

BOSTON TOWNSHIP ZONING

Board of Zoning Appeals – January 27, 2026

Members Present: Paul Kaczmarski, Dave Calaway, Jerry Ritch

Members Absent: Ron Summers, Pat Coy

Also present:

Trustee: Randy Bergdorf

Zoning Secretary: Jerilyn McGuire

Previous Zoning Inspector/Current Trustee: Mike Anderson

Zoning Inspector: Ruben Miller

Legal Counsel: Al Shrader

Community members: Warren Brown and spouse Sherry Brown

Village Market reps: Mukeshbei Patel and Carlton Moore

Court reporter Makenzie Sabo

Paul Kaczmarski called the meeting to order at 6:35pm

Calaway nominated Kaczmarski for BZA Chair for 2026. Ritch seconded the motion.

Voting:

Calaway – yes

Ritch – yes

Kaczmarski – yes

All voting yes. Kaczmarski to be BZA Chair for 2026

Minutes from November 25, 2025, meeting were reviewed. Motion to approve the minutes by Kaczmarski and seconded by Ritch. All voting “aye.”

Ruben Miller introduced himself as Zoning Inspector.

Since Village Market representatives were not yet in attendance, Zoning Inspector report was reviewed.

Zoning Inspector Report – presented by Mike A

- James Orr, 226 Kendall, applying for gas line easement
- AT&T 1921 Boston Mills, Equipment exchange no permit just a site plan review
- 5548 AC – Cell tower equipment update, no permit just site plan review
- Mike Nicorely, 5353 AC, All in One Landscaping, asking about hoop building
- 5872 Main St. previously for sale. While for sale Mike received short term rental inquiries, wanting to make it an Airbnb. Property has since sold. Currently vacant

- 2350 Boston Mills, Jeff Keils, accessory building permit. Accessory building was built prior to obtaining a permit. Paid his fine.
- Stillwell's business generating noise at night, not him, but storage units. Note: this was also covered at November meeting. Noise does not appear to be ongoing.
- Inquiries about short-term rental properties and used car lot. Used car lot on AC Rd.
- 5772 AC, McShane, Summit County performing monthly inspections.
- 79 Goeppert. Empty house. Neighbors concerned about short term residents. Peninsula Police Department is monitoring. Family members are there.
- 3832 Oak Hill, Jenkins. Building permit for new house.
- 135 Kendall Park, building permit for renovations, furnace, electrical and building
- 342 Kendall Park, fence application
- Ruben Miller hired as new Zoning Inspector. Ruben has the cellphone now.
- Mike talked to Gabe about his application. Ruben talked to him today – 1-27-26. Gabe's attorney told him not to apply for a new use application. His attorney told him to apply for an accessory permit.
- Napa does not have a permit from the county to move forward. Napa can't put in a septic system and is not allowed to use existing sewer. Not a stop work order; they don't have a building permit to move forward and are waiting on county sewer to become available. They need to use the county line. The current line in Cuyahoga Falls line is maxed out.
- Senuta with two trailers left on his property. Wants to do a new use and thinks everyone will like it.

Moved into the public hearing. Public hearing opened at 6:56pm

The BZA is conducting a continuation of hearing from September, October, November to tonight.

Tonight, the Boston Township Board of Zoning Appeals will conduct a Public Hearing in regard the applications 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 about the property located at 5069 Akron Cleveland Rd will need to sign in and that Notice of original hearing given by mail and placed in West Side Leader prior to September's meeting.

Note: Per the application, the property is owned by Mukeshbei Patel. As of this morning, the property owner still reflects Kwang P Shin

Mike re-introduced the project. Application is to add the fuel pumps to existing Village Market at 5069 AC Rd. Four pumps with canopy in current parking lot

Mr. Moore noted that ownership representative is in attendance.

Property Tenant Mr. Patel was sworn in by the court reporter. Mr. Patel addressed the property ownership. There is a long-term lease in place, with an option to purchase the property. Open option to purchase within a set time period.

Agreement was two years ago. There is a copy of the lease agreement in place to move forward with this transaction.

Question posed: Is the purchase of the property contingent upon the approval of the gas station?

Response: No.

Carlton noted they have updated the plans to ensure they are not seeking any zoning variances. The underground fuel tanks are represented in the most recent revision.

Water run-off is going to back of the parcel. No storm water line in place on AC so must go into the back. Adding site drain in the parking area.

Per Carlton - They meet the setback requirements and are adding parking to meet parking requirements. Carlton has contacted the Valley Fire District and has received nothing from them. Once drawings are submitted to the county building department, the fire Marshall will also receive drawings at that time. They can review construction drawings at that time. Fire department has also seen the most recent revision.

Per Paul: parking requirement is one space per pump. 4 + 12 spaces based on size of building.

Per the Zoning Resolution: Square footage of building determines the parking spaces. Carlton thinks it should be calculated based on the square footage accessible to the public. Public doesn't have access to storage, coolers etc. Carlton uncertain about amount that's publicly accessible.

Code does not make a distinction between building size and building accessibility. For less spaces, a variance would be needed

Number of employees and hours were addressed: Two employees per shift and hours will be 7am-10pm daily. Per Carlton, there is no desire to open later than 10pm.

One light will stay one underneath the canopy.

Paul noted that site photometric should be received. Carlton plans to get that information once he gets to the next phase

Per Paul: There's a concern that we don't have topography or site photometrics, and others have provided this to us.

Paul doesn't think we have the information we need. As Carlton previously noted, once they get approved, they'll get that information.

Construction drawings that we are requesting – Carlton was not in the position to ask for that level of details without conceptual approval from the township.

Owner is here so is now aware of what we are asking for.

Paul noted that since we have received some opposition regarding this project and would like to perform our due diligence.

Paul went through the Contents of a Site Plan requirements from 803.05 – and noted the following:

- Topographic elevations – drainage changing - potential for spills. Moving drain to back
- Front side and rear elevation renderings of the canopy.
- Parking. Carlton to give a parking plan
- R - landscape plan. If disturbing an area to add parking spaces, need to know what the surface will be.

Mike gave Carlton the list from 803.05. A through Z.

Additional questions: how far are fuel tanks to be from residences and do they need to be a certain distance from residences?

Carlton's response: it's not a zoning requirement. Tanks are underground so should not be an issue. This should be in a section of the Ohio revised code.

Carlton indicated he can't submit drawings until they are submitted to the county. The county approval is sent to the state.

If we approve and county approves, it then goes to BUSTR.

Boston Township Zoning does not have a requirement for fuel tanks to be a certain distance away from property lines. With previous projects, townships did have requirements – but Boston Township does not.

Paul wants to know why Carlton placed his tanks where he did.

Total capacity – 2 tanks: one 20,000 gallon split tank and 4,000 gallon tank for diesel. Total 24,000 gallons.

Calaway with concerns of selling diesel and possibility of large trucks fueling there. Per Carlton, they will not be selling diesel to long haul trucks. A long truck needs different types of dispensers. These dispensers won't work for big trucks and are only for working trucks. Fueling would take too long.

Fueling trucks generally do not drive under the canopy, however the height of canopy will accommodate the fueling truck

Discussion on how general maintenance of the fuel pumps will be operated. Mr. Patel noted they must have a monthly inspection, which is reported to BUSTR. An annual certification is also required. Tanks, pumps and equipment are checked monthly and that information goes to BUSTR. BUSTR has companies that work with them. Must register and be certified by BUSTR every year.

BUSTR will train employees on Operations with procedures and spills containment.

Calaway asked if Mr. Patel own others with gas stations? Yes – one is North Ridgeville.

Paul is concerned about cleanliness of site. Concern from a neighbor with trash ending up in their property. Per Mr. Patel - They try to keep it clean and mop inside and clean outside twice per day. They will enforce this more.

Ritch asked if they anticipate any traffic concerns and if a traffic study will be completed. Carlton said they don't do traffic studies on gas stations. Gas stations attract the people already on the street. Lack of nearby stations makes it attractive.

Mr. Patel adding gas pumps to help existing customers. Per Carlton, gas is to get more people in the store. Mr. Patel also noted that it should be helpful for neighbors.

Carlton's comments regarding the photometric study: a photometric made sense when gas stations used fluorescent light fixtures. With new LED fixtures those lights are directional and go straight down.

Opened up to the audience.

Warren Brown from 5105 Akron Cleveland Rd was sworn in by the court reporter. Warren owns the property at the south and east sides of the subject property.

Warren addressed the lack of maintenance on the property and brought photos of the litter. Litter has been there for two years.

He is also concerned that earth/dirt moving will be taken place on his side of the property line.

There is a trailer outside of the rear door. The trailer has been there for at least a couple of years. Nobody is living there.

Warren Brown would like a condition that they put up a privacy fence along the southern part of the property line. As tall as possible on the southern property line. Discourage litter on his part of the

property. He's concerned about a negative effect on the future use of his property. If Warren developed his property, it would be of high quality. Warren would like a fence to the end of the parking area.

A sign has sat on his property for two years. The police have been called.

Per Warren – Mr. Shin did not have trash around the building and did not have the trailer when he operated the store. Mr. Brown questioning if someone actually canvasses the property.

Paul entering Warren Brown's photos as an exhibit. Al suggests it's labeled Brown Exhibit 1, which consists of 3 pages of photos from Mr. Brown. Al is giving his copy to the court reporter.

Nothing further from Mr. Brown.

Paul motioned to continue the hearing for another month. Carlton suggested March.

Paul motioned to continue the hearing in the March BZA meeting. Calaway seconded the motion. Roll call:

Calaway – yes

Ritch – yes

Kaczmariski – yes.

All yes. Approved to continue the Village Market hearing in March.

Closed public hearing. 8:19pm

Trustees: Randy thanked Mike and welcomed Ruben.

Randy will continue to be the liaison for zoning.

Kaczmariski motioned to adjourn at 8:22pm. Next meeting to be held February 24, 2026.

Paul Kaczmariski, Chairman

Jerilyn McGuire, Secretary