

**CLAYTON TOWNSHIP PLANNING COMMISSION
SPECIAL MEETING
TUESDAY, AUGUST 11, 2015 -- 7:00 P.M
CLAYTON TOWNSHIP HALL**

Members Present: DePottey, Widigan, Milem, McCartney, Hyde, Bower
Members Absent: Shaw
Others Present: Ken Tucker, Attorney; Deanna Turner, Stenographer

CALL TO ORDER

Mr. DePottey called the meeting to order at 7:00 p.m.

PLEDGE TO THE FLAG

Mr. McCartney led the pledge to the flag.

ROLL CALL

Members were present and absent as aforementioned.

APPROVE PROPOSED AGENDA

Motion by McCartney to approve proposed agenda, supported by Hyde.

MOTION CARRIED.

COMMUNICATION

None.

REPORT OF OFFICERS AND COMMITTEES

None.

PUBLIC COMMENT

No public comment as there will be a Public Hearing later in the meeting.

NEW BUSINESS:

(1) SPECIAL PERMIT USE -- BUCCERI

Mr. Bucceri made a presentation. He said he goes by Buck and he introduced his daughter, Deanna, who was also present. Mr. Bucceri stated he has owned a hunting preserve for 10-15 years. He mentioned the organizations he belongs to and stated that he first sold dogs at the age of nine. Mr. Bucceri said that he has a Masters Degree in Engineering from Michigan State University in Biogenetics and Bio-Medical Engineering; he has breeding and genetics knowledge. He has a kennel permit in Branch County,

Michigan. He decided to leave the corporate world and breed dogs full time. He currently only breeds, raises, and trains German Short-haired Pointers.

After his daughter relocated to Flushing schools, he moved to Flushing to be closer to his daughter, who he has 50% joint custody. Mr. Bucceri was subsequently in a major car accident that created a hardship on his business. He hired full time help, Tyler Cooper, who walked and ran the dogs. After he was healed from surgery, Mr. Bucceri was able to resume training dogs full time.

While searching for property, Mr. Bucceri stated he called Clayton Township and spoke no less than six times. He said he told them how many dogs he was bringing and made sure the dogs were registered and licensed. He said Clayton Township changed the ordinance and told him that he could apply for a kennel permit as soon as he could come up with \$1,000. Mr. Bucceri said 6-8 months later he applied for a kennel permit and then received a phone call from Attorney, Ken Tucker. He said the township had received complaints about noise, so he decided to record the dogs to show that it is not his dogs barking, but neighbor dogs.

Mr. Bucceri said that his dogs do not bark and he uses sound inhibitors to keep them from barking. He said they are bred as such to bark very quietly. He said he had a neighbor who went onto his property without permission, inspected the facility, and made allegations that he had an injured dog. Mr. Bucceri said he had a dog that was injured by a coyote. After he took the dog to West Flint Animal Hospital, they wanted to amputate the leg; but he opted to treat the animal to preserve the leg. He said he treats his dogs like family and rotates them five-six at a time to sleep in his bed.

Mr. Bucceri said that Mondays he runs a "trainer to trainer" program. He also stated that his daughter, Deanna, owns three of the dogs. He added that his dogs typically live longer than the 12-13 average years for two reasons: the right exercise and limit of chemicals in their bodies. He said he does all of his own vet work. Heartworm medication is actually poison. His female dogs average 52 pounds and 62 pounds for the males. He said you have to cut the heartworm dose down for the proper weight of the dog.

Mr. Bucceri stated that he has a website that contains a business model. The website has been in operation since 1995 and has had changes over the years. He also said that he has six-eight litters a year and the average litter is six-eight pups. He said that 50 puppies a year is by no means an exuberant amount of puppies. Mr. Bucceri stated that he has three to four females go into heat at the same time, however, he only breeds the one that is ready in the rotation.

Mr. Bucceri said he has a waiting list and approximately 60-70% of the dogs are shipped out of state. He does not ship to Hawaii because of quarantine times. His dogs are bred for hunting; they are not bred to be pets. They are trained to seek wild game and taught to trail blood.

Mr. Bucceri explained the operation of his business. He said that he has a tractor with a sprayer to clean the kennels, which are raised off the ground. They have as special easy flooring that is the safest, cleanest way to keep a dog healthy. The vet comes to his house to administer rabies. He performs de-worming and stitches himself. Mr.

Bucceri stated he rebuilds kennels every 10 years and his plan is to rebuild state of the art kennels further back on the property. They are currently run by air and solar power and they use high quality Diamond brand dog food. He said that in Branch County he was accused of not having enough dog houses because all of the dogs were using one dog house. Mr. Bucceri stated dogs are very social and stay with each other, even though they are hunting dogs. He stated that someone also complained about the use of 55 gallon drums, which are standard. He said they make the best dog houses and are large enough to fit two dogs. They are wrapped with insulation and are 40 degrees in the middle of the winter. They take the door off in the summer and they are raised off the ground too. The dogs are not panting and they are in the shade, off the ground.

Mr. Bucceri said there have been smell complaints. When the police came out and put their head near the bottom of the kennel, there is no odor. He said they spread lime every 30 days. The waste builds about a foot and the lime knocks it down about six inches. They use stainless steel bowls for food and water because they are easy to clean and disinfect. There is a truck used to just feed and water the dogs with a pump system and a solar battery charger. The dogs always have fresh water.

Mr. Bucceri stated that both he and his dogs have been on the covers of hunting magazines and it's nice to be recognized for hard work. He then read some reviews and thank you letters from his customers. You can find information on puppyfind.com. There are a lot of positive comments.

Mr. Bucceri then discussed open issues. He said a neighbor's dog came onto his property and bit him on the arm. He said he offered to counsel and teach the neighbor who subsequently made false claims to Clayton Township. He stated the neighbor's dogs are constantly on his property. He said he doesn't complain because dogs are dogs, but the problem is that the dogs are not contained and bark back and forth, causing his dogs to get shocked because they are wearing inhibitors.

He said that the police have been out to his kennels about half a dozen times and only heard dogs barking once because there was Great Danes standing next to the kennel. He stated that he has also felt harassment from Clayton Township who have stated that he shouldn't have a kennel because of USDA regulations about the breeding of dogs. Mr. Bucceri stated that he sells hunting or working dogs, were are exempt. He said he just wants to be left alone to raise his dogs.

Mr. Bucceri then showed a video of a german short hair in action. He said the dog scoured the field and pursued for about a mile or so. He is an extremely well trained dog that has complete control of himself. He then showed another video of three different days showing the neighbor dogs barking for two-three hours at a time. He said the neighbor down the road thinks they are his dogs, but they are not.

PUBLIC HEARING

The Public Hearing began at 7:45 p.m.

A resident asked Mr. Bucceri how long he has used the training collars. He responded, 28 years. He said he cannot hear the dogs bark from his house and when Mr. Tucker told him he had a noise problem, he dealt with it.

A resident at Beecher and Nichols roads said she hears the dogs all day.

Mr. Tucker said there have been multiple complaints, though Mr. Bucceri hadn't been cited in six months. The resident stated the past three months have been much quieter.

Thomas Ruppel, Beecher Rd., said he had concerns about a herd of dogs across the fields constant and un-relentless. He said he called the police, he lives a half mile away and it has been three years. No one has done anything about it. He said the dogs sound more like pets than hunting dogs. He said Bucceri's daughter keeps one as a pet. He said it is BS that anyone would suggest they are all working dogs. They are not Alaskan Husky dogs. Mr. Ruppel said that all hunting dogs barked and he has not heard coon dogs around his house and he has lived there 34 years. He said they have never had problems until three years ago.

Mr. Anthony Owosso, Attorney, said that he asked if anyone has complaints to cite the instance of the noise by date in the last months. He said they were complaining up until a few months ago.

Fred Cisco, 1228 Nichols Rd., said he shares a property line with Mr. Bucceri, who comes out yelling, "Shut the 'F' up" to the dogs every day. He said it smells every day when the wind comes from the northeast, especially before a storm; he cannot keep windows open. He said this morning the dogs barked. He said his dogs only bark when someone walks by and his dogs are pets. They do not bite anyone. If his dogs bit Mr. Bucceri than he needs to report it.

Diane Allen said the picture shown in Mr. Bucceri's presentation was a picture of her dog that she got as a puppy. She said the dog is neutered and properly trained. She is always there when the dog is with her youngest child and because of the training; her dog will not leave their yard. She said her oldest Dane will bark at someone jogging or biking by their house. She said their dogs live in their home. As far as the smell goes, 10-12 days ago on a 90 degree day, the stench made me choke and she did make a complaint. Mr. Bucceri responded the police came out an hour later and found no smell.

Kim Davidson, 1240 Nichols Rd. said she lives in between Mr. Bucceri and the house with the Great Danes. She said anyone can tell the difference between the Danes barking. She said it is clear as to where the problem is coming from. She said it was non-stop, constant barking, 24-7, until three months ago. Ms. Davidson said Mr. Bucceri would yell "shut the 'F' up," all day long when the dogs were barking non-stop. She also stated that Mr. Bucceri says that everyone else's dogs are making noise but his. And if he sustained a dog bite, how would he know which dog bit him. She said she knows he is threatening to sue; why wouldn't he sue over a dog bite.

Mr. DePottey asked the residents to address the board and not Mr. Bucceri.

Ms. Davidson said she is curious about the review Mr. Bucceri read from Wisconsin because it mentioned rumors of a puppy mill at the last meeting. Mr. Bucceri responded that he said he heard that from the Flint Journal. They called him and they had a conversation about two days ago.

Ms. Davidson said regarding safe kennels, that is not what the animal control report says. She said that Mr. Bucceri claims he uses tractors to clean the kennels, but she has never seen a tractor there. She said there have been many times she smelled odors but did not record every single time. She said she called animal control two years ago and the dogs were not licensed individually. Ms. Davidson said that Mr. Bucceri claims he ships the dogs; however, in the State of Michigan there are guidelines that the dogs have to be vet certified for shipment. If they are not vetted, how is that being done. She said she has never personally seen the dogs exercised.

Ms. Davidson shared a letter from a former potential client from the State of Washington. She also said she has a copy of a complaint filed with the Attorney General Office who complained it took forever to get AKC papers and one of their dogs died at 11 months and the other died at 22 months.

Mr. Bucceri responded there have been six-eight negative reviews, but he has over 1,200 sales over the years. In response to the woman from Washington, she paid a \$200 deposit that she forfeited when she canceled two days before the dog was to be shipped. He refunded the balance of \$650 as soon as the dog was sold. Mr. Bucceri stated that once or twice a year circumstances cause a client to cancel.

Mr. Bucceri responded to allegations regarding to tail docking. He said that they band the tails with a castration band. The dog doesn't flinch. Four-five days later the tail falls off. He said dew claws come off at 10 days. He feels his method is more humane than how the vet performs the procedure.

Ms. Davidson said the woman from Washington only has concerns for the dogs. She has nothing to gain.

Mr. Tucker responded that it still doesn't dispel the fact that there was no issue from the authorities involved.

Ms. Kelly Carlson, Beecher Rd., said in regard to the animal control complaints; feces were piled up; there were not enough dog houses, over-crowding; and an overwhelming stench. She said that was from July of this year. She said she cares about the welfare of the dogs. She said barking is an issue. The odor is an issue. They live a mile away and have strong objections and comments. She said the negative reviews speak for themselves. Ms. Carlson said one of his dogs had healing wounds all over its neck.

Mr. Milem stated there are many of the same comments and the board members rely on experts in the field. He said they are not experts on kennels or the dogs. He asked Mr. Tucker to read the exact wording from the prosecutor. Mr. Tucker stated from the head of animal control: Genesee County officials indicated that the care Mr. Bucceri provided meets the minimum legal standards, and though didn't agree to the conditions, no criminal charges would be sought for animal cruelty. Mr. Bucceri meets the minimum standards of keeping the dogs.

Mr. Bucceri said that the AKC comes out to his property every few years and he makes the grade. He had a paperwork violation that he corrected. He said the dogs are not standing in feces and he takes the dogs into his bed.

Mr. Cisco stated that when he bought his house over 10 years ago, there were no businesses near his property. He said he follows the rules of the zoning commission. He asked if he wanted to start a business, could he do it. What if he wanted to raise pigs; should he get 30-40 pigs and then sell them online? He said if Mr. Bucceri would have gotten permission first, they wouldn't have this problem.

Mr. Owosso stated that Mr. Bucceri has been in business for years and the new law needs to be retrofitted. Mr. Tucker said that is not accurate and that Mr. Bucceri is out of zoning on both the old and new ordinance. He said if you go back to the original ordinance, none are approved for that zone. Kennels are approved for other zones. The new ordinance wouldn't apply. He said you have to seek permission first, not three years later. Approval from someone at the hall is not permission.

Mr. Bucceri said he was improperly guided.

Ms. Davidson asked why anyone would ever think it would be acceptable to move in with 50 dogs. Mr. Bucceri responded that he has 25 acres. Ms. Davidson said she knows they were never asked and they are immediate neighbors. She said when they lived in Flint Township and wanted to build a garage, they had to attend a meeting and ask permission for a variance. She said the meeting was open to everyone in the township. There are rules and you have to go about things the proper way. She said Mr. Bucceri has made claims that he has tried to be a good neighbor.

Mr. Bucceri said he only has 22 dogs.

Mr. Owosso stated there is another issue; Mr. Bucceri had been there for three years without interference. Mr. Tucker said there is no conformed use or detrimental reliance; you have to be legal at the time you go in. He said you cannot show up with a business because it's not discovered until two-three years later. Mr. Tucker said it is not the board's job to decide how Mr. Bucceri runs the kennel, which is not legally allowed. He said there is a "catch-all" in the ordinance, but it is not a grandfathering argument.

Mr. Owosso said evidence shows the neighbors were aware of the kennel. Mr. Tucker said complaints didn't occur until it became a problem. He said most people from the road cannot see the property.

Mr. Tucker said their duty as a board is to decide if this fits in particular zoning, conforms to some standards there, allow businesses to come in. The kennel conforms to all local state and federal laws. The biggest hurdle is that, it is not permitted use, and even under special conditions is not allowed. It is allowed in RE or RA, not RSF. He said the comments from residents regarding odor and noise need to be considered. The way Mr. Bucceri runs his kennel has nothing to do with what the board is about to decide. He said if he cannot get a kennel permit, they can override that. The Planning Commission is just making a recommendation. The Township Board will have another go at it on Thursday at their board meeting. Mr. Tucker said the Planning Board makes a recommendation only, special conditions, hours of operation, setbacks.

Attorney Owosso made a proposal to work out conditions with the neighbors; speed up the lime process to minimize odor; lack of noise, gentle collars. He said his client would work better with the neighbors.

Mr. Ruppel, Beecher Rd., asked if the board would vote tonight.

Mr. DePottey said they are going to make a recommendation to the Township Board. Mr. Tucker said the Township board meeting is a continuance of the hearing. They made a business decision to give Mr. Bucceri a chance to be heard.

Mr. Ruppel said he doesn't think anything more needs to be said and that the board should take a vote.

Mr. Owosso also suggested that Mr. Bucceri could move the dogs further back on the property and fence it in. Mr. Bucceri said there is no noise, but he can use the lime more frequently. Mr. Owosso said they can build structures to buffer the noise. Mr. Bucceri said the noise has been taken care of. The stench has been taken care of. He said they can lime every two weeks instead of every month. He said he welcomes anyone to come out and check it out.

Mr. DePottey asked if there were any more additional comments.

Ms. Davidson said this has been an ongoing issue for a long time and Mr. Bucceri hasn't cared one bit. She said she even heard him laughing while she was sitting on her deck because she screamed, "shut up." She said that's the kind of attitude it's been and they don't want it. She said Mr. Bucceri should have checked into it before they moved.

Mr. Owosso said that his client is willing to work with the neighbors. Mr. Bucceri said he has never spoken to any of his neighbors before today.

Resident, Mr. Jim Carlson, said he has been in law enforcement for 32 years and Mr. Bucceri is running nothing but a puppy mill.

Ms. Carlson said that the bark collars are inhumane and shouldn't be used continuously to control the noise.

PUBLIC HEARING CLOSED AT 8:38 P.M.

Mr. Milem asked Mr. Bucceri about the hunting preserve in Quincy, Michigan. He asked if people could bring their own dogs to hunt. He said Mr. Bucceri had his own dogs and seemed to have a good operation there. He asked why he decided to move to Clayton Township. Mr. Bucceri answered because his daughter was relocated there.

Mr. Milem said he read an article from April 24, 2012 regarding a fire. Mr. Bucceri responded that he lost a couple of females and two litters of pups. He said the fire occurred after he sold the property and they were in the process of moving. He said that movers knocked over a heat lamp that started the fire.

Mr. Milem said in speaking to what Mr. Tucker said; kennel is not allowed under permitted use or under special condition use. The catch-all in the ordinance is any other use and they have the catch-all for anything they think may fit. He said the Planning Commission shall review particular circumstances and facts and then make a determination and make sure it meets the following standards.

Mr. Milem read the ordinance.

Mr. Widigan asked the board to entertain a motion.

Motion by Widigan, supported by McCartney to recommend to the township board that they deny Christopher Bucceri's special conditional use permit to allow training, selling, and kenneling of dogs for the following reasons:

1. Operation of a commercial dog kennel is not permitted use and is not a permitted use subject to special conditions pursuant to Clayton Township Ordinance 152.106.
2. Failed to provide a proper Genesee County Kennel License.
3. Conditions of kennel and care of the dogs do not meet the requirements for a commercial dog kennel.
4. County refused to issue a kennel permit.
5. Failed a dog kennel inspection report dated 07/16/15.
6. Significant public input complaining about multiple noise and odor nuisances.

ROLL CALL VOTE:

Bower -- Yes
Hyde -- Yes
McCartney -- Yes
DePottey -- Yes
Milem -- Yes
Widigan -- Yes
Shaw -- Absent

MOTION CARRIED.

Ms. Hyde said they did not discuss the kennel application denial.

ADDITIONAL ITEMS

None.

ADDITIONAL COMMENTS

None.

ADJOURNMENT

The meeting was adjourned at 8:47 p.m.