated or ameliorated.

Now that cold weather is upon us I believe a cooling off period would help. This will give time for the new Village Administrator to get his bearings on the many Village matters that will confront him. Revisiting this issue in the Spring with a new person may sprout some satisfactory solutions.

Village President

**2nd request Re: Alpine Noise - resolution**

Friday, November 9, 2007 5:46 PM

From: "John Tolomei" <Tolomei@volz.org>**To:** josephrngr@yahoo.com

-----Inline Attachment Follows-----

Dear Mr. Morrissey,

I am willing to take productive steps to avoid or minimize the acrimony between you and Alpine Automotive. I have spoke with staff, the police department, and others involved in investigating and evaluating the extent of disturbance imposed by the Alpine Automotive on adjacent landowners and the conflicting positions of the parties. I have also personally spoke to the owner of Alpine Automotive to find out what can be done to resolve the disputes over what activities occur and what activites can be abated or ameliorated.

Now that cold weather is upon us I believe a cooling off period would help. This will give time for the new Village Administrator to get his bearings on the many Village matters that will confront him. Revisiting this issue in the Spring with a new person may sprout some satisfactory solutions.

Village President
John G. Tolomei

>>> Joseph Morrissey <josephrngr@yahoo.com> 11/7/2007 4:05:03 PM >>>

Mayor Tolomei,

(In case you did not see this, I have copied Sue Ragsdale)

Would you be willing to facilitate a meeting with the new Administrator in the spring? I really think a fresh approach might help. If so, we would be willing to hold off on further action against Alpine. If both sides can avoid legal fees, the resources could be better spent improving the barrier between the properties.

All we are asking is for the Village of Lake Zurich to take a closer look at what was promised, what is required by local ordinance and state law and compare that to the current situation. When I posted the video of the noise Alpine was making, they responded with threats and intimidation. When I went to the newspaper, they made a false statement to defend their position.

I think we are being very reasonable considering the circumstance. Please let me know either way. Feel free to contact me personally if you would like to discuss this.

Joseph Morrissey
32 S. Chestnut Ct.
847 726-1377

Joseph Morrissey <josephrngr@yahoo.com> wrote: Mayor Tolomei,

Could we take one last shot at trying to resolve the noise issue locally before we escalate this to the various county and state agencies? The Lake County Health Department has agreed to support us with either a nuisance suit against Alpine with the State's Attorney's office or a claim with the Illinois Pollution Control Board. They have sent us all of the forms and are just waiting our response. We have Illinois law clearly on our side and probably the press after Geoff's false statement to the Daily Herald.

Could we agree to use the winter as a "cooling off" period and take a fresh look at this in the spring with the new administrator? We are hoping that noise should not be too much of an issue until the weather warms up again. There is too much anger over this issue right now.

I know the new administrator will have his hands full, but a fresh perspective could make all the difference in



2nd request Re: Alpine Noise - resolution

Wednesday, November 7, 2007 4:05 PM

From: "Joseph Morrissey" <josephrngr@yahoo.com>
To: "Joseph Morrissey" <josephrngr@yahoo.com>, "Keith Hunt" <KHunt@huntassoclaw.com>, tolomei@volz.org, Ragsdale@volz.org, jwright@zcvlaw.com
Cc: josephrngr@yahoo.com, branding@volz.org, callaghan@volz.org, taylor@volz.org, johnson@volz.org, mcavoy@volz.org, poynton@volz.org, "Cliff Wright (E-mail)" <cwright@colonial-properties.com>, "Greg Gehrke (E-mail)" <gtg4@aol.com>, "Jim Silvers" <jsilvers@aol.com>, "Joann Weick (E-mail)" <NLKmom@aol.com>, "Keith Hunt" <khunt@vhw.org>, "Neil Morgan" <nmorgan@brightstarparkers.com>, "Steve Riess" <sriess@virtuallyhired.com>, "Madhu Krishnamurthy" <mkrishnamurthy@dailyherald.com>, "Georgia Evdoxiadis" <gevdoxiadis@dailyherald.com>, "Dave Remus" <daver@beaconfasteners.com>, "kevin blake" <kevin.blake@lockton.com>, "Brian Bertoia" <brian@onlinebrian.com>, "Victoria Morrissey" <vixenkm@comcast.net>, "Frank Gambino" <frank.gambino@dodtec.com>, griffinusa@comcast.net, "Ralph Berbecka" <r.berbecka@comcast.net>, "joanne fleming" <joanne.fleming_hla2@statefarm.com>, "Amy and Mike" <amis21@comcast.net>, rwd3@sbcglobal.net, "Joey Saltzman" <jsaltzman@oldworldind.com>

Mayor Tolomei,

(In case you did not see this, I have copied Sue Ragsdale)

Would you be willing to facilitate a meeting with the new Administrator in the spring? I really think a fresh approach might help. If so, we would be willing to hold off on further action against Alpine. If both sides can avoid legal fees, the resources could be better spent improving the barrier between the properties.

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Joseph Morrissey
32 S. Chestnut Ct.
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I know the new administrator will have his hands full, but a fresh perspective could make all the difference in the world. I have restricted public access to the online videos at the request of someone representing themselves as from Alpine.

Please let me know if you would be willing to facilitate a meeting. It could save a lot of headaches and wasted resources for everyone involved.

11/7/07 4:05 PM



Alpine Noise - resolution

Monday, October 22, 2007 7:08 PM

From: "Joseph Morrissey" <josephmgr@yahoo.com>
To: "Keith Hunt" <KHunt@huntassoclaw.com>, tolomei@volz.org
Cc: josephmgr@yahoo.com, branding@volz.org, callaghan@volz.org, taylor@volz.org, johnson@volz.org, mcavoy@volz.org, poynton@volz.org, "Cliff Wright (E-mail)" <cwright@colonial-properties.com>, "Greg Gehrke (E-mail)" <gtg4@aol.com>, "Jim Krischke" <jkrischke@vhw.org>, "Jim Silvers" <jsilvers@aol.com>, "Joann Weick (E-mail)" <NLKmom@aol.com>, "Keith Hunt" <khunt@vhw.org>, "Neil Morgan" <nmorgan@brightstarpartners.com>, "Steve Riess" <sriess@virtuallyhired.com>

Mayor Tolomei,

Could we take one last shot at trying to resolve the noise issue locally before we escalate this to the various county and state agencies? The Lake County Health Department has agreed to support us with either a nuisance suit against Alpine with the State's Attorney's office or a claim with the Illinois Pollution Control Board. They have sent us all of the forms and are just waiting our response. We have Illinois law clearly on our side and probably the press after Geoff's false statement to the Daily Herald.

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I know the new administrator will have his hands full, but a fresh perspective could make all the difference in the world. I have restricted public access to the online videos at the request of someone representing themselves as from Alpine.

Please let me know if you would be willing to facilitate a meeting. It could save a lot of headaches and wasted resources for everyone involved.

Joseph Morrissey
847 726 1377

Keith Hunt <KHunt@huntassoclaw.com> wrote:

Mayor Tolomei:

I am writing this on behalf of the Village of Hawthorn Woods to formally complain about and object to the noise pollution that Alpine Towing is making which is disturbing many residents in the Lakewood Meadows subdivision of Hawthorn Woods immediately to the east of that site. I would encourage you to visit [the website](#) and search for "alpine noise" to see several video clips regarding the operations there.

Do your ordinances permit this business to conduct the operations outside? With the bay doors open? I must say that I think it is extremely poor planning to place a building at this site with the bay doors facing toward the residential subdivision in the rear of the lot rather than facing toward the industrial park. I think that at a minimum common courtesy and a "good neighbor policy" would require that the building not be allowed to be built in this configuration.

I understand that the Village of Lake Zurich been working with the homeowners affected but so far to no avail. While the attached document suggests some discussions and potential points of compromise I think it falls far short of what should be done. I would request that the Village at a minimum, require the following:

1. Doors be kept closed at all times except to enter/exit vehicles
2. Lighting solution as suggested in attachment

this business, the business should yield to the needs of the residents who were there first -- and conduct its operations as good neighbors. It is important to note that none of the other uses in the Industrial Park emit that kind of noise or conduct operations outside in proximity to neighboring residential uses. My understanding is that the company made promises to your Board that it would adequately buffer this use and would not disturb the adjacent neighbors due to noise -- which has turned out not to be the case.

Thank you for your attention to this matter.

Keith Hunt
Mayor
Village of Hawthorn Woods

From: Joseph Morrissey [mailto:josephrngr@yahoo.com]

Sent: Monday, October 15, 2007 2:00 PM

To: vixenkm@comcast.net; bgcoach121@comcast.net; Wojtaszekm@aol.com;

Cmclien@comcast.net; csloten@opentext.com; seal22b@aol.com;

Coleen.grenier@bairdwarner.com; monsocho@hotmail.com; danelandersen@yahoo.com;

Bcakes300@aol.com; Dhowe82@aol.com; Stark.family4@comcast.net; hguen@allstate.com;

jacqueline_n_jimenez@yahoo.com; jlschultze@earthlink.net; Jennifer.Elias@earthlink.net;

Joanne.Fleming.HLA2@statefarm.com; Kmgamb@aol.com; Kakamholz@sbcglobal.net;

m.lakota@worldnet.att.net; r.berbeka@comcast.net; labraham22@comcast.net;

lokug@sbcglobal.net; klblake999@comcast.net; alally@sbcglobal.net; Joeyzgirl@comcast.net;

Mergastolo@msn.com; Rosemarieremus@sbcglobal.net; sunadda@aol.com; Rwd3@sbcglobal.net;

Tnoda@duncancarpet.com; terrijohnson@comcast.net; Mrpar3@msn.com; Brian Bertolia; kevin

blake; Frank Gambino; griffinusa@comcast.net; Dave Remus; Joey Saltzman; Amy and Mike

Cc: Joseph Morrissey

Subject: Alpine Noise - VHW Meeting 7pm tonight

Friends and Neighbors,

There is a Village of Hawthorn Woods meeting tonight in which we are going to officially ask the trustees of HW for support with the ongoing noise/zoning issue we are experiencing with Alpine Automotive. We are not on the agenda, but I intend to make a brief statement in the open forum.

However, since Mayor Hunt has already pledged his support, we have been asked not to make a long presentation at tonight's mtg. They are aware of the issue and are willing to help us.

Illinois has the toughest noise pollution laws on the books and Alpine is in clear violation. There is both a decibel limit which they are probably over as well as a "quality of life" provision. You are not allowed to make noise the "unreasonably interferes with the enjoyment of life".

We will be filing a claim with the Illinois Pollution Control Board which is the governing body for noise pollution. An impact wrench, about 105db on a sound meter, falls between a bulldozer and a chainsaw according to OSHA. Even in the bay, if the bay doors are open it still puts out about 63-71db 25ft back from the property line. If you go to youtube dot com and search on "Alpine Noise" I have been documenting some of the noises.

Feel free to call me or attend tonight, but keep in mind that our village cannot tell Lake Zurich, what to do. We are only asking for help with our case to the IPCB.

Joseph Morrissey
847 726 1377

Building a website is a piece of cake.

Yahoo! Small Business gives you all the tools to get online.

No virus found in this incoming message.

Checked by AVG Free Edition.

Version: 7.5.488 / Virus Database: 269.14.10/1070 - Release Date: 10/14/2007 9:22 AM

No virus found in this outgoing message.

Checked by AVG Free Edition.

Version: 7.5.488 / Virus Database: 269.14.10/1070 - Release Date: 10/14/2007 9:22 AM

RE: Morrissey vs Alpine Re: FW: noise info

Monday, January 26, 2009 4:51 PM

From: "Margo Griffin" <mgriffin@huntley.il.us>
To: josephmgr@yahoo.com
Cc: griffinusa@comcast.net

Hi Joe,

Sorry for the delay in getting back to you.

As for my memory about my conversation with Dr. Thunder... Very nice guy. Easy to talk with. Sympathetic to our cause. We discussed the audio sampling and how this should produce the evidence necessary to go after Alpine. General discussions on Sound laws in Illinois. It was a relatively short conversation.

Is there something specific you were looking for?? Do you want me to contact him to set up a meeting or something? Do you want to meet with Richard and myself to review anything? We really don't want you to think you are alone in this.

I'm at the office all week. Please feel free to give me a call during the day (or, you can always call the house at night/weekends).

Margo Griffin
Business Development Coordinator
VILLAGE OF HUNTLEY
Direct: (847) 515-5269
Email: mgriffin@huntley.il.us

From: griffinusa@comcast.net [mailto:griffinusa@comcast.net]
Sent: Monday, January 26, 2009 4:30 PM
To: Margo Griffin
Subject: Fw: Morrissey vs Alpine Re: FW: noise info

Sent from my Verizon Wireless BlackBerry

From: Joseph Morrissey
Date: Sat, 24 Jan 2009 11:34:02 -0800 (PST)
To: <griffinusa@comcast.net>
Subject: Morrissey vs Alpine Re: FW: noise info

Margo,
What do you remember about the conversation with Dr. Thunder?
Joseph

--- On Thu, 9/27/07, griffinusa@comcast.net <griffinusa@comcast.net> wrote:

From: griffinusa@comcast.net <griffinusa@comcast.net>
Subject: FW: noise info
To: "Joseph Morrissey" <josephmgr@yahoo.com>
Date: Thursday, September 27, 2007, 12:39 PM

Hi Joe.

The State of Illinois has one of the most comprehensive and stringent regulations in the country. Specifically, it limits the noise at different frequencies across the audible range.

Below, is an email I received from Acoustics Associated Ltd. One of my planning consultants recommended them. I did have the fortunate opportunity to speak with Dr. Thunder via telephone about a week and a half ago and described our situation. It sounds like we are a great candidate for an "audio sampling". Perhaps you could review the attachments they sent me and tell me what you think. (Please email right away if you don't get the attachments.)

Thanks again for all your work. I still believe that if we all continue to work together, we can greatly improve the situation at hand.

-Margo Griffin

----- Forwarded Message: -----

From: char.thunder@comcast.net

To: griffinusa@comcast.net

Subject: noise info

Date: Thu, 6 Sep 2007 21:03:09 +0000

Hi Margo-

It was nice talking with you earlier. I have attached some informational sheets on Dr. Thunder, Acoustic Associates and residential info/options. Also, please note that the Junior Engineer program will start in December. If you would like to go ahead with any of the options just let me know. Please feel free to call or email with any questions or if I can be of any help.

Thanks again for your interest!!

--

Charlene

Office Manager & Seminar Coordinator

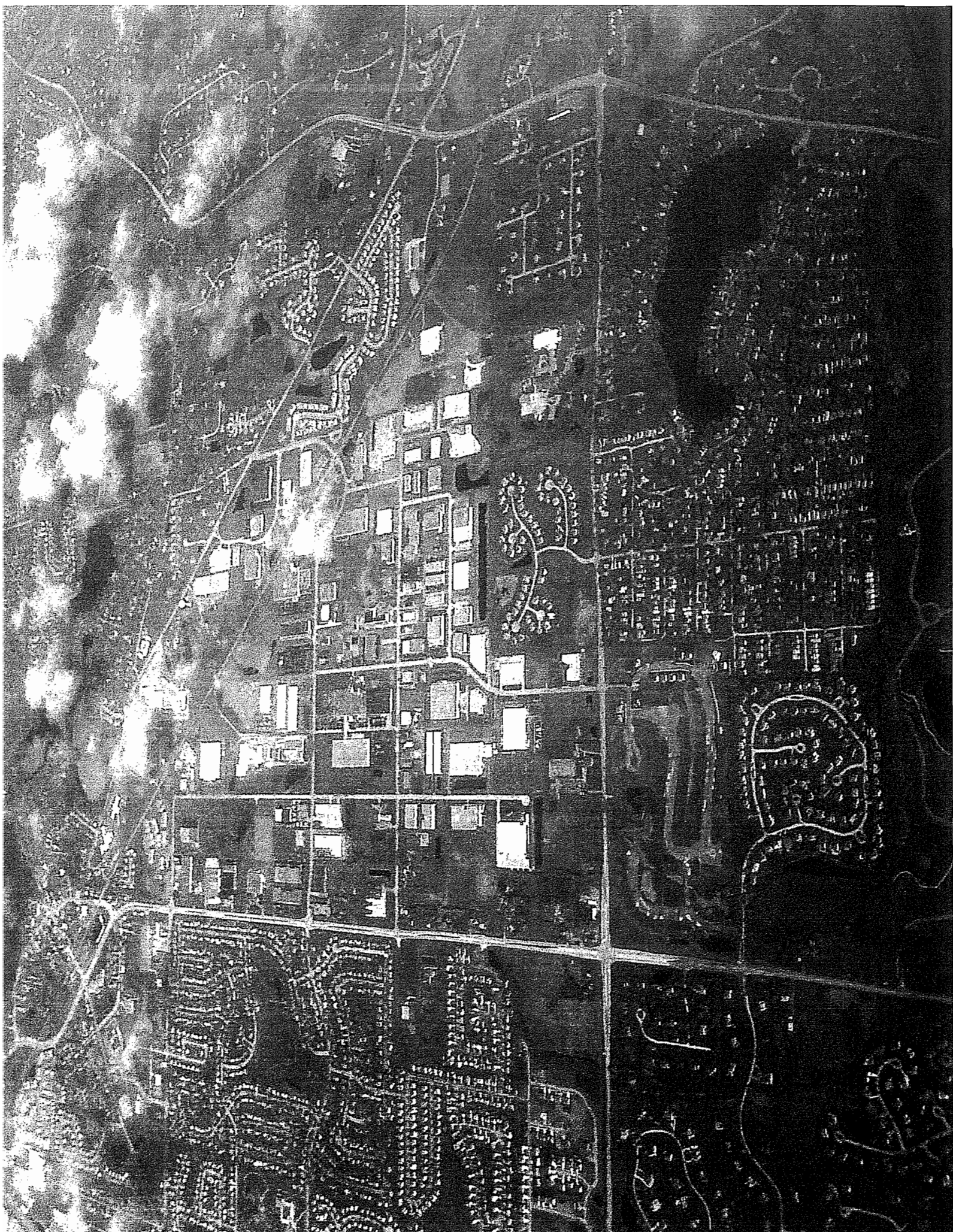
Acoustic Associates, Ltd., 1278 W. Northwest Hwy. - Suite 904

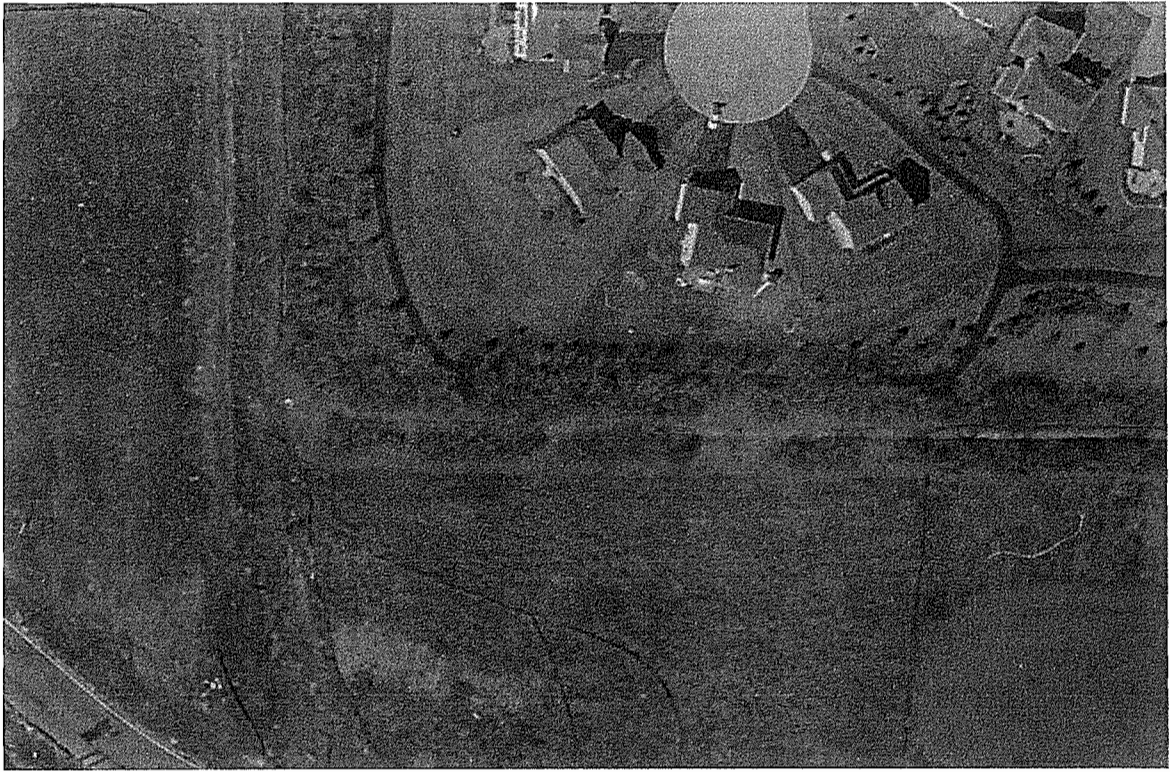
Palatine, IL 60067

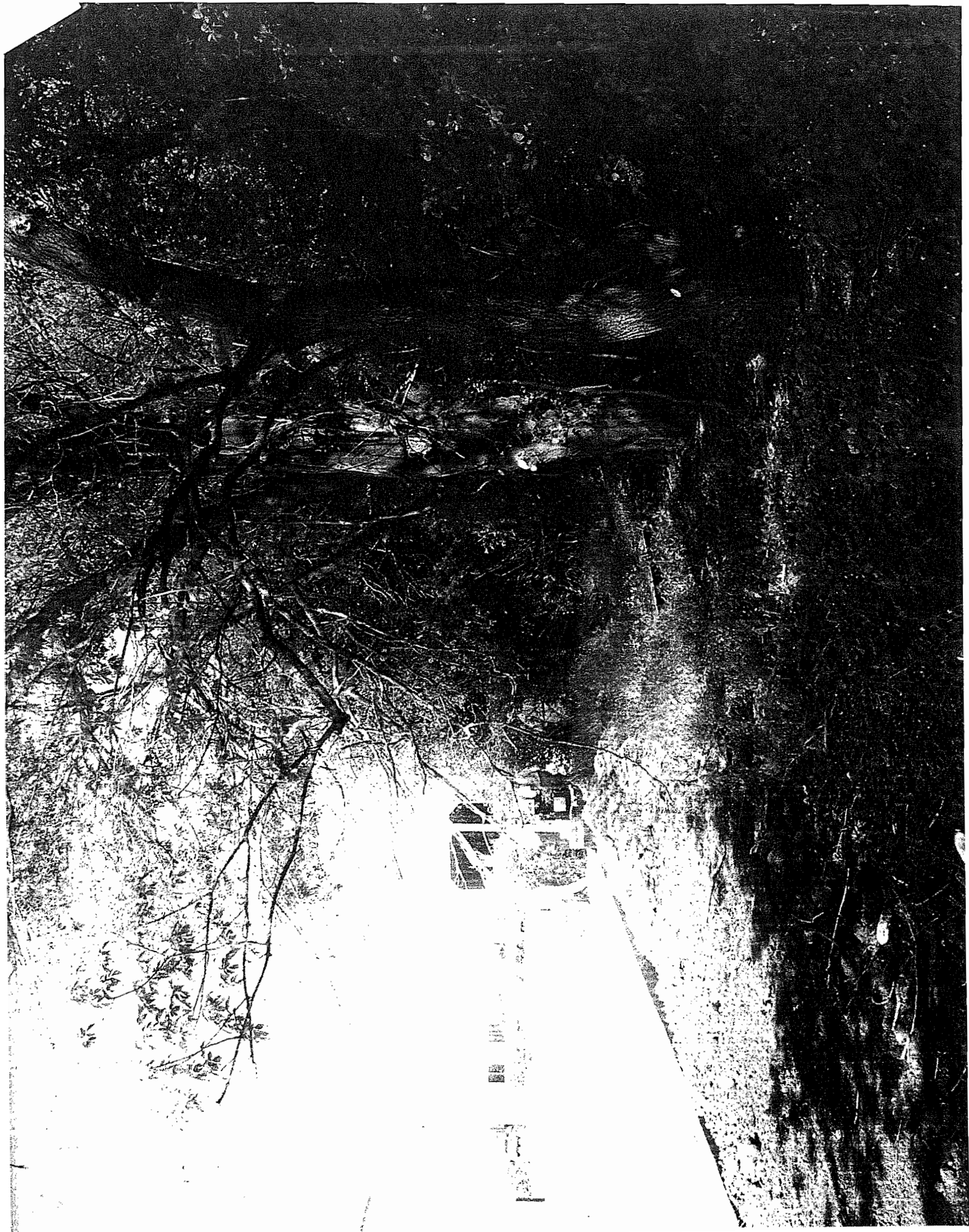
847-359-1068 phone 847-359-1207 fax

char.t@AcousticAssociates.com

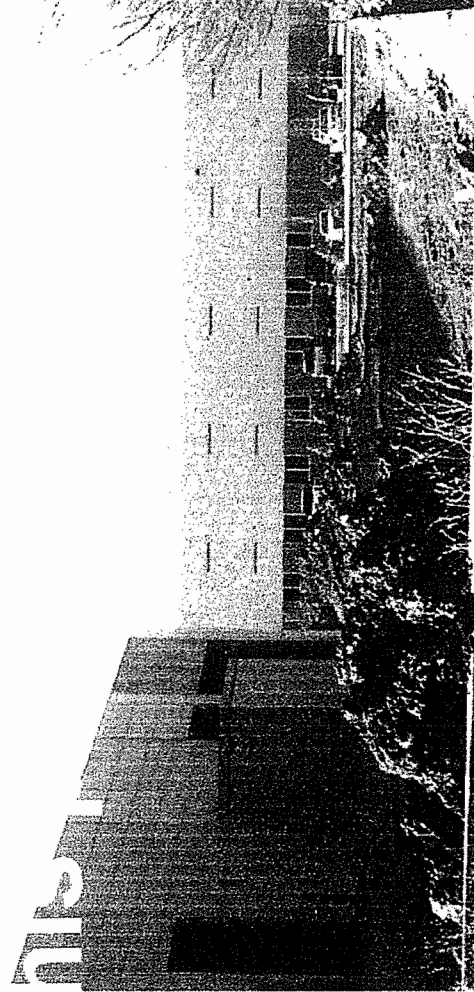
www.AcousticAssociates.com





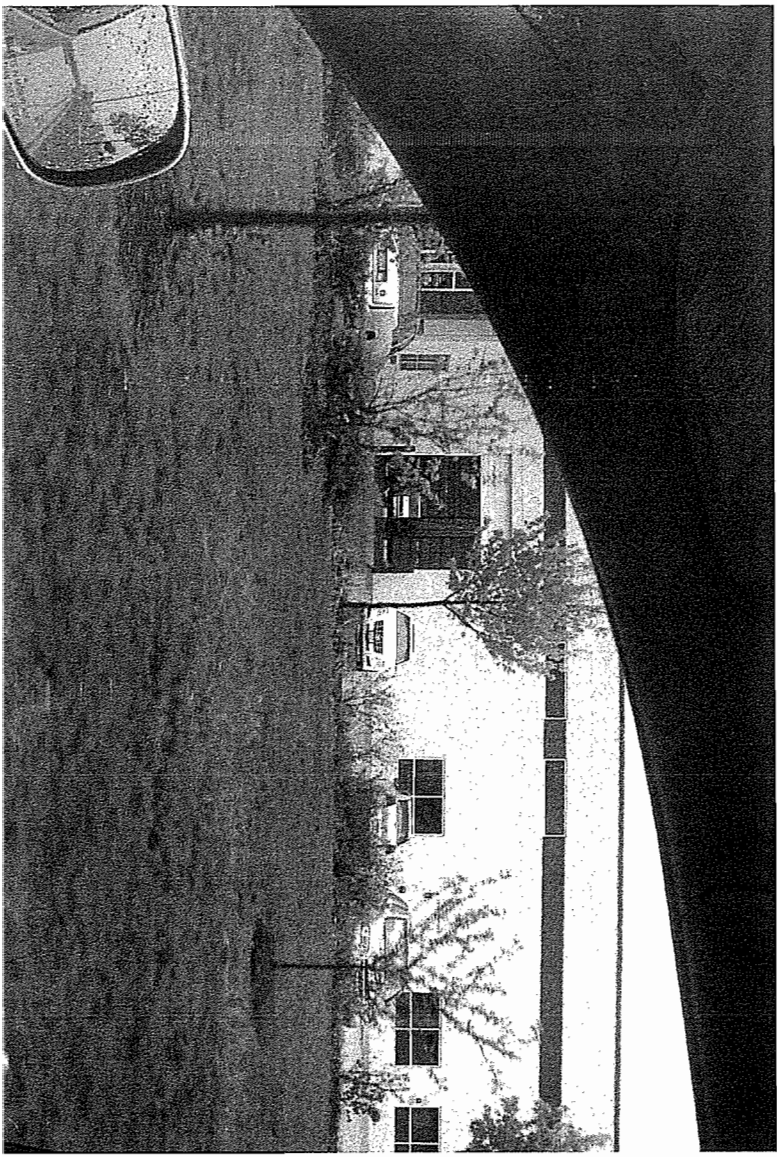


North
tree
line



View looking west





VILLAGE OF LAKE ZURICH
APPLICATION FOR AMENDMENT
TO ZONING CODE OR ZONING MAP

I. APPLICANT INFORMATION

A. Owner. Name, address, and telephone number of owner:

Mr. Geoff Pahios
Alpine Automotive Inc.
225 Oakwood Rd.
Lake Zurich, IL 60047

B. Trustee Disclosure. In the case of a land trust, the name, address, and telephone number of all trustees and beneficiaries of the trust:

N/A

C. Applicant. Name, address, and telephone number of applicant, if different from owner, and applicant's interest in the Subject Property:

Fleg Construction Corporation
244 Telser Rd.
Lake Zurich, IL 60047
Design/build Contractor

D. Consultants. Name, address and telephone number of each professional consultant advising applicant with respect to this application:

(1) Attorney: SALVI, SALVI & WIFLER P.C.
Peter J. Wifler
335 Chancery Ln. P O Box 399
Lake Zurich, IL 60047
847 438 6153

(2) Engineer: TERATEK
603 E. Burnett Rd.
Island Lake, IL 60042
847 487 0500

If a specific parcel of property is the subject of the proposed amendment, please respond to each of the following criterion as it relates to the particular parcel of property.

- C. Existing Uses and Zoning. List the existing uses and zoning classifications for properties in the vicinity of the Subject Property.

All properties to East, West and South are zoned Industrial
I 1. To the North there is a residential community
belonging to Hawthorn Woods.

- D. Trend of Development. State the trend of development in the vicinity of the Subject Property, including changes, if any, in such trend since the Subject Property was placed in its present plan designation or zoning classification.

The trend of the development in the area is Industrial.

- E. Adverse Impact on Subject Property Value. State the extent to which the value of the Subject Property is diminished by the existing plan designation or zoning classification applicable to it.

The Subject Property Value is not diminished by it,s current
plan designation.The I1 classification as it stands doesn't
allow a towing business, we are asking for a exception.

- F. Adverse Impact on Adjacent Property Values. State the extent to which the value of adjacent properties would be affected by the proposed amendment.

The value of the adjacent properties would be unaffected
by allowing towing at this location.

- G. Present or Absence of Offsetting Public Benefit. State the extent to which such diminution in value is offset by an increase in the public health, safety, and welfare.

As stated above property value would not be diminished.
Lake Zurich retaining this business has only a positive
effect on the community at large.

I, or we, have read the above certification, understand it, and agree to abide by its conditions.

Geoff Pahios
Name of Owner

[Signature]
Signature of Owner

Subscribed and Sworn to before me this 3rd day of January, 2005.

[Signature]
Notary Public

My Commission Expires: November 13, 2008



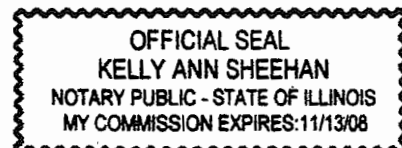
Flex Construction Corporation
Name of Applicant (if different from Owner)

[Signature]
Signature of Applicant

Subscribed and Sworn to before me this 5th day of January, 2005.

[Signature]
Notary Public

My Commission Expires: November 13, 2005



HAWTHORN WOODS POLICE



INCIDENT REPORT

1. Case Status 9	2. IUCR 9129	3. Incident # 2009-0272
4. Initial Notification Date 1/26/2009	Time 1100	
5. Incident Occurrence Date 9/29/2007	Time 1623	
2. Location 32 Chestnut Ct		3. City Hawthorn Woods

1. Incident Other Civil Matter		2. Location 32 Chestnut Ct		3. City Hawthorn Woods	
Complainant		Defendant		Suspect	
1. Name - Last, First, Middle Morrissey Joseph		2. Home Address 32 S. Chestnut Court		3. Telephone 847.726.1377	
4. Sex M	5. Race W	6. Height	7. Weight	8. Date of Birth 5/29/1967	9. Eyes
13. Occupation		14. Business Name and City			
15. Driver's License No./State		16. Social Security No.		18. Scars/Tattoos/Deformities	
19. Date Arrested	20. Time Arrested	21. Location of Arrest		22. Offense Section	
23. Date Miranda Given	24. Time Mir. Given	25. Officer Name/I.D. #	26. Fingerprint Available	27. Bond	28. Court App. Date
30. HWPD Ticket No.		31. FBI No.	32. BOI No.	33. NCIC	34. LEADS Mess. #

Complainant		Defendant		Suspect	
1. Name - Last, First, Middle		2. Home Address		3. Telephone	
4. Sex	5. Race	6. Height	7. Weight	8. Eyes	9. Hair
13. Occupation		14. Business Name and City			
15. Driver's License No./State		16. Social Security No.		17. Date of Birth	
18. Place of Birth		21. Location of Arrest		22. Offense Section	
19. Date Arrested	20. Time Arrested	23. Date Miranda Given	24. Time Mir. Given	25. Officer Name/I.D. #	26. Fingerprint Available
30. HWPD Ticket No.		31. FBI No.	32. BOI No.	33. NCIC	34. LEADS Mess. #

Vehicle or Boat Information						
1. Color	2. Year	3. Mfg. Trade Name	4. Body/Hull Style	5. Year/State	6. License No.	7. VIN/HIN
8. Owner			9. Address			
10. Telephone	11. Vehicle Removed by		12. Vehicle Removed to		13. Forfeiture Yes <input type="checkbox"/> No <input type="checkbox"/>	

Incident Summary Narrative

On this day Mr. Morrissey came into the Hawthorn Woods Police Department to provide information he gathered (attached). He stated back in 2007 he posted a video on YouTube about noise coming from Alpine Towing in Lake Zurich. Comments attached to the video were threatening in nature and a report was filed 07-0933. At the time there was no way of knowing who wrote the comments. Mr. Morrissey stated he had received a copy of potential witnesses for an up coming civil case and one of the names was Jeff Struve. The threats on YouTube were from Struve1782. Mr. Morrissey stated he has not had any further responses since 2007. I contacted Mr. Geoff Pahios the owner of Alpine Towing in Lake Zurich about this information. He stated Struve1782 was a 14 year old son of Jeff Struve a mechanic who works for him. He stated when he was made aware of what was written he demanded it stop. There has been no further postings since 2007

I advised Mr. Morrissey to give a copy to his lawyer for the civil case.

1. Reporting Officer (Print or Type) - Last, First, Middle Cmfr. Scharringhausen	I.D. No. 103	2. Squad	3. Video Available no	4. Assisting Officer-Last, First, Middle	I.D. No.
Reporting Officer Signature <i>[Signature]</i>			Supervisor Approval <i>[Signature]</i>		Date 1/27/09

HAWTHORN WOODS POLICE



INCIDENT REPORT

1. Case Status 9	2. IUCR 9105	3. Incident # 2008-2289	
4. Initial Notification Date 9/21/2008	Time	N/A	
5. Incident Occurrence Date	Time		
1. Incident NEIGHBORHOOD TROUBLE		2. Location 32 S. CHESTNUT CT	3. City HAWTHORN WOODS

<input checked="" type="checkbox"/> Complainant	<input type="checkbox"/> Defendant	<input type="checkbox"/> Suspect	<input type="checkbox"/> Victim	<input type="checkbox"/> Witness	<input type="checkbox"/> Other
1. Name - Last, First, Middle MORRISSEY, VICTORIA K.			2. Home Address 32 S. CHESTNUT CT-HW		3. Telephone 847-726-1377
4. Sex W	5. Race	6. Height 5'07"	7. Weight 130	8. Date of Birth 10/6/1966	9. Eyes HAZ
					10. Hair RED
					11. Build
					12. Place of Birth
13. Occupation			14. Business Name and City		
15. Driver's License No./State		16. Social Security No.		18. Scars/Tatoos/Deformities	
19. Date Arrested	20. Time Arrested	21. Location of Arrest		22. Offense Section	
3. Date Miranda Given	24. Time Mir. Given	25. Officer Name/I.D. #	26. Fingerprint Available	27. Bond	28. Court App. Date
					29. Where Court Held
30. HWPDP Ticket No.		31. FBI No.	32. BOI No.	33. NCIC	34. LEADS Mess. #.

<input type="checkbox"/> Complainant	<input type="checkbox"/> Defendant	<input type="checkbox"/> Suspect	<input type="checkbox"/> Victim	<input type="checkbox"/> Witness	<input type="checkbox"/> Other
1. Name - Last, First, Middle			2. Home Address		3. Telephone
4. Sex	5. Race	6. Height	7. Weight	8. Eyes	9. Hair
					10. Complex
					11. Build
					12. Scars/Tattoos/Deformities
13. Occupation			14. Business Name and City		
15. Driver's License No./State		16. Social Security No.		17. Date of Birth	
				18. Place of Birth	
19. Date Arrested	20. Time Arrested	21. Location of Arrest		22. Offense Section	
3. Date Miranda Given	24. Time Mir. Given	25. Officer Name/I.D. #	26. Fingerprint Available	27. Bond	28. Court App. Date
					29. Where Court Held
30. HWPDP Ticket No.		31. FBI No.	32. BOI No.	33. NCIC	34. LEADS Mess. #.

Vehicle or Boat Information						
1. Color	2. Year	3. Mfg. Trade Name	4. Body/Hull Style	5. Year/State	6. License No.	7. VIN/HIN
8. Owner			9. Address			
10. Telephone	11. Vehicle Removed by		12. Vehicle Removed to		13. Forfeiture	
					Yes <input type="checkbox"/> No <input type="checkbox"/>	

Incident Summary Narrative

I spoke with complainant who stated on Friday 9/19/08 she heard a lot of noise coming from Alpine Automotive Lake Zurich which backs up to her property. Complainant stated there has been an ongoing issue between the residents on Chestnut Ct. and Alpine Automotive (Lake Zurich) regarding the amount of industrial noise and as part of their ongoing case filed with IPCB.

I asked Victoria if she could tell me what happened on Friday, she stated as she began to hear the noise she grabbed her video camera and began recording the noise and the workers one of whom she identified as Geoff Pahois the owner of Alpine Automotive. She stated Geoff saw her and responded by saying to her "Anything I can help you with?", "Hope you're not recording my conversation or I'll have to take you to court." at which time she turned off her recorder and began to retreat to her residence and then heard him call her a "Cunt" and finally replied "Keep it up fatty", (see attached e-mail). I asked Victoria if there was anybody else in the area that may have heard this conversation and she stated no she was home alone and didn't see anybody else in the area. I asked Victoria if she would like to provide a written statement so we could keep on file with this compliant and she stated she would rather wait until her husband comes back in town and they have had time to consult with their attorney.

While I was at the residence I was able to view the video clip she had recorded regarding the incident and I heard up to the part where he was quoted for saying "Hope your not..." then the video was turned off. Per Victoria's wish I left her a voluntary statement form and I informed her that I would stop by during the week to gather her statement and see if she wishes to pursue the matter.

1. Reporting Officer (Print or Type) - Last, First, Middle SCAMILLA	I.D. No. 111	2. Squad 306	3. Video Available	4. Assisting Officer-Last, First, Middle	I.D. No.
Reporting Officer Signature <i>AG</i>			Supervisor Approval <i>[Signature]</i>		Date 9/21/2008



SUPPLEMENTAL REPORT

On 9/25/08 at approximately 3:46pm I went to 32 S. Chestnut Ct. to gather a statement from complainant Victoria Morrissey and while I was there I had an occasion to speak with her husband Joseph Morrissey. Both Mr. and Mrs. Morrissey asked that I go speak with Geoff at Alpine Automotive and get his version of the incident and see if I could speak to him to see that this incident does not escalate because one of their concerns was possible retaliation. I informed them I would go see Geoff immediately.

I arrived and met with Geoff and asked him if he could tell me what had happened on the date in question with Mrs. Morrissey. Geoff gave his version as a similar account as Mrs. Morrissey's

Ironically enough the Morrissey's and Geoff both stated that there were never any other words that have been exchanged in the past and I further informed Geoff if he believes they are unlawfully on his property to call the police and please do not exchange words with the residents in the future.

No further action needed at this time, neither side wishes to pursue this matter and have agreed to let the hearing run its course.

Reporting Officer (Print or Type) - Last, First, Middle SCAMILLA	I.D. No. 111	2. Squad 306	3. Video Available	4. Assisting Officer-Last, First, Middle	I.D. No.
Reporting Officer Signature <i>A. Scamilla</i>		Supervisor Approval <i>[Signature]</i>			Date 9/25/2008