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PETERS TOWNSHIP PUBLIC HEARING

MARCH 21, 2011, 7:30 P.M.

COUNCIL MEMBERS:

Chairman Robert Atkison - At Large

Vice Chairman Monica R. Merrell - District B

David M. Ball - District A

James F. Berquist - District D

Robert Lewis - At Large

Gary J. Stiegel, Jr.-At Large

ALSO PRESENT

Mr. Silvestri

Mr. Zuk

Mr. Johnson

Reported by William E. Weber, RDR, CRR
Weber Reporting, LLC
3579 Ashland Drive
Bethel Park, Pa 15102
412-414-5846
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1 Representing the Petitioners:

2 Tammy Ribar, Esquire
3 Houston Harbaugh
4 Three Gateway Center
5 401 Liberty Avenue
6 22nd Floor
7 Pittsburgh, PA 15222

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1 (Pledge of Allegiance Recited)

2 (All Witnesses Sworn)

3 CHAIRMAN ATKISON: Now we have some people
4 in the conference room in the back watching on
5 television. So, they will be participating from the
6 other room.

7 If they are speaking, however, they will
8 have to come to the front. Everyone who intends to
9 testify tonight speak, I want you to stand up, raise
10 your right hand. You have to be sworn in one big lump.

11 (All witnesses sworn)

12 CHAIRMAN ATKISON: Thank you very much.
13 Let's get things rolling. I have an opening statement
14 here. The purpose of this evening's public hearing is
15 to accept comment on proposed curative amendment
16 challenging the validity of the Peters Township zoning
17 ordinance regulating funeral homes and crematories. The
18 challenge has been filed by the Audia Investment Group,
19 LLC.

20 This hearing has been advertised in the
21 Observer Reporter on March 7 and 14th. The hearing
22 notice was posted on township bulletin boards, the
23 website and cable television. A copy of the proposed
24 ordinance was available on the website.

1 Council will not be taking any action
2 tonight. At the conclusion of the testimony this
3 evening Council will determine if the hearing will be
4 closed or need to be continued for additional
5 information and testimony at later date.

6 In order to maintain an organized meeting,
7 however, the following process will be followed:
8 Township staff will first make their presentation and
9 comments followed by a presentation of the applicant,
10 the Audia Investment Group, LLC. After that we will
11 accept comments from the audience. I request and I
12 strongly insist that prior to accepting general
13 comments, if there any spokespersons representing groups
14 or residents they be identified and speak first. We
15 will allow the spokesperson ample time to make comments.
16 We will then open comments up row by row.

17 If your supporting comments already are made
18 we ask you to simply state that to avoid repetition and
19 provide time for all who wish to speak. Anyone
20 addressing Council will need to come to the podium,
21 state your name and address clearly. Comments from the
22 floor will not be accepted. This is not a group
23 discussion.

24 Now, when you come up front here and give

1 your name and address make it hearable because the
2 gentleman doing the stenography work needs to know who
3 you are, he needs to record that. So we need you to
4 speak up clearly. All right? Okay. Mr. Silvestri.

5 MR. SILVESTRI: Thank you, Mr. Atkison.
6 Before I make some brief comments, I want to enter the
7 following information into the record.

8 First of all the proposed curative
9 amendment.

10 A memo dated March 16, 2011 from Ed Zuk with
11 the Planning Commission's recommendations against the
12 proposed curative amendment.

13 The March 10, 2011 report from Emily
14 Moldovan Grant Shiring with their observations of the
15 crematory.

16 A March report from Dr. Stanley Pankala, Air
17 Science Consultants.

18 A PA DEP mercury in rain report.

19 A DEP letter and permit requirement form.

20 A letter dated February 18, 2011 from Tammy
21 Ribar of Houston Harbaugh with an attached land owner
22 curative amendment.

23 A report dated September 2nd from Civil &
24 Environmental Consultants including, incorporating Air

1 Quality Evaluation of Atmospheric Emissions From a
2 Proposed Crematory.

3 Nine, an addendum to CEC report dated
4 February 24, 2011.

5 And 10, a response to comments from CEC
6 dated March 18, 2011.

7 There is a March 11, 2011 letter from
8 Washington County Planning Commission with a neutral
9 recommendation.

10 A March 15 letter from the environmental
11 Quality Board in opposition.

12 A March 17 memo from Sam Hazo, president of
13 the Hidden Valley Manor Homeowner Association.

14 March 3 memo from Cheryl Ferris Ph.D. with
15 supporting documents including a report on residential
16 values, Texas study on Mercury, impact from emissions on
17 surrounding property, report entitled Dust in the Wind
18 report, and a Kulpmont Borough Air Pollution Control
19 ordinance.

20 A March 16 memo from Joe McLaughlin in favor
21 of the crematory.

22 A letter from Susan Ambosini in opposition.

23 A memo from Kimberly Brenneman in
24 opposition.

1 A petition which we have here from, numerous
2 pages to review the Kulpmont ordinance.

3 A memo from William Henney Funeral Director
4 in support of the crematory.

5 A letter dated March 12th from Mr. and
6 Mrs. Ginsler in opposition.

7 A letter dated March 13th from Martha
8 Swotzer in opposition.

9 A letter dated March 16th from Dr. Valsinni
10 in opposition.

11 The reason this item is before Council this
12 evening is the township received a landowner curative
13 amendment. This is a challenge to our zoning ordinance
14 on the basis that our ordinance does not specifically
15 provide for a crematory in any one district and in the
16 definition of funeral home it specifically excludes
17 crematories.

18 And so, based on the procedures set forth in
19 our zoning ordinance and the municipality's planning
20 code, the applicant has filed a challenge to our
21 ordinance to cure that defect by changing the definition
22 of funeral home to permit crematories in that
23 definition.

24 What Council will need to do this evening is

1 to accept testimony from the applicant as well as the
2 public on this matter and then eventually make a
3 decision based on the law, the specific law of the
4 planning code and our zoning ordinance as well as the
5 applicant's proposals and the comments from the public.

6 Before we open it up for presentation by the
7 applicant, Council did employ Dr. Stanley Pankala from
8 Air Science Consultants to review the proposal from
9 Civil Environmental Science Consultants, I would just
10 like to ask Dr. Pankala to briefly provide his
11 observations to Council. Dr. Pankala.

12 DR. PANKALA: Thank you. The information I
13 was provided was originally put together by CEC last
14 year some time. And apparently was done with no
15 particular location in mind and with default conditions
16 for the crematory.

17 I took the specific topics first off to just
18 lay out some technical terms that will be important to
19 the discussion. I took a look at the Pennsylvania DEP
20 General Plan Operating Permit as to its position on
21 crematories in general, and did a critique of CEC Air
22 Quality Evaluation Report which I had in hand with
23 looking to the crematory stack height, the consideration
24 of the mercury emissions and overall potential risks

1 involved in having such a facility in the Peters
2 Township area.

3 One of the things to keep in mind with any
4 toxic materials that people might be exposed to, is it
5 toxic is a relative term. It doesn't imply simply the
6 presence of the material. It requires both presence and
7 concentrations at levels that could cause harm to the
8 public.

9 The EPA sets out limits for exposure based
10 on sensitive populations and to the extent that the CEC
11 report discusses this, they have used the EPA statements
12 as to what constitutes a significant level for exposure.

13 What I did was take a look at their
14 concentration model and evaluated the location for the
15 proposed crematory and pointed out what would need to be
16 done in order to model that particular location for this
17 particular facility. So, I mentioned consideration of
18 building down wash, consideration of the nearest
19 receptors both commercial and residential, and pointed
20 out some technical deficiencies in the way that the data
21 from the manufacturer was utilized in the modeling that
22 was performed.

23 This morning I received a 17-page fax from
24 Houston Harbaugh of a revision to the modeling that

1 addresses many of these factors. I haven't had a chance
2 to go through that in total. And so I really don't have
3 a whole lot to say in addition to what was in my
4 original report.

5 However, in the interim I did put together
6 information relative to mercury concentrations that are
7 currently affecting the nation as a whole, Western
8 Pennsylvania specifically to give the public and the
9 Council some idea of what concentrations we are already
10 looking at so that there is a baseline to compare any
11 additional concentrations that might be contributed to
12 by a new source in the area to those levels.

13 In particular, most of the mercury that
14 humans are exposed to enters their bodies by means of
15 ingestion of food stuffs that have mercury contamination
16 of one sort or another.

17 I'm sure you all heard of fish being a
18 source of mercury contamination. Fish being at the top
19 of the food chain, they tend to accumulate mercury and
20 so, we set certain levels for commercial sources of fish
21 in the marketplace.

22 We have the DEP setting criteria to give
23 guidelines on limitations on how much fish can be
24 consumed safely from various sources in the

1 Commonwealth.

2 That said, when we inhale air that contains
3 mercury concentrations either as a vapor or as mercury
4 on particulate matter, that mercury can be absorbed from
5 the inhaled material.

6 It tends to be a much smaller component.
7 However, it could also be significant if there were a
8 significant source in the area.

9 Most of the concentrations that have caused
10 problems for human health have been either accidental
11 releases from a processing facility, processing or using
12 mercury to treat and/or to remove something that they
13 want out of that. Smelting activities tend to have high
14 concentrations because of that.

15 In the Pennsylvania area the most recent
16 numbers we have go back to the mid 2003 through 2006
17 when we were doing acid rain monitoring across the
18 entire country. Pennsylvania had a monitoring site in
19 the middle of Greene County which is the closest one to
20 Peters Township, so we have concentration estimates from
21 that location. And these are measurements of the
22 mercury concentration in the rain water.

23 In point of fact, mercury that is released
24 to the atmosphere through vaporization of the mercury

1 contaminant will rapidly grab on to particulate that is
2 in the atmosphere. And usually since those particulates
3 are small to begin with, we don't see them at ground
4 level until it is washed out by a rainfall.

5 So, that the tracking of mercury
6 concentrations was more determined as micrograms per
7 square meter of land surface area than they are
8 micrograms for cubic meter of air. However, in the
9 source where mercury is released as a vapor, essentially
10 as a gas, we do talk about emission rates in terms of
11 micrograms per cubic meter of air emitted by that
12 source.

13 So those are some of the terms you are going
14 to see. Again, to get back to the exposure levels, the
15 exposure levels that we see in the Pennsylvania area
16 tend to be some of the moderate to high concentrations
17 for the country as a whole. Western Pennsylvania on the
18 order of 25 to 50 micrograms per square meter with a
19 range going up to as much as 250 to 380 micrograms per
20 square meter in various areas exposed to local sources.

21 So pretty much that is about it for now
22 until we have a little more time to take a look at the
23 more recent presentations of the CEC. I'm willing to
24 answer questions if you have any relative to this.

1 CHAIRMAN ATKISON: Later, sir. The
2 applicant I assume you now are ready to make a
3 presentation. You are next on the agenda.

4 MS. RIBAR: Yes, sir. Good evening, my name
5 is Tammy Ribar, I'm legal counsel for the applicant
6 Audia Group Investment, LLC the proposed purchaser of
7 the property along with Danielle and Andy Belusko and
8 Rod Belusko which will be the tenants who will operate
9 the funeral home and crematory on the site.

10 Mr. and Mrs. Belusko intend to own and
11 operate a family-operated small business offering full
12 service burial and cremation services on site. The
13 property at issue is located at 3287 Washington Road.
14 This is the former Lazy Boy furniture store on Route 19.
15 It is a C-2 general commercial district. This property
16 has been vacant for at least the past five years. It is
17 used seasonally for a Halloween costume store.

18 First I need to clear up an issue with the
19 landowner curative amendment. The current definition in
20 section 200 of your ordinance states that a funeral home
21 is a building used for the embalming of the deceased
22 prior to burial but not including cremation, and/or for
23 the viewing of the deceased and ceremony connected
24 therewith before burial or cremation.

1 This specifically excludes cremation from a
2 funeral home use and the ordinance in no other district
3 allows for crematory either as accessory to funeral
4 homes or as standalone entities. Funeral homes are
5 currently permitted uses in the ordinance in C-1
6 neighborhood commercial districts, C-2 general district
7 and VNC, Venetia Neighborhood Commercial Districts.

8 The curative amendment that was advertised
9 seeks to change the definition of funeral homes. That
10 is different than the curative amendment we originally
11 requested. I believe that is an oversight and there was
12 some commentary raised at one of the last hearings that
13 the curative amendment as proposed actually would allow
14 standalone crematories in Peters Township. That has not
15 been our intent, that is not our intent and never has
16 been our intent.

17 The advertised curative amendment we believe
18 can be changed very insignificantly to make that clear.

19 Do you have this operating?

20 MR. SILVESTRI: Not the overhead. I can. I
21 do have it here. You are looking for the ordinance?

22 MS. RIBAR: Looking to show the difference
23 in the language between the advertised amendment and our
24 original request.

1 MR. SILVESTRI: I have your revised one.

2 MS. RIBAR: My e-mail of February 17th which
3 has the different language is in your binder behind
4 Exhibit tab 7. It is a change of a very simple and/or
5 and the location of the and/or in the ordinance. What
6 we had originally requested was for the ordinance to
7 read, that a funeral home be defined as a building used
8 for the embalming and/or cremation of the deceased prior
9 to burial, and for the viewing of the deceased in
10 ceremonies connected therewith before burial or
11 cremation. The and/or and the and is key because the
12 building can be used for embalming and/or cremation but
13 also has to be used for viewing of the deceased in
14 ceremonies connected therewith. We believe that would
15 prevent any interpretation of this for standalone
16 crematories.

17 Again, that was our original request. That
18 was not the version of the ordinance that was
19 advertised. We believe that with a simple change of the
20 words and/or and and, that can be cured.

21 Courts in Pennsylvania have concluded that
22 the operation of a crematory is an ancillary service to
23 a funeral home. In a 2001 Pennsylvania Commonwealth
24 Court case, the Rabenold case which is included in your

1 binder under tab 10, it noted that while few
2 jurisdictions have addressed this particular issue, most
3 of those that have, have concluded the operation of a
4 crematory is an ancillary service to a funeral home.

5 Some of the cases cited in the footnote 6 to
6 the Rabenold case which are also included in the binder
7 discuss specific state statutes and the definitions
8 contained therein you can see these are from other
9 jurisdictions. In Pennsylvania there is a statutory
10 definition of funeral director in the funeral director
11 law. The statute is set forth in your binder under tab
12 35.

13 It defines a funeral director as any person
14 engaged in a profession of funeral director or in the
15 care and disposition of the human dead, or in the
16 practice of disinfecting and preparing by embalming the
17 human dead for the funeral service burial or cremation,
18 or the supervising of the burial, transportation or
19 disposal of deceased human body, or in the practice of
20 funeral directing or embalming presently known whether
21 under these titles or designations or otherwise.

22 It also defined a funeral establishment
23 accordingly. Consistent with these definitions we
24 believe that cremation is an ancillary service to a

1 funeral home.

2 And since cremation like funeral homes deal
3 with the disposition of human remains and are very
4 rarely standalone facilities, we think it makes sense to
5 make crematories as accessory to funeral homes in Peters
6 Township and tie them together in the definition of
7 funeral home and that is what our curative amendment
8 seeks to do.

9 As far as cremation in the United States,
10 according to Cremation Association of North America
11 called CANA for short the first cremation in North
12 America was performed in 1876 by Dr. Julius LeMoyne in
13 Washington, Pennsylvania.

14 As of 2009 more than 2100 crematories
15 existed in North America and 36.84 of deaths in the
16 United States are cremations. We believe that number
17 now approaches closer to 40 percent.

18 The applicant has proposed to install a unit
19 in the facility that is manufactured by Matthews
20 International. We have a representative from Matthews
21 International, Ernie Czirok who can speak to you
22 regarding the details of the unit and the safety
23 features of the unit.

24 MR. CZIROK: My name is Ernie Czirok, our

1 company is out of Apopka, Florida.

2 With regards to the safety features of our
3 unit, each one of our units have opacity monitoring
4 systems on it that monitor any type of smoke or odor
5 that would try to escape through the chamber. And also
6 it does corrective action on the crematories before any
7 of that would be emitted into the atmosphere making sure
8 that those levels stay at that level that the state has
9 enacted, the .08 particulate matter limit.

10 Our crematory is currently run at .02 to .04
11 on the particulate matter per hour in that sense. With
12 regard to the way that our operations of the crematories
13 are constructed, the stacking system or the flue system
14 as we refer to it is roughly triple stainless steel
15 walled steel with four and a half inches of refractory
16 lining so everything is encompass inside there. As the
17 air is coming through the stack system it is being
18 cooled.

19 If you have an opportunity to look at some
20 of the crematory pictures that are in your binder there,
21 you can see the chambers where the charge for the case
22 is placed in, that with oxygen and a fuel source of
23 natural gas or propane is emitted into the area of the
24 chamber, the main chamber.

1 The main chamber is first of all preheated
2 to an 1800 degree temperature for the safety of the, for
3 the safety features of the crematory as well as the
4 emissions factor as well making sure that we are
5 maintaining that safe limit that the DEP has enacted for
6 us.

7 Now, with regards to how the process goes,
8 as the cremation is in its process, the body will be
9 cremated as the gas and substances are traveling
10 throughout a type of S curve in the crematory. The
11 gases are being held between 1 to 2 seconds in a
12 settling chamber and that aspect there holding those
13 disseminating any type of gases that are in there that
14 would be harmful to the emissions that are coming out of
15 the flue system that we have.

16 Q. Let me interrupt you, you mentioned a particulate
17 matter of .08, who sets the standard for that?

18 A. That is set by the US EPA and also by the DEP as
19 well.

20 Q. Can you explain some of the safety features in
21 the unit, in particular what is the unit that is
22 contemplated for this facility?

23 A. This particular unit would be the Power-Pak II
24 cremation system. With the safety features that we have

1 in place as I did highlight a little bit on the opacity
2 monitor system, the opacity monitor will regulate, will
3 see if anything is coming up through the stack. It is a
4 constant measurement for any types of opacity that might
5 be coming through. Any time opacity would try to hit
6 that range anywhere from five to ten percent opacity, it
7 would register that.

8 In certain instances we can lower that opacity
9 rating as well so that if anything is coming up at all
10 even past that .25 percent opacity it will register and
11 do corrective action to the machine.

12 Q. And what kind of reporting system or log does the
13 unit have?

14 A. The machine has dual temperature recorder which
15 records the cremation throughout the whole process
16 making sure that the machine is maintaining that 1800
17 temperature that the DEP has set forth for the State of
18 Pennsylvania.

19 Q. Is that temperature log a requirement of the DEP?

20 A. Yes, it is.

21 Q. What would happen if a cremation was operating
22 and the power went out?

23 A. Well, if the power went out with the cremation
24 everything is self contained in the crematory there.

1 Most of my clients throughout the industry do operate
2 generators as well so within about a 15, tops 30 second
3 time period the generators would kick on and engage and
4 allow the crematory to finish its process.

5 Q. What do you mean by self contained?

6 A. Self contained in the sense that the way the
7 machine is constructed with bricks, steel, the
8 fabrication of the concrete within on the monolithic
9 ceiling and such, all that intertwined within the
10 arrangement of how the crematory is put together and
11 also the insulating factor inside.

12 So when you are looking at machinery as it is in
13 operation, you can actually put your hand on the side
14 skins of the stack. It will be cool to touch if you
15 went on top of the stack and put your hands on the side
16 of the flue it will be cool to the touch as well. So we
17 try to make sure we follow the best available technology
18 in producing our crematories.

19 Q. This particular unit contemplated, the Power-Pak
20 II, is that the best available technology available
21 today?

22 A. Yes, it is.

23 Q. What kind of training and support do you provide
24 to owners and operators?

1 A. Within the aspect of training we offer training
2 classes that they can readily take available within
3 every other month whether they would prefer to do that
4 on-line or they can come to our plant physically, but
5 also for every one of our crematories we install we will
6 provide the training, support on our crematories. We
7 offer a full 24/7 support system so that at any time of
8 the day if there is an issue you can call and one of our
9 teches will respond within about 10 minutes with any
10 questions that need to be answered.

11 Also what we do is we required maintenance checks
12 on our crematories. We typically recommend that they be
13 done anywhere from 12 to 18 months. Many of our clients
14 tend to get what we call a PMI with us where within a
15 two-year period of time we come out anywhere from three
16 to four times to make sure the operations of the
17 crematory are operating properly and if there are any
18 issues that we are looking at those before anything
19 would be a detriment in any way.

20 Q. I'm sorry, what is PMI?

21 A. PMI would be -- I lost.

22 MS. MERRELL: Preventative maintenance.

23 Q. How many of these units are currently operating
24 in the United States?

1 A. In the Unites States roughly looking around
2 2,000.

3 Q. How many in Pennsylvania?

4 A. In Pennsylvania we are probably at about 120.

5 Q. Any questions?

6 A. Thank you.

7 CHAIRMAN ATKISON: Thank you.

8 MS. RIBAR: To address the DEP permit
9 requirements and environmental testing, I will introduce
10 you in a moment to Kris MaCoskey. But first I point out
11 that crematories in Washington County are permitted and
12 overseen by the Pennsylvania Department of Environmental
13 Protection. They are annually inspected.

14 In Allegheny County the Allegheny County
15 Health Department Air Quality Division actually permits
16 and oversees crematories in Allegheny County. That is
17 because the Pennsylvania, the Allegheny County Health
18 Department existed prior to DEP to address steel mills
19 and other industrial activity that was taking place in
20 Allegheny County.

21 The number of current permitted crematories
22 in Allegheny County is 13. The number of permitted
23 crematories currently in Washington County is two. We
24 understand there is one in progress of getting permitted

1 at this point.

2 The crematories in Allegheny County are
3 located in various residential and other districts.
4 There are two located within one mile of Children's
5 Hospital. The D'Alessandro Funeral Home and Crematory
6 at 4522 Butler Street is .7 miles away. And the
7 Allegheny Cemetery and Crematory at 4739 Butler Street
8 is .9 miles away.

9 We made several inquiries to the DEP
10 regarding crematory complaints. We received a letter
11 from Dan Haney, the operations chief of the air quality
12 program for the DEP. And his division covers nine
13 counties in Western Pennsylvania spanning from Greene
14 County to Butler County. His letter is at your Exhibit
15 tab 9.

16 It indicates that he received one complaint
17 during the last three years. At the same time the
18 number of permits for crematories in the nine county
19 area has risen significantly. He also confirmed that
20 crematories require a permit and are routinely inspected
21 by Air Quality.

22 Now during a telephone conversation with
23 Mr. Haney as a follow-up to this letter indicated that
24 this was actually the only complaint he received during

1 the last 18 years. And it was investigated and
2 determined to be a smell from the start-up of the unit.
3 It was not related to any malfunction and the complaint
4 was resolved.

5 We also made inquiry to the Allegheny County
6 Health Department regarding crematory complaints and
7 received a similar response. There are e-mails between
8 Jeff Ross and Najeeb Basher, Inspection Supervisor for
9 the Allegheny County Health Department Air Quality
10 Program at Exhibit tab 34 in binder. He indicated he
11 received one complaint in last 36 months of odor from an
12 animal crematory. That was investigated and determined
13 to be unfounded because the unit was not operating at
14 the specific time that the complaints were being issued.

15 The fact that cremations are odorless and
16 colorless is also confirmed by cleaning stack visit to
17 Gilbert Funeral Home in Boston, Pennsylvania on March 8.

18 The memo prepared by Emily Moldovan Grant
19 Shiring dated March 10, 2011 confirm that there were no
20 visible emissions from the units -- there were two units
21 operating at the time -- except for heat, there were no
22 visible emissions. There were no detectable odors,
23 there was minimal noise, there were no issues raised by
24 surrounding property owners, and there is an open

1 invitation to Mr. Gilbert to tour his facility.
2 Mr. Gilbert is also here in the audience tonight and he
3 will speak as well.

4 We think it is helpful that you hear from
5 someone who is currently operating a crematory that
6 experiences little to no complaints operating this unit.

7 Q. Sir, can you state your name.

8 A. My name is Drew Jay Gilbert 6028 Smithfield
9 Street, Boston, Pennsylvania which is in Elizabeth
10 Township. I own and operate the Gilbert Funeral Home
11 and Crematory. I have had the funeral home now for 22
12 years. I had my first crematory 14 years and my second,
13 my newest crematory is now four years old.

14 I have cremated since 1997. I have cremated over
15 8,300 people. I have not had one complaint. I'm
16 inspected every year by Allegheny County Air Quality
17 Department in the month of March.

18 I'm inspected several times a year unannounced
19 where the Air Quality Department simply comes any time,
20 sits outside my building, sits with a scope to be able
21 to look for particulates and we have never had any kind
22 of objections, no problems in the 14 years I have
23 operated.

24 Q. How many cremations do you do annually for

1 families that use your funeral home?

2 A. Approximately 100.

3 Q. The units that you have, are either of those
4 Power-Pak II?

5 A. No. One is made by Matthews which isn't a
6 Power-Pak II, it is an earlier model from 1997 which is
7 called 2101.

8 Q. How often do you receive the manufacture
9 recommend, any manufacturer-recommended updates?

10 A. Ever year annually we have a regular inspection,
11 what we call a tune-up for both crematories at the same
12 time.

13 Q. What does that involve?

14 A. It involves tuning up the oxygen level, the
15 airflow, the plane, making sure all the equipment, the
16 blowers, everything is functional and everything is
17 good. They also inspect my refractory brick to see if
18 it is worn, to see if it needs replaced, if there is any
19 kind of cracks, any kind of defects. This is done on an
20 annual basis.

21 Q. How often do you replace refractory brick?

22 A. Approximately every three to four years.

23 Q. Have you had site visits by outsiders to your
24 facility?

1 A. Many times. Many times when people want to put
2 in a crematory I invite them to come see facilities. We
3 have operated 14 years. I'm in a residential
4 neighborhood. I'm across the street from a Methodist
5 Church that has their doors open in the summer while I'm
6 cremating. They don't even know I'm working. I'm just
7 smack in the middle of a residential area.

8 Q. How close is the nearest residence to you?

9 A. About 30 feet from my stacks.

10 Q. Are you receiving any compensation to be here
11 tonight?

12 A. No, I'm not.

13 Q. How do you know Mrs. Belusko?

14 A. I met her when she worked for Jefferson Memorial
15 Funeral Home years ago.

16 Q. If you are not being paid to be here, why are you
17 here?

18 A. When I saw things happening about, the negative
19 about crematories I thought none of this is true. This
20 mercury stuff and all this, the majority of the people
21 that I'm cremating are elderly and do not even have
22 teeth, and have dentures. I mean I just thought that
23 was silly with this mercury, it is like unbelievable.

24 Q. Were you present when there was some independent

1 testing done on your stacks?

2 A. Yes, I was.

3 Q. Do you recall when that was?

4 A. A couple weeks ago.

5 MS. RIBAR: If I can point you to tab 29 of
6 your binder, there were some independent testing done by
7 a laboratory at Mr. Gilbert's location at different
8 locations at his facility. These revealed results
9 called LT, those are below the instrument's ability to
10 read for the minimum OSHA exposure limits for mercury.

11 And to speak to specifics with regard to
12 mercury and other particulate emissions from the unit,
13 we would like to present Kris MaCoskey from CEC.

14 MR. MACOSKEY: My name is Kris MaCoskey I'm
15 a principal at Civil Environmental Consultants of
16 Pittsburgh. M-A-C-O-S-K-E-Y. First name Kris, K-R-I-S.

17 Q. Kris, tell us a little bit about your and
18 background qualifications, please.

19 A. I'm an environmental scientist and have been
20 practicing environmental consulting for 25 years
21 primarily for industry as an air quality specialist. I
22 evaluate emissions from a variety of different sources
23 preparing permit applications and other compliance
24 documents for such.

1 Q. Kris, the Council has your reports. What I would
2 like you to do is try to give them a summary as far as
3 the air quality testing analysis that you did, the
4 various reports and, of course, your ultimate conclusion
5 with regard to the health risk from this facility.

6 A. Okay. Back in August we were commissioned to
7 perform this air quality evaluation for a proposed
8 crematory. It consisted of a five-part evaluation.
9 That document was the one published September 2nd, 2010.

10 We took a look at the engineering aspects of the
11 process, the Matthews Power-Pak II Smoke Buster 140. We
12 conducted a review of available emissions data that
13 would help us understand what the characteristics of the
14 atmospheric emissions from the proposed unit would be.
15 We looked at stack test data for five different
16 evaluations, measurements of actual emissions from
17 similar units. And we also compiled EPA, US EPA and
18 other published literature concerning measurements and
19 estimates of emissions from a variety of these devices.

20 Based on that information we did a comparative
21 evaluation to help put things in perspective relevant to
22 other common sources of combustion emission such as
23 automobile idling, or wood combustion in fireplaces or
24 charbroiling of meat, for instance.

1 And then we went on to perform a screening level
2 evaluation, meaning a very, a worst case evaluation of
3 potential human health risks associated with exposure to
4 a variety of -- they found could be caused by these
5 devices.

6 That consisted of making very high emission
7 estimates for the source and then doing a model
8 evaluation for a generic facility because not having, a
9 specific facility hadn't been identified at that time.
10 We didn't know building locations or terrain and that
11 sort of thing.

12 So, we performed the modeling evaluation using an
13 EPA approved model called Screen 3, number 3, and
14 ultimately concluded that from an inhalation risk
15 perspective there was no significant health risk
16 associated with exposure to any of the pollutants that
17 would be produced by this device.

18 Then in February of this year we were asked to
19 look at the mercury issue in more detail. So we
20 compiled some additional available literature and
21 determined that the EPA's estimates of mercury from an
22 individual cremation of about 1.5 grams while
23 representative wasn't a worst case situation. We found
24 a case that was about 5.7 times higher than that. We

1 said fine, we will scale up by order of magnitude
2 meaning 10 times higher just to see what happens with
3 the numbers then, again being very conservative, as
4 careful as we could.

5 Even at that higher 10-fold increase we found
6 that there was still no significant health risk
7 associated with mercury.

8 And then in March, March 18th we published the
9 response to Dr. Pankala's comments where he had
10 correctly identified that we did not take into account
11 the location of this proposed facility which hadn't been
12 determined at the time.

13 So, we, and he also made some suggestions
14 relative to stack heights and emission rates and
15 temperatures and so on so as to provide an even more
16 conservative evaluation, more realistic. We also took a
17 look at proximity to the closest residents which was
18 only 123 feet away, actually at a higher elevation than
19 the stack so that if you can imagine the stack emitting
20 from a source. In this case we consider that the plume
21 from this crematory would impact directly on this
22 residence continually. That is essentially 8 ,760 hours
23 a year as this source could conceivably operate. The
24 emissions from a worst case plume and single wind

1 direction under extremely unlikely atmospheric
2 conditions would cause this potential exposure at that
3 location.

4 And even then we still found that there was no
5 significant health risk associated with any of the
6 pollutants that this system would potentially emit.

7 So, ultimately, in my opinion looking at this
8 evaluation several times over with a little bit more
9 specificity each time, we conclude that there was no
10 significant health risk from potential exposures from
11 this device.

12 Q. Just to be clear for the Council, what is the
13 source of the mercury that could possibly be emitted?

14 A. The mercury would be produced by vaporization
15 under the high temperatures of mercury contained in
16 amalgam in dental repairs.

17 Q. So, your worst case scenario would assume that
18 every person that was cremated would have amalgam
19 fillings?

20 A. Right. We initially assumed that every body
21 cremated would produce 1.5 grams and then ultimately
22 scaled that up for the addendum evaluation to ten times
23 that or 15 grams which was an overly conservative
24 assumption but wanted to do that for safety sake.

1 Q. You have nothing to indicate that that level
2 would actually be actually emitted from this facility,
3 correct? This was just for modeling?

4 A. Right. Right. When you perform an evaluation
5 like this, you start with the best available data. The
6 US EPA had factors which suggested 1.5 grams was
7 representative. And as I said when we did the addendum,
8 we did our literature review and found there was a case
9 in Sweden or something where they measured 8.6 grams.
10 So we said fine, we will scale it up by order of
11 magnitude to 15 grams.

12 Q. 15 is way higher than what other studies have
13 done?

14 A. Absolutely, yes.

15 Q. What is the EPA threshold you were compared to?

16 A. Well, from a health risk perspective EPA devises
17 screening level exposure concentrations for the
18 residential population based on inhalation rates and age
19 and so on and devises a, an acceptable threshold in
20 terms of concentration as Dr. Pankala spoke of earlier,
21 micrograms per cubic meter concentration.

22 That is what was being modeled with our
23 evaluation. We were estimating what the maximum ground
24 level concentration would be in not micrograms per cubic

1 meter.

2 MS. RIBAR: Any questions?

3 MR. BERQUIST: Yes, so you did this work,
4 this is all theoretical or this is actual real data you
5 have been able to procure from various other
6 crematories? You are talking all these technical terms
7 now.

8 A. Right. The data as far as emission rates were
9 obtained from EPA sources from prior studies and
10 measurements compiled. And there is a table in our
11 first report from September that summarizes all the
12 available data and demonstrates that we chose the
13 highest of any available numbers to run through the
14 model.

15 So --

16 MR. BERQUIST: You ran a model, you didn't
17 go out with a machine and test?

18 A. Correct. That is correct.

19 MR. BALL: You indicated that a worst case
20 scenario of 700 hours or something of operation. How
21 many hours per year realistically would a crematory
22 operate?

23 A. Well, Mr. Gilbert's facility is one case. You
24 can speak to him about operation. In general, one

1 cremation is estimated to take three hours duration,
2 that is two hours of the combustion process and about an
3 hour of cooling. So, one could estimate based on 8,760
4 hours divided by three that the maximum number of
5 cremations occurring, if they were to occur back to back
6 to back would be 8,760 divided by three.

7 MR. BALL: 2900.

8 A. Right.

9 MS. RIBAR: That would be continuous
10 operation 24/7?

11 A. Absolutely.

12 MR. BALL: How many per year would
13 reasonably someone expect?

14 MR. LEWIS: They talked in terms of the
15 other facility in terms of 100.

16 MR. BALL: 100.

17 A. Our evaluation used growth information for the
18 industry and early in our report we identified the
19 number of 575 cremations per year as a target as there
20 are 2015 as a possible average for facilities in
21 Pennsylvania.

22 So we used that as a reference point for our
23 calculations saying 575 cremations per year and emission
24 rates per EPA, emissions of certain pollutants per

1 cremation and then it works out that way.

2 MR. BALL: So your worst case estimate is
3 five or six or seven times higher than that number?

4 A. I'm not sure I understand the question.

5 MR. BALL: You scaled up your amalgam
6 numbers by factor of ten.

7 A. Correct.

8 MR. BALL: You are scaling this up by five
9 or six or seven, however many and at the worst rate you
10 say the model doesn't show a problem and so it is
11 something less than that.

12 A. There are many different levels of conservative
13 or worst case assumptions built into this.

14 MR. BALL: I understand the numbers.

15 MR. BERQUIST: Dr. Penkala, are you on board
16 with his models and numbers, scientific.

17 MR. PENKALA: I'm looking at what came
18 through with specifics of this case. But in general the
19 estimates are in line with what I understand.

20 MR. BERQUIST: Acceptable criteria. Thank
21 you.

22 MS. RIBAR: We would like you to hear from
23 the applicant and the potential owner-operator of the
24 facility, Danielle Belusko.

1 Q. State your name and address.

2 A. My name is Danielle Ann Belusko and I live at 320
3 Annuity Drive, Washington, Pennsylvania.

4 Q. What is your experience and background in the
5 funeral home business?

6 A. Actually, I at the age of 15 I wanted to become a
7 funeral director. So I have been working in funeral
8 homes since the age of 15.

9 Once I got through high school and then went to
10 college I went to the Robert Morris University. Then I
11 went on to Pittsburgh Institute Mortuary Science. And I
12 have worked for three locally family-owned businesses.
13 And at this time I feel like I want, I'm ready to open
14 and operate my own funeral home.

15 Q. Are you licensed?

16 A. I am licensed in the State of Pennsylvania.

17 Q. Danielle, why, why do people choose cremation?

18 A. People choose cremation for various different
19 reasons. One, people are looking for simplicity, you
20 know, affordability, affordable. They are also looking
21 for dignified reasons.

22 Families, not every family wants a traditional or
23 public viewing. It is not for everybody. Families, I
24 apologize, I am so nervous.

1 So, traditional funerals are not for everybody.

2 So I want to own and operate a full service funeral home
3 to the public.

4 Q. What do you mean by full service?

5 A. I mean by full service I want to offer cremation
6 on site and also traditional funeral with burial.

7 Q. Why is cremation on site important?

8 A. Cremation on site is very important. A lot of
9 families that we will serve, they are choosing our
10 funeral home for a reason. And they are choosing us
11 because they are entrusting their loved one with us. It
12 means continuous care.

13 If my funeral home would not have a crematory I
14 would have to, if the family choose cremation I would
15 have to use a third party funeral home or cemetery to
16 have their loved one cremated. I think that is very
17 important for the family to know that their family will
18 never leave our care, their family will always be with,
19 you know, in my facility and that is very important to
20 families.

21 Q. Why Peters Township for your location?

22 A. When I started this journey a big thing, and I'm
23 a mother of three, I have a four-year-old, a
24 three-year-old and a one-year-old. And I looked at a

1 lot of different school districts, church, organizations
2 in the community, and Peters Township is where I am, you
3 know, I thought for my husband and I that is where we
4 are planning to move here and our future is here.

5 Q. You are intending to live here?

6 A. Absolutely, our house is on the market and we are
7 in the process of looking at various different homes in
8 Peters Township.

9 Q. Had you considered living --

10 A. Yes, yes, when, this is my third piece of
11 property. I have been working with the township and
12 will continue to work with the township on site
13 location. Initially we were in a residential area, then
14 we were in C-4, you know.

15 I was looking for, you know, where am I allowed,
16 where do you want me? This is, where am I going to be
17 allowed to put this funeral home. So, C-1 or C-2. That
18 is where I'm at.

19 I'm very excited. I love my location. I plan
20 on, I have a lot of great ideas for the funeral home and
21 things like that. Initially back to living there. The
22 building is a lot larger than we wanted it to be. But
23 we are limited in C-1 or C-2 which I do love the
24 building and I love the location. I had called the

1 township and asked the township if I could live there.

2 I said are you able to live in C-1 or C-2.

3 Generally a lot of funeral directors live above
4 funeral homes because generally they are in residential
5 areas. The township said no, you are not, you are
6 allowed to live in C-4 but you are not allowed to live
7 in a C-1 or a C-2.

8 I said this last time to the other group of the
9 township. I would never put my own family in harm's way
10 let alone anybody that I plan on serving in this
11 community. That is not who I am. I am a very honest,
12 ethical and professional person.

13 The most important thing to me are my three
14 children and my husband and my family. So I would not
15 do that to my own family let alone anybody else's.

16 And it is very important to me to, and if I was
17 able to live there, I would live there. I wouldn't, you
18 know, why would a mother put her own children there.

19 They are going to be there on a daily basis after
20 school. They are going to grow up. When you grow up,
21 we are the first generation funeral directors. I don't
22 know, maybe one of my children will want to become a
23 funeral director. They will be part of the day-to-day
24 activity after school, they will be there. I would

1 never do anything a to harm my children, never.

2 MS. RIBAR: I want to point out too,
3 Council, that there is inconsistent information
4 submitted to you from the objectors regarding the units
5 and the location and the amount of units. The projector
6 is not available?

7 MR. SILVESTRI: If there is something that
8 you already submitted, I can put it on.

9 MS. RIBAR: Yes, the site plan submitted.

10 MR. SILVESTRI: I don't have that.

11 MS. RIBAR: Okay. On the site plan in your
12 binder, it does not label the crematory unit. We want
13 to be very clear that this facility was designed for one
14 unit. And the location of that facility on the floor
15 plan, I want to point that out to you. We can clear up
16 that misconception.

17 The location on the floor plan of the actual
18 unit is behind the viewing rooms and there is a viewing
19 window that is indicated as a rectangular structure with
20 an X through it. That is the actual unit. There is one
21 on the site plan.

22 The space behind it is a garage. And the
23 two rectangular figures at the top of the drawing are
24 parking spaces for vehicles.

1 Q. Do you want to speak to general design of the
2 rest of the facility?

3 A. Basically, when you walk into the funeral home,
4 there is going to be a business office as you can see on
5 your plans to the right. An arrangement office which is
6 going to have access directly into the selection room.
7 And then also there will be a large reception area in
8 the middle foyer area there, if you are familiar with
9 the old Lazy Boy, there is a large staircase and the
10 two, it is open to the second floor.

11 We also are going to have a family area,
12 children's room, mine and my husband's office. I don't
13 know if I mentioned, my husband is actually in the
14 process of becoming a licensed funeral director. He has
15 been in school now for little over a year so he will be
16 part of the family business. So he will be helping me
17 in my day-to-day operations on running my full service
18 funeral home.

19 Also in the back is a preparation room. And then
20 the two viewing rooms. And like Tammy stated, there is
21 only one unit, and the other squares in the back are you
22 know, there is a hearse. They are just parking spaces
23 for where the vehicles would be in the garage. Also a
24 flower room, we are also putting up portico -- do they

1 have that picture? We were hopping to use the projector
2 to show everybody.

3 Q. External plans for renovation for aesthetics of
4 the outside.

5 CHAIRMAN ATKISON: Pass it down.

6 Q. The first photo shows the current exterior and
7 the conceptual drawing shows what the concept is for the
8 outside.

9 One more question about the unit itself, what
10 kind of training program will you go through for this
11 unit?

12 A. Actually, my husband and I are registered, we are
13 going in May to John, college, John Tyler Community
14 College both my husband and I we will become crematory
15 operators, we will be certified and we are taking,
16 already registered also in your binders for May 13th.

17 MS. RIBAR: The training program and her
18 registration are in your binders tabs 30, 31. I also
19 want to point out the applicant was granted a parking
20 variance at the site for, because the site does not
21 accommodate the parking required under the ordinance
22 based on size of the building but it exceeds the minimum
23 parking required for funeral home usage.

24 Since the ordinance required more stringent

1 requirement based on size rather than use, a variance
2 was necessary and granted last week by Zoning Hearing
3 Board. Any questions?

4 MS. MERRELL: You talk about the fact that
5 you only have one crematorium located there. This might
6 be Mr. Zuk or you, that is today. Today is your plan
7 for one. What criteria, what restrictions are there
8 about the number of crematory units in a building? Are
9 there any?

10 MR. ZUK: Currently there are none.

11 MS. RIBAR: Are you talking township
12 requirements?

13 MS. MERRELL: Both. I would imagine from an
14 equipment perspective you have some restrictions. But
15 today there is one, could there be two, could there be
16 three? What would be the capacity?

17 MR. ZUK: I would think that they can
18 potentially get a permit for more than one. We as the
19 township can place restrictions on the number if we so
20 choose.

21 A. I have no problem with a restriction of only one
22 in my facility. That is my only intention is putting
23 one unit in my funeral home.

24 MS. RIBAR: The difficulty is that there is

1 nothing in the ordinance, and in fact, specifically
2 excludes crematories at all. So there is currently
3 nothing, on that issue.

4 MS. MERRELL: We understand. Thank you.

5 MS. RIBAR: Kris, can you come up and please
6 address the specific requirements for the DEP permit for
7 facility.

8 MR. MACOSKEY: Well, the permit that would
9 be requested for this facility is called a general
10 permit through the Pennsylvania Department of
11 Environmental Protection, that's the Southwest Regional
12 Office here in Pittsburgh.

13 And specifically it is GP 14 which is
14 general approval operating permit for human or animal
15 crematories. So there are specific requirements for
16 obtaining such a permit. And for instance, the plan
17 approval would limit the capacity of a crematory to 500
18 pounds were hour. That is one of the limitations of the
19 permit.

20 There are compliance provisions. If you
21 haven't seen the GP 14 itself, I would urge you to make
22 that part of your package.

23 Q. It is.

24 A. Okay. Because if you take a look at section 4 in

1 tab 11 there are specific compliance requirements for
2 operation of a crematory that the DEP established such
3 as attended by a trained operator, observing the stack
4 for emissions, performing a stack test of particulate
5 matter or obtaining a representative test that was
6 performed on a similar unit within the last five years.

7 Those are all provisions of operating a facility
8 once you obtained the actual plan approval. The plan
9 approval process is relatively straightforward where the
10 applicant was requested to complete a form and
11 identifying the make and model of the unit. And its
12 pure use of various engineering characteristics of the
13 device.

14 There is a provision in there that the applicant
15 obtain a letter from the local municipality and a letter
16 from the county indicating that the installation is not
17 inconsistent with applicable comprehensive plans and
18 zoning ordinances.

19 So that is a provision that is required as part
20 of the application to go in and obtain approval to
21 operate such a device.

22 I will be happy to tell you more about the
23 specifics of operating a crematory per the DEP
24 requirements. But in general, there are record keeping

1 requirements, specific engineering data or operating
2 data that needs to be maintained to assure that
3 compliance with specific emission limits.

4 There are only two emission limits set in the
5 general permits. Those are for particulate matter.
6 Dr. Penkala mentioned .08 grains per dry standard cubic
7 foot emission rate for particulate and the 500 parts per
8 million sulfur dioxide emission rate.

9 Any questions about the process?

10 MS. MERRELL: I do have one question, I will
11 show my ignorance on emissions. Is there anything going
12 on to, with the equipment maybe Mr. Czirok from
13 Matthews. Is there anything going on to try to capture
14 that so it doesn't emit, is there any way to potentially
15 contain that so it is not released? He mentioned
16 earlier there were some containment within the chamber.

17 A. Well, this type of device has a combustion
18 chamber with a specific residence time and a very high
19 temperature. That is intended to fully destroy the
20 constituents. All of that exhaust does go up the stack.
21 It is not caught.

22 MS. MERRELL: There is no equipment, no
23 attachment that ever can collect that? Again, I'm not
24 an engineer, there is no way to collect that and keep it

1 from being emitted into our air?

2 A. Well, one can't say there is never any
3 engineering approach to do something, absolutely. There
4 can be.

5 MR. LEWIS: Precipitator or a scrubber.

6 A. Scrubbers, filters, other types of air pollution
7 devices can be engineered for an exhaust stack such as
8 that, yes.

9 MR. BALL: One of the issues raised was the
10 question of odor, potential of odor. How could that be
11 measured, is it measured, what kind of limits are there
12 on that?

13 A. Well, I might defer to Dr. Penkala on this, but
14 my understanding of odor characteristics in the first
15 case, odor molecules would be destroyed by the high
16 temperatures of this combustion system, 1800 degrees.
17 So, in general odor causing molecules such as sulfur
18 compounds are going, that is why there is maybe why
19 there is an emission limit on sulfur, 500 parts per
20 million. Those are in general going to be destroyed at
21 that high temperature.

22 Odor evaluations are fairly a qualitative thing.
23 The human nose is very sensitive and can detect odors at
24 a much lower level than many instruments can even

1 measure. So, while a person may detect an odor such as
2 you may have heard concerns about landfill odors in the
3 region lately, just because they smell it doesn't mean
4 it is a harm to the body. It is an annoyance, or a
5 nuisance, no doubt about it. The DEP takes the nuisance
6 complaints seriously.

7 They evaluate when one is logged. That was part
8 of the reason that the inquiry to the DEP was made to
9 see if there had been any nuisance complaints associated
10 with crematories anywhere and there were none.

11 So, having observed the, Mr. Gilbert's crematory
12 it was clear to me that high temperature combustion is
13 going to destroy any of those odor molecules.

14 MR. BALL: Can I ask, Mr. Gilbert, you said
15 you never received any complaints, that would include
16 odors?

17 MR. GILBERT: Yes, sir.

18 MR. BALL: Emissions anything else?

19 MR. GILBERT: Correct.

20 MS. RIBAR: Another issue that has been
21 addressed and I'm sure will be addressed again tonight
22 by the people who object to this application is with
23 regard to property values. And I will speak to a Penn
24 State study that has been submitted by some of the

1 objectors I believe part of the packet. It looked at 27
2 months of housing sales in a small isolated town in
3 Rawlins, Wyoming. My review of this study identified
4 lots of issues.

5 First the sales were for only seven months
6 prior to the crematory being started but the subsequent
7 sales afterwards were more than three times the amount
8 at that time or over 20 months. The crematory was in a
9 residentially zoned area, not in a commercial district
10 which is what has been proposed here.

11 It was cited to show a decrease of housing
12 values they also note several instances of groups of
13 homes that increased in value which were located
14 northwest and southwest showed increases .5, 3.6 and .3
15 percent of value.

16 It noted that its data was deficient as to
17 the size of the lots of the properties studied, they
18 also did not account for any distance to schools. And
19 it is our position that this is a complicated study
20 performed by economics professors of houses in Wyoming
21 that both decrease and increase in value after crematory
22 started and has very limited value in proving that
23 housing values in Peters Township will be negatively
24 affected.

1 In fact, we had our own market analysis
2 performed by the applicant's realtor which looked at an
3 area located in Somerset County and shows a significant
4 increase in value. I would like to have Jeff Ross
5 address that issue for you.

6 MR. ROSS: My name is Jeff Ross, I work for
7 Audia Group. I'm also a registered realtor in the State
8 of Pennsylvania.

9 Q. Who do you work for?

10 A. I work for Howard Hannah. What I did was to go
11 and look for a funeral home that had recently put in a
12 cremation unit. There are a lot of them out there but I
13 had to find one that recently had been put in. When I
14 spoke to the DEP they told me about Miller's Funeral
15 Home in Somerset which installed a cremation unit in
16 April of 2010.

17 So I went back to the MLS which is information us
18 realtors have and said all right, I took a period before
19 that and after that from January 1, 2007 to January 1st,
20 2010 and recorded all of the -- there were 54 homes sold
21 there during the time frame. Then from the 30th of
22 April until now, I got all those homes that sold there
23 had been 37. And I also looked at a map of the facility
24 and it seems all the houses that sold in the area were

1 within about a mile and a half of it, it is a very small
2 community.

3 The, I took statistics and showed that the
4 average size of both homes were three bedrooms and one
5 bath. However, the average selling price before was
6 \$92,582. However, the average selling price afterwards
7 was \$121,666. Before it took about 92 days to sell.
8 Afterward it was 113 days. Statistically that shows
9 there was a 31 percent increase in the property values.

10 CHAIRMAN ATKISON: Come on folks, come on
11 everyone, please, be respectful. All right?

12 A. So, I can give you copies of the statistics and
13 all the homes that sold during the time frame. There
14 were a lot of factors that go into property values. You
15 can see they were not adversely affected.

16 MR. BERQUIST: What was time frame again,
17 2009 to 2010?

18 A. From 2007, the first to 2000 -- the first 2010.
19 Then from, April 30th, 2010 until now would have been 37
20 homes sold.

21 MR. BERQUIST: I think the recession might
22 have something to do with that change.

23 A. In a community that size a lot depends on the
24 homes that sold. Maybe there was a \$200,000 home that

1 sold instead of a \$100,000 home. It is tough to compare
2 but did not see a drop. It actually went up.

3 MS. RIBAR: I think that is a good point
4 because the recession can also be a factor in the Penn
5 State study as well during that time frame.

6 To conclude our case in chief, crematories
7 are valid legal use in the State of Pennsylvania. They
8 are regulated, they are permitted. They provide an
9 essential service to residents of the community. There
10 are 18 conditions imposed upon applications for permit
11 to operate a crematory.

12 The DEP permit requires annual inspections,
13 stack testing and stringent record keeping that must be
14 available upon request of the DEP. This information was
15 noted by Mr. Zuk in his memo to the Planning Commission
16 dated October 6, 2010 which is included in your packet.
17 Along with his recommendations that at that time the
18 ordinance be amended.

19 The facility will be operated as is required
20 by law. We are asking Peters Township recognize and
21 provide for this legitimate legal and necessary service
22 to residents by approving the proposed landowner
23 curative amendment.

24 On a technical note, once an applicant

1 established the ordinance is exclusionary on its face
2 and that it excludes a legitimate use, the burden then
3 shifts to the township to demonstrate the exclusion
4 bears a substantial relationship to public health,
5 safety and welfare. This is noted in a 2004
6 Commonwealth Court decision included in binder at tab
7 36.

8 Before any objectors speak we think it is
9 appropriate for the township to present its evidence and
10 we would like to reserve the right for cross-examination
11 and rebuttal if necessary to the township witness and to
12 any objectors. Thank you.

13 CHAIRMAN ATKISON: Next we will go to the
14 audience. I will ask that first, however, anyone acting
15 as a spokesman for a group of people that will speak for
16 other persons, would you please come up first and state
17 your case then we will go on to individual speakers.
18 Anyone who will speak. All right, sir. You are first
19 up.

20 MR. BALL: Can I have one first, Mr. Zuk has
21 entered as part of the evidence this evening a letter of
22 March 16th which is the decision of the Planning
23 Commission to recommend that we deny the applicant's, I
24 don't see in this letter, Mr. Zuk, the specific reasons

1 the Planning Commission chose to make that
2 recommendation.

3 MR. ZUK: They did it at their March 10th
4 meeting and they didn't get into any detail as to
5 exactly why they were unanimously recommending denial.
6 They didn't go into it.

7 I would assume, I was thinking there was
8 just a lot of conflict in the information at that time.
9 Air science didn't have the total information to
10 evaluate the CEC study. So I am assuming they had
11 conflicting information and didn't feel comfortable
12 making a positive recommendation.

13 MR. BALL: Okay.

14 CHAIRMAN ATKISON: Back to the spokesman.

15 MR. MISAK: My name is Daryl Misak, I own
16 and operate Pittsburgh Alternative Health, 20 Cedar
17 Boulevard. That is 20 Cedar Boulevard, Mt. Lebanon, PA.
18 I had clients who asked me to come and present on some
19 of the health implications of some of the things that
20 could come from a crematorium.

21 I was asked to do this on a short notice,
22 put something together to look for what I could find.
23 Most of the information you find tends to be pro
24 crematory. You find a lot of information on hearings

1 like so, objections, but trying to find data in regards
2 to health concerns, some is inconclusive. However, you
3 can go through some of the information I found.

4 I heard a lot of stuff tonight in regards to
5 the safety from an environmental standpoint and everyone
6 mentioned the word mercury but they don't mention some
7 of the other toxins that are known to come from
8 crematoriums from the stacks that are produced.

9 I found the Environmental Protection Act
10 1990 required that all had to comply with emission
11 requirements. You guys are all aware of that.
12 Cremation chambers often have scrubbers, exhaust ducts
13 that clean the gas. However, there was a study released
14 by the Cremation Association of North America that
15 showed these devices had little effect on emissions and
16 pollutants, so it really didn't drastically change what
17 was provided before. Whether that comes to the
18 applicant's statement that exceedingly high temperatures
19 break down everything, I do not know.

20 But, what I did find consistently is
21 cremation chambers emit particulates, fine particulates
22 carbon monoxide, nitrogen oxide, sulfur dioxide,
23 hydrogen chloride, dioxins, furans, mercury, cadmium and
24 lead are known to be some of the contaminants that are

1 found, at least expressed in what has been on similar
2 cases reported at least by mostly internet search.

3 I found that most coffins, wood coffins are
4 often made from in solid oak or pine but more likely 89
5 percent stated that are made from a venire chip board
6 which is also bonded likely with formaldehyde residue,
7 and formaldehyde can itself be an environmental toxin
8 which you may find.

9 Carbon monoxide as we know in concentrations
10 can cause harmful effects reducing oxygen delivery to
11 the body's organ systems. The amount emitted based upon
12 what we always see in classic movies where someone put
13 it on in a car, and someone in a garage what can
14 accumulate there versus what is put in, I don't know the
15 low level that may be emitted by a crematorium impact,
16 there is no data to suggest otherwise. I'm only here to
17 kind of give the health effects of what is known to, can
18 occur from the environmental toxins from what I have
19 come across mostly from government websites.

20 Most environmental health perspectives is
21 where I would encourage you to look. If you Google
22 environmental health perspectives you find journals.
23 You can put any environmental toxin I mentioned tonight
24 and you will find a whole composite data on these

1 environmental toxins and potential health effects which
2 can be found some of which I will mention tonight.

3 Nitrogen oxide, sulfur dioxide they are one
4 of the main contributors to acid rain which has its own
5 implication. That's the main thing we see found with
6 that. They do contribute to that particulate matter
7 which you, they mentioned tonight I believe I heard can,
8 one of the two main things that is controlled
9 particulate matter and sulfur dioxide concentrations.

10 The particulate matter of concern if you
11 look at particulate matter which is 2.5 microns or
12 smaller in size, Pittsburgh is typically recognized as
13 the worst Pittsburgh-Clairton area, the general area is
14 considered the worst area in the nation. We
15 teeter-totter with Los Angeles regarding that, where we
16 fall in American Lung Association reports which come out
17 annually.

18 And if, I know the Post Gazette did an
19 eight-day article series back in December regarding what
20 they call mapping mortality and looking at air quality
21 in Pittsburgh. I think some recently came out as well
22 in the last week or two regarding incident increase
23 cancer rates relating to air quality in Pittsburgh which
24 we are talking about fine particulate which is a known

1 cause of cardiovascular events as well as cancer
2 associations, the particulate matter in size in question
3 if you take a piece of a human strand of hair you can
4 wrap at least ten of these particles around it meaning
5 they are readily absorbed when inhaled and go directly
6 through the lung and into the bloodstream.

7 Therefore, they can start the inflammation
8 processes because they are not going through typical
9 absorption. If something is swallowed, when it is
10 absorbed it first goes to the liver to be processed. It
11 goes through the whole body before making it back to the
12 liver. So you do have a different mode of entry into
13 the body.

14 Hydrogen chloride, one of the pollutants
15 that is mentioned exposure may irritate the mucus
16 membrane, the eyes, respiratory tract. Hydrogen
17 chloride exposure to gas hydrogen chloride known to
18 irritate mucous membranes which is inside your nasal
19 cavity down your throat can cause irritation of the eyes
20 and the respiratory tract. Concentrations over 35 parts
21 per million are known to cause those irritations.

22 Over 100 parts per million can result in
23 pulmonary edema and often laryngeal spasms closure off
24 the throat.

1 Dioxins and furans, that is one of the more
2 concerns. You look, there are green caskets that can be
3 cremated and there are non-green caskets. When you look
4 at all the padding and everything, it is the foam
5 insulation and the stuff, the bedding and stuff put in
6 there that emit dioxins. And unfortunately, dioxins are
7 not monitored as far as how much is put out or not
8 levels being monitored to say how can this affect the
9 populations.

10 The biggest concern with dioxins are known
11 to be what are called endocrine disrupters, disrupt your
12 endocrine system so they can affect like thyroids, they
13 can, the biggest concern is mortality of infants.
14 Miscarriages, and also even birth defects in infants.

15 So, what I found it says surprisingly there
16 is few scientific studies that well established dioxins
17 in human beings where they haven't necessarily looked to
18 say hey, we know these things are being emitted but
19 nobody is doing studies on them to their total effect.
20 What is the profit in finding what this toxin does
21 outside of the NIH. But, the proof as therefore proof
22 in dioxins is rather difficult.

23 However, you know, suspected adults with
24 studies that have been done you go to the environmental

1 health prospectus through the National Institute of
2 Health, I told you find suspected liver damages,
3 alteration in blood metabolism, serum lipids or your
4 cholesterol levels, thyroid functions as well as
5 association with diabetes and your immune system.

6 Developmental effects may be more important.
7 Because they are shown to affect male sperm production
8 as well as dioxin exposure to the infant in utero can
9 affect cause increased miscarriages as well as birth
10 defects in children.

11 One of the extracts actually said that there
12 is strong evidence that people accidentally exposed to,
13 they just report the highest dioxin levels and I didn't
14 have time to go through and look at studies what they
15 were saying parts per million or whatever. They have an
16 increase overall cancer risk of dioxins are known as a
17 carcinogen. And they have an increase of almost a 40
18 percent increase risk of developing cancer with
19 exposures.

20 Mercury, there is more than one form of
21 mercury so where he referred to mercury in fish, that is
22 called a methyl mercury. And we do know that methyl
23 mercury exposure by consuming fish particularly in
24 pregnant women can increase their risk of birth defects

1 or also miscarriage it can affect both mother and baby
2 in negative ways.

3 But what you are dealing with from a
4 crematorium is metallic mercury, it is vaporized. So
5 mercury in that effect when the, where the vapors reach
6 the lungs are associated with multiple symptoms. Now
7 mercury has never been shown directly associated with
8 cancer as far as confirmed by any studies but there are
9 associated studies of mercury affecting the immune
10 system that can play a role in the development.

11 But symptoms associated with metallic
12 mercury can include tremors, emotional changes including
13 mood swings, irritability, nervousness, excessive
14 shyness, insomnia neuromuscular changes such as
15 weakness, muscle atrophy or breakdown, switching,
16 headaches, disturbances and sensations, change in nerve
17 response, performance deficits on tests, cognitive
18 function and at higher exposures there may be kidney
19 effects, respiratory failure and death.

20 So it is already mentioned that Pittsburgh
21 is the level of one of the highest in the nation for
22 mercury exposure. And we do have another potential
23 source here in a local area.

24 So even though we know the source exists,

1 again there is no confirmed studies saying how much I
2 will be exposed to. I'm telling you that the research
3 does show there are negative health consequences to the
4 exposure of these compounds.

5 Cadmium. Cadmium is also found. Acute
6 short-term effects of cadmium is usually through
7 inhalation consists mainly effects on the lung, such as
8 pulmonary irritation, but long-term exposure of cadmium
9 as a heavy metal accumulates in the kidney, can cause
10 kidney failure.

11 So again, it is not you know, hey, I'm
12 exposed today and I have symptoms tomorrow, chronic low
13 grade exposure to these compounds that pose the risk
14 that we are talking about.

15 Lead, I'm sure many of you, we all grew up
16 in the lead age, leaded paint, leaded pencils, leaded
17 gasoline. And the EPA got strict on lead back in the
18 1970s and have seen a drastic reduction in lead. But
19 really low levels of lead concentration still have been
20 shown to be effective in cognitive function as well.

21 But, the interesting thing about lead, you
22 know, lead can affect almost every organ system in your
23 body. Its primary focus is on the nervous system both
24 in adults and children. It can cause weakness in the

1 fingers, wrists, ankles, also causes irritation in blood
2 pressure, particularly older middle-aged gentleman. It
3 can also cause anemia severely after long-term
4 exposures, or high level of lead exposures severe damage
5 to the brain, kidneys, and ultimately death can occur
6 with lead exposures.

7 I think one of the main points to be made is
8 that what we tend to look at from a health perspective
9 is effects of one toxin, hey it is mercury. That seems
10 to be the big issue here.

11 By particulate matter I would encourage you
12 to look at the information, there is a group in
13 Pittsburgh called GASP, Group Against Smog and Pollution
14 and they have shown the association with fine
15 particulate matter. They have also been part of what
16 occurred about a year and a half ago with the school
17 buses, not allowed to be left, diesel engines are no
18 longer allowed to idle. They were showing in Pittsburgh
19 alone I think several thousand deaths just from idling
20 trucks from diesel emissions.

21 That is why school buses and whatever are no
22 longer allowed. The fine particulate matter, they have
23 multiple studies that can show you that you are already
24 living in the worst area of it and you are asking to put

1 something in your backyard that is going to, that is
2 known to put that in at what they consider to be safe
3 levels as a, from their facility. However, that is not
4 necessarily safe when you combine the other attributes
5 of what is going on in the Pittsburgh area with your
6 adding to the sum total.

7 One other point to be made, again we are
8 saying you are looking at individual compounds, there
9 are, there is only one study that I have known of -- I'm
10 a naturopathic doctor, by the way, and pharmacist. And
11 there is only one study that has come across about four
12 years ago where did a study in rats where they looked up
13 PCBs, dioxins, furans, known endocrine disrupters what
14 we consider to be safe and legal limits, not to cause
15 any health effects.

16 And in rats individually exposed to these
17 compounds, they were testing thyroid response, there was
18 no negative attributes when they were subjected to what
19 you and I would be subjected to on daily bases in
20 today's environment. However, when they took all five
21 of those compounds that we all get exposed to daily and
22 put them in the rat's environment, 100 percent of those
23 rates developed an endocrine disorder with the thyroid.
24 So what we do not know is that the combined sum total of

1 the multitude of environmental toxins that are being
2 produced, not just mercury. Does that make sense?

3 So, what I'm, what we don't know is that is
4 the problem. The other problem is who wants the study
5 done. If you turn around and do the study to try to
6 show the combined effects, it puts the burden back on
7 the manufacturers who unfortunately have people do work,
8 it is an economic argument.

9 So, that is mostly what I have to present.

10 CHAIRMAN ATKISON: Thank you very much. Any
11 other group speakers we have?

12 A. Any questions I should answer before I can leave,
13 I do have obligations. No?

14 MS. RIBAR: I'm sorry, before he leaves.

15 CHAIRMAN ATKISON: You will get your chance
16 later on.

17 MS. RIBAR: He said he has to leave and we
18 do want to cross-examine. We have the right to
19 cross-examine.

20 CHAIRMAN ATKISON: He has to leave, I didn't
21 know he had to leave.

22 THE WITNESS: If there is a future meeting I
23 am more than happy to stay, I do have obligations.

24 MS. RIBAR: For the record. For the record

1 I just want to note that we are being prevented the
2 opportunity to cross-examine.

3 CHAIRMAN ATKISON: You are next, ma'am.

4 MS. POWELL: My name is Alicia Powell, I
5 live at 103 Rock Run Road in the Hidden Brook Plan with
6 my six-year-old daughter, and two-year-old son and my
7 husband.

8 I would like to respond to a few of the
9 comments that were made by applicant's counsel this
10 evening to clarify some perhaps misconceptions that have
11 been stated by her.

12 First of all, I think we are supposed to
13 take comfort in the fact that the DEP regulates the
14 crematory business. In fact, we have heard testimony at
15 prior meetings leading up to this meeting that the DEP
16 in fact has not inspected one time per year other
17 funeral homes here in Washington County that have
18 crematories. I think that is very relevant.

19 Second of all, the gentleman from Boston,
20 Pennsylvania in Allegheny County stated that he is
21 inspected on an unannounced basis multiple times per
22 year by Allegheny County. We are not in Allegheny
23 County. That is not relevant.

24 Third, applicant and her counsel have

1 repeatedly told us that there are no quote significant
2 health risks from the mercury and other emissions coming
3 from cremation. The difference between no health risk
4 and no significant health risks are vast when you are a
5 parent of small children or when you are a pregnant
6 woman, but really any person, human being who wants to
7 breathe the air.

8 Finally, I would like to ask Peters
9 Township, please, to commission a property value study
10 that is relevant to our area. We found the Penn State
11 study that provides very moving data about the negative
12 impact on property values.

13 The applicant has commissioned her own real
14 estate to provide some sort of other comparative
15 analysis in another part of Pennsylvania. None of this
16 is really so relevant. We need to have someone who is
17 an expert study the property values right here in Peters
18 Township where there are multi million dollar homes
19 within a tenth of a mile of this proposed site.

20 So even a five or ten percent decrease in
21 property value represents the loss of tens of thousands
22 of dollars, if not millions of dollars to the taxpayers
23 of this township. And that outcome is absolutely
24 unacceptable.

1 CHAIRMAN ATKISON: Let me ask again, please
2 hold the applause so we can get through this. This is
3 going to be lengthy, you are just lengthening the
4 process by doing this, hold it, will you please. Go
5 ahead, ma'am.

6 MS. POWELL: The applicant is outspending us
7 with her army of paid experts. She is out lawyering us
8 with her army of paid lawyers. And I beg you, the
9 township, please retain the expertise that we the
10 citizens of Peters Township deserve to protect our
11 health and our property value, thank you.

12 CHAIRMAN ATKISON: Any other group speakers
13 before we go individual? Yes, sir. Did you bring the
14 group with you.

15 MR. LASTER: I represent these 500
16 petitions.

17 CHAIRMAN ATKISON: You are a group speaker
18 you have the floor.

19 MR. LASTER: My name is Kevin Laster, I live
20 at 240 Molly Drive, McMurray. L-A-S-T-E-R.

21 I'm sorry, I am going to have to introduce
22 submit to Council here our report of over 15 scientific
23 studies on the dangers of crematory emissions. I did
24 give this report to Mr. Zuk prior to Planning

1 Commission. I told him I would like it copied and given
2 out to everybody, it was not introduced. So I am going
3 to at this point in time, you can look at it, I know you
4 will not make decision tonight you have time to look at
5 this. I will introduce this to, for Peters Township for
6 each one of you.

7 Sorry, I don't have it tabbed. I will be
8 referring to these throughout my talk. On top of that
9 is a bullet point handout of what is in the report. So
10 as I go through this, you can look at the bullet points.

11 Now I'm kind of glad the Penn State study
12 was already introduced, I will start with that. It does
13 show the impact of crematory operations on adjacent
14 residential values. The data does span 27 month of home
15 sales surrounding a crematory site. The results of this
16 study are alarming.

17 Ambient cadmium, and dioxin, furan
18 concentrations exceeding national air quality standards
19 by 205 to 22,000 percent respectively. Plus hydrogen
20 chloride exceeded EPA's goal by 800 percent with sulfur
21 oxide and nitrogen oxide, chromium and mercury
22 concentrations by up to 75 percent of the agency
23 standards. Cadmium, chromium, dioxin, furan and mercury
24 as we heard before are all toxins for which any positive

1 concentrations have human health impacts.

2 Now this Penn State study does show that
3 homes within a half mile radius of the crematory lost
4 significant property value. The closest homes losing up
5 to 35 percent of value. We have over 400 homes within a
6 half a mile of the proposed crematory site. So using
7 the aforementioned Penn State study, the Peters Township
8 geographical study and the mean value of a Peters
9 Township home in 2009 conservative estimate would be
10 over \$5 million lost in property values which is a
11 significant impact on the tax revenue as previously
12 stated.

13 This estimate does not even consider or
14 include the impact of lost revenue from businesses that
15 are close by. Remember, the closer to the site, the
16 greater the devaluation. If that wasn't enough, within
17 a half a mile of the proposed site there are three day
18 care centers, two preschools, one waterway and one
19 hiking and biking trail. Within a mile there are four
20 day care centers, three preschools, two country clubs
21 not to mention numerous churches.

22 Now another study I have included in the
23 report is a 2010 study of mercury emissions in
24 crematoria using the atomic florescence spectometry.

1 And these results conclude that mercury is released
2 during a short period of time during a cremation, not
3 gradually. It is released in a spike when mercury
4 reaches temperatures at which it vaporizes. These
5 levels of emissions all exceed exposure levels by
6 alarmingly high concentrations.

7 In fact, I have the reports of the experts
8 who testified, it is in the hand-out, I have the reports
9 of the experts who testified before the congressional
10 committee on oversight and government reform whose
11 committee was tasked to report to EPA about mercury
12 pollutants. These experts testified, and you can read
13 Congressman Kucinich's letter that cremation is the
14 third largest source of mercury air emissions in the US,
15 primarily from amalgam fillings. The forecast is for a
16 significant increase in these cremations and emissions
17 over the next several decades.

18 The congressional committee after exhaustive
19 research and testimony came to several conclusions.
20 Each person cremated has approximately 2.9 grams of
21 mercury and environmental scientists estimate that
22 mercury emissions from cremations at about three tons
23 per year.

24 In that study 25 percent of those emissions

1 were attached to particulates which would settle on the
2 ground locally into the water and soil and also getting
3 carried indoors through shoes, clothing, etc.

4 The 75 percent that was remaining was
5 concentrating in the surrounding air in the form of
6 mercury and according to the report by the agency for
7 toxic substance and disease registry, the mercury, the
8 methyl mercury that becomes, is the most dangerous
9 because it is both an odorless and colorless gas that
10 reaches the brain.

11 Now the EPA in its response to this
12 oversight committee concluded in its report of April
13 2010, quote, there are serious health impacts even from
14 low level mercury exposure. And that it recognizes that
15 pollution from any source of mercury is a serious
16 concern to human health and the environment, end quote.

17 In fact, according to the EPA mercury
18 emissions are known to cause neurological damage
19 including lower IQ scores in children. It is a
20 persistent bio accumulative neurotoxin that can remain
21 active in the environment for more than 10,000 years.

22 In the same vein, the final study referenced
23 is a study from the University of Texas dated November
24 2004. This groundbreaking study concludes that for

1 every 1,000 pounds of environmentally released mercury,
2 there was a 43 percent increase in special education
3 rates and an astounding 61 percent increase in rate of
4 autism.

5 Mercury has long been suspected as the main
6 culprit in the dramatic rise in autism rates.

7 Now, on a personal note people move into and
8 stay in Peters Township for the high quality of its
9 school district, teachers, staff, and zoning
10 regulations. It provides not only a quality education,
11 but also excellent character role models and the
12 expectation of a safe and secure home site.

13 We are not prepared to gamble on our
14 children's futures and many of my neighbors including
15 myself will, unfortunately, be forced to move if this
16 proposal goes through. Now this Council has the respect
17 of its citizens and we trust you to make the right
18 decisions regarding our health, welfare, safety and
19 quality of life.

20 I believe it is in the best interest of the
21 entire township to refuse this proposal. We should have
22 no future regrets and should not be afraid of defending
23 what is right.

24 I have over 500 signed petitions from

1 concerned residents and business owners against this
2 crematory. They have generously taken the time to
3 become familiar with the issues, researched the dangers
4 and signed the petitions. These 500 plus Mr. Hozo's
5 petitions that he can contribute combine to over 1,000
6 troubled residents who put their name to paper and are
7 willing to stand up and be counted. Thank you.

8 MR. GENSLER: I'm Ned Gensler,
9 G-E-N-S-L-E-R. I live at 200 Sussex Way which is about
10 200 yards from the proposed crematory. I am not
11 speaking for a group, I'm speaking for the Ned Gensler
12 family. I shouldn't have to be here. They claim
13 hardship. They don't care about the hardship that they
14 are trying to force on us, and by the way, as you can
15 see they are trying to jam it down the township's
16 throats with their threats and their cross-examinations.

17 Our house is on a hill above the Lazy Boy
18 store. The breeze flows down 19 toward Pittsburgh. The
19 emissions will literally be in our face. We will no
20 longer be able to enjoy opening the windows in our home.
21 Our home value is going to plummet. I cannot picture
22 anyone buying my home with the crematory chimney right
23 behind it.

24 When we bought that house, we knew the

1 zoning behind us was commercial, that is banks, that is
2 offices, that is not a factory. That is not a meat
3 rendering plant.

4 They talk about their rights. What about
5 our rights? You know, why should the zoning be changed
6 for these people? It was there to protect us and to
7 protect our rights. We would never have built that
8 house if we were told zoning could be altered for
9 someone's profit. Thank you.

10 CHAIRMAN ATKISON: Are you speaking for a
11 group, now we have got off that.

12 THE WITNESS: I just followed him.

13 CHAIRMAN ATKISON: I had nothing to do with
14 what he did. I'm trying to do this in orderly fashion.
15 I'm trying to do this in an orderly fashion, are you
16 speaking for a group.

17 THE WITNESS: My family.

18 CHAIRMAN ATKISON: Anyone else speaking for
19 a group? All right, son, come back up.

20 THE WITNESS: Sorry about that.

21 CHAIRMAN ATKISON: Individuals will get
22 their turn, no question about that.

23 MR. WINTERS: I will give everybody a little
24 different perspective, my name is Larry Winter, just

1 like the season, 107 Shag Bark Lane, I am a resident
2 here for many years.

3 My family has owned and operated South Hills
4 Chrysler Jeep directly across the street from the
5 proposed site. I'm not here to talk about emissions.

6 I would love to have a business in there, it
7 would help my business. But unfortunately the business
8 you are trying to put in there just doesn't work. You
9 know, we have had a Halloween shop. And I get the
10 opportunity to stand outside in the front lawn every day
11 in my store and look across the street and come
12 Halloween time we guess how many accidents are going to
13 be. Every year the week before Thanksgiving there is an
14 accident right in front of the Halloween store.

15 Now that's traffic over a long period of
16 time, a whole day. You are going to have a business
17 operate that will operate from 2 to 4 and 7 to 9. And
18 the planning or zoning group has permitted them, they
19 need 44 parking spots. That is 88 people pulling in and
20 out of that lot over a two-hour period.

21 If you looked at that lot, once you get on
22 there, if there is a backup you are on the highway. You
23 are going to get hit. Every October when you put that
24 place in there, there has been an accident. Look at

1 your records, there has been an accident.

2 All you are going to do is create more
3 accidents out there. I apologize if I offend anybody,
4 but when you got a Halloween place there, you got people
5 pulling in there that are 35 and 40 years old. You got
6 a funeral home there, you got 80, 85-year-old grieving
7 people pulling off the highway with our children running
8 down the road at 40, 45 miles per hour ready to plant
9 their front end into the back end of their car when they
10 don't know how to pull on that lot.

11 It is not conducive to easy in and out.
12 There is no room to park. When it is filled, you are
13 back out on the highway and someone is going to get
14 hurt. You may even give them a customer and I don't
15 really want to see that happen. Thank you very much.

16 CHAIRMAN ATKISON: Stay on the right-hand
17 side. Anyone else on the right-hand side that wants to
18 speak.

19 MS. BELLICINI: Good evening, my name is
20 Joanne Bellicini, B-E-L-L-I-C-I-N-I. I reside at 202
21 Sussex Way, my neighbor Mr. Gensler. My husband Nick
22 and I live approximately 150 yards from the site where
23 the crematorium is proposed.

24 As an expectant mother I am pleading with

1 each and every one of you please do not allow this
2 variance in zoning to accommodate this crematorium. I
3 fear for the health of my unborn child as well as my
4 family in the community of Peters Township.

5 Additionally, when we purchased our home, we
6 were well aware of the zoning between Valleybrook Road
7 and Hidden Valley Road. If we would have known that a
8 variance would have occurred and a crematorium would be
9 allowed, we would never have purchased this home.
10 Zoning is to protect a community. Please do just that.
11 Protect Peters Township and make the right decision,
12 vote no to this crematorium. Thank you.

13 MR. BELLICINI: Hello, my name is Nicholas
14 Bellicini spelled the same way. That is my wife and
15 personally I find this ludicrous that we would consider
16 putting a crematorium 120 yards, excuse me, 120 feet
17 from the nearest residence.

18 We are using terms such as smoke stacks,
19 stacks. We are using terms such as chambers. We are
20 bringing in a gentleman from the industry. That is an
21 industrial use. We are talking about to use their own
22 terms incinerating upwards of 100 pounds of human flesh
23 per hour. This is ludicrous to change this.

24 As a physician and as a future father this

1 is deeply troubling to me. We are talking about these
2 airborne emissions, hazardous airborne particles, per
3 se. We do not know the long-term safety data regarding
4 this.

5 You can have a gentleman take random spot
6 tests of mercury at a place over in Boston looking for
7 mercury. That is not at the time of incineration when
8 the mercury goes up. There are other alloys such as
9 nickel. In my profession there are tons of metal that
10 can be incinerated during a cremation.

11 There is no way they can -- dead people
12 don't talk. There is no way to find all the various
13 pacemakers that are hidden in various places of the
14 body. Chemo infusion pumps, pain stimulators, all those
15 will be potentially cremated. We know nothing about
16 long-term safety data. When making a scientific or
17 medical decision, you have to err on the side of
18 caution.

19 CHAIRMAN ATKISON: Sir, would you turn
20 around to address Council.

21 MR. BELLICINI: When making a scientific or
22 medical decision, you have to err on the side of
23 caution. There is an epidemiological study albeit old
24 out of England that showed birth defects in the vicinity

1 of crematoriums. I find it preposterous that we could
2 allow this.

3 Evidence-based medicine should be the key to
4 making this decision. There is no way ethically that
5 you can do long-term safety data placebo controlled
6 randomized study on pregnant women and children
7 surrounding crematoriums.

8 We do not know the long-term issues that
9 will occur over the next 50 to potentially 100 years
10 this thing may be in existence. That is the point I
11 would like to make.

12 The other issue is regarding property
13 values. I long to see this gentleman from Audia Group
14 or Howard Hanna study published as opposed -- it is not
15 published data. It is ludicrous. That is all I have to
16 say.

17 CHAIRMAN ATKISON: Anyone else on the
18 right-hand side over there? Next couple of rows then
19 jump to the center.

20 MS. FERRIS: Good evening. My name is
21 Cheryl Ferris, 303 Molly drive. Although there is much
22 dialogue addressed specifically to this particular
23 applicant, Ms. Belusko funeral home is approved C-1,
24 C-2, C-4 zone it will open the doors to potentially more

1 crematories in the township. The concern for all
2 crematories in Pennsylvania is that they are under
3 regulated. They do emit pollutants with mercury and
4 dioxin being most concerning to the health and the
5 environment and they are contrary to premise of current
6 zoning ordinances.

7 Regulations: The United States EPA does not
8 regulate crematories. Pennsylvania DEP general plan
9 approval and/or general operating permit for human or
10 animal crematory have oversight. It does not monitor or
11 set any standards for mercury admission nor does it
12 require mercury fillings, breast implants, artificial
13 joint or prosthetics be removed prior to cremation.

14 Crematory operators are not required to be
15 certified or licensed, therefore, anyone can be trained
16 to operate one. There is a difference between certified
17 by the manufacturer and certified by the state.

18 The one option for proper functioning of a
19 crematorium is merely observation of odor and smoke
20 color. Once odor and/or smoke color is detected, the
21 crematorium is already functioning improperly and toxins
22 are released into the environment. Keep in mind several
23 emitted pollutants such as carbon monoxide are
24 inherently orderless and colorless.

1 Stack tests which determine the presence of
2 particulate matter only are not required to be performed
3 annually and do not have to be performed on an actual
4 unit. This means any crematory in Peters Township does
5 not need to test their unit or units and can simply
6 submit a copy of a stack test performed on an identical
7 unit within the last five years.

8 There are no precautions required in the
9 event of a power outage. If the crematory loses its
10 power, the unit stops working and all the pollutants are
11 released into the air without any filtering. Lack of
12 regulations is not an endorsement of safety.

13 Health environment risks: Crematories have
14 been documented to emit the following pollutants:
15 Nitrogen oxide, carbon monoxide, sulfur dioxide,
16 particulate matter, dioxins, furans, and heavy metals
17 including mercury, cadmium, lead and nickel.

18 Here are the peer reviewed research articles
19 that supports such data. According to Region 5 of the
20 EPA crematory emitted into the environment 3,000
21 kilograms, or over 6,600 pounds mercury in the United
22 States in 2005. That is 10 percent over the original
23 estimate in the late 1990s.

24 Letters addressed to Honorable Dennis

1 Kucinich, Chairman of Domestic Policy Committee on
2 Oversight Government Reform, and EPA administrator Lisa
3 Jackson in 2010 discussed mercury in the environment and
4 state that several sources of mercury pollution
5 including crematories pose serious health concerns to
6 humans and the environment.

7 This document Dust in the Wind also
8 published in 2010 states that a cremated body with
9 mercury fillings is directly linked to mercury
10 emissions. In addition, it identifies cremation as a
11 significant source of mercury emissions.

12 According to CANA's website it states that
13 their mercury emission is low. It should be known that
14 the World Health Organization concluded that a safe
15 level of mercury exposure has never been established.
16 And the US EPA acknowledges significant health risks of
17 mercury exposure. CANA also states that the use of
18 mercury filling is declining, however, the rate of
19 cremation is expected to increase faster than the
20 decrease in amount of mercury used for dental fillings.

21 Mercury is the most toxic substance on the
22 U.S. Department of Health and Human Resources' priority
23 list of hazardous substance. Unfortunately, permanently
24 recycled -- demonstrating the ability to be

1 atmospherically transported by wind and rain, ect. The
2 transport and deposition of mercury is dependent upon
3 meteorological conditions. Other chemical pollutants
4 emitted along with mercury and the chemical makeup of
5 air mass. Deposition can occur in an as little as five
6 to 14 days after mercury is emitted into the air or it
7 can take approximately one year, during which time the
8 mercury can be transported far around the globe.

9 Eventually mercury released into the air
10 will settle and/or convert no matter how far it travels
11 and at that point will enter the ecosystem.

12 Mercury can convert into several different
13 forms with methyl mercury being the most dangerous.
14 Pennsylvania is number one in the United States in
15 mercury pollution from power plants. Pennsylvania is
16 also one of three states that asks its residents to not
17 consume fish from any body of water.

18 An article in our Post Gazette on March 16
19 discussed how the EPA recently proposed to control
20 mercury emissions, an announcement, quote, 20 years in
21 the making, unquote. According to EPA administrator,
22 Lisa Jackson. Why would Peters Township want to
23 potentially add to this problem and pollute our lakes
24 and waterways only years later to find out we could have

1 avoided the pollutant.

2 While most published concerns regarding
3 crematory emissions relate to mercury, dioxins carry
4 significant concern as well and have been identified to
5 cause cancer among other serious illnesses. Without
6 proper filtering dioxin emissions from crematories have
7 similar fingerprint to small scale solid waste
8 incinerators.

9 Studies note that a crematory near human
10 populations operate with specific filters and if the
11 height of the stack is low, human health risks should
12 not be discarded. Furthermore, studies show that dioxin
13 and furan emissions from crematory to the surrounding
14 environment was significant and concluded that immediate
15 control strategy and monitoring systems should be
16 implemented in order to eliminate the emissions from
17 crematories.

18 Generally speaking the emitted pollutants
19 are lowered when using best available technology
20 filtering systems. However, these filtering systems may
21 help to control immediate release of pollutants into the
22 air, but they only transfer the pollutants from one
23 medium, the air, to another such as an absorbant medium
24 which still requires proper disposal and waste that are

1 potential sources of future emissions or landfill
2 contaminants. Enough scientific research exists to
3 suggest there are health risks involved.

4 According to several government agencies
5 children are the most at risk as they are exposed to
6 pollutants in a form that is most toxic, meaning vapors
7 in the air at a time when they are most vulnerable,
8 young with developing immune systems and nervous
9 systems.

10 It is prudent to err on the side of caution
11 -- and an unknown related to crematory pollutants such
12 as, what is exactly emitted during warm-up and cool-down
13 periods during the cremation process. For some, myself
14 included, even the slightest risk is too much risk to
15 the health of my family and in particular to my son who
16 has two autoimmune diseases.

17 Specifically as relates to Ms. Belusko's
18 materials submitted to Peters Township and reviewed by
19 Civil and Environmental Consultants, Inc. under vendor
20 list 2.2.1, five pollutants were studied from her
21 equipment of choice, the Power-Pak II. These five
22 pollutants are carbon monoxide, particulate matter,
23 sulfur dioxide, nitrogen dioxide and other nitrogen
24 oxides. Mercury and dioxins are absent from the list.

1 According to her proposed facility plans
2 Power-Pak II can complete one cremation in two hours.
3 Her estimates for the number of cremations to be
4 performed per year do not seem to validate the operating
5 capacity of her burner.

6 Nothing at this moment is stopping her from
7 performing thousands of cremations per year or growing
8 her business from one to several burners as she has the
9 available space.

10 Multiple burners would allow one burner to
11 be designated for animals. This constitutes a negative
12 impact of land use and too intense for the surrounding
13 area.

14 I have pictures of the surrounding area that
15 I know the projector is not working so I guess I will
16 leave them with you. On these pictures is marked with
17 the sticky note, sorry for the amateur drawing here, but
18 that designates the facility or the building that she
19 will be in. I want you to note how close that is the to
20 building. Imagine how close the stack height will be to
21 surrounding homes.

22 Zoning: The underlying premise of the
23 township zoning code is that zoning ordinances are to
24 protect the health, welfare and safety of the community

1 and its residents. To amend the zoning ordinances to
2 allow the proposed crematory is contrary to the premise
3 for the reasons stated. And I am paraphrasing from the
4 ordinances.

5 Protect areas from fire hazard, smoke, odor,
6 objectionable influences and promote stable residential
7 development that conserves the value of land and
8 contributes to the township's tax base. Sections 302 A
9 1 C, A 1 H, C 1 C, C 1 D, 600 A, F, H and K. As it
10 relates to section 302 A 1 G and B 1 C again paraphrase
11 here, promote the most desirable land use.

12 The proposed crematory in this location with
13 its associated risks and the several crematories to
14 follow Ms. Belusko is an incompatible land use.

15 Peters Township Officials: Do you know the
16 effect of what several under regulated crematories will
17 do to the surrounding environment? Or how their
18 combined emissions will interact with other industry
19 emissions in area for the environment. Do you know how
20 the combined emissions crematories and industry will
21 affect Peters Township young, elderly and sick
22 residents?

23 How are you going to protect our air, water
24 and environment? As it relates to our health, genetics

1 loads the gun but the environment pulls the trigger.
2 You as Peters Township officials will be responsible for
3 pulling that trigger.

4 You can't buy anyone's health. What you
5 decide today affects generations of humans and the
6 environment of tomorrow.

7 Here is the bottom line. There are
8 significant and legitimate concerns that the proposed
9 crematory and any crematory to follow will pollute the
10 environment and affect the health of nearby residents,
11 particularly children. When purchasing our home we
12 relied on the current zoning regulations and imposed
13 zoning to allow for crematoriums.

14 A crematorium in this location is
15 incompatible land use and more appropriately located in
16 a less populated area far away from homes and children
17 should not, and should be subjected to local ordinances
18 that control pollutants.

19 I'm not willing to wait for the industry and
20 regulations to catch up with what science has already
21 found as my home and family's home are at risk. I ask
22 you to follow the recommendations set forth from
23 Planning Committee and let Peters Township be the
24 example for other townships on how to effectively

1 protect its residents from an avoidable source of
2 pollutants. Thank you.

3 CHAIRMAN ATKISON: Anyone else in the
4 center?

5 MR. REESE: Good evening. My name is
6 Clifford Reese, R-E-E-S-E. And I moved to Peters
7 Township in 2005. I chose to move here because it
8 seemed like a place I wouldn't have to worry about much.
9 Traffic and the -- it seemed like a place statistically
10 was a place that our atmosphere wasn't as affected by
11 the coal mining as some areas closer to that are. I
12 specifically was aware of that.

13 Since then, you know, there is a little more
14 traffic now. And another thing that happened since then
15 is there is a lot of drilling now for natural gas around
16 here which, you know, you can either choose to believe
17 there is no risk to us at all or you can choose to
18 believe that we are being poisoned by our tap water.
19 And I don't really know. But I have chosen to buy water
20 and have it delivered. I don't want to worry about it.

21 I can't choose to buy the air I breathe. I
22 have heard, you know, very credible sounding arguments
23 that this will be no risk to me and I have heard very
24 credible sounding arguments that I should be alarmed.

1 And I don't know what to believe, but it does worry me.

2 And I will speak again to even besides the
3 environmental issues, you know I think we all have in
4 our head the idea of what a funeral home is, and not
5 that you are going to be judging this on its
6 architectural merits or otherwise, but I think, you
7 know, trying to put a funeral home into that building in
8 the location of where it is, it seems like a stretch in
9 a way.

10 And I have heard they have less than 50
11 parking spaces. And you know, I worry what if 100 cars
12 want to come to a funeral. Will they have to park in
13 some of Sears' lot, or try to go to the Chrysler lot, or
14 walk across the road from Sharp Edge. I don't really
15 know.

16 I try to think of the funeral procession
17 leaving this place, 60 odd cars at a very low speed.
18 And, you know, obviously all due respect to funerals,
19 but how long will traffic be impeded? If there were an
20 ambulance or police cars, I don't really know. I will
21 just say it worries me and, you know, there is no part
22 of me that relishes denying this family their business
23 and their livelihood. I think this is not the best
24 place to try to do it.

1 MS. BANASZAK-RAFFAELE: My name is Amye,
2 A-M-Y-E, Banaszak, B-A-N-A-S-Z-A-K, Raffaele,
3 R-A-F-F-A-E-L-E. I live at 410 Center Church Road.
4 Mrs. Belusko's attorney mentioned several of the other
5 crematories in the Pittsburgh area, one being located by
6 Children's Hospital.

7 Well, to compare Children's Hospital to a
8 residential area is like comparing apples to oranges.
9 The children are there on an average of five days. 34
10 are transplant patients.

11 My child plays outside every day and will
12 continue to play outside every day for the next 13 years
13 until she goes to college.

14 Children's Hospital patients also do not go
15 outside of the facility. They are in the
16 state-of-the-art facility with the best possible air
17 purification around. Therefore, they will filter out
18 any of the particulate matter that happens to escape
19 from the stacks. I don't have that ability at my house
20 to put in an air filtration system.

21 The other funeral home with the crematory
22 that was discussed was the one in Dormont which is owned
23 and operated by Beinhauer's. That was built in 1921.
24 Dormont did not open their first school district until

1 1965. Therefore, by the time the population started
2 coming to Dormont, they had a choice to live by a
3 crematorium. You are taking that choice away from the
4 residents of Peters Township.

5 CHAIRMAN ATKISON: Any one else in the
6 center?

7 MR. POWELL: Hi, my name is Colin Powell, I
8 live at 103 Rock Run Road. Admittedly, you know, a lot
9 of these numbers are going right over my head and it is
10 very complex subject matter. And what I'm boiling it
11 down to right now is that we have a husband and a wife
12 starting up their first business inside our community.
13 The information that we have received, we received much
14 of it this morning, we haven't even had a chance to
15 review it.

16 The subject expert was paid for by
17 Mrs. Belusko and they are telling me that there is no
18 significant health risks. And I'm hearing from a
19 realtor that my property value is going to increase by
20 31 percent whenever this goes through. It wrecks of bad
21 faith.

22 This information that I'm receiving does not
23 seem to be consistent with what I would logically, what
24 makes sense. Much of it doesn't make sense. In fact,

1 this is all being pushed forward so quickly that the
2 ordinance that we are seeing today wasn't even the
3 advertised ordinance, much of this is getting pushed
4 forward so quickly.

5 I will say the planning meeting, the reason
6 the planning meeting was voted five nothing unanimously
7 against this is that the people of Peters Township do
8 not want this. That is why the vote was five to
9 nothing. Thank you.

10 MR. HENNEY: Good evening. My name is Paul
11 Henney, H-E-N-N-E-Y. I reside at 207 Sussex Way Peters
12 Township and I have lived there almost 13 years.

13 Ladies and gentlemen of the Council,
14 Mr. Chairman, I moved my family to this premiere
15 community for the purpose of raising my children in a
16 neighborhood with very high standards and also at the
17 highest level educational system that I could find.

18 To date I have not been disappointed. In
19 fact, in my brief dealings with the building inspector,
20 the zoning and planning boards and the school district
21 it has been first class and in the spirit of serving the
22 community honorably.

23 I am by trade a third generation funeral
24 director and currently own and operate six funeral homes

1 in Southwestern Pennsylvania. This year will mark our
2 95th year of family service to the South Hills of
3 Pittsburgh.

4 My company serves over 650 families per
5 year, 200 of which choose cremation for final
6 disposition. I would submit to you that if anyone in
7 our area could substantiate having their own crematory
8 at 200 cremations per year with the consequent liability
9 and so forth, it would be me. I do not have a crematory
10 nor do I have any plans of building one. The reasons
11 for me are really quite simple.

12 Most importantly, and I have entertained the
13 option of having a crematory, to face something like
14 this, I'm in the business of making friends and
15 relationships. And each and every time these things
16 come about in most communities you end up with something
17 like this.

18 So, I have about 100 people plus all their
19 families and friends that coming out of the gate are not
20 real happy with me. That was the first one.

21 The second one is the economics and cost
22 benefit factors also contributed to my decision. I know
23 some of the suppliers would argue that 200 cremations
24 per year, you can make that work. Well, in our area

1 there are plenty crematories, most of which are very
2 affordable. The liability, the maintenance, the upkeep,
3 the emissions, now we talk about the property value, it
4 is just not worth it.

5 In 2004 I commissioned MKJ & Associates, the
6 leading death care research company to do a feasibility
7 study on the possibility of building a new funeral home
8 at Forest Lawn Gardens, immediately adjacent to
9 McDonalds on Route 19 south, a trend that has become
10 popular throughout the nation.

11 After many months and even years of
12 deliberation and consideration, and also to the chagrin
13 of my good friend Dave Regina, I decided that building a
14 funeral home on Washington Road made very little
15 economic sense due to the high property values.

16 When I inquired about having a crematory at
17 that time I was told that crematories were not a
18 permitted exception. Even then the reasons centered on
19 the possible toxic admissions that would be disseminated
20 into the air.

21 I had no trouble with this fact nor did it
22 play any role whatsoever in my quest to build a new
23 location at the cemetery. And even though it has been
24 pointed out earlier that the crematory is, in fact, an

1 ancillary business in nature to a funeral home, it would
2 play a very limited, if not negligible, role in my
3 success.

4 Further, even at that time there were
5 already more than enough crematories in southwest
6 Pennsylvania to serve my needs safely, with dignity and
7 at very affordable cost.

8 I will say for my limited experience with
9 the Audia Group, I have no doubt they are upstanding
10 citizens. In fact, having owned a funeral home in
11 Washington, PA from 1996 until 2006 I know personally
12 the family is held in high regard.

13 Having said that, the facts which have been
14 laid before us in terms of the Coltmont study as well as
15 the empirical property value depreciation conducted over
16 27 months through the noble Penn State University are
17 difficult to refute, especially since to my knowledge
18 they have not been formally challenged.

19 These two studies seem to prove that
20 allowing the funeral home crematory at this location in
21 close proximity to residential areas will be detrimental
22 by way of toxic emissions to my neighbors on both sides
23 of Route 19 as well as more importantly our families and
24 children. Further, if in fact living in the northeast

1 part according to the Penn State study which we do in
2 Sussex Way there is a 35 percent drop in the residential
3 property value, I can maintain if you think this room is
4 filled tonight, we aint seen nothing yet.

5 I leave this Council with two questions that
6 do not need answered at this time but need further
7 reflection. Having been engaged with the serious
8 responsibility of the welfare of the citizens of this
9 township and due to the possibility of toxic emissions
10 and depreciated home values, is it really worth taking
11 the risk?

12 Finally, knowing what you know now, would
13 you object to this proposal if your home was located in
14 our neighborhood. Thank you.

15 CHAIRMAN ATKISON: Can we shoot to the left
16 side now. I overlooked the hallway, I think. We will
17 catch you later, okay?

18 MS. GRAZIOTTO: My name is Geri Graziotto, I
19 live at 137 Hidden Valley Road. G-R-A-Z-I-O-T-T-O. I
20 lived in this township for over 44 years on Hidden
21 Valley Road. I certainly oppose the crematory, the
22 rezoning for the crematory. We have heard all the
23 health issues, and all the environmental issues, but I
24 am saddened and I am appalled because for 44 years I

1 know you folks and the previous councils have made the
2 zoning laws and spent many hours planning the township,
3 putting out the master plan and then the individuals and
4 these companies come in and try to ram something down
5 our throats. And we entrust you to make the right
6 decision.

7 From what I have heard, I just know that
8 rezoning is not the right decision. And I just would
9 hope that you would take all this into consideration
10 because we put our trust in you. Thank you.

11 MR. CUSHEY: Sam Cushey, I live at 112
12 Hidden Valley Road. C-U-S-H-E-Y. I'm glad the
13 applicant abandoned the ill-advised plan to build this
14 facility in our residential neighborhood on Hidden
15 Valley Road. Now, you know, I think a lot is missing
16 here that these people have the right to build a funeral
17 home where they want to build it. It is the crematorium
18 that we are having problems with.

19 Now, Mr. Ball, you asked why the Planning
20 Commission didn't vote for approval. There was
21 testimony, and prior to the Planning Commission meeting
22 I along with a lot of other people had no idea what a
23 crematorium is all about. I am in charge of our church
24 cemetery. I get a small ern I bury, that is about all I

1 knew. But according to the testimony at the Planning
2 Commission these things are not regulated, they are not
3 licensed, they are not inspected, they malfunction. And
4 what surprised me most and I'm sure the commission, the
5 experts from the applicant did not even challenge this.
6 They didn't challenge any of those.

7 So I'm sure they felt that with something
8 like that, how could they recommend it. Thank you.

9 CHAIRMAN ATKISON: Anyone else on the left
10 side?

11 MR. FRANKLIN: Good evening members of
12 Council, my name is David Franklin, and I am an attorney
13 here representing Beinhauer Family Services located at
14 2820 Washington Road, Peters Township. Mr. Beinhauer
15 and his son are here and I'm sure they can get up and
16 eloquently explain everything to you that I am, however
17 there is a slight legal twist to my remarks as opposed
18 to some of the other comments that you have heard this
19 evening.

20 Beinhauer strongly objects to the proposed
21 amendment to the township zoning ordinance primarily
22 because it allows the establishment of any number of
23 standalone crematories in the commercial districts
24 within Peters Township.

1 I think it is important to address what may
2 be a significant misunderstanding relative to the
3 proposed amendment. In speaking with several people in
4 the township there seems to be an understanding that
5 this amendment is intended to allow crematories only as
6 part of or in conjunction with funeral homes.

7 In fact, if you look at the legal notice for
8 this evening's meeting it refers to the permission of
9 crematories in funeral homes.

10 However, if you look at the proposed
11 ordinance, we believe that the unambiguous language
12 provides no such qualification or requirement that a
13 crematory be in a funeral home or an accessory to use at
14 a funeral home. Instead, the proposed amendment would
15 permit a standalone crematory to be established within
16 the commercial districts without any relationship to the
17 funeral home whatsoever.

18 The proposed amendment does nothing more
19 than modify the definition of funeral home to include
20 any building that simply conducts cremations and
21 ceremonies for viewings. There is no requirement of the
22 proposed ordinance that a crematory be part of the
23 funeral home.

24 To appreciate why this is significant, I

1 encourage every member of the Council to review the laws
2 and regulations which govern funeral homes, and more
3 particularly licensed funeral directors.

4 Funeral homes, funeral directors are
5 regulated in Pennsylvania by State Board of Funeral
6 Directors and they issue licenses in the practice of
7 funeral directors in our state. The board formulates
8 the necessary rules and regulations for the proper
9 conduct of the business and the profession of funeral
10 directing in order to safeguard the interests of the
11 public.

12 Each funeral director in Pennsylvania must
13 sit for and pass a funeral director licensure and
14 endorsement examination. And once in place that license
15 is subject to renewal on an annual basis. Funeral
16 directors and funeral homes are also required to report
17 who their owners are and when changes occur in
18 ownership, those are reported to state.

19 Simply put, funeral directors are subject to
20 significant regulation in Pennsylvania and in turn the
21 public has come to expect and benefit from the uniform
22 standard of professional conduct in operating
23 procedures. To the contrary, crematories and crematory
24 operations are not subject to any regulations or license

1 requirement in Pennsylvania. There is no specific
2 training required by law, no license or examinations are
3 necessary for the operators, and the only formal
4 approval required is the DEP permit that we talked about
5 tonight. In other words, anyone with the desire and
6 inclination to do so can operate a crematory.

7 When this lack of oversight is coupled with
8 the proposed ordinance, it is easy to understand and
9 appreciate our concern relative to future activities in
10 Peters Township. The unintended consequences in the
11 proposed amendment would be to allow anyone and not
12 simply a licensed funeral director to operate and own a
13 crematory within the commercial district of Peters
14 Township. As noted earlier, there is nothing in the
15 ordinance or proposed ordinance that would require a
16 crematory to be operated by a licensed funeral director
17 or in conjunction with funeral home.

18 Absent these or similar requirements the
19 operation of a crematory within Peters Township would
20 not be subject to any formal oversight.

21 By suggesting that cremation activities
22 occur together with viewing or ceremonies does not cure
23 the deficiency in this proposed amendment. There is
24 nothing in Pennsylvania law or regulations that

1 restricts viewings and ceremonies to funeral directors.

2 Viewings and ceremonies do not a funeral director make.

3 Lastly, while we understand that the
4 applicant in this matter is a licensed funeral director,
5 and I can certainly appreciate that Mr. Gilbert as we
6 heard tonight offers a wonderful service and has had no
7 problems with his funeral home, and I can personally
8 attest to the good people at Matthews. Their products
9 are fantastic, they are a wonderful client of mine. I
10 can attest to their safety record and the quality of
11 their products hands down. But the issue tonight is not
12 Ms. Belusko, it is not Mr. Gilbert and certainly not
13 products of Matthews. In fact, the gentleman from
14 Matthews would probably be a hero of a CEO if he went
15 back tomorrow and said I got Peters Township to write in
16 ordinance they have to use the Matthews product. That
17 is not the issue.

18 The issue tonight is the ordinance, the
19 language of the ordinance and how it will impact Peters,
20 the future of the Peters Township. As presently drafted
21 this amendment would allow for anyone to operate
22 standalone crematory in your commercial business
23 districts. This is simply unacceptable and the
24 long-term detrimental impact to Peters Township and its

1 business districts would be significant. Thank you.

2 CHAIRMAN ATKISON: Anyone else on if left
3 side?

4 MR. SCHWOTZER: My name is Art Schwotzer,
5 S-C-H-W-O-T-Z-E-R. I am at Rockingham Lane, I have been
6 in this township over 50 years. I usually come to the
7 Council with the idea of building something, developing
8 something or doing good for the community. This time I
9 come with a note of despair.

10 This is not building, this is not developing
11 something for the good of the community. In fact, it is
12 the opposite. Anybody here that believes the DEP or EPA
13 is going to inspect control, monitor or otherwise the
14 crematorium on daily weekly, monthly, yearly basis
15 hasn't dealt with these organizations. They are fine
16 organizations but they are not there. And when they are
17 there, it is 30 seconds, 30 minutes, whatever it might
18 be. They do not control the operations as you would
19 think they do. So what you are looking at is an
20 independent operation run by itself, run by the people
21 who manage it.

22 I look at the property. I think we are
23 trying to put ten pounds stuff into a five pound bag. I
24 live next door in my building at Sears. And I look and

1 see what is going to happen if this thing goes through.
2 Not only do I look at it residentially such as what
3 Dennis said, I live about 600 feet beyond him. What
4 will happen to the commercial area? I'm fearful. I'm
5 fearful of the food operations, food handlers, and
6 everybody ought to look at this thing and say whoa. But
7 new people coming in, that is what is concerning.

8 What are we going to see in business? What
9 are we going to see in people who will gamble, risk in
10 an operation when they are not sure what it exudes into
11 the air around them.

12 When I left the meeting last time somebody
13 came up to me said they will park in your lot. Well, I
14 agree that parking is a minimum. So unless they, a fair
15 attitude towards what is needed, what is needed is
16 parking if you do something in the way of crematoriums,
17 not crematoriums, funeral homes. And that has not been
18 done. That is a very minimum situation.

19 As I present to you programs in building, in
20 developing, in giving beauty and income to the Peters
21 Township area it usually includes something that is
22 complete. This is not complete. It will only be
23 complete as time goes on and then to the detriment of
24 the commercial businesses around the operation. I urge

1 you to vote it down.

2 CHAIRMAN ATKISON: Anyone else on the
3 left-hand side that wants to speak? I will get the
4 hallway guy next, I think. Stay loose.

5 MR. SLIFCO: My name is Paul Slifco. I
6 reside at 102 Shoreline Drive. S-L-I-F-C-O. I want to
7 bring up two points before the Council.

8 One is I happen to own property in Somerset
9 County. And so when you take a look at property values
10 between 2007 and 2009, obviously the downturn in the
11 economy. Was isn't there that wasn't brought up was the
12 gas rights.

13 I happen to know that there is a lot of gas
14 drilling going on, it started in 2008. Well, 2009. And
15 2010 they will be there a while, I figure there is a lot
16 of influx of well drillers coming in staying there. So
17 before you consider that kind of information, please
18 consider that.

19 The other thing I would like to bring up is
20 I work in a chemical company. I know that mercury is a
21 heavy chemical and it does, when it vaporizes, yeah, it
22 will vaporize it will go up in the air and it is going
23 to disperse. It will drop, once it cools down it will
24 drop fairly fast.

1 So, as I'm looking at some of the averages
2 of numbers that they have been talking about two grams
3 per body or even if you drop that down to a half gram
4 per body, what you are talking about in a square mile
5 area, you are going to be talking about increasing that
6 microgram or cubic per square meter in the neighborhood
7 of 50 to 100 micrograms per square meter.

8 That will be increasing dramatically. I ask
9 you to consider that as well.

10 CHAIRMAN ATKISON: Next we will get the man
11 from the hall, would you like to come up, sir?

12 MR. SEBETICH: What about the handsome man
13 from the hall? Mike Sebetich, S-E-B-E-T-I-C-H, I live
14 at 114 South Heidi Lane.

15 Most of what I want to say was already said
16 by people that came up before me and actually I'm glad
17 they came before me because they did a much better job
18 that I would have.

19 I'm going to, I have a prepared statement
20 here, I was going to read the whole thing but since most
21 has been read, I will jump into a part here that really
22 hasn't been read or maybe more my personal opinion.

23 CHAIRMAN ATKISON: Thank you for that.

24 MR. SEBETICH: I know it is a long meeting.

1 I will jump into it here. I guess I have some questions
2 too actually. So, the Penn State study has already been
3 presented and shows a strong correlation between the
4 distance of a home from a crematory and the home's
5 value.

6 Another study done in 2007 by Littleton,
7 Massachusetts a town that was also considering the issue
8 of crematories in their community looked at potential
9 effect on property value as well.

10 In the opinion of home appraisers in that
11 study property values could fall by as much as 20
12 percent for homes nearby. And I didn't bring copies of
13 this. I will be glad to show you where I got this. I
14 don't have copies here.

15 Given the potential health risk, potential
16 for odor, the pollution and the uncomfortable feeling
17 most will have living next to a facility that burns the
18 dead, this drop in property value should not be a
19 surprise. No one wants to live next to a crematory. I
20 can attest to this impact on property values from my own
21 personal experience.

22 My wife and I moved to Peters Township only
23 seven months ago. I can tell you without reservation
24 that if a crematory had been in place at the proposed

1 location at that time, we would not have moved here. If
2 we knew a crematory at the proposed location was even
3 being considered, we would not have moved here.

4 Since learning of this proposal we have
5 begun talking with our real estate agent at Howard Hanna
6 about the possibility of putting our home up for sale in
7 the event the crematory is approved by Council or the
8 zoning board for the proposed location. If we can get a
9 good price and find a suitable home in another good
10 school district such as Upper St. Clair or Mt. Lebanon,
11 we have to consider cutting our losses and moving out of
12 Peters to protect my 10-month-old daughter from Audia's
13 dangerous plan.

14 Of course, we hope that doesn't happen.
15 When my wife and I moved to Peters Township in August of
16 last year, we were thrilled to be part of this vibrant
17 and successful community. We want my daughter and any
18 future children we have to grow up and go to school
19 here. Now we feel, excuse me, now we fear for our
20 health, safety and home value.

21 Audia's plans put at risk not only our
22 property values, but the health and well-being our
23 family and children. The people at this greet township
24 have worked very hard and made many sacrifices to earn

1 the privilege to live in this wonderful community.

2 Living here has been a dream for my family
3 and many others. I beseech you please help us stop that
4 dream from becoming a nightmare. Say no to crematories
5 next to residential areas in Peters Township. Thank
6 you.

7 CHAIRMAN ATKISON: Anyone else who wants to
8 speak before we go back to the applicant? I checked on
9 the back room, Sam, nobody back there wants to talk. It
10 is covered. Got you covered Sam. The applicant like to
11 rebut some of these comments? You apparently do.

12 MS. RIBAR: Yes.

13 CHAIRMAN ATKISON: You have that chance.

14 MR. MACOSKEY: Kris MacCoskey.

15 M-A-C-O-S-K-E-Y. Kris with K, Civil Environmental
16 Consultants.

17 In general relative to technical information
18 I would urge you to consult with your own expert,
19 Dr. Penkala, to help clarify some of the worries and
20 concerns that you heard from residents tonight. I can
21 go down through the list of things and would be happy to
22 answer questions if you have any further questions, but
23 I am not certain that it would be a meaningful exercise
24 to share my perspective because I have already shared my

1 perspective on the technical merits of the proposed
2 project.

3 The one that struck me the most was
4 Mr. Misak who was the first speaker talking about health
5 implications from a variety of pollutants. There was
6 also a comment made by Ms. Ferris that the evaluation
7 performed did not address certain constituents. If you
8 take a look at the reports we prepared, we did take a
9 look at a wide number of pollutants, toxic air
10 contaminants as best as the available information
11 provides.

12 And I think that in consultation with
13 Dr. Penkala can help to clarify some of the
14 misconceptions and concerns that people have about this
15 type of a device. I think that is really it in a
16 nutshell unless you have specific questions.

17 CHAIRMAN ATKISON: Thank you.

18 MS. RIBAR: Mr. Misak spoke with regard to
19 formaldehyde in coffins. Most bodies in cremations are
20 not burned in coffins. Coffins are very expensive for
21 families. And Mr. Gilbert can certainly address this,
22 but it is my understanding it is very rare for a coffin
23 itself to be incinerated in the chamber along with a
24 body. There is material I believe cardboard, mainly

1 cardboard material that does combust in the unit that is
2 mainly used. So I wanted to address that issue
3 regarding formaldehyde being released from coffins being
4 burned.

5 I want to make clear to the board and the
6 audience we are not asking for a variance tonight. A
7 parking variance was already granted. Traffic issue,
8 parking issues have already been considered and they
9 will be considered in connection with the site plan
10 approval that will be submitted in connection with this
11 application.

12 I think that Mr. Penkala put it best in his
13 opening remarks when he said that toxic is relevant.
14 And that the mere presence of toxins does not equate to
15 harm.

16 There are other businesses in Peters which
17 emit toxins that have been discussed this evening. The
18 law requires zoning ordinances to provide for legitimate
19 businesses. We are asking you to recognize this. Other
20 municipalities surrounding Peters have already
21 recognized this. Upper St. Clair, North Strubane, Mt.
22 Lebanon -- can I please finish?

23 AUDIENCE MEMBER: No.

24 CHAIRMAN ATKISON: Come on, that is not

1 fair, okay? Be respectful.

2 MS. RIBAR: Ordinances in Upper St. Clair,
3 North Strubane, Mt. Lebanon, Monroeville and Cranberry
4 Township already allow crematories in their townships.

5 Many people are asking you to substitute
6 your own judgment for that of the EPA and/or the DEP.
7 We are asking that you to consider the scientific
8 evidence that has been presented to you and allow this
9 business to be regulated by the entities as required by
10 law. Thank you.

11 CHAIRMAN ATKISON: I thank you.
12 Mr. Johnson, would you like to make comments.

13 MR. JOHNSON: Yes, Council has the option if
14 you feel you need to review the materials that were
15 submitted tonight as well as perhaps give Dr. Penkala an
16 opportunity to review the revised report, you need not
17 close the record tonight. You were obliged to have this
18 hearing tonight because the state law that talks about
19 the curative amendment process requires the township to
20 have a timely hearing. It was actually within 60 days
21 reviewing that. However, you are not obliged to close
22 the record this evening if you wish to reserve the
23 option to have a continued public hearing on this, you
24 can.

1 I know that Ms. Ribar indicated she perhaps
2 wanted to cross-examine some of the witnesses that
3 testified and under the state act she has that absolute
4 right. So, if you wish to do that, we would need, I
5 know at least the one individual who left we need to
6 have a continued hearing any way. I leave it up to
7 Council as well as Ms. Ribar whether or not she wants to
8 continue the hearing for that purpose.

9 MS. RIBAR: We would prefer that the record
10 be closed other than some follow-up by Mr. Penkala.

11 MR. JOHNSON: Council does have the
12 unilateral right to continue the hearing if it chooses
13 to do so. If it is continued to a later date, notice of
14 that will be provided by the, you are obliged to give
15 public notice of that by appropriate publication. Or
16 you can close the record and decide this matter at such
17 time as you deem appropriate based on the information
18 you have.

19 CHAIRMAN ATKISON: Council?

20 MR. LEWIS: We need a continued hearing to
21 open it up for audience participation again?

22 MR. JOHNSON: Only if there will be
23 testimony or documentary evidence submitted. If you
24 feel that you merely want to review the testimony and

1 the documentary evidence that has been submitted
2 tonight, you need not have another hearing. You will
3 have to take a vote on the matter at another public
4 meeting which can be a Council meeting.

5 MR. LEWIS: I was simply trying for the
6 people here to understand that if we continue to meeting
7 was it meant to be a continuation of all of the comments
8 that we solicited this evening.

9 MR. JOHNSON: No, you can have opportunity
10 for comments unless there is something new brought up.
11 You don't have to hear a lot of redundant testimony or
12 repeat testimony with regard to these matters.

13 MR. LEWIS: I think we have the stack of
14 papers here we have not fully looked at. This binder
15 has a number of attachments which I went through before
16 the meeting. I don't know I consider that a fair
17 assessment of review time.

18 MR. JOHNSON: Let me say the Act requires,
19 the state law requires that you, if you are going to
20 make a decision on this, you do so within 45 days of the
21 last hearing. So, if this is the only hearing, that
22 starts the clock.

23 MR. LEWIS: I think we should keep it open.

24 MR. BALL: I would like to add Mr. Penkala's

1 comments on the review. That to me is an open item.

2 CHAIRMAN ATKISON: Do we need to do that in
3 open hearing, we can review the material.

4 MR. JOHNSON: To the extent Dr. Penkala may
5 provide additional information to us, that should be
6 done at an open hearing because the applicant should
7 have an opportunity to review that and also ask such
8 questions as they deem necessary.

9 MR. LEWIS: It may very well prompt
10 questions.

11 MR. JOHNSON: Frankly, I, know a lot of this
12 material was submitted to us this evening. I have not
13 seen it, I know Council has not seen it. That may
14 trigger further response on their part. In that
15 perspective I would suggest that you not close the
16 proceedings tonight and leave them open for the likely
17 potential of additional hearing.

18 CHAIRMAN ATKISON: This will be advertised
19 and announced?

20 MR. JOHNSON: Yes.

21 CHAIRMAN ATKISON: That is the case.

22 Hearing will be continued.

23 (Hearing recessed at 10:16 p.m.)

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I hereby certify that the foregoing is a correct transcript from the record of proceedings in the above entitled matter.

William E. Weber, RDR
Court Reporter