

**MINUTES
CITY OF DARIEN
PLANNING & ZONING COMMISSION MEETING
December 4, 2019**

PRESENT: Lou Mallers-Chairperson, Michael Desmond, Robert Erickson, Steve Hiatt, Julie Kasprovicz, Ralph Stompanato

ABSENT: Brian Gay, Hilda Gonzalez, Brian Liedtke

OTHERS: Joseph Hennerfeind-City Planner, Dan Gombac-Community Development Director

Chairperson Lou Mallers called the meeting to order at 7:00 p.m. at the City Hall – City Council Chambers, Darien, Illinois and declared a quorum present and swore in the audience members wishing to present public testimony.

Chairperson Mallers welcomed City Planner Joe Hennerfeind.

REGULAR MEETING:

- A. Public Hearing - PZC 2019-03
Case: PZC 2019-03 7710 South Cass Avenue (Modell - Crematory)
Petitioner Modell Funeral Home, as owner of property at 7710 South Cass Avenue, seeks approval of a special use amendment for the construction of a building addition to operate a crematory as a secondary use.**

Mr. Joe Hennerfeind, City Planner reported that the petitioner proposes to construct an addition to the existing funeral home to house a crematory, garage space, viewing area and additional storage. He reported that the addition would be located on the southwest corner of the building, with a setback to the rear property line of 156' and the south property line of 115' and that the proposed addition is 1,902 square feet, and would expand the current facilities from 11,690 to 13,592 square feet. Mr. Hennerfeind reported that the addition would match the existing construction of brick and stone for a seamless transition to the original building and that the crematory would require a chimney stack that would rise to approximately 25' in height, yet have minimal impact as seen from Cass Avenue.

Mr. Hennerfeind reported that all other code requirements of setback, building coverage, total lot coverage, height and site development have been met with the design. He reported that a special use was granted to allow for the funeral home in 1977 and that the special use was amended in 2003 for an extensive expansion, plat of subdivision and other site improvements, but construction was delayed and substantially scaled back by the time construction occurred in 2013.

Mr. Hennerfeind reported that the approved Plat of Subdivision failed to be recorded in 2004 and now it would be required to be recorded prior to any additional planned improvements. He reported that the approved special use was granted for an

“Undertaking Establishment” in the R-3 Multi-Family Residence District, and although a crematory use is not specifically prohibited or permitted by definition, can be requested as a secondary or ancillary use to the original approval.

Mr. Hennerfeind reported that staff compiled data from neighboring communities to illustrate how each would consider a similar request, as noted in the staff agenda memo.

Mr. Andrew Brunsen, Modell Funeral Home & Cremation Services provided an overview and history of the family business. He stated that in 2013 the family made a substantial investment to the business. He further stated that they actively listen to the families and that the cremation rate today is 40% and will grow to 60% by 2023.

Mr. Brunsen stated that there are approximately 140-150 cremations done off-site per year but that 95% of the time without it. He stated that the family believes that this addition will enhance the services of the funeral home and better serve the families. He further stated that he and his wife are Darien residents and that they run their business with love, pride and respect.

Chairperson Mallers opened the meeting to Commissioner’s wishing to speak.

Commissioner Erickson questioned how many years Modell has been using the off-site facility.

Mr. Brunsen reported that the facility is approximately 15 miles away and that they have been using the facility for approximately 7 years.

Chairperson Mallers questioned the 40% and the reason for growth.

Mr. Brunsen stated that there are many reasons and every family is different, but that cost is a factor.

Commissioner Desmond asked where the facility is located and if they have considered other locations.

Mr. Brunsen stated that they have not considered other locations because they wish to keep it within their property.

Commissioner Hiatt questioned what pollutants are emitted and the air quality.

Ms. Jennifer Copas, Matthews Environmental Solutions reported that they have been in the business over 70 years. She provided an overview of the company. Ms. Copas stated that the machine will be inoperable 95% of the time and that there are different testing’s in place. She stated that the emissions are so insignificant that it is not monitored. Ms. Copas stated that every incinerator has a different classes and that in the United States, cremation is over 50% and trying to catch up with times. She stated that Modell is trying to offer services to the community and meet the needs of the people.

Ms. Copas reported that there are no fluids, and that cremation is a burner, body and air, heat, flame and evaporation as a final means of disposition. She reported that there is a technician in place that monitors the machine 24 hours a day. She further reported that there are no emissions and it is a self-contained unit with 6 inches of insulation and that they offer training so there are no hiccups.

Commissioner Hiatt again questioned the pollutants and the air and how it is monitored.

Ms. Copas reported that when cremation is done it pulls particles and cleans and comes out with no emissions. She stated that if someone has cancer, anything that causes concern will be removed such as pacemakers, mercury, etc. She further stated that mercury is not much of a problem anymore since it is no longer used and that anything in the body is so small. She stated that a broken light bulb emits more mercury.

Commissioner Desmond asked about knee and hip replacements.

Mr. Brunsen stated that the replacements are taken out prior to cremation and that gold teeth are disposed to a metal recycler or given to the family.

Commissioner Desmond questioned if carbon dioxide is being filtered out.

Mr. Kenneth Liss, President, Andrews Engineering, Inc. reported that he has experience in regulations and worked for the IL EPA. He stated that there are US EPA standards that the Crematorium Association publishes and that need to be followed.

Mr. Liss stated that under the Illinois Registration of Smaller Sources (Ross) Program, there are low emissions standards and that the crematory has to provide the numbers.

Commissioner Desmond stated that with 150 pounds of remains he did not see the data for carbon dioxide comparisons. He questioned if in compliance.

Mr. Liss stated that the crematory has to complete an online application to comply with the EPA standard. He stated that the numbers published are an estimate but that they can provide more detailed numbers.

Ms. Copas stated that if the machine didn't comply, a Ross permit would not be issued.

Mr. Dan Gombac, Director questioned the cause and effect of Mercury.

Mr. Liss reported that emissions is in the human remains and that different cultures have different levels of Mercury.

Commissioner Stompanato questioned embalming fluid and if a concern.

Mr. Brunsen stated that embalming fluid is absorbed in the body and that they are not aware of any concern.

Mr. Liss reported that it depends on the concentration and that the burn testing has so many variables but that they are all contained and combusted.

Commissioner Kasprowitz questioned what “hiccups” Ms. Copas was referencing.

Ms. Copas stated that a hiccup could be operator error during the cremation cycle. She reported that if this occurs the machine will shut off and restart. She further reported that the machine calibrates online.

Commissioner Kasprowitz questioned what happens if the internet is down.

Ms. Copas stated that they also recommend a wired line.

Chairperson Mallers opened the meeting to audience members wishing to present public comment.

Ms. Lauren Kaeseberg, Darien stated that it was unfortunate that the representative is from Florida. She stated that this request after all of the Sterigenics exposure to toxic air is irresponsible and that the people have fought hard for healthy air.

Ms. Kaeseberg stated that there are environmental studies showing a lot of pollutants in Mercury and a potential for human health. She questioned if there was Ambient Air monitoring done.

Ms. Copas reported that there is not enough data and that the US EPA does not regulate. She reported that the studies are done in Orlando, FL.

Ms. Kaeseberg stated that Modell needs to be more sensitive to this and that it will not be enticing for bringing in new business. She stated that there does not to be any more uncertain emissions and also relying on the internet for control.

Ms. Kaseberg stated that she is requesting that the City of Darien deny this request.

Mr. Norm Osling, Darien stated that no one will shop in Darien knowing there is a crematory. He referenced the Cremation Society of Illinois in Romeoville and lawsuits.

Mr. Ron Price, Darien stated that he lives 300 feet from the proposed 20-foot stack and that he wasn’t concerned until he listened to the presentation. He stated that the response regarding emissions is not responsive and that he is open minded but that this presentation is not honest. Mr. Price stated that there is no transparency and that they need facts and figures.

Ms. Janice Connors, Willowbrook stated that the EPA lied to the residents of Willowbrook for 34 years. She stated that there are cases of cancer and she is one of them. Ms. Connors stated that Modell should spend the million dollars somewhere else.

Ms. Sarah Turek, Darien stated that meeting the standards doesn’t mean it’s safe. She stated that we shouldn’t ask to make compromises.

Mr. John Norwood, Darien stated that he lives 2 blocks away. He questioned the percentage of crematories in a residential neighborhood.

Mr. Brunsen stated that he cannot give specifics but that the closest crematory to Darien is Bolingbrook where they also have a pet cemetery.

Ms. Barb Herber, Darien questioned what the standards are in the Ordinance.

Mr. Hennerfeind reported that there are performance standards in the Ordinance.

Ms. Herber questioned the smell.

Ms. Copas stated that there are hundreds of locations and no smell.

Ms. Herber questioned toxins in the ground water.

Ms. Copas stated that there was a study done in the UK and running for decades and the findings showing very small effects.

Ms. Herber questioned if there is a checklist that is used and how long it takes to cremate a body. She stated that the Economic Development Committee is trying to create a downtown Darien, and this is not aligned with their goals and not what the people want.

Mr. Brunsen stated that when a body is cremated, they follow a series of questions. He stated that it takes approximately 2 hours to cremate a body but depends on the weight.

There was much concern and discussion regarding the emissions and permit process per the EPA.

Mr. Brunsen stated that he understood the concerns of the community and that they would like an opportunity to provide more clarity. He stated that they are unclear if the numbers will bring peace of mind, but they want to be an open book and how they are permitted. Mr. Brunsen stated that the Cremation Society deals with pure volume and there is a constant flow of cremation. He stated that Modell does not and provides a service to the families with minimal use. He further stated that they have not looked at other sites as it does not meet the needs of the families.

Mr. Dave Leatherwood, Darien stated that the information is lacking. He questioned if there would be a limit to the number of cremations done.

Mr. Liss stated that the emissions in a body is low but that they can provide the data on paper.

Mr. Gombac stated that the PZC can add a condition to the motion on the number of cremations.

Mr. Brunsen stated that they would not accept any outside funeral homes and it is not the interest of Modell.

Ms. Domina Tingos, Darien questioned if the Brunsen's children attend school nearby. She stated that baby boomers have a lot of Mercury in their teeth and questioned why that is not a concern.

Mr. David McHail, Darien stated that he is a Special Education Administrator and that the tiniest dosage of medication changes things. He stated that KinderCare is next door and that those children are at the highest risk. He asked that the City deny for safety of the children and the community.

Mr. Kevin Sweeney, Darien stated that he thinks the world of the Modell Family. He stated that he went to the Bolingbrook Funeral Home and that there is open space and plenty of room. He stated that he hopes that Modell chooses another location.

Mr. Joe Buell, Darien read an article from the American Medical Association and the effects of the cremation process.

Commissioner Hiatt questioned if the machine can scrub completely.

Ms. Copas reported that there is equipment in New York that voluntarily added the scrubber but that it doubled the cost of the project but have not proven zero emissions.

Commissioner Hiatt questioned if there is any data for reducing emissions to zero.

Mr. Brunsen stated that they would like to return with firm data. He stated that the idea of a crematory is for the families and that they will continue to cremate and that in a changing industry not doing this puts them at risk.

Chairperson Mallery explained that the PZC looks for what is the best interest of the community. He stated that there are so many unknowns.

Mr. Gombac suggested that the petitioner return with Ambient Air Monitoring data, a Consumer Confidence Report showing contaminants and cause and address the special use.

Mr. Hennerfeind reported that the special use was addressed in Attachment G, items 1-8 of the Agenda Memo.

A lady in the audience stated that the school district is trying to hire a new Superintendent and that this is not a plus.

There was no one else wishing to present public comment.

Commissioner Hiatt made a motion and it was seconded by Commissioner Desmond to continue PZC 2019-03 to the December 18, 2019 PZC Meeting.

Upon voice vote, THE MOTION CARRIED 5-1. Commissioner Kasprowitz voted Nay. Commissioner Gay, Commissioner Gonzalez and Commission Liedtke were not present.

Commissioner Hiatt suggested getting the Economic Development Committee views sooner rather than later.

CORRESPONDENCE

None

OLD BUSINESS

Mr. Hennerfeind reported that the Cannabis locations were forwarded to the City Council. He reported that the Dunkin Donuts and Italian Restaurant will be on the agenda for December 18th.

Mr. Gombac reported that there are economic incentives regarding setbacks instead of monetary. He suggested having an environmental representative at the next meeting regarding Modell.

Mayor Marchese was in the audience and suggested bringing in GDC who did the Sterigenics air quality to the Modell meeting.

NEW BUSINESS

None.

APPROVAL OF MINUTES

Commissioner Erickson made a motion and is was seconded by Commissioner Hiatt to approve the November 6, 2019 Regular Meeting Minutes.

Upon voice vote, THE MOTION CARRIED 6-0.

NEXT MEETING

Chairperson Mallers announced that the next meeting is scheduled for December 18, 2019.

PUBLIC COMMENTS (On any topic related to planning and zoning)

There was no one in the audience wishing to present public comment.

ADJOURNMENT

With no further business before the Commission, Commissioner Kasprowitz made a motion and it was seconded by Commissioner Stompanato. Upon voice vote, THE MOTION CARRIED unanimously, and the meeting adjourned at 9:20 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

Elizabeth Lahey
Secretary

Lou Mallers
Chairperson