

**Caseville Township Planning Commission
November 7, 2023**

Meeting called or order at 1:30 p.m. by Chairman Bob Whitefoot.

Present: Bob Whitefoot, Chairman
Jerry Platko, Secretary
Charles Morden
Ron George
Doug Grates
Kathy Wroblewski
Michelle Stirrett, Recording Secretary

Excused: Gail Atkins.

Public Hearing was opened at 1:32 p.m.

Purpose of Hearing: To consider a request to assess whether a requested use that can generally be summarized as a dumpster rental business is similar in nature and compatible to those uses permitted in the Commercial Zoning District under Section 154.024 of the Caseville Township Ordinance.

Whitefoot stated that the hearing was to determine if the requested use meets the zoning standards and is compatible with the Master Plan. He asked those who wish to speak to sign in and explained the hearing process and deliberation procedure. He opened the hearing for comments.

Kyle Ignash: Explained that the nature of the business is dumpster rental and is a compatible business as allowed in the ordinance under equipment rental provision. Section 154.024 of the ordinance states that the Planning Commission will consider compatibility of nature with other businesses. Equipment rental is an approved use. There will be no change in the amount or flow of traffic. Parking is not an issue as no public is allowed on the property, there is no service or goods on site. The method of operation is similar to the existing trailer business. Building characteristics will not change as the ramp blends in with the rest of the property. Equipment rental and leasing is a permitted use.

Clyde Campbell: Maintains a neighboring property and has never seen the property in disarray. Property has been well maintained.

Kathy Meyer: She owns the adjoining property and is in favor of the request.

Laura Horkey: In favor of the proposed use. She has never seen anything out of place or junk piles. Need more young people to start businesses.

Todd Cooper: Started a dumpster business years ago, never had any problems with the government and is surprised about the issue. The business is just starting, and they are experiencing growing pains. The property looks nice. There is metal and wood debris all around the glass shop. This is the risk of doing business. Hopes they come up with a recycling plan. Proud of the two young men starting a business and hopes the Commission finds favorably.

Lee Mayes: Lives across the street and feels it is a top-notch operation. He doesn't see anything from his house and has no issues. Applauds two young men wanting to do something positive.

Doug Grates: Stated he knows the family and they are great business people. He has driven by the site and there are no problems. He is concerned about the potential hazards when the dumpsters are being emptied.

Bob Whitefoot: Explained only compatible land uses were being discussed. If approved, concerns can be addressed with the special use considerations.

Motion by Whitefoot second by George to close the hearing at 1:50 p.m. **Motion carried.**

The regular meeting was called to order at 1:51 p.m. with the same members present.

Motion by Wroblewski second by Morden to approve the agenda. **Motion carried.**

Motion by Morden second by George to approve the October 19, 2023 minutes. **Motion carried.**

Board Liaison Report: Platko reported that Atkins and Grates were re-appointed to the Planning Commission. A resolution was adopted to retain local control of wind, solar, and mining operations. The pavilion is progressing.

Deliberation and Determination

Whitefoot stated the Commission needs to determine if the proposed use is compatible or similar to allowed uses in the Commercial District.

George: Ignash stated the business is only dumpster rental, which is compatible with equipment rental, but in addition to dumpster rental the business also includes waste transfer. Is it just a waste transfer business?

Kyle Ignash: It is dumpster rental business. A dumpster is rented, collected and transferred to a larger dumpster. Recyclables are removed and sorted. It is a full circle of rent, dump, clean and rent again.

George: The waste transfer and recycling part is new. Is that a compatible use?

Charlotte Ignash: Debris is not stored and is usually removed within 3-4 days.

George: This is not like any other current business in the Township and is subject to review according to all compatibility criteria mentioned in the land use ordinance. It is different because of waste transfer and recycling.

Whitefoot: This is a new kind of use not addressed in the ordinance. Land use for equipment rental is already within the ordinance but the recycling portion changes things.

Pat Willinski: Equipment rental requires maintenance. They are providing a service - a rental service to take care of debris. They are going green by recycling.

Whitefoot: We have a responsibility to the environment - if we ignore the small stuff it adds up.

Willinski: What's the difference between dumpster rental and recycling?

Whitefoot: The use needs to be similar to what is allowed, A waste transfer station is different than equipment rental.

George: Equipment rental is an allowed use. This operation could have an environmental impact. A waste transfer station is not an approved use.

Morden: Worried more about a transfer spill than a dumpster transfer.

Platko: If a dumpster is rented and the owner decides to clean the garage and dumps oil and paint into the dumpster, what happens to the chemicals?

Kyle Ignash: The owner signs papers as to content, they look at the materials in the dumpster. Emterra disposes of the materials,

Whitefoot: If no trash is involved no problem. Recycling is the issue and cannot find a use similar in nature and compatibility.

Charlotte Ignash: This is a dumpster rental business only.

Whitefoot: The business is similar and compatible with an equipment rental business. Would the overall use of the property just be dumpster rental?

Jerald Ignash: Never got a sales license for trailers so the special use for dealership is not needed.

George: Public needs to understand the criteria for approval. Is it compatible in use, is it approved in the master plan, environmental conditions, impact on surrounding properties, demand on utilities, and public service.

Kyle Ignash: What's the difference? If recycling is the difference, they can stop and just empty the dumpsters.

Charlotte Ignash: Recycling is a source of extra income and is saving the environment. She has registered to take in waste through EGLE.

Whitefoot: Did they approve the site and process?

Charlotte Ignash: It was not necessary because Emterra removes the waste and submits the required reports. Any further information can be obtained on the State website.

Whitefoot: Any guidelines from the State?

Charlotte Ignash: This is only a transfer from one dumpster to another. If this were a larger operation there would be more requirements. When the dumpster is full, they call Emterra to remove it.

Whitefoot: He has seen scrap on the property. The Commission can impose limits so the property is not unsightly.

Charlotte Ignash: When we get to that point, she has ideas to share.

Whitefoot: The business is similar and compatible to equipment rental, but the sorting of garbage would have to be addressed.

Grates: If prohibited liquid, tires or asbestos were included, how would that be handled? Do you allow barrels of liquids?

Charlotte Ignash: Rental agreement states there would be an additional charge for disposal.

Jerald Ignash. Emterra will take anything from households. Do they document and charge you?

Darin Sprague: Feels the five ordinance requirements for acceptable land use have been covered. Kids saving scrap is a go. Is Elkton going through this? This is a public service. Elkton has the same issues with the ditch/drain.

Jerald Ignash: They have Drain Commission approval. There is no letter of approval, but they did talk to the Supervisor. Eric Tamlyjn from the Drain Commission stated if this went to court, they would be on their side.

Charlotte Ignash: Included in the application are letters of approval from the neighbors.

Whitefoot: If use is approved, a special use consideration would be next. If approved, the Commission can impose conditions.

Motion by Wroblewski second by Whitefoot to go into closed session under MCL 15.268 (l)(h) of the Michigan Open Meetings Act to discuss confidential legal opinion from the Township Attorney to assess whether the requested use that can generally be summarized as a dumpster rental business is similar in nature and comparable to those uses permitted in the Commercial Zoning District under Section 154.024 of the Township Ordinance. Roll Call: Aye: Wroblewski, Whitefoot, Morden, Platko, George, Grates. Nay: None. **Motion carried.**

The Commission went into closed session at 2:40 p.m.

Open session was called to order at 2:55 p.m. by Chairman Whitefoot with same members present.

Motion by George second by Morden agreeing that the Ignash proposed use for a dumpster rental business is a compatible and acceptable land use when compared to the existing equipment rental business mentioned in the ordinance, subject to a special land use consideration and approval. Roll Call: Aye: George, Morden, Whitefoot, Wroblewski, Grates, Platko. Nay: None. **Motion carried.**

A Public Hearing to consider the special use application was set for Tuesday, December 5, 2023 at 1:30 p.m.

Charlotte Ignash: Is there any way the meeting could be scheduled for later in the day?

Short Term Rentals: Tabled to December, pending results of survey of current short term rentals.

Public Comments:

Kyle Ignash: Thanked members for their consideration.

Marilyn George: Commended the members for their decision.

Board Comments:

George: Any word on the progress of the Master Plan? We are 2 years into the process and should be finishing soon.

Whitefoot: The Commission's next task should be ordinance review.

Meeting adjourned at 3:10 p.m.

Michelle Stirrett
Recording Secretary