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**CITY OF BELEN
PLANNING & ZONING COMMISSION MEETING
MINUTES
MAY 28, 2013**

Chairman Rod Storey called the regular meeting of the Belen Planning and Zoning Commission meeting to order at 6:30 p.m.

Roll call being taken is as follows:

PRESENT: Chairman Rod Storey
Vice-Chair Dubra Karnes-Padilla
Commissioner Steven Fitzgerald
Commissioner Max Cordova
Commissioner Tom Greer

CITY STAFF: Lisa Miller, Zoning Enforcement Specialist
Steven Tomita, Planning & Zoning Director

OTHERS: Robert Noblin, Noblin Funeral Services
Dylan M Cordova, Noblin Funeral Services
Joseph A Laurenzo, Noblin Funeral Services

APPROVAL OF AGENDA:

Commissioner Tom Greer moved to have the Agenda approved as presented..

Commissioner Max Cordova seconded the motion.

Motion carried.

APPROVE OF MINUTES:

The Minutes of April 29, 2013 were reviewed.

Vice Chair Dubra Karnes-Padilla moved to approve the Minutes of April 29, 2013 as corrected.

Commissioner Max Cordova seconded the motion.

Motion carried.

ACTION ITEMS

A. REQUEST TO AMEND THE ZONE MAP FROM C-1 TO SU-1 (For future expansion and/or addition of an on-site crematory): ROBERT C NOBLIN

Ms. Lisa Miller informed the Commission that the information that the Commission requested at the previous meeting has been placed before them.

Mr. Robert Noblin informed the Commission that the information provided covers the specifics that was requested. Also among the information is a page on the emissions on the unit that he is wishing to purchase. This chart was prepared by Dave Dubyck of the State of New Mexico Environmental Department Air Quality Bureau, and based on the funeral home providing 200 hundred cremations a year. There is also a letter to the New Mexico Environment Department, accompanied with a 21 page application in regards to the installation of the crematory on the property. They informed him that they would respond to him in approximately 30 days, but it has only been a few weeks. Towards the back of the packet are photos of the two options that is being considered. One is where the existing garage is located, the other is on the Fifth St. side of the property. The last photo shows what the proposed building will look like on the Fifth St. side of the property.

Chairman Rod Storey asked about the access to the lot.

Mr. Noblin said that there are three access points to the lot, one on the Fifth St. side that is towards the north end of the property, and two on the Reinken Ave. Side.

Commissioner Tom Greer asked if the proposed placement of the building on the Fifth St. side would block the entrance that is there.

Mr. Noblin said that it would not. The structure would have 22' on either side.

Commissioner Tom Greer asked which proposed location would Mr. Noblin prefer.

Mr. Noblin said that he would prefer the location that is on the Fifth St. side so that there would be more open space available.

Commissioner Steven Fitzgerald asked how close to the sidewalk would the building be.

Mr. Noblin said that it would be placed according to the setback codes require it to be.

Ms. Miller said that she thought the setback for a Commercial property was 10 ft. front setback. The property where this would be located is on a double front, due to the fact that it has Reinken Ave. on one side and Fifth St. on the other.

Mr. Noblin informed the Commission that in between the street and where the sidewalk ends there is 8 ft.

Ms. Miller said that it was the sidewalk easement. She also looked up the setback requirements for a commercial property and says that it is 6 Ft. front, 5 ft. side, and 15 ft. back.

Mr. Noblin informed the Commission that the existing garage is being used to house one of our vehicles, with the new garage structure one of the other vehicles will also be placed inside that building and therefore would not be losing more than one parking space if the new structure was built.

Chairman Rod Storey asked Mr. Noblin to explain in more detail the emission factors on the report because it does show what the emissions are but not a comparison with other emissions.

Mr. Noblin said that it does not compare what is allowable and that is why he has requested the letter from the New Mexico Environmental Department Air Quality Bureau stating that it is not regulated by the State because the emissions are so low to almost non existent. He informed the Commission that the unit he wishes to purchase has a safety on it so that if any emissions that should not be disbursed is emitted the unit will automatically shut down. It is all computerized. The manufacturer will also be notified by the unit that there has been a problem detected.

Vice Chair Dubra Karnes-Padilla asked if the units were regulated by the State.

Mr. Noblin said that crematories were not regulated by the State and that they have become so efficient that it is not needed and not needed on a Federal level as well. The emission factors listed on the report are CO (Carbon Monoxide), NOx (Nitrogen Oxide), PM (Particulate Matter), SOx (Sodium Oxide), TOC (Total Organic Carbon), VOC (Volatile Organic Compounds).

Vice Chair Dubra Karnes-Padilla asked if there were any mercury emissions.

Mr. Noblin said the OSHA and The Environmental Departments conducted a study and removed that from the emissions testing. It was more a dental concern but since the amounts of those types of fillings are no longer done it is not.

Commissioner Max Cordova asked why the methane was not included, like the report says.

Mr. Noblin said that he was not sure why but in his estimation it would be because it was a gas and would be burned off too quickly. The State has looked at this machine on the retention time, when chemicals leave the main chamber, where the body is, and enters the second chamber, which is the after burner chamber, which burns hotter that the main chamber does, it retains the chemicals in that chamber and burns them off in a little over two seconds. The system that they would be purchasing has a diagnostic system on it, which essentially the company as well as us will be monitoring the unit, and when any type of unusual emissions, or anything unusual should happen, the unit itself will shut down.

Commissioner Max Cordova asked if there were any inspections needed. Crematories are licensed by the state Board of Funeral Service. Operators and units go through this to become certified though the State Board. The Funeral Home goes through a yearly audit also regulated by the Board. All who operate the unit has to have this certification and all the Funeral Homes that have a unit have to be certified.

Chairman Rod Story asked how many from his Funeral Home were certified.

Mr. Noblin said that he was certified and that there are three more of his staff that have almost completed the certification process.

Commissioner Max Cordova asked what the reason was for being placed at the Belen location and not any other that they have, like the one in Los Lunas.

Mr. Noblin said that the Los Lunas location is at a leased facility with the building of a permanent building once they became established. The Belen location is a permanent one and there is a need for a crematory in Belen. Los Lunas population is a young population and Belen's population is older.

Commissioner Tom Greer said that he would like to see this type of service provided and is something that the families who live here have a need for this type of service rather than having their loved ones taken somewhere else for this type of service. The fact that this can be done in one place instead of their loved ones changing hands and feels that this is a good idea for the citizens of Belen.

Commissioner Max Cordova asked who the owner of the crematory that is located at the Terrace Grove Cemetery on Aragon Rd.

Mr. Noblin said that the owners were Dennis and Connie Strain and has owned it for 22 years. It was previously owned by Harold Crump. The Strains reside on the property and they currently operate three crematories and one pet crematory at that facility.

Commissioner Steven Fitzgerald asked if they would be using the Belen facility to cremate loved ones from the Los Lunas Funeral Home.

Mr. Noblin informed the Commission that each Funeral Home is required to have two refrigeration units, two embalming rooms, they centralize all here at the Belen facility. So if anyone uses the Los Lunas facility or not the Belen facility is the location everything comes to.

Commissioner Max Cordova asked Steven Tomita if he had checked with the City Attorney about the SU-1 use in this area and if there were any size restrictions.

Mr. Steven Tomita informed the Commission that the SU-1 is a focused use and can be used practically anywhere and does not set a precedence, that a SU use is a unique use under a special circumstance and to be used for a specific condition.

Commissioner Tom Greer said that this means that this would not open some Pandora's Box event and that it is specified for a specific use in conjunction with a specific business.

Mr. Tomita said yes and the reason that methane was not included in the report is that methane is a gas that is released from a decomposing body and not from a burning body. It is released more by a buried body.

Chairman Rod Storey said that he can see the need for this from a public perspective, it is also an issue of whether or not it is a conforming use for that purpose.

Commissioner Tom Greer said that he would not support it if it was some new business coming in but because it is an associated use, one along with the existing Funeral Home with this associated with it makes sense.

Chairman Rod Storey said that he does not see this as a flood gate opening for a bunch of crematories locating here in Belen.

Chairman Max Cordova said that his concern is the location. It is in the center of town, right next to a park, in a residential area, and he would not want it next to his home or next to a park where my kids play.

Commissioner Tom Greer said that it would not be like it had a sign on it stating it was a crematory.

Nr. Noblin said that it would not have a sign on the building and that it would look just like a garage, and that you would not even know it was there unless you asked. It looks just like a three car garage.

Chairman Rod Storey said that if it was an air quality type of issue that it would need permitting.

Commissioner Tom Greer said that if it was an air quality issue there would be more of a problem with him than it is now. It is not a air quality issue.

Chairman Rod Storey said that the Commission was there to make a recommendation to the City Council either for or against the zone change from C-1 to an SU-1.

Commissioner Tom Greer moved to send a recommendation to the City Council to approve the zone change from a C-1 to an SU-1 for a crematory for the Noblin Funeral Home.

Commissioner Max Cordova seconded the motion.

Vote is as follows:

Commissioner Tom Greer	Yes
Commissioner Max Cordova	No
Vice Chair Dubra Karnes Padilla	No
Commissioner Steven Fitzgerald	Yes

Chairman Rod Storey said that being there was a tie and that he will need to make the deciding vote. He did not see it as a air quality issue, or a hazard, but for him the stigma of having it in my back yard, he would not care for it, and being in the close proximity of a park that does hold a lot of public events, his vote is No. He said that there is the opportunity for another motion due to the fact they have to send something to the Council.

Mr. Tomita said that it was not needed due to the fact that the vote is to not recommend a zone change to the Council.

Chairman Rod Storey said that the motion for a recommendation of approval was voted down and he thought that it had to be in a motion for denial.

Mr. Tomita said that they motion for approval was denied and therefore goes to the Council as a recommendation of denial.

Chairman Rod Storey said that they were not the final say on a zone change and that the City Council makes that determination. It is his understanding that it need to be in the form of a motion. One either to approve or one for denial.

Ms. Miller said that the vote was already done and it goes to Council as a recommendation of denial, due to the fact that you voted and the vote to approve was denied, it now goes to council with your recommendation to denying a zone change.

Chairman Rod Storey said that he is still not clear on this.

Ms. Miller said that once the Commission takes a vote it is then sent to Council with that recommendation, whether it was a tie or not that vote goes to Council.

Mr. Tomita said that the Council will take that vote as a recommendation for denial.

OPEN COMMENTS/REQUESTS

Vice Chair Dubra Karnes-Padilla said that she received a notice by email concerning the stipend that the P & Z Commission received and it advised the Commission that this stipend would no longer be paid. She volunteers for many things and donates a lot of time. She feels that this should and needs to be done in a formal letter and is not sure why this went out on the 30th of April and did not receive it until today.

Chairman Rod Storey said that he forwarded it to everyone today due to the fact that he had just read it on Friday. He sent it on to the Commission over the weekend. He explained that the City Managers research had shown that the P & Z Commissions of other towns, Cities, Counties, etc. do not receive a stipend and therefore stopped the stipend as of April 30th. He was also not very happy about the way it was presented and should have been done differently.

Mr. Tomita said that he was in the meeting where this was discussed and it concerned budget issues. The budget meetings are where this issue came up. The line item for the stipend was removed and there was a discussion on whether it was in an ordinance, a resolution, a Council vote or decision, but nothing could be found. The manager then had some research done within the different areas around the state and found that the P & Z Commissions are volunteer and not getting a stipend so the P & Z Commission was removed from the budget.

Chairman Rod Storey said that he would discuss this with the Mayor and let everyone know.

Chairman Rod Storey said that he had not checked his City email account until Friday to check to see if they were indeed having a meeting, because Monday was a holiday.

Ms. Miller said to please check the City email accounts on a regular basis.

Chairman Rod Storey said that she was sending an email to our personal accounts telling us to check the City email for their packets.

Commissioner Tom Greer said that he appreciates the fact that she does that to remind them to check for their packets.

Ms. Miller said that the reason she is doing that is to remind everyone to check their City email for their packets. If she started using their personal email accounts for the packets or any other business that has to do with City business then the personal email accounts are subject to the rights or public information and that would include all that is on the email accounts, that is why the City emails were set up for the P & Z Commission, so please check your City emails on a regular basis.

Vice Chair Dubra Karnes-Padilla said that she has no problems with this and a few other policies that have taken place at City Hall, but she feels that all the Commissions need to be made aware of these policies so they know what is happening.

Mr. Tomita informed the Commission that a special events committee has been formed and has been planning some very large events in Belen. This year they are bringing in an Americana, County Festival, to be held in August, and there will be approximately 10 state headliner bands, there will be canopies along the street so that people can listen, dance, etc. with the different bands, there will be multiple stages going down Becker to Second Street, there will be beer and wine served, this is to start focusing on Belen and tourism. There has been a big response to this from all across the state. There is another one being planned and it will consist of Jazz and Blues music

ADJOURNMENT

There being no further business to come before the City of Belen Planning & Zoning Commission, Vice Chair Dubra Karnes-Padilla moved to adjourn.

Commissioner Tom Greer seconded the motion.

Motion carried.

The regular meeting of the City of Belen Planning & Zoning Commission adjourned at 7:15 pm.

//s _____
Roderick Storey, Chairman

ATTEST:

//s _____
Steven P. Tomita, Planning and Zoning Director