1   BEFORE THE DU PAGE COUNTY

2   ZONING BOARD OF APPEALS

3

   Conditional use for a funeral home)Z24-075

4 with cremation services in R-4.   )

5

6   December 12, 2024

                 6:00 p.m.

7   PROCEEDINGS HAD and testimony

8 taken before the DU PAGE COUNTY ZONING BOARD OF

9 APPEALS, taken at the DuPage County

10 Administration Building, 421 North County Farm

11 Road, Wheaton, Illinois, before LINDA M.

12 CIOSEK, C.S.R. a Notary Public qualified and

13 commissioned for the State of Illinois.

14 BOARD MEMBERS PRESENT:

15   MR. ROBERT KARTHOLL, Chairman.

16   MR. DENNIS MORAN, Commissioner via Zoom.

17   MR. BARRY KETTER, Commissioner.

18   MR. JACK MURPHY, Commissioner.

19   MR. CARL SCHULTZ, Commissioner.

20   MR. JIM JAROG, Commissioner via Zoom.

21   MR. ZAIN RAHMAN, Commissioner.

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1 ALSO PRESENT:
2   MS. JESSICA INFELISE DATZMAN, Planning &
3 Zoning.
4   MR. PAUL LAURICELLA, Planning &
5 Zoning.
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1   I N D E X
2   Page No.
3 Petitioner's Exhibits 1 through 5   8
4 Petitioner's Exhibit 6   38
5
6
7
8   (No exhibits retained)
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1   CHAIRMAN KARTHOLL: This is the DuPage
2 County Zoning Board of Appeals held on December
3 12 at 6:00. We're here for the meeting this
4 evening. Let's have the two members indicate
5 that -- there are five of us here that are
6 present in person, we have two members that are
7 present by Zoom. We need a reason for your
8 absence.
9   I know, Mr. Moran, you said
10 you have COVID?
11   COMMISSIONER MORAN: Yes.
12   CHAIRMAN KARTHOLL: And then, Mr. Jarog,
13 where are you?
14   COMMISSIONER JAROG: I had business
15 travel and wasn't able to make it in there on
16 time.
17   CHAIRMAN KARTHOLL: Could I ask for a
18 motion to allow the two members to appear by
19 Zoom?
20   COMMISSIONER MURPHY: I so move.
21   COMMISSIONER KETTER: I'll second it.
22   CHAIRMAN KARTHOLL: Motioned by Mr.
23 Murphy, seconded by Mr. Ketter.
24   All in favor -- any

1 discussion on the motion?
2   (No response.)
3   CHAIRMAN KARTHOLL: All in favor of the
4 motion, signify by saying aye.
5   (Whereupon, all
6   Commissioners responded
7   aye.)
8   CHAIRMAN KARTHOLL: Any opposed?
9   (No response.)
10   CHAIRMAN KARTHOLL: The motion is
11 granted.
12   We have no minutes to
13 approve. We have two cases on the agenda this
14 evening, the first is Dr. Smoke case which is
15 requested to be continued to December 19. Can
16 I have a motion to accept that request for a
17 continuance?
18   COMMISSIONER KETTER: So moved.
19   COMMISSIONER MORAN: Motion.
20   CHAIRMAN KARTHOLL: Mr. Moran makes the
21 motion to continue, seconded by Mr. Ketter.
22 Any discussion on that motion?
23   (No response.)
24   CHAIRMAN KARTHOLL: All in favor of the

2 (Pages 2 - 5)

1 motion, signify by saying aye.
2   (Whereupon, all
3   Commissioners responded
4   aye.)
5   CHAIRMAN KARTHOLL: Any opposed?
6   (No response.)
7   CHAIRMAN KARTHOLL: The motion carries
8 and the matter will be continued to 6:00 on
9 December 19th in Room 3500-B.
10   Now, I'll go to our next
11 case which is 24-075, the Moksh Dham Cremation.
12 This is a request for a conditional use for a
13 funeral home with cremation services in the R-4
14 Single-Family District. The matter was
15 published in the Daily Herald on Thursday,
16 December 12th.
17   The petition has been
18 circulated to the various departments of the
19 County and neighboring municipalities and other
20 authorities. I have objections filed by the
21 Health Department, I have objections filed by
22 the Village of Bensenville, District 2 School
23 District, and School District 100.
24   We're going to -- our rules

1 are that we will go until as long as 8:00 this
2 evening. We're going to take the petitioner's
3 statement first, then we'll have perhaps some
4 questions from the members of the Zoning Board,
5 and then we'll go to public comment. We don't
6 make a decision tonight. If we do conclude the
7 hearing, we won't make a decision tonight but
8 we'll defer the matter for consideration to our
9 recommendation meeting.
10   So, with that, may I ask
11 Mr. White to stand. The first matter of
12 business is for you and all your witnesses to
13 be sworn in, sir. So could I ask the Court
14 Reporter to swear in you and your witnesses.
15   THE COURT REPORTER: Would you raise
16 your right hands, please.
17   (Whereupon, the oath was
18   duly administered by the
19   Notary.)
20   CHAIRMAN KARTHOLL: Okay, we'll note
21 that there were six witnesses sworn in, we'll
22 introduce them as -- I don't know if they're
23 all going to testify or answer questions, but
24 --

1   MR. WHITE: They're here to answer
2 questions. I was going to do a proffer of
3 testimony, confirm with the witnesses.
4   CHAIRMAN KARTHOLL: Yeah, that's
5 perfect. In fact, we often invite that.
6   So, exhibits?
7   MR. WHITE: I do have five exhibits.
8 Exhibit 1 is the survey; Exhibit 2 is the site
9 plan; Exhibit 3 is the Owner's Consent, the one
10 I originally submitted was a copy of the
11 contract. I had a contract, but I got my
12 signed copy now from the owner's. Exhibit 4 is
13 a Cremation Environmental Analysis by Cremation
14 Systems, and Exhibit 5 is an Amended Brief in
15 support of the application for conditional use.
16   CHAIRMAN KARTHOLL: Okay, we'll accept
17 all of those exhibits.
18   (Whereupon, Petitioner's
19   Exhibits 1 through 5 were
20   marked and received into the
21   record.)
22   MR. WHITE: I also have other boards I
23 may or may not use, depending on the questions.
24   CHAIRMAN KARTHOLL: Okay.

1   MR. WHITE: If appropriate, I'll
2 introduce those.
3   Good evening, Mr. Chairman
4 and members of the Board, my name is James
5 White, I am an attorney, I office at 160 South
6 Municipal Drive in Sugar Grove, Illinois. I
7 represent Moksh Dham Cremation, Inc. It's an
8 Illinois not-for-profit company. I will be
9 making a proffer of testimony and confirming
10 accuracy with the witnesses who have been sworn
11 in.
12   I have presented the
13 exhibits. Moksh Dham is respectfully
14 requesting a conditional use to allow the
15 development of a funeral home with ancillary
16 cremation services on the property which is
17 commonly known as 5N047 Route 83 in
18 unincorporated DuPage County, Bensenville,
19 Illinois. Moksh Dham is the contract purchaser
20 of the property.
21   The property is
22 approximately four and-a-half acres, presently
23 zoned R-4 Single-Family Residence District in
24 the County of DuPage. Currently there is a

3 (Pages 6 - 9)

1 dilapidated vacant split-level brick and frame
2 building on the property. It's bounded on the
3 north by park district property, a water park;
4 and on the east and south by school uses. On
5 the west is Illinois Route 83 and residential
6 both in the County and in Bensenville.
7 The R-4 Single-Family
8 Residence District allows as a conditional use
9 a funeral home. It states: [Reading] A
10 funeral home is a conditional use where the
11 subject property is located adjacent to a
12 non-residential zoning business district
13 boundary line, or the subject property has
14 frontage on at least a minor arterial roadway.
15 Furthermore, all vehicles related to the
16 operation of the funeral home shall be parked
17 or stored in a completely enclosed building.
18 The subject property
19 certainly has frontage on at least a minor
20 arterial street, specifically it's Illinois
21 Route 83 which is a four-lane major arterial
22 roadway.
23 The funeral home would not
24 be operating its own vehicles, and therefore

1 having an enclosed building for parking and
2 storage is not necessary.
3 The Illinois Supreme Court
4 says that if a use is designated as a
5 conditional use in a Zoning District, that is a
6 legislative determination that such use is in
7 harmony with the general zoning plan and will
8 not adversely affect the neighborhood. The
9 case for that is City of Chicago Heights versus
10 Living Word Outreach Full Gospel Church &
11 Ministries, otherwise known as the Living Word
12 case.
13 Living Word case states that
14 an application for a conditional use permit may
15 not be denied on the grounds that the use is
16 not in harmony with the surrounding
17 neighborhood. It goes on to say that the
18 appropriate standard is whether the use would
19 have an adverse effect, and therefore should be
20 denied only where there are facts and
21 circumstances that show that the particular use
22 proposed here, a funeral home, at the
23 particular location proposed here on Route 83
24 would have any adverse effects above and beyond

1 those inherently associated with a funeral
2 home, irrespective of its location in the R-4
3 Single-Family District in DuPage County.
4 So, in other words, you must
5 find that this particular funeral home in this
6 particular location must have unique and
7 unusual adverse impacts not found with any
8 other funeral homes within the County.
9 As shown by the proposed
10 site plan, the funeral home would only have
11 access from Route 83, a major arterial street.
12 The vast majority of funeral services would be
13 during off-peak traffic hours and school hours,
14 such as nights and weekends. Likewise, the
15 vast majority of funeral services would end
16 with the cremation of the body eliminating
17 traffic impacts caused by funeral processions
18 to churches or cemeteries. Thus, there are
19 actually fewer traffic impacts relating to the
20 subject property than other funeral homes would
21 have within any other residential district.
22 The subject property has
23 wetlands on the north and east sides which will
24 be rehabilitated and enhanced creating an even

1 greater buffer area to the north, east and
2 south.
3 There's no access to the
4 property from the recreation area on the north
5 or the educational uses on the south and east.
6 They would have to go through wetlands, and
7 they can't.
8 As proposed there are no
9 unique or unusual impacts to the surrounding
10 properties as there are no points of access to
11 them from the subject property.
12 The development of the
13 subject property as proposed would also cure a
14 long-standing violation with the DuPage County
15 Stormwater people that currently exists on the
16 subject property from the current owner.
17 I'm now going to go through
18 the elements of the conditional use, and the
19 first one being will it impair the adequate
20 supply of light and air to adjacent property?
21 The proposed funeral home will be developed in
22 compliance with the bulk regulations of the R-4
23 Single-Family Residence District relative to
24 setbacks, heights, open space and stormwater

4 (Pages 10 - 13)

1 detention.
2   The cremation process itself
3 results in no smoke, no smell, and no noise.
4 Section 37-1005.3 of the DuPage County Zoning
5 Ordinance regarding particulate matter
6 emissions would allow up to four and-a-half
7 pounds of particulate matter emissions per hour
8 from this property. Cremation furnaces that
9 are proposed have particulate matters of only
10 three-hundredths of a pound per hour. So
11 that's significantly less than allowed by
12 Ordinance or state law. The proposed funeral
13 home will have no adverse impact on the
14 adequate supply of light and air.
15   The second standard is
16 whether there would be an increase in hazard
17 from fire or other dangers to the property.
18 The proposed funeral home will comply with all
19 DuPage codes relative to building, particulate
20 matter, as well as the Fire Protection
21 District. Inside and outside turning radii are
22 shown on the site plan and conform to fire
23 department standards. The fire lane is the
24 appropriate distance from the building as

1 required by the Fire District. The building
2 will have a sprinkler system, fire alarm
3 system, and enhanced well to allow for greater
4 fire flow. The redevelopment of the property
5 will result in a newer building in compliance
6 with current fire codes, thereby decreasing the
7 hazard from fire or other dangers that
8 currently exists on the property.
9   The third standard is
10 whether it will diminish the value of land and
11 buildings in the vicinity of the proposed
12 conditional use. The value of the school
13 district and park district property is
14 certainly dependent upon the quality of the
15 education and the programs that they provide.
16 The proposed funeral home will replace an older
17 vacant building with an entirely new
18 architecturally beautiful building. The
19 proposed building will have no unusual adverse
20 impact on the value of surrounding
21 recreational, educational and residential uses,
22 as well as aesthetically pleasing.
23   As part of the wetlands
24 rehabilitation, addition landscaping will be

1 added to the north, east and south of the
2 property creating an even greater buffer than
3 currently exists.
4   The next standard is whether
5 it would unduly increase traffic congestion on
6 the public streets and highways. The property
7 is located on the east side of Illinois Route
8 83, a four-lane roadway. The proposed entrance
9 to the subject property is across from Deer
10 Path Road, which is up at the top. Then
11 they'll use an existing curb cut which has an
12 existing dedicated left-turn lane for
13 southbound traffic. We would use the existing
14 driveway entrance so there would be no change
15 in that regard. The existing roadway
16 configuration provides sufficient access to the
17 subject property without unduly increasing
18 traffic congestion on Route 83. As previously
19 stated, the vast majority of funeral services
20 would be during off-peak traffic hours, which
21 is nights and weekends. Likewise, the vast
22 majority of funeral services would end with the
23 cremation of the body, eliminating traffic
24 impacts caused by funeral processions to

1 churches or cemeteries; thus, there are
2 actually fewer traffic impacts related to the
3 subject property as stated.
4   The next standard is whether
5 it will increase the potential for flood
6 damages to adjacent property. The subject
7 property will comply with the DuPage County
8 Code relative to stormwater and will correct an
9 existing stormwater violation as I stated.
10   The next standard is whether
11 it will incur additional public expense for
12 fire protection, rescue or relief. The
13 proposed funeral home will comply with all
14 DuPage County Codes relative to building
15 particulates, as well as the Fire Protection
16 District. There is nothing unique about the
17 property that would cause the Fire Protection
18 District to need to acquire additional
19 equipment. The building will have a sprinkler
20 system and a fire alarm system. Again, there
21 will be an enhanced well to help with fire
22 suppression. All improvements would be
23 privately owned and any fire protection, rescue
24 or relief would not entail any additional

5 (Pages 14 - 17)

1 public expense.
2   The final standard is
3 whether it would otherwise impair the public
4 health, safety, comfort, morals or general
5 welfare of the inhabitants of DuPage County,
6 nor will it create a nuisance. The proposed
7 conditional use will generally be consistent
8 with similar funeral homes within DuPage County
9 and with all ordinances relative to public
10 health, safety, comfort, morals and general
11 welfare of the inhabitants of DuPage County.
12 Under Illinois law as set forth in the Living
13 Word case, DuPage County has already
14 legislatively determined that a funeral home in
15 the R-4 Residential District is in harmony with
16 the general zoning plan of DuPage County and
17 will not adversely affect the neighborhood. So
18 I submit to you that there are no facts or
19 circumstances which exist to support a
20 conclusion that this funeral home in this
21 location adversely impacts the surrounding
22 neighborhood.
23   But there is many positive
24 impacts. Although the funeral home is funded

1 by the Hindi community, it's a not-for-profit.
2 Moksh Dham would not discriminate, but would be
3 open to all with full dignity for the dearly
4 departed.
5   There would be no smell, no
6 smoke, and no noise from the cremation process.
7   There would be no real
8 impact on traffic due to the normal timing of
9 services during non-peak traffic hours and very
10 few funeral processions to impact traffic.
11   There's no access to the
12 property through adjoining properties because
13 wetlands traverse the property.
14   Tree coverage from the
15 north, east and south create natural buffers
16 which will be enhanced by the wetland
17 rehabilitation. And the current dilapidated
18 condition of the property will be transformed
19 into a first class funeral home with all the
20 laws and ordinances.
21   Practically and legally
22 speaking, the location complies with the DuPage
23 County Zoning Ordinance for the approval of a
24 conditional use and should be approved.

1   Dr. Patel, could you step
2 up? Dr. Patel, did I accurately state the
3 facts as you know them to be?
4   DR. PATEL: Yes, that's correct.
5   MR. WHITE: Is there anything you would
6 add?
7   DR. PATEL: You covered everything.
8   THE COURT REPORTER: Excuse me, can you
9 speak into the microphone.
10   MR. WHITE: Is there anything you would
11 like to add?
12   DR. PATEL: No. He has explained
13 everything in detail and this is the right
14 situation where it should go.
15   MR. WHITE: Mr. Verani [phonetic]?
16   CHAIRMAN KARTHOLL: As you introduce the
17 witnesses, would you tell us what their
18 particular expertise is or what their function
19 is?
20   MR. WHITE: Yes. So Dr. Patel is going
21 to be the head of the Moksh Dham operation
22 itself.
23   Mr. Verani is the design
24 consultant and architect.

1   Mr. Verani, did I accurately
2 state the facts as you know them to be?
3   MR. VERANI: Quite true, quite true
4 absolutely. And I am happy that the
5 presentation was right down to the mark because
6 every issue that we tried to tackle in this
7 situation has been explained clearly. Thank
8 you.
9   MR. WHITE: Mr. Anderson with
10 Christopher Burke Engineering with regard to
11 wetland mitigation.
12   Mr. Anderson, did I
13 accurately state the facts as you know them to
14 be?
15   MR. ANDERSON: Yes, sir.
16   MR. WHITE: Is there anything you would
17 like to add?
18   MR. ANDERSON: Not at this time.
19   MR. WHITE: Thank you.
20   CHAIRMAN KARTHOLL: Can I interrupt just
21 to ask if the mitigation is going to occur
22 on-site or off-site, wetland mitigation?
23   MR. ANDERSON: So we're going to enhance
24 the existing wetlands so that's roughly a half

6 (Pages 18 - 21)

1 an acre. They were damaged by the previous
2 landowner so we're going to restore them to
3 their -- we're actually going to make them to a
4 higher level of floristic quality than they
5 were originally. There will be additional
6 native plantings in the buffer areas. If
7 you've gone by the site recently you'll know
8 it's been mowed over the last ten years or so
9 in the buffer area. The buffer area will be
10 restored back to native prairie, so a lot of
11 pollinator species, things like that. There
12 will be additional native plantings added
13 elsewhere on the perimeter of the site and to
14 the northeast corner of the property which is
15 also mowed by the neighbors, and that will be
16 converted to native plantings as well.
17   CHAIRMAN KARTHOLL: Thank you.
18   MR. WHITE: Michael Mondus, civil
19 engineer from Spaceco.
20   Mr. Mondus, did I accurately
21 state the facts as you know them to be?
22   MR. MONDUS: You did.
23   MR. WHITE: Is there anything else you
24 would like to add?

1   MR. MONDUS: Not at this time.
2   MR. WHITE: Mr. Frank Nemes from
3 Christopher B. Burke Engineering, the traffic
4 consultant.
5   Mr. Nemes, did I accurately
6 state the facts as you know them to be?
7   MR. NEMES: I would only add one minor
8 thing. Illinois 83 is six lanes, three lanes
9 in each direction.
10   MR. WHITE: Thank you.
11   MR. NEMES: Otherwise all the facts
12 listed were correct.
13   CHAIRMAN KARTHOLL: Was there a written
14 traffic study report?
15   MR. NEMES: No.
16   MR. WHITE: When we spoke with -- and
17 you can confirm this, when we spoke with --
18   CHAIRMAN KARTHOLL: I just wanted to
19 know if there was one, I'm not asking for one.
20   MR. WHITE: Thank you.
21   And then Mr. Jakob Parduhn,
22 he's with Cremation Systems, the equipment
23 supplier.
24   Mr. Parduhn, did I

1 accurately state the facts as you know them to
2 be?
3   MR. PARDUHN: Yes, sir.
4   CHAIRMAN KARTHOLL: Anything that you
5 would like to add?
6   MR. PARDUHN: Not at this time. I'm
7 happy to answer any questions you guys might
8 have about the equipment as well.
9   MR. WHITE: With that, thank you Mr.
10 Chairman and members of the Board.
11   CHAIRMAN KARTHOLL: Okay. How do you
12 determine -- well, has your organization
13 operated funeral homes previously?
14   MR. WHITE: Dr. Patel?
15   DR. PATEL: No.
16   CHAIRMAN KARTHOLL: How do you make the
17 determination that there will be minimal impact
18 on traffic because the great majority of
19 funerals will include a cremation rather than a
20 funeral procession to a graveyard? How do you
21 make that determination?
22   DR. PATEL: First of all, the traffic
23 not going to be affected. Secondly, too,
24 because the funeral will be on Saturday and

1 Sunday. Most of the funeral cremation will be
2 on Saturday and Sunday, that's one thing. That
3 going to be in off-hours so there is no other
4 traffic, which is like 9:00 to 1:00 and 4:00 to
5 7:00 which are the busy hours. Most of the
6 cremations will be during off-hours, non-peak
7 hours. Hardly there may be one or two funerals
8 maybe during the day, weekdays, and that
9 probably generally take place between 11:00 and
10 4:00, so that also will not be during the peak
11 hours.
12   CHAIRMAN KARTHOLL: On what basis do you
13 make these conclusions?
14   DR. PATEL: Because here there are so
15 many funeral home and we go in my community, I
16 attend the funerals, and this is what I have
17 seen all, like, last 55 years.
18   CHAIRMAN KARTHOLL: Okay. And I don't
19 think you answered the percentage or number of
20 funerals that result in cremations rather than
21 burials.
22   DR. PATEL: As far as my community is
23 concerned, it is 100 percent. But, nowadays
24 the cremation has gone up. It has -- it was in

7 (Pages 22 - 25)

1 2003 it was only kind of 10 to 15 percent which
2 has now climbed almost up to 38 to 48 percent,
3 according to Chicago Tribune. There was an
4 article in 2003 and '7. And they say that
5 funeral -- even in Catholics is going up.
6   CHAIRMAN KARTHOLL: Okay. The site plan
7 shows some pretty extensive landscaping trees
8 actually. Are these all existing?
9   MR. WHITE: Mr. Verani, the design
10 architect.
11   CHAIRMAN KARTHOLL: Are you familiar
12 with what I'm talking about?
13   MR. VERANI: Absolutely.
14   CHAIRMAN KARTHOLL: It's right up there
15 as well.
16   MR. VERANI: Mr. Chairman, if you see
17 the site plan and if you see the site there is
18 -- you see the site, that's the red dot, you
19 see all the tree covered all around? That's
20 exactly what it is.
21   CHAIRMAN KARTHOLL: Okay, so that's
22 what's depicted on this?
23   MR. VERANI: Yes.
24   MR. WHITE: You're also going to be

1 adding additional --
2   MR. VERANI: Oh, yes. As Mr. Jed
3 Anderson has stated, we will be adding because
4 we will be enhancing the mitigation.
5   CHAIRMAN KARTHOLL: Okay. Are there any
6 questions from any of the members of the Board?
7   COMMISSIONER KETTER: Yeah, I have a
8 couple.
9   COMMISSIONER MORAN: I do have one.
10   CHAIRMAN KARTHOLL: Hold on, Dennis,
11 I'll come to you next.
12   COMMISSIONER MORAN: Okay.
13   COMMISSIONER KETTER: My first question
14 is we get this a lot, you made the statement it
15 won't affect land values. I didn't see that
16 you qualified yourself as an expert in that,
17 and I'm just -- everybody can answer yes or no.
18 That bothered me.
19   The absence of a traffic
20 study bothers me. Your presentation said that
21 most, if not all, end with the cremations
22 without a funeral service and without a
23 procession. Now we're hearing 15 to 38
24 percent. What is the bottom line on this?

1   And the other thing, without the
2 traffic study, it just doesn't -- you make a
3 statement that there won't be an impact seven
4 days a week. So I think those are the things
5 that bothered me with the presentation.
6   MR. WHITE: Okay, let me try to answer
7 those questions then. What Dr. -- what I
8 testified to, or what Dr. Patel testified to,
9 was that all of the funerals in his community
10 result in a cremation in the Hindu community.
11 This will also be open to anybody, so there
12 could be some funerals with a procession;
13 however -- so the funerals that they have --
14 let me grab a board and it will be more
15 demonstrative.
16   This is the second floor
17 plan of the funeral home. It has a place for
18 the body for viewing, and it has capacity for
19 300 people. So they have their funeral. At
20 the end of that funeral, the body is actually
21 lowered down to the first floor where the
22 cremation units are and then cremated as part
23 of their normal Hindu rituals.
24   So the non-Hindu funerals,

1 the numbers that he was speaking of
2 percentage-wise, relates to the entire
3 population, anybody, whereas with the Hindu
4 ritual funerals, they all end in cremation. So
5 that's why the disparity in the numbers that
6 you heard.
7   Now, I did not say that
8 there would not be funerals, I only said that
9 for this community there would not be the
10 processions. They still hold a funeral, they
11 still have the people come.
12   COMMISSIONER KETTER: I understood that.
13 My question was you said that all of these end
14 with cremation, and then the testimony went on
15 to be that all funerals that had a procession
16 would probably be mostly on the weekend. That
17 doesn't balance with me.
18   MR. WHITE: Okay, that's -- I'm sorry.
19   COMMISSIONER KETTER: Do you agree
20 that's a conflict?
21   MR. WHITE: Well, I don't think that was
22 the testimony.
23   COMMISSIONER KETTER: If you don't know
24 if that was the testimony, I'll have it read

8 (Pages 26 - 29)

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1 back. That was the testimony I heard. Correct
2 me where I'm wrong.
3   MR. WHITE: So, the Hindu funerals end
4 with -- yeah, the Hindu funerals do not have a
5 procession, and so those do end with the
6 cremation.
7   COMMISSIONER KETTER: Then how many do
8 you anticipate a year overall?
9   MR. WHITE: That would have a
10 procession, or all together?
11   COMMISSIONER KETTER: Well, just do you
12 have anything you can draw on experience how
13 many you expect this funeral home would have
14 per year?
15   DR. PATEL: On an average about per
16 month -- about per week there are two to four
17 funerals. That's generally Saturday and Sunday
18 is the main funeral I have seen in my
19 community. So if you take that, probably about
20 multiplying by the four that's per month and by
21 twelve on an average funerals.
22   COMMISSIONER KETTER: How many of those
23 do you anticipate based on your experience will
24 be non --

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1   DR. PATEL: Whoever comes in and asks
2 for. The numbers that I gave you that it is
3 increasing, that is in the Catholics. That is
4 general public I'm talking about because what
5 this particular project where we will not say
6 no to anybody else who wants to do the funeral,
7 except the non-Hindus. This is not only that
8 Hindus will be doing that funeral there.
9 Definitely we will be doing the cremation.
10 There is no procession, nothing there. But if
11 some other community comes in and they want to
12 utilize the facility, we will be more than
13 happy to let them.
14   And there were the numbers I
15 gave about the Chicago Tribune and the
16 Cremation Society of North America.
17   COMMISSIONER KETTER: Ones that would
18 come in that are non your religion, would that
19 be purely for cremation services?
20   DR. PATEL: When they want to do the
21 cremation, yes. It's -- because in Catholics
22 it is going up, the cremation has gone up,
23 number of cremations. So now they are looking
24 for a place for the cremations. And if they

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1 approach us for any -- and they want to do it
2 in our facility, it's available, it is
3 available for them. So this is not just Hindu
4 that we restrict it to, and that's why I gave
5 you the number. The number I gave you was from
6 the other community.
7   CHAIRMAN KARTHOLL: So there's no
8 service, they're just going to utilize --
9   DR. PATEL: There's no service.
10   MR. WHITE: Do you prohibit them from
11 having a service there?
12   DR. PATEL: We cannot, but mostly we
13 will explain them that we don't have any
14 service here, this is a crematorium, you can
15 utilize it and that's -- but we cannot promise
16 that we will not stop, but we can explain them.
17   COMMISSIONER KETTER: Then if you
18 divided it, how much will be purely cremation
19 and how much will be cremation with ceremonies?
20   DR. PATEL: Probably 95 percent or more
21 is cremation only.
22   CHAIRMAN KARTHOLL: So let's just try to
23 sync those numbers. You estimate there would
24 be approximately 200 a year and 95 percent of

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1 those would be cremation only, or it's 200 plus
2 an additional number for cremation only?
3   DR. PATEL: The numbers I gave you for
4 the other community are all 100 percent
5 cremation only, 100 percent.
6   CHAIRMAN KARTHOLL: Okay.
7   DR. PATEL: Because in our case there is
8 no procession, there is nothing else. But when
9 the other community come and approach us to
10 utilize our cremation, then they may have
11 procession. We cannot stop them totally, but
12 we will tell them that this is what the
13 situation is.
14   CHAIRMAN KARTHOLL: Okay, sir.
15   MR. WHITE: I think the question,
16 Doctor, is of the you said approximately 200 a
17 year, is that the funeral service with a
18 cremation at the end, or is that just all
19 cremation?
20   DR. PATEL: Cremation.
21   MR. WHITE: And how many do you
22 anticipate would be within your community
23 having a funeral service and cremation at the
24 end?

9 (Pages 30 - 33)

1   DR. PATEL: In our community we don't
2 have any funeral services, we have a cremation.
3 Yes, there is some rituals that we perform, but
4 there is no procession, there is nothing like
5 that. Anybody comes in and they do also -- and
6 this is a unique situation where everybody can
7 see the rituals. At this moment we are
8 utilizing the other facilities around us that
9 unfortunately bodies -- everybody cannot see
10 their bodies going on because it's like
11 straight like this. This is a unique facility
12 where it will be like colosseum, everybody will
13 be able to observe the rituals, which is most
14 important in our community.
15   CHAIRMAN KARTHOLL: Okay. Let's just
16 understand one more little detail. Maybe
17 everyone does but me. In the cremation only
18 no-service funeral or whatever, are there
19 people who attend and sit in this balcony area
20 to observe?
21   DR. PATEL: Yes.
22   CHAIRMAN KARTHOLL: Okay. So, it
23 doesn't make any difference if there's a
24 service or not, there's still people and

1 out of that spot because I wouldn't let anybody
2 turn left there, and you have nothing shown
3 there.
4   MR. WHITE: Actually just across from
5 the entrance is the entrance to the subdivision
6 to the west, and they have the same access.
7 They have a left-turn into their subdivision
8 and then they have a left turn or right turn in
9 or out of their subdivision, so it's the exact
10 same situation as exists across the street.
11   COMMISSIONER MORAN: Yeah, but that's a
12 light. That's a stop-and-go light there.
13   MR. WHITE: No, it's not, it's simply a
14 stop sign.
15   COMMISSIONER KETTER: Is that double
16 yellow line solid?
17   CHAIRMAN KARTHOLL: Barry, wait.
18   COMMISSIONER KETTER: At 83 where you --
19   CHAIRMAN KARTHOLL: Barry, wait, wait,
20 wait. Go ahead, Mr. Moran.
21   COMMISSIONER MORAN: I'm still a little
22 concerned about it.
23   CHAIRMAN KARTHOLL: Okay, anything else?
24   COMMISSIONER MORAN: No.

1 traffic.
2   MR. WHITE: Well, our definition, I
3 guess, of what we're used to of a funeral and a
4 service is not the same as what they do.
5   CHAIRMAN KARTHOLL: Understood.
6   MR. WHITE: I think that's what he's
7 trying to explain.
8   CHAIRMAN KARTHOLL: Okay. Well, I
9 assumed that, but I was a little confused by no
10 service. I thought that indicated no people.
11   Mr. Moran, do you want to
12 ask your question now?
13   COMMISSIONER MORAN: I do. I'm looking
14 at this plat of survey or this site plan, and
15 I'm seeing well over 100 parking spaces. You
16 said you can handle 300 people on the second
17 floor. On Route 83 right there I usually do
18 about 60 miles an hour, I don't see a
19 deceleration lane or an acceleration lane, and
20 if anybody tries to take a left-hand turn out
21 of your site and try to go out south on 83,
22 they're going to -- something's going to
23 happen. I do think there should be a traffic
24 study, or at least find out how to get in and

1   CHAIRMAN KARTHOLL: And you, Mr. Ketter,
2 you wanted to ask a question?
3   COMMISSIONER KETTER: This property was
4 before us on something else. You're not across
5 from any major entrance. Isn't this a solid
6 line so you couldn't turn left going out of
7 there as you cross 83?
8   MR. WHITE: No, there's an open median,
9 there's a left turn in from the north, and the
10 subdivision across the street has a left turn
11 in.
12   That's the entrance to the
13 subdivision across the street. There is a
14 deceleration and a left-turn lane going south
15 and a deceleration and a left-turn lane going
16 north. So this subdivision accesses 83 right
17 across from where we are proposing the entrance
18 for the existing entrance for the property
19 that's already there.
20   COMMISSIONER KETTER: Is north up on
21 that map?
22   MR. WHITE: No, it is not. North just
23 happens to be that way. The best plans; right?
24 So here is an access point here and it is

10 (Pages 34 - 37)

1 divided, but it does have an opening in the
2 median there that's already existing.
3   CHAIRMAN KARTHOLL: Can we take that as
4 your next exhibit, your board?
5   MR. WHITE: If you would like. This
6 would be Exhibit 6.
7   (Whereupon, Petitioner's
8   Exhibit 6 was marked for
9   identification.)
10   CHAIRMAN KARTHOLL: Right. It's an
11 aerial photo of the area.
12   MR. WHITE: I'll mark that on the margin
13 here, sir.
14   CHAIRMAN KARTHOLL: Okay. Any other
15 questions from the Board?
16   (No response.)
17   CHAIRMAN KARTHOLL: All right, I have --
18 I know that I have a couple of municipalities
19 here that want to make -- I presume you want to
20 make statements, so I'll take your statements
21 first.
22   Who is -- you're with
23 Bensenville? Is Addison here?
24   (No response.)

1   CHAIRMAN KARTHOLL: And you're District
2 100?
3   UNIDENTIFIED SPEAKER: Yes, sir.
4   CHAIRMAN KARTHOLL: Who is District 2?
5   UNIDENTIFIED SPEAKER: Right here.
6   CHAIRMAN KARTHOLL: I'm going to take
7 you three folks first. I mean, I don't know,
8 are you going to have one speaker or two?
9   Why don't you step up,
10 indicate your name, spell your name. And for
11 any members of the audience you'll have to give
12 your address, but for the municipality just
13 give your -- indicate your business. The time
14 limit for remarks are three minutes. And if we
15 get to the audience, if there are a number of
16 people that want to make statements, I really
17 don't want to take duplicative statements one
18 after another so I'll go over the rules when we
19 get to that point.
20   THE COURT REPORTER: Would you raise
21 your right hand, please.
22   (Whereupon, the oath was
23   duly administered by the
24   Notary.)

1   MR. QUINN: Good evening, my name is
2 Kevin Quinn, K-e-v-i-n Q-u-i-n-n, and I am the
3 village planner with the Village of
4 Bensenville, 12 South Center Street,
5 Bensenville.
6   The village filed an
7 objection protesting this case on December 5th
8 2024. We do not believe that a funeral home
9 with a crematorium is the best use for this
10 property, and it does not fit either the
11 surrounding neighborhood character or the
12 several planning documents at multiple levels
13 of government that designate it as
14 Single-Family Residential.
15   The Village of Bensenville's
16 Comprehensive Plan includes this property as a
17 Single-Family Residential. Moreover, the
18 County's own Route 83 Corridor Plan developed
19 in 2021 calls this parcel out specifically as
20 residential. The property is surrounded on all
21 sides by residential and institutional uses,
22 with properties owned by local school and park
23 districts. Putting a commercial use in the
24 middle of all this does not fit the character

1 of the area.
2   The DuPage County Code
3 states that funeral homes where the subject
4 property is located to a non-residential zoning
5 district boundary line where the subject
6 property has frontage on at least a minor
7 arterial roadway. While the property does have
8 frontage on at least a minor arterial roadway,
9 it would be inappropriate to place a funeral
10 home with a crematorium at this property when
11 it is surrounded on all sides by residential
12 zoning districts at both the County and local
13 level. The closest unincorporated property
14 with commercial zoning is almost two miles away
15 south of 290.
16   This proposed use is -- once
17 again, this proposed use is in direct conflict
18 with the County's plans. To approve this
19 conditional use would be to oppose the public
20 who met several times over a year of public
21 meetings and discussions about the future of
22 this area.
23   From a local perspective, if
24 this property were to ever be annexed into the

11 (Pages 38 - 41)

1 Village of Bensenville in the future, it would
2 be extremely non-conforming. Based on a
3 preliminary review with the available
4 information, it does not meet our parking
5 design standards, our refuse area location
6 standards, our snow storage standards, or our
7 landscaping and landscape island standards.
8 Without further -- with further information, it
9 is possible that even more aspects of the
10 property would be non-conforming.
11   We respectfully ask that the
12 DuPage County Zoning Board of Appeals respect
13 the citizens of the area represented through
14 the previously mentioned plans and vote to deny
15 the conditional use permit for a funeral home
16 with a crematorium at 5N047 Route 83. Thank
17 you very much.
18   CHAIRMAN KARTHOLL: Okay, thank you.
19 Anything further?
20   MR. POZSGAY: I'll be brief.
21   CHAIRMAN KARTHOLL: All right. You need
22 to be sworn in. Can I ask the school district
23 people to be sworn in at the same time this
24 witness is sworn in? District 2 as well. Just

1 stay there and raise your hand.
2   (Whereupon, the oath was
3   duly administered by the
4   Notary.)
5   MR. POZSGAY: So Kurtis Pozsgay,
6 Director of Community and Economic Development
7 with the Village of Bensenville. K-u-r-t-i-s
8 P-o-z-s-g-a-y.
9   I'm just going to be brief.
10 I think you guys kind of hit it a little bit
11 with the traffic concerns. This is an
12 unsignalized intersection, six-lane roadway,
13 hard to get in and out of here. We just don't
14 believe a commercial use at this site is
15 viable, it just doesn't make sense. We've gone
16 through this before, we had that storage
17 facility that was a proposed use here that we
18 fought hard against. It's next to a school,
19 the commercial nature of this site next to --
20 and I think, quite frankly, if parents knew
21 that a crematorium was going in next to the
22 school, I think you would have an even larger
23 crowd here tonight. It doesn't fit the
24 character of the neighborhood of the area.

1   And, realistically, I think
2 your traffic concerns are your biggest
3 concerns, but we haven't -- we haven't seen s
4 traffic study, we haven't seen how this is
5 impacting the wetland. So they created -- the
6 previous owners created a critical wetland
7 buffer of 100 -- it went from 50 to 100, and
8 I'm still not positive that they're solving for
9 that with this development. So I think that's
10 something to be looked at pretty hard. DuPage
11 was looking at that previously, and the current
12 owners never solved for that. So, just
13 something to pay attention to. But,
14 realistically, biggest thing here is traffic,
15 it doesn't fit within the character of the
16 neighborhood, it's right next to a school.
17 Thank you.
18   CHAIRMAN KARTHOLL: Thank you. Okay,
19 the District 2 people. I'm sorry, District
20 100.
21   MR. MARTIN: Good evening, everyone,
22 Bruce Martin, B-r-u-c-e M-a-r-t-i-n.
23   CHAIRMAN KARTHOLL: Come a little closer
24 to the mic, please.

1   MR. MARTIN: Good evening, my name is
2 Bruce Martin, B-r-u-c-e M-a-r-t-i-n, from
3 Fenton Community High School District 100, and
4 I'm the business manager there.
5   Fenton Community High School
6 District 100 is situated in this residential
7 zone and our students walk and drive past this
8 subject property every day going to and from
9 school. Similarly, we have partner
10 institutions that back up to this subject
11 property and they utilize our students for
12 daytime internship and after-school activities.
13 We strongly believe the nature of this special
14 use -- (technical difficulties)
15   We strongly believe the
16 nature of this proposed commercial use is not
17 appropriate for a residential neighborhood
18 where children are present. (Technical
19 difficulties)
20   We strongly believe the
21 nature of this proposed commercial use is not
22 appropriate for a residential neighborhood
23 where children are present for large amounts of
24 the day.

12 (Pages 42 - 45)

1   A funeral home with
2 cremation services in such close proximity
3 would be a significant distraction, and we
4 would prefer a land use that further
5 complements the neighborhood's family-based
6 environment. Thank you.
7   MR. KAMBIC: My name is Rick Kambic,
8 R-i-c-k K-a-m-b-i-c, and I'm the Director of
9 Communications and Community Engagement. I
10 wanted to follow up on some of the questions
11 and other comments. We are very excited that
12 this Sunday we have our holiday concert, which
13 means we're going to have several hundred
14 people coming in on a Sunday, which is a
15 weekend. The prior weekend we had 16 other
16 high schools bringing hundreds of students to
17 our Weiss Wrestling Competition on a Saturday,
18 and before that, the weekend before, we had 14
19 high schools for our basket tournament. So we
20 have a lot of activities occurring about 10 to
21 12 hours Monday through Saturday, and then
22 frequent special events on Sundays.
23   And we do have red light
24 cameras at the intersection due to the high

1 volume of traffic that travels quickly and does
2 not stop at the stoplight, so adding more
3 traffic and a dangerous left turn I think would
4 be a significant concern. Thank you.
5   CHAIRMAN KARTHOLL: Thank you. Any
6 other school district?
7   MS. MC CLUSKEY: Dr. Katie McCluskey,
8 Superintendent of Bensenville School District
9 2. The conditional use request should be
10 denied. The proposed enterprise is not
11 primarily a funeral home. Under Section
12 37-704.2, a variance, not a conditional use
13 permit is required. Most businesses providing
14 funeral services do not have on-site cremation
15 equipment. The term funeral home in the code,
16 therefore, means the traditional combination of
17 embalming services and locations to host
18 funerals and wakes. The term does not include
19 the much less common installation of cremation
20 equipment.
21   Cremation services are the
22 primary goal for this enterprise and the
23 community that the petitioners intend to serve.
24 Cremation services are a light industrial use

1 that is not in harmony with R-4 District, even
2 if eligible for a conditional use permit.
3 Thank you.
4   CHAIRMAN KARTHOLL: Let me comment I've
5 been advised that the DuPage County rules treat
6 funeral homes and cremation centers the same
7 way. So that's what I've been told.
8   Is that working now?
9 Excellent. Okay, so I'll take comments from
10 members of the audience. Anyone that wants to
11 make a comment, please raise your hand and
12 stand up.
13   Only one person? Two
14 people. Are you with the petitioner? Okay.
15 Anyone that wants to make a statement, please
16 stand up. This is kind of last call just like
17 -- so I have seven. Okay, would you all be
18 sworn in and kind of line up over here if you
19 would.
20   (Whereupon, the oath was
21   duly administered by the
22   Notary.)
23   CHAIRMAN KARTHOLL: Would you line up at
24 the podium. And, sir, can I just give you the

1 microphone and you can speak from there?
2   MR.JOSHI: Yeah.
3   CHAIRMAN KARTHOLL: So tell us your
4 name, spell your last name, and then give us
5 your address and tell us whether you support or
6 oppose the petition, and then you have a couple
7 minutes to tell us why.
8   MR. JOSHI: I am Rohit Joshi, last name
9 J-o-s-h-i. I'm a Hindu priest also, and we --
10 I do support this Moksh Dham because that will
11 help most of the community lives around that
12 area. I live in Skokie, but Skokie people also
13 they are looking for this kind of cremation
14 places. We are very short of cremation places.
15 We hope to perform all this cremation at other
16 churches where we don't find any Hindu
17 atmosphere, something like that. That's why we
18 -- all the Hindus would like to have this Moksh
19 Dham Cremation Center in Bensenville.
20   CHAIRMAN KARTHOLL: Okay, thank you very
21 much.
22   MR. PRAAPATI: Thank you very much for
23 giving us the opportunity. My name is
24 Bahwaybhai Praapati, spelled like

1 B-a-h-y-a-b-h-a-i, last name P, as in Paul,
2 r-a-a-p-a-t as in Tom, i. I am involved with
3 the Village of Bensenville long time. 1988
4 there was a closed church on 101 South Church
5 Street. I was president at that time --
6   CHAIRMAN KARTHOLL: Sir, support or
7 oppose? Are you supporting or opposing?
8   MR. PRAAPATI: I'm supporting.
9   CHAIRMAN KARTHOLL: Okay.
10   MR. PRAAPATI: And at that time that
11 closed down Korean church was selling the drug.
12 At that time Village Manager Larry Bazar
13 [phonetic], I have a meeting with him and we
14 acquired that church because it was lot of drug
15 trafficking. Today if you see that building
16 because Hindu acquired, we never got any
17 complaint from the Village of Bensenville, and
18 I'm still Chairman of the property that they
19 own, and we always cooperate with Village of
20 Bensenville. Even at the time of COVID we were
21 the first community to get the COVID testing
22 due to great rapport with the State. And we
23 give the village people vaccine in those days
24 before anybody got it. So, I request Village

1 of Bensenville, whoever is here, please support
2 us. This is the cremation process. I'm here
3 in this country for 52 years, and we attend --
4 cremation doesn't bother more traffic or
5 anything. So, please, I request the Board to
6 just help us out. Thank you.
7   CHAIRMAN KARTHOLL: Thank you. Next?
8   MR. MEDIKUNDAM: I am in support of the
9 petition.
10   CHAIRMAN KARTHOLL: We need to know who
11 you are.
12   MR. MEDIKUNDAM: Right. My name is
13 Praveen, P-r-a-v-e-e-n, Medikundam,
14 M-e-d-i-k-u-n-d-a-m, I'm an immigration
15 attorney practicing here in Chicagoland for
16 more than 22 years right now, and I know the
17 community. I work with the community very
18 closely and there's a dire need for us to have
19 cremation facility which can accommodate our
20 rituals, because as the other gentleman was
21 saying that it is very difficult for us to
22 carry out these proposals, these ceremonies at
23 these makeshift facilities. That's what always
24 we've been doing and have noticed our community

1 doing that. Then we need a proper facility
2 where we can have all ceremonies been done
3 properly because it's the last rites that we
4 can actually pray and pray for our departed
5 souls. So, again, this is a community which
6 really abide by all the laws and we take care
7 of things around. It's not traffic or anything
8 that we can actually address any of those
9 concerns if that becomes a major issue, if that
10 becomes a hurdle. But we humbly request for
11 the Board to approve this.
12   CHAIRMAN KARTHOLL: Thank you, sir.
13   MS. JHINGAN: Good evening, my name is
14 Vandana Jhingan, V-a-n-d-a-n-a, last name is
15 J-h-i-n-g-a-n. I support this petition. You
16 can ask me why, because Hindu community is the
17 most peace living community all over the globe,
18 not even here in the United States. When we
19 talk about this, we are only the givers. And
20 when we say we have to go for our last rites
21 and I am seeing the funeral homes within the
22 cities itself, so why come this objection? I
23 was surprised to see how village has come and
24 how much has the revenue is coming to the

1 village with the temple is coming. And people
2 with buying things over there, that is another
3 thing. The highest tax payers in the United
4 States of America is the Hindu community, and
5 now we are asking for -- at least my last
6 journey should have happen in the way I want
7 with my rituals. Thank you very much, I really
8 appreciate it.
9   CHAIRMAN KARTHOLL: Okay. Usually I try
10 to stop the applause, but can I just assume
11 that we can, you know, calm the applause down
12 because it's just distracting. Maybe just one
13 little clap or two.
14   MR. PATEL: My name is Mahendraaumar,
15 M-a-h-e-n-d-r-a-a-u-m-a-r last name Patel,
16 P-a-t-e-l. I am a supporter, I am a supporter
17 of the funeral home. Our community hundred
18 percent we are doing cremation. Also, hardly
19 you will see any kind of traffic on the road
20 while the cremation is being used per the
21 rites, per the end rites. So I don't see any
22 traffic problem when the rites are performed.
23 Also, we follow our rituals, and to follow the
24 rituals, this is a great, great proposal that

14 (Pages 50 - 53)

1 we can do our things the way we believe. So we
2 are asking for this, and I think the village
3 should support us because we are also one of
4 your highest paying tax paying citizens.
5   CHAIRMAN KARTHOLL: Okay, thank you,
6 sir.
7   MR. BAXI: Good evening, everybody.
8 My name is Minshendu Baxi, M-i-n-s-h-e-n-d-u,
9 last name is B-a-x-i, retired physician.
10 Recently -- by the way, I am in support of the
11 crematorium. To give you a personal experience
12 is that about eight months ago my mother-in-law
13 passed away, two years ago my mother passed
14 away. It is very, very difficult to find a
15 funeral home that has on-site crematorium, very
16 few. I can count on my fingers as to how many
17 there are. I can't say many, but some funeral
18 homes do provide cremation services, but they
19 are off-site, so therefore it is very difficult
20 to get a crematorium or a funeral home that has
21 on-site cremation services. Per Hindu
22 tradition, the children or the closest
23 relatives perform the last sort of cremation
24 service, if you will. So that if it is done

1 off-site, now we are therefore deprived of our
2 right, if you will, as survivors to do the last
3 rites to -- the last service to our beloved.
4 So, therefore, this will allow us to do
5 everything on-site without inconveniencing
6 anybody. So I fully and absolutely support
7 this building.
8   CHAIRMAN KARTHOLL: Thank you, sir.
9 Thank you.
10   MR. VISHAL PATEL: Good evening,
11 Chairman and Board members, I am Vishal Patel,
12 V-i-s-h-a-l, P-a-t-e-l. Moksh Dham, as the
13 name suggests, in our language is a path to a
14 heaven. In our community we don't have a
15 designated crematory place, and when my father
16 passed away I had a tough time finding it where
17 there is permitted on-site.
18   This particular proposed
19 building is, by design, from a spiritual
20 standpoint, our standpoint, it is for our
21 community and it is designed in such a way that
22 our community would prefer to have a building
23 that's designed and spiritually for our
24 community. So I fully support this cause and I

1 urge Board members to support this one, too.
2 Thank you.
3   CHAIRMAN KARTHOLL: Thank you. And our
4 last speaker?
5   MR. BUKKARAJU: My name is Jagan
6 Bukkaraju, J-a-g-a-n B-u-k-k-a-r-a-j-u.
7 I just want to address briefly the concerns
8 that were raised and also I am here in support
9 of the proposal, by the way. The concerns
10 raised was the traffic and also the surrounding
11 neighborhood. With this proposal we are not
12 asking to increase any parking spaces, so the
13 number of cars that we get in will be the same
14 as what is currently there.
15   And also as one of our
16 earlier speakers mentioned, whenever an Indian
17 community moves in, historically you can see
18 demographic way the average -- the spending
19 goes up in the neighborhood, the businesses get
20 benefitted. So from the city point of view,
21 it's a net-net positive.
22   And the other thing that I
23 wanted to make a point here is in Chicagoland
24 there are more than 100,000 Indian. Majority

1 of them are Hindus, and we don't have any one
2 place where these Hindus can go and do their
3 last rites to their religion. After 150-plus
4 years, a great Hindu saint came from India to
5 propagate the universal brotherhood. I think
6 this is about the time that Illinois and City
7 of Chicago and surrounding neighborhood of
8 Chicagoland come together and make this happen.
9 I request the Zoning Board to grant this
10 approval. Thank you.
11   CHAIRMAN KARTHOLL: Thank you, sir.
12   Mr. White, do you want to
13 wrap up any closing remarks?
14   MR. WHITE: Yes, thank you.
15   CHAIRMAN KARTHOLL: No further questions
16 from any Board member, I trust? All right,
17 then go ahead, sir.
18   MR. WHITE: Just briefly to address the
19 traffic issue. The speed limit on 83 right
20 there is 45. It's not 60, and so --
21   COMMISSIONER MORAN: I didn't say -- I
22 knew it was 45, but I said I do 60 and I'm
23 worried about the people who also do that.
24 That's all.

15 (Pages 54 - 57)

1   MR. WHITE: I wouldn't admit that, but I
2 don't do defense work. Sorry. So I think that
3 the concern of everybody may be an enforcement
4 issue. We're not asking to be annexed and be
5 zoned in Bensenville, we are asking the County
6 of DuPage to allow us to develop within -- 100
7 percent within their ordinances, and that's
8 what we're asking.
9   And, again, I refer to the
10 Living Word case which says that since DuPage
11 County has legislatively stated that funeral
12 homes in a residential district are
13 appropriate, then you cannot deny it on the
14 basis that it's inappropriate for the area.
15 That's according to the Living Word case.
16 There has to be specific findings that there
17 are unique adverse impacts to the property.
18   And that was all I had, so
19 thank you.
20   CHAIRMAN KARTHOLL: I didn't go over
21 this during your testimony, but I presume
22 you're going to upgrade the well and septic
23 system?
24   MR. WHITE: Yes, so the well will be

1 upgraded, the septic system will be upgraded.
2 Give me one second.
3   CHAIRMAN KARTHOLL: That becomes sort of
4 a building code issue, so we don't -- as long
5 as -- the reason I ask that is in order to
6 comply with Living Word we would have to find
7 something unique about this property which
8 would otherwise disqualify it, as you point
9 out, and the well and septic for a significant
10 use like this would be such a circumstance but
11 for the fact that you're going to be required
12 to upgrade it.
13   MR. WHITE: Yeah, so we will be doing a
14 new and enhanced well on the property so that
15 it would serve the property from a fire
16 standpoint, as well as having -- if required we
17 would put holding tanks in the building for the
18 sprinkler system. But the entire septic field
19 is going to be redone. It does need to be
20 bigger to accommodate the people, so we would
21 certainly accept those as conditions. We would
22 of course accept a photometrics at the time of
23 permit to be a condition. Again, we are going
24 to have to comply with the wetlands

1 rehabilitation and stormwater ordinance. We
2 would be enhancing and improving the septic
3 system, so that's --
4   CHAIRMAN KARTHOLL: Okay.
5   MR. WHITE: Those would be conditions we
6 would expect.
7   CHAIRMAN KARTHOLL: Thanks. I think we
8 can close the record in this case tonight
9 because there doesn't appear to be any
10 additional information that's required by the
11 petitioner.
12   COMMISSIONER KETTER: Could I ask one
13 more question?
14   CHAIRMAN KARTHOLL: Well, sure.
15   COMMISSIONER KETTER:. You know, I
16 understood everything and the thing that now
17 troubles me is just one thing. I see the
18 purpose of this, it's for your religion and
19 that, but the testimony has basically been
20 there's really no other ones around us that
21 allow this. Does that create the situation
22 where we're saying about 200 a year, that you
23 could -- if you're drawing from all over the
24 greater Chicagoland or further, you could have

1 an excessively higher amount and then with
2 traffic becomes an issue, a study would be
3 necessary. Do you have a problem with putting
4 a condition of I think it was 200 a year, 200 a
5 year on it? The only reason I ask that, most
6 funeral homes, they draw from their local,
7 little bit further, but they're not-- they're
8 somewhat not hitting huge numbers. It seems
9 like we're already beyond most of the numbers
10 of most of the funeral homes, and if you're
11 drawing from the ones who don't have them in
12 Chicago, you don't have it here, I can see the
13 need for it. I'm going to see that you can
14 draw from probably the upper part of Illinois
15 because if there aren't any, how do you control
16 the number? And then if you have them every
17 day of the week, it becomes a traffic issue.
18 They got to come in and they got to leave.
19   MR. WHITE: I think the traffic issue,
20 and our traffic consultant can verify this, the
21 traffic issue is alleviated by the fact that
22 they're off-hours, they're not during peak
23 hours. So generally at night, 6:00 to 8:00,
24 9:00, 10:00 maybe at the latest, and then on

16 (Pages 58 - 61)

1 the weekends.
2   COMMISSIONER KETTER: Most funeral homes
3 -- are you saying we can put a condition of
4 hours and days?
5   MR. WHITE: I think we would be
6 agreeable to closing by a certain hour like
7 10:00.
8   UNIDENTIFIED SPEAKER: We don't do
9 funerals as a ritual.
10   DR. PATEL: We don't do the funerals in
11 the evening after sunset. We don't, so there
12 is no long hours or anything like that. That's
13 why I say most of the funerals are between
14 11:00 and 4:00, 11:00 and 3:00 because, one, is
15 so that is also off-hours. And most of the
16 funerals what we are going and doing is on
17 Saturday and Sunday because we look at it that
18 people are free, they are not at a job,
19 otherwise they have to leave a job. Most of
20 the funerals are Saturday and Sunday. If you
21 look at it, if you do it two funerals on Sunday
22 and Saturday, then you can automatically come
23 to the total number what funeral could be. I
24 give you 200 as in just ballpark figure that

1 this is. I never counted counted. And it is
2 not there that we all going to be using from
3 this 50 mile, they are not going to come here
4 and use this. There are some funeral homes we
5 are using at present that will be used anyway
6 because if somebody -- there are three people
7 died on Sunday or Saturday, they want a funeral
8 on Sunday, we are not going to be able to do
9 three. So it is not the whole community, but
10 most of the community when it is available they
11 will be able to use it.
12   CHAIRMAN KARTHOLL: Okay. We'll debate
13 these conditions at our recommendation meeting.
14 Are you finished?
15   MR. WHITE: Any other questions? Yes.
16   CHAIRMAN KARTHOLL: No, our questions
17 are done.
18   MR. WHITE: All right.
19   CHAIRMAN KARTHOLL: Here's how this
20 matter proceeds from here. The record is
21 closed so there will be no additional testimony
22 or evidence or information that's included in
23 the record. We'll make our decision solely
24 based on this record. That will be all debated

1 and conditions imposed as necessary during our
2 recommendation meeting. The date -- is it
3 January 9?
4   MS. INFELISE DATZMAN: Yes.
5   CHAIRMAN KARTHOLL: The recommendation
6 occurs at 5:30 on January 9th in this room. It
7 is a discussion amongst the Board members only.
8 I presume we'll be in this room?
9   MS. INFELISE DATZMAN: I can schedule it
10 for this room.
11   CHAIRMAN KARTHOLL: Yeah, I think you
12 should. And then that recommendation goes to
13 the County Development Committee which will
14 meet later in the month of January. They'll
15 review the full record in the case, make their
16 determination and pass the matter to the full
17 County Board. So this should be most likely be
18 resolved by the end of the month of January at
19 County Board session, but I don't control that
20 schedule.
21   So, January 9. You're free
22 to attend or you can Zoom in or phone in or
23 whatever you like because there's no
24 participation from members of the public.

1 Thank you very much.
2   Mr. White, good
3 presentation. Thanks for reminding us about
4 the Living Word. I attended a CLE a couple of
5 weeks ago on zoning and the speaker asked
6 whether there were any questions, and I said
7 could you speak just a minute about Living
8 Word, and the speaker said I'm not familiar
9 with that case. You obviously are.
10   All right, so we'll close
11 for this evening. Thank you very much, folks.
12   Wait, we won't close yet.
13 We'll close the public hearing, but I have a
14 couple of other incidental matters that will
15 take 30 seconds.
16   I would like to indicate
17 there's no old business or new business to
18 consider, so now we are adjourned.
19   (Which were all the
20   proceedings had and
21   testimony taken in the
22   above-entitled cause.)
23
24

1 STATE OF ILLINOIS   )
) SS.
2 COUNTY OF DU PAGE   )

3   I, LINDA M. CIOSEK, C.S.R.

4 No. 084-2892, duly qualified and commissioned

5 for the State of Illinois, County of DuPage, do

6 hereby certify that at the request of the DU

7 PAGE COUNTY ZONING BOARD OF APPEALS, subject to

8 the usual terms and conditions of Veritext,

9 reported in shorthand the proceedings had and

10 testimony taken at the public hearing of the

11 above-entitled cause, and that the foregoing

12 transcript is a true, correct and complete

13 report of the testimony so taken at the time

14 and place hereinabove set forth.

15

16

17

18

19 *Linda M. Ciosek*

20   CERTIFIED SHORTHAND REPORTER

21

22 My Commission Expires:

23 July 26, 2026.

24

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