

BEFORE THE ILLINOIS
POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE
SEP 24 2008
STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:

JOSEPH & VICTORIA MORRISSEY,

Complainants,

v.

GEOFF PAHIOS and ALPINE
AUTOMOTIVE,

Respondents.

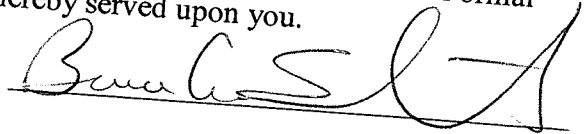
PCB 09-10

NOTICE OF FILING

To: Joseph & Victoria Morrissey
32 S. Chestnut Court
Hawthorn Woods, Illinois 60047

Illinois Pollution Control Board
James R. Thompson Center, #11-500
100 W. Randolph St.
Chicago, Illinois 60601

PLEASE TAKE NOTICE that on September 24, 2008, the undersigned filed with the Clerk of the State of Illinois Pollution Control Board, James R. Thompson Center, 100 W. Randolph St., Suite 11-500, Chicago, Illinois 60601, the Respondent's Answer to the Formal Complaint, a copy of which is attached hereto and hereby served upon you.



Paul J. Oleksak
Attorney At Law
100 Atkinson Road, Suite 110F
Grayslake, Illinois 60030
(847) 543-9000
Attorney Number

Bruce A. Slivnick
Attorney At Law
707 Lake Cook Road, Suite 316
Deerfield, Illinois 60015
(847) 714-0503
Attorney Number 6181410

Certificate of Service

Bruce A. Slivnick, an attorney hereby certify that I served this Notice and Answer to each person to whom it is directed by depositing the same in the Regular First Class U.S. Mail from Deerfield, Illinois 60015 prior to 5:00 p.m. on September 24, 2008.

A handwritten signature in cursive script, appearing to read "Bruce A. Slivnick", is written above a horizontal line.

BRUCE A. SLIVNICK

Attorney at Law

707 Lake Cook Road, Suite 316
Deerfield, Illinois 60015

Bruce A. Slivnick

Telephone: (847) 714-0503
Facsimile: (847) 714-0504
Email: bruce@thellerlaw.com

Of Counsel

Todd A. Heller
Andrea J. Beer
Yana Margolin

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September 24, 2008

**STATE OF ILLINOIS
Pollution Control Board**

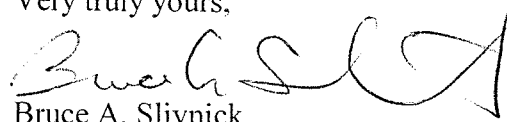
Mr. Bradley P. Halloran, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, #11-500
100 W. Randolph St.
Chicago, Illinois 60601

Re: In the Matter of Morrissey and Alpine Automotive, PCB 09-10

Dear Mr. Halloran:

This letter should serve as my appearance on behalf of the Respondents in this matter. My address is as set forth above. Thank you for your cooperation in this matter.

Very truly yours,



Bruce A. Slivnick

**BEFORE THE ILLINOIS
POLLUTION CONTROL BOARD**

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CLERK'S OFFICE

SEP 24 2008

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)	
)	
JOSEPH & VICTORIA MORRISSEY,)	
)	
Complainants,)	
)	
v.)	PCB 09-10
)	
GEOFF PAHIOS and ALPINE)	
AUTOMOTIVE,)	
)	
Respondents.)	

ANSWER TO FORMAL COMPLAINT

NOW COMES the Respondents, GEOFF PAHIOS and ALPINE AUTOMOTIVE, INC. improperly noted as ALPINE AUTOMOTIVE, by and through their attorneys, Paul J. Oleksak and Bruce A. Slivnick and as and for its Answer to the Complainant's Formal Complaint state as follows:

1. ANSWER: The Respondents lacks sufficient knowledge of the allegations of Paragraph 1 of the Formal Complaint and therefore neither admits nor denies the same, but demands strict proof thereof.
2. ANSWER: There are no allegations in Paragraph 2 therefore no responsive pleading is required.
3. ANSWER: The Respondents admit only that Alpine Automotive, Inc. operates a business at 1320 Ensell Road, Lake Zurich, Illinois 60047 with a telephone number of (847) 438-7770 and that Geoff Pahios is the President of Alpine Automotive, Inc. and is a shareholder in

said corporation. The Respondents deny the remainder of the allegations of Paragraph 3 of the Formal Complaint.

4. ANSWER: The Respondents admit only that they operate an automotive and truck repair facility that operates from 7:00 a.m. through 5:00 p.m. on Monday through Friday with very little work being done between 7:00 a.m. and 9:00 a.m. The Respondents further admit only that Alpine Automotive, Inc. does towing on an on-call basis at night and obtained a special use permit to operate all aspects of the business from the Village of Lake Zurich. The Respondents deny the remainder of the allegations of Paragraph 4 of the Formal Complaint.

5. ANSWER: The Respondents deny that they have violated any of the statutes or administrative regulations set forth in Paragraph 5 of the Formal Complaint and further deny that they have violated any orders of the Illinois Pollution Control Board.

6. ANSWER: The Respondents admit only that the Complaint makes allegations of noise pollution. The Respondents specifically deny the remaining allegations of Paragraph 6 and each and every subdivision of Paragraph 6 of the Formal Complaint. The Respondents further affirmatively state that with respect to Subdivision 1 of Paragraph 6 that in a meeting facilitated by the Village of Lake Zurich, the Complainants agreed that vehicles brought in after 10:00 p.m. that are able to move under their own power are to be dropped off on the west side of the building and then moved to the rear lot.

7. The Respondents admit only that the business has been located at the present location since July 1, 2007 and that Alpine Automotive, Inc. operates an automobile and truck repair facility that has a ventilation fan that is necessary for the safety of its employees, and that towing is done on an on-call basis. The Respondents specifically deny the remaining allegations of

Paragraph 7 and each and every subdivision of Paragraph 7 of the Formal Complaint and specifically that Alpine Automotive Inc.'s operations violate any statutory provisions of the State of Illinois and/or administrative regulations or orders of the Illinois Pollution Control Board.

8. The Respondents deny each and every allegation of Paragraph 8 of the Formal Complaint.

9. The Respondents deny that the Complainants are entitled to any of the relief requested in Paragraph 9 of the Formal Complaint.

10. The Respondents admit that there are no identical or substantially similar cases pending either before the Illinois Pollution Control Board or any similar forum against them for the same alleged pollution.

11. The Respondents admit that Joseph and Victoria Morrissey are representing themselves in this matter. The Respondents further state that they are being represented by attorneys, Paul J. Oleksak and Bruce A. Slivnick both of whom are licensed to practice law in the State of Illinois.

WHEREFORE, the Respondents, GEOFF PAHIOS and ALPINE AUTOMOTIVE , respectfully prays that this Honorable Pollution Control Board deny the relief sought in the Complainants' Formal Complaint, dismiss the Formal Complaint with prejudice, and for any and such other further relief that this Board deems just and appropriate under the circumstances.

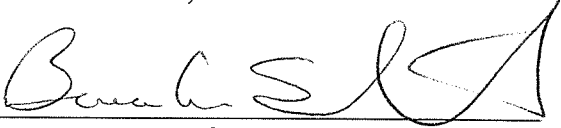
FIRST AFFIRMATIVE DEFENSE

1. The industrial park at which the Respondents business was located has been in that present location and operating for more than thirty (30) years and the Complainants had their house built approximately ten (10) years ago. As such, the Complainants have "come to the

nuisance.” and should not be heard to complain of noise emanating from either the Respondent’s or other locations within the industrial park.

WHEREFORE, the Respondents, GEOFF PAHIOS and ALPINE AUTOMOTIVE , respectfully prays that this Honorable Pollution Control Board deny the relief sought in the Complainants’ Formal Complaint, dismiss the Formal Complaint with prejudice, and for any and such other further relief that this Board deems just and appropriate under the circumstances.

Respectfully submitted,
GEOFF PAHIOS and ALPINE
AUTOMOTIVE, INC.

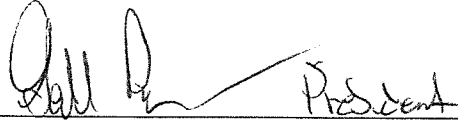
By: 
Attorneys for Respondent

Paul J. Oleksak
Attorney At Law
100 Atkinson Road, Suite 110F
Grayslake, Illinois 60030
(847) 543-9000
Attorney Number

Bruce A. Slivnick
Attorney At Law
707 Lake Cook Road, Suite 316
Deerfield, Illinois 60015
(847) 714-0503
Attorney Number 6181410

Certification

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



Geoff Pahios

Subscribed to and Sworn to before me
this 24th day of September 2008.



NOTARY PUBLIC

