

Minutes: Russell Township Zoning Commission  
Russell Town Hall  
October 15, 2007

Present: Richard E. Snyder, Chairman  
Elizabeth Rader  
Eileen Rogers  
Donna Weiss Carson  
Diana Steffen, Secretary

Bruce Murphy was absent. Also in attendance: Ric Machnics, Zoning Inspector.

The Chairman called the meeting to order at 7:37 p.m.

**MINUTES OF SEPTEMBER 17, 2007** – *Ms. Rader made the motion to approve the minutes as presented, Ms. Weiss Carson seconded and the motion passed unanimously.*

**TED MUSGRAVE – C-S DISTRICT** – Ted Musgrave, new co-owner of the Shell Station at the south west corner of S.R. 306 and S.R. 87, was in attendance to explain his plans for the business. He said that, as well as selling gas, he would like to have an upscale coffee house and mini mart with either a sit down area or take out. He presented a paper with his business plan that explained the food and beverages he would like to sell. Mr. Musgrave said he has spoken with the Geauga County Health Department, which will grant a level 2 license at this time to sell pre-packaged food that can be heated in a microwave, and to sell coffee, all for take out only. Heating other food will require a level 3 license, and he hopes to have this by January. He has installed sinks to accommodate this while doing the basic plumbing.

Mr. Musgrave explained that he has a conditional permit to use the existing septic system, which means the restrooms cannot be used by the public. He has retained an engineer who is working with the E.P.A. to connect to the sewer line on S.R. 87. At this time only the office area is open to the public, and the restrooms will probably not be open to the public until the sewer line is installed. Asked who would extend the sewer, Mr. Musgrave said he understood he would have to extend the line 200 feet from where it stops on S.R. 87 all the way to the intersection, although he will tie into it in front of the police station.

To start with, Mr. Musgrave said he would like to do numbers one and three on the business plan, which is the ability to serve coffee, donuts, cookies and muffins, and to bake the latter two using purchased prepared dough. Later he would like to assemble and sell salads, sandwiches and subs with the ability to heat sandwiches as required.

As regards timing, Mr. Musgrave stated he has applied to the E.P.A. to extend the sewer. Within six to nine months he hopes to have the renovations completed and all the required permits from O.D.O.T., the Health Department, E.P.A. etc. Mr. Snyder

confirmed that the Board of Trustees has expanded the 208 Plan to allow for sewers in parts of the commercial district.

Mr. Snyder said that the Zoning Commission will start reviewing food service and try to work within a six to nine month timeframe, but he cautioned that the Commission must study both commercial districts and make decisions based on the entire Township, not one business. This will require many months of work and may take longer than nine months once public hearings start. Mr. Snyder asked Mr. Musgrave to meet with the Zoning Inspector for approval of his initial plans, and advised that he can apply to the Board of Zoning Appeals if necessary. Ms. Rader expressed concern about parking at the Shell Station if customers are waiting for food to be heated. Mr. Machnics said that parking spaces will have to be designated and clearly marked.

**TAKE OUT FOOD SERVICES** – Mr. Snyder discussed the reasons for the 1970's amendment prohibiting food preparation and said that in the 1990's the food safety laws changed. A few years ago he took a food safety class where he learned the different classifications of commercial food preparation. He handed out a paper obtained from the Health Department that explained the different levels, along with a map of the S.R. 87/306 commercial area that highlighted the lots that are now included in the 208 Plan. Mr. Snyder said he has spoken with Gus Saikaly, Director of the Department of Water Resources, who is in charge of waste management, and Mr. Saikaly has offered to meet with the Zoning Commission. According to Mr. Saikaly, the Russell Lane sewage package plant has an unused capacity of approximately 20,000 gallons per day, which is enough to handle the lots now included in the 208 Plan. The Shell Station would expect to use 1,000 gallons daily, which would double if it prepares food like a restaurant.

Mr. Snyder explained that in order for the Commission to start working on the food services issue, they need to know both the Health Department's regulations and requirements, and the sewer/septic system issues. Mr. Saikaly will be able to explain the requirements for the two commercial districts, since the S.R. 306/87 district lots will have to tie in to sewers if they want to do food preparation, but the Music Street commercial district relies on septic systems. One question to be decided will be whether to permit food service at Music Street.

**RIPARIAN SETBACKS** – Mr. Snyder said he received a call from Amy Holtshouse Brennan of the Chagrin River Watershed Partners. She advised him that she had looked at the Chagrin River and Silver Creek together and found that 70% of the proposed riparian setback is within the current flood plain. Ms. Brennan expects to have new flood plain maps in six months that will be more accurate than those now available.

Mr. Snyder said that all the streams shown on the Riparian Setback Guide Map are already regulated by the current 30-foot setback. In practice he understood that the Zoning Inspector does not determine whether a stream runs an average of 6 months of the year, since that may require a study of several years. He asked Mr. Machnics how he determines a stream. Mr. Machnics stated he looks for a defined bed and bank and then makes a distinction, he does not base his determination on whether it runs for 6 months of

