

BOSTON TOWNSHIP ZONING

Board of Zoning Appeals – March 24, 2026

Members Present: Paul Kaczmarski, Dave Calaway, Jerry Ritch, Ron Summers

Members Absent: Pat Coy

Also present:

Trustee: Randy Bergdorf

Zoning Secretary: Jerilyn McGuire

Zoning Inspector: Ruben Miller

Warren and Sheila Brown

Amy Anderson - Trustee

Carlton Moore – representing the Village Market

Mukeshbei Patel and Sakar Patel – representing the Village Market

Mike Mraz

Nick Janigan

Al Shrader – Legal Counsel

Paul Kaczmarski called the meeting to order at 6:32pm.

Minutes from the February 24, 2026, meeting were reviewed. Motion to approve the minutes by Calaway and seconded by Ritch. All voting “aye.”

Going into public portion of the meeting with Board Members Dave Calaway, Jerry Ritch, Ron Summers, Paul Kaczmarski in attendance along with Al Schrader as Legal Counsel

Tonight, the BZA is conducting a continuation of a hearing from September, October and November 2025, and January 2026 to tonight.

The Public hearing is regarding the application filed by:

Carleton Moore, CWM Developers, Village Market

Whose address is:

3195 E. 130 Street, Cleveland, Ohio 44120

The property situated in Boston Township, as set forth in the applications, is located at:

5069 Akron-Cleveland Road, Hudson, Ohio 44236

Has Parcel No.:

0700142

And is owned by:

Mukeshbei Patel

Whose address is:

5069 Akron-Cleveland Road, Hudson, Ohio 44236

The application sets forth that the owner/applicant is seeking the following:

- a. Request for a Conditional Use Certificated pursuant to Section 702A, e of the Boston Township Zoning Resolution to establish a filling station at the existing convenient market.

It was noted that anyone wanting to speak regarding the property located at 5069 Akron Cleveland Rd will need to sign in and that Notice of original hearing was given by mail and placed in West Side Leader prior to September's meeting.

Ruben reintroduced the project. Application submitted to add a fueling station to the Village Market. Additional plans were received on March 13, 2026. Site plan included along with elevations for canopy and photometric study.

Per Paul, the new information provided was asked for at the last meeting.

Calton Moore, Mukeshbei Patel and Sakar Patel were sworn in by the court reporter

Carlton's Comments:

Carlton stated that he has submitted the photometric study, as well as documentation confirming that he has completed all tasks previously requested and is in full compliance. Additional materials will be submitted once the civil engineering drawings are completed.

Regarding the photometric study, he explained that once the canopy is installed, the lighting distribution will be clearly shown and will not create any issues for adjacent property owners. Each light fixture is adjustable—cool or warm in tone, as well as directional.

Paul noted that lighting specifications will be added as an exhibit.

Elevation drawings have also been submitted. The canopy is 24 feet wide.

Property Ownership:

The Patels were present to explain the ownership situation. They are currently in the process of acquiring the property. Mukeshbei Patel reported that an option to purchase has been recorded, with the intent of finalizing the transaction by the end of April. A lease has also been recorded, and he can provide documentation.

Paul asked whether they are leasing both the property and the business; the response was yes—they are considered a single entity. Paul expressed concern that they do not yet own the property and asked whether the current owner, Mr. Shin, is agreeable to the proposed project. Mukeshbei Patel stated that he communicates with Mr. Shin regularly.

When asked when the agreement would be fully executed, M. Patel confirmed it would be completed by the end of April.

Paul raised concern about the site photometric plan. Carlton reiterated that the lighting can be adjusted as needed; each fixture can be modified based on conditions, and remote controls allow for on-site adjustments.

Per Paul, current lighting levels are bleeding onto adjacent properties. The maximum allowable illumination at the property line is 0.5 foot-candles. Can adjustments be made to verify that illumination does not exceed 0.5 foot-candles at the property line? Currently, readings exceed the limit: 0.6 foot-candles at the north property line and 2.6 foot-candles south of the property line. If approval granted and lighting installed – lighting modifications need to be made and provided to our Zoning Inspector that this has been addressed.

Site photometric was added as an exhibit. Paul to scan and forward to Ruben.

Carlton said they will make the adjustment and get it back to us

The hearing was opened up to the public to speak

Warren Brown, 5105 AC Road, was sworn in by the court reporter. Mr. Brown has spoken at previous meetings and stated that he had nothing new to add. He expressed a desire for a privacy fence to help prevent litter from coming onto his property. He noted that he is not faulting the Patels, stating that littering is largely a matter of human nature and that beer purchasers are more likely to litter.

Mr. Brown acknowledged that the Patels have made significant efforts to clean up the litter, estimating that approximately 80% has been addressed, but stated he would prefer that all litter be cleaned up. He is requesting a wooden privacy fence, approximately six feet tall, a standard picket-style fence typically installed between commercial and residential properties.

Warren was asked if debris is new? Per Warren – it's been there all along, approximately two years. He also said the camper has been removed and Ruben confirmed.

Per S. Patel, they met with Mr. Brown and listened to his concerns. Photos were distributed that were taken today to show the clean-up of the property. Once weather permits, they will do more. Paul passed around photos that Mr. Brown provided last meeting

Discussion regarding lids in one of the photos. These are related to the septic system. Water delivered from outside. NE corner is where the cistern/tank is. They are waiting for public water and sewer to become available.

Nothing further from Mr. Brown.

Lighting is a concern. Traffic should be handled at the next step.

A catch basin is shown on the revised site plan at the southwest corner of the building; however, it is not labeled. Discussion focused on existing water puddling issues and the proposed addition of a new catch basin. At this time, it is unclear where the existing catch basin discharges. The catch basin located at the southwest corner of the building was specifically discussed. Ruben stated that he believes the discharge flows to the rear of the property.

Questions were raised regarding the event of a fuel spill entering the catch basin and where that discharge would go. Carlton explained that multiple alarm and safety systems are in place to address this concern. Each fuel pump is equipped with a containment bucket, and any material released in the immediate area of the pump drains into that bucket. Additionally, if a vehicle drives off while still connected to a pump, the system automatically shuts off, stopping the flow of fuel immediately upon disconnection.

They will be using a Veeder Root system, which is a way to monitor gas being sold and monitor gas leaks at the pump.

Mike Mraz was sworn in by the court reporter.

Mike is not speaking for or against the project but wanted to speak since he is familiar with Veeder Root systems. His occupation is in the environmental business, and he has seen failures of some of the systems.

Alarms are tied into the municipalities. Not uncommon to have things overfill and go into the public sewer systems.

He cited a fuel truck spill at Costco resulting from a hose failure, noting that overfills do occur.

It would be irresponsible to believe that issues won't happen. Paul's question is very reasonable – where does it go and it should be addressed

M Patel commented that we have more powerful systems now. The newer systems are powerful and have new technology, with many regulations. In 30 years, he's never had any issues at his existing gas station.

Parking spaces: Carlton stated the new parking spaces were requested and being addressed. He does not believe that many spaces are necessary. Typically, only one person works at a time,

and there are already eight spaces under the canopy. He does not foresee a situation where the required number of spaces would be needed.

Dave Calaway questioned if it would make sense to have a holding tank in the back for run off purposes? Per Paul – in his experience – there are environmental catch basins where fuel rests on top but can overflow. An option is to also provide a tank with a pump, if fuel is in the water, the pump will stop pumping. If fuel in the tank there's a certain amount of time to fix it.

Per M. Patel -when filling the gas, the gas is not going outside of the area. Many checkpoints. New run system with new technology.

Question posed: Other than EPA, who monitors the gas stations? EPA requires certification. The Villager Market will report to the EPA. There is also a BUSTR certification done annually. BUSTR is at the state level. They're responsible for reviewing and monitoring.

Calaway is concerned about the back of the property and an environmental problem.

Warren with additional comment: existing drain is where the puddle forms at the SW corner of the building. It flows along the south side of the building to a drainage ditch behind the property.

Paul motioned to approve the request – with the following conditions:

1. The Zoning Certificate will be held until the Zoning Inspector receives approval of the project from the current property owner or the Zoning Inspector receives proof that ownership has transferred.
2. All employees are required to register with the JEDD
3. The current hours of operation shall remain unchanged. As of March 24, 2026, existing business hours are as follows:
Winter: 6:00 a.m. – 10:00 p.m.
Summer: 6:00 a.m. – 11:00 p.m.
Any proposed changes to these hours will require the applicant to return to the Board for approval.
4. Light trespass must comply with the standards established in the Zoning Resolution. If the existing building-mounted lighting remains in place, it must also meet all applicable compliance requirements.
5. Final construction drawings must be submitted to the Zoning Inspector for review.
6. Certifications from EPA and BUSTR shall be provided to the Zoning Inspector for Boston Township Zoning records.
7. Applicant is to provide the Valley Fire Department with copies of all EPA and BUSTR approvals, as well as the procedures established for the gas station.

8. The property must be maintained, with no refuse allowed on the site or neighboring properties. The Zoning Inspector will monitor and issue notice when refuse exceeds acceptable levels, after which the applicant will have one (1) week to correct the issue.
9. Adjacent property owner Mr. Warren Brown attended and spoke during the January 27, 2026, BZA meeting. He requested that the Board include, as a condition of approval, a requirement for the applicant to install a privacy fence along the south side of the property. This request will not be added as a condition at this time. However, if an ongoing nuisance arises, is not remedied, and is determined by the Zoning Inspector to warrant intervention, the Board retains the authority to require a privacy fence between the Village Market property and the adjacent properties.
10. With the additional parking and paving being proposed, the Summit County Engineer's Office is to review the site to evaluate any potential stormwater concerns.
11. A landscape plan must be submitted that complies with zoning requirements for the area between the parking lot and Akron Cleveland Road.

Dave Calaway seconded Paul's motion. Voting as follows:

Ron Summers – yes

Dave Calaway – yes

Jerry Ritch – yes

Paul Kaczamarski – yes

All voting yes to conditionally approve the application for the Village Market.

The public portion of the meeting was closed at 8:02pm.

Zoning Inspector Report:

Nothing much new.

- Ruben informed McShane that we are not satisfied with the construction landfill activity. McShane stated that he would comply; however, it does not appear that he is doing so. There is a significant amount of concrete present on the site. McShane inquired about a temporary use permit, which is not available. McShane also expressed interest in bringing a trailer onto the property to sell retail supplies. Ruben will follow up with the county to determine whether any approvals have been issued. At this time, the site is being used as a construction landfill. Randy recommended sending a formal notice to the property owner, as McShane does not own the property.
- Herman has filed a public records request specific to his property.

- A permit issued has been issued for an accessory building at 6554 Riverview for a 1200 sq foot accessory building.
- Fence permit request currently open. 5115 Akron Cleveland Rd. Discrepancy between current sign request for a fence company and previous approvals for the property for landscape equipment storage associated with a lawn and landscape business.

Randy thanked the board for their due diligence on behalf of the trustees.

Motion to adjourn by Ritch at 8:08pm.

Paul Kaczmariski, Chairman

Jerilyn McGuire, Secretary

