

BOSTON TOWNSHIP ZONING

ZONING COMMISSION MEETING – 8-11-2026

Present: Mike Mraz, Todd Liebenauer, Maureen Downey, Tim Magestro

Absent: Matt Geul

Also present:

Trustee Randy Bergdorf

Zoning Inspector: Ruben Miller

Zoning Secretary: Jerilyn McGuire

Legal Representation: David Randolph

Additional attendee:

Matthew Schwartz from Peninsula Architects to discuss Napa Winery

Mike Mraz called the meeting to order at 6:30pm.

Minutes from July 14, 2026, meeting were reviewed. Motion by Maureen to approve minutes.

Motion was seconded by Tim. All voting “aye” approved

Zoning Inspector Report

- Napa Winery - application submitted for the spa portion. Matthew Schwartz here to discuss
 - Matthew assumed spa should fall under same category as beauty shop. Does it need a variance? Yes – due to the conditional use criteria.
 - Per 701A, f,1 Personal services (beauty shop) included in this section and under permitted uses. Ground floor area of 10,000 square feet or in a Planned Development.
 - Only change is the addition of the spa, and rotated pavilion 90 degrees
 - Concern with mounds; should be in the grading plan.
 - Matthew will look into the grading plan
 - Takeaways: Need to determine existing square footage. Per notes from hearing: the plans were to have two pavilions, 2,000 square feet per pavilion along with a 4,000 square foot patio. Square footage of building is 6,000. Total square footage at that time was 14,000 with pavilions, patio and building. Is this sufficient to meet 10,000 square feet of ground floor area?
 - Matt to check with Chad regarding square footage and get back to us.

- McShane with new application. Application is for permitted use.
 - Moving his PMC headquarters to this location.
 - Reviewed topography. Concrete to get leveled out. Existing soil to remain.
 - PMC concrete and supply to have their office building there. Would have office personnel there. 16 parking spaces. 2-3 people working out of the office daily. Parking and his 40 x 40 building
 - Septic system on residential portion of his property.
 - Big driveway. Larger than necessary for employees to park.
 - Concerns: Where is concrete going? Using it to make grade. Water run-off and drainage are concerns. Topography seems to flow properly but could flow faster into neighboring properties. No catch basins. Does not have a retention pond, but county could require it. What will be going on there? Will people be showing up to perform offsite work? Why such a big driveway? Where is water run off going? A lot of vacant space.
 - Needs a sign application Missing info – Duncan factors were not answered and do apply.
 - Will need to put together concerns and send to BZA.

Incomplete: missing sign application.

- Addition on Main St – 5872 Main St and re-doing the face of the house

Mike with a reminder that today is Todd's last meeting. Todd has been on the Board for 13 years. Mike thanked him for his service and noted how much he values Todd's input.

David Randolph was in attendance per Mike's request.

- Discussion to clarify when township email should be used instead of personal devices. Once township-related communication is sent to a township email account, it becomes a public record. Members should use township email for township business. In addition, if it shouldn't be there, it still can become a public record.

In Ohio – only one party has to authorize a recording.

- Zoning Resolution discussion: We can say no to something i.e. car washes, storage buildings, but should understand the impacts. Dave put together a document about when/how a township can regulate the use of land. Summary: If we are attempting to regulate use and tell a property owner they cannot use their property in a way that is consistent with the surrounding area, we should have a very strong reason for imposing that restriction.

Case by case analysis. Does it match the surrounding area? If it does, how can we put variances on it?

Must always keep in mind the health, safety and wellness of the public.

Example: Nuclear powerplant would come health and safety concerns.

There is due process in relation to health and welfare and will be difficult for us to say no. We need to figure out what regulations will be the least detrimental to the township.

If we want applicants to conform with our plan we should place reasonable conditions.

If we place unreasonable conditions, we could have issues.

Cannabis dispensaries pose concerns. Dispensaries on a local level are legal. On a federal level, they are not legal. Harder to argue health, safety and welfare in this case.

Data centers with a current moratorium, giving us time to study the data centers. Water and noise could be detrimental to health, safety and welfare to the community.

We can't just say we don't like them.

- Zoning inspector report discussion – suggestion to remove days open from the open complaints.
- Enforcement regarding McShane and Herman. The violations are civil matters. General procedure – 1) violation brought to Zoning Inspector's attention, 2) violation is issued 3) reasonable time to correct the violation (30 days?). Once timeframe is up, the trustees will authorize action at some point in time.

Court declares it's a nuisance if someone is in violation of zoning. The person then needs to fix it.

David to check on legal action to McShane and Herman. Complaint might have been drafted.

Should the commission consider not reviewing McShane's application until he's in compliance? Currently in compliance per Summit County since they issued permission to grade and put clean fill on the property. McShane's current Boston Township zoning violation is that he never came to us for zoning.

Next meeting formulate verbiage to BZA – if moving forward with current application.

If legal action, we won't be suing McShane, only the landowner. It's the landowner's responsibility to make sure land is used properly

Gabe Herman – what can we do? Change in ownership. He is not applying for new use because we will put conditions on him. Operating a towing business with no permit. Property is not maintained. EPA said no issues.

Randy to Todd: On behalf of township – we appreciate all the years you’ve put in and appreciate how you’ve taken your roll seriously

For Summit County: Attempt to have something submitted to them by October 27 – to make the November 19th meeting for the resolution.

Work session will be held at a later time to work through data centers and cannabis dispensaries.

Maureen motioned to adjourn at 8:35pm

Michael Mraz, Chairman

Jerilyn McGuire, Secretary