

Scottsville Planning Commission

Regular Meeting
Monday, December 2, 2013
Victory Hall
401 Valley Street
Scottsville, Virginia

Members:
James V. Kerlin, *Chair*
Dustin B. Caster
William S. Hyson
Stuart C. Munson
Ronald L. Smith

Minutes

1. Call to order – Mr. Kerlin called the meeting to order at 7:00 p.m.
2. Establish a quorum – All members were present, and a quorum was established. Also in attendance were Town Administrator George Goodwin and Town Clerk Amy Moyer.
3. Review and approval of meeting minutes of October 7, 2013 – Upon a motion by Mr. Smith, seconded by Mr. Caster, the minutes were approved.
4. Matters not on the agenda from the public – No one from the public wished to speak.
5. ZTA-13-02: Public hearing on zoning text amendment request by Thacker Brothers Funeral Home, Inc. to permit crematory as an accessory use to funeral homes (Zoning Ordinance Section 11.10, Commercial District, Permitted Uses).

Bradley Howdyshell was present on behalf of the applicant, Thacker Brothers Funeral Home, Inc.

Mr. Goodwin explained that there are several ways to look at this, one adding a crematory as an accessory use to a funeral home by right, one adding the use by special use permit, and the third recommending denial.

Mr. Hyson asked how other localities classify a crematorium, commenting that he saw one place where it was classified as light industry. Ms. Moyer and Mr. Goodwin replied that it varies.

Mr. Caster asked if there is a reason to require a special use permit to control the use. Mr. Goodwin replied that he thinks that in the Town Council's view there is.

Mr. Smith noted that crematorium is included in Zoning Ordinance Section 8.2.2 by special use permit. This section refers to permitted uses in the Rural Areas district. The Zoning Ordinance does not provide for the use in the Commercial district.

Mr. Smith asked what the easiest way is to get approval for the crematorium. Mr. Goodwin recommended the special use permit version in order to address any opposition to the location in the Commercial district with adjacent Residential and to add stipulations for

noise, smoke, etc., if needed. Mr. Goodwin said that in conversation with the mayor, he was more comfortable being able to apply some rules rather than just voting it up or down.

Mr. Smith asked why locate the crematory here instead of Lake Monticello. Mr. Howdysshell replied that it is because the infrastructure is here, gas lines, natural gas, etc.

Mr. Smith commented that having operated a crematory, it is good to be able to have control over the deceased's remains all the time; it puts the family more at ease. He said that the only time you could tell the crematory was operating was standing close up, and it was not a nuisance, but there was not a residence close by to object. Mr. Smith explained that it is a clean operation, with EPA and DEQ rules to follow and requirements that operators be trained.

Mr. Smith noted that about three years ago the town issued a special use permit for the front part of that building to be used as residence, and he asked if it poses a problem for a crematory to be connected to a residence. Mr. Goodwin said that the garage was built separately. Mr. Howdysshell stated that it was built as two buildings with an eight foot separation where the kitchen presently is. Mr. Goodwin felt there could be enough differentiation. Mr. Smith asked if the fire marshal would have concerns. Mr. Goodwin replied that it would be grandfathered.

Mr. Hyson asked how many crematories there are currently in Charlottesville and Albemarle. Mr. Howdysshell replied that there is one in the city and one in the county. Mr. Hyson asked if they currently contract out. Mr. Howdysshell replied yes, to Teague. Mr. Hyson asked if they would offer the service to Thacker Brothers' clients only or also to other funeral homes. Mr. Howdysshell replied that they would start with their own clients and possibly offer to others in the future who are in the same situation. Mr. Goodwin commented that it is a desperately needed service.

Mr. Hyson asked if they would be doing animals. Mr. Howdysshell replied that may be an option down the road, but that has to be two separate pieces of equipment. Mr. Hyson asked about the renovation to accommodate the chimney. Mr. Howdysshell said they originally looked at adding on to the current facility to house the equipment but decided to use the existing garage as a less intrusive option after considering architectural issues and ARB review. Mr. Howdysshell said that other than modifying the roof trusses it is not a huge undertaking.

Mr. Munson asked if there is an argument to allow the use by right rather than by special use permit. Mr. Goodwin said that special use is more appropriate considering what is already in the ordinance.

Mr. Hyson expressed concern about smoke and particles. He remarked that with residences, a brewery, and a classy restaurant nearby, the use seems out of character to the town. He supports the idea of crematoriums, but in his reading, this was more appropriate to cemeteries and larger areas with land and more space.

Mr. Smith commented that he has not seen the specifications for the particular unit, but there is typically a light beam that monitors the size of particles and shuts the facility down if needed. He said there is more garbage coming out of some cars.

Mr. Howdysshell stated that the technological advances are amazing; it is all computerized now. He presented an emissions comparison for this unit, and the crematory was lowest in particulate matter for almost all of the tests when compared with a residential fireplace, a diesel truck, and a restaurant. Mr. Howdysshell commented that Teague's facility is in town and Hill & Wood is downtown in a highly residential areas.

Mr. Goodwin noted that the applicant had mentioned that there is no smoke with these units, so that eliminates that concern. Mr. Goodwin and Mr. Smith said that heat waves are mostly all that would be seen. Mr. Munson asked if there is no odor. Mr. Howdysshell replied that there is no odor, and he explained the afterburner process.

Mr. Caster summarized that the facility will stay the same, the only external change is a vent, there is no particulate emission, and no real other emission, so the only debate is whether to allow it by right or by special use permit, with the discriminating factor being the speed through council. Mr. Goodwin agreed. Mr. Howdysshell asked about the public hearing requirements. Ms. Moyer replied that the zoning text amendment goes to the Town Council for a public hearing, and if necessary, a special use permit requires posting of the property and an additional set of public hearings.

Mr. Hyson asked how many cremations they expect. Mr. Howdysshell replied they expect 60 in the first year, or 5 per month for client families, and it is a 1.5 hour process.

Mr. Smith asked Mr. Howdysshell which version he would prefer. Mr. Howdysshell said he would like to get it done as smoothly and quickly as possible, as they have been working on it for a year while waiting to see what the county did with Teague. Mr. Goodwin encouraged Mr. Howdysshell to attend the Town Council work session to answer any questions.

Mr. Caster asked if there is any concern about a future crematorium in a future funeral home, and setting a precedent for that.. Mr. Smith commented that a future funeral home would likely locate on the outskirts of town on 5 to 10 acres with parking, not in downtown Scottsville. Mr. Howdysshell agreed with respect to the town limits.

Mr. Caster asked how likely it is that the Town Council would pass the ordinance if the Planning Commission recommended by right. Mr. Goodwin replied he does not know; he thinks that some people do not have a comfort zone with it, but the chart speaks volumes.

Mr. Caster expressed support for by right. Mr. Munson disagreed, finding that the ordinance does not support that it is a right. Mr. Munson prefers by special use permit. Mr. Hyson feels it is more appropriate for Light Industry or Heavy Industry than Commercial, and it would have to be a special use permit. Mr. Smith agreed with special use permit. Mr. Hyson asked about stipulations on a special use permit, such as animals, distance from other properties, etc.

Mr. Kerlin opened the public hearing. There being no one from the public who wished to speak, the public hearing was then closed.

Commission members reviewed the special use permit draft. Mr. Howdyshell commented that several points in the draft do not apply to his property. Mr. Howdyshell asked that they strike the provision regarding animal remains. Mr. Goodwin noted that animals require a second machine, which would go through the special use permit process again. Mr. Howdyshell noted that they are required to contract out medical waste. Members agreed to strike the provision reading “the facility shall be used solely for the cremation of human corpses and shall not be used for disposal of animal remains or medical waste.”

Mr. Hyson asked about the removal of metals from the body. Mr. Howdyshell said that pacemakers are removed beforehand. Mr. Hyson asked about metal from the teeth. Mr. Howdyshell replied that is done afterwards.

Commission members agreed to leave the other provisions in the ordinance to address any future applications, though they may not be applicable to this application. The fuel tank setback was not specified at this time.

Mr. Smith moved that the Planning Commission forward the proposed amendments to Section 11.10.2 (Commercial District, Permitted Uses, By Special Use Permit) of the Scottsville Zoning Ordinance to the Town Council with a recommendation for approval. Mr. Caster seconded the motion. The motion passed 3-1, with Mr. Hyson opposing.

6. Adjourn – The meeting was adjourned at 7:39 p.m.