

Village of Central Square
ZONING BOARD MINUTES
October 28, 2025 - Meeting 7 PM

Board Members Present: Chairman Andy Smolnik, board members Carlos Hunter and Mike Plantz

Village Staff in Attendance: Village Engineer Paul Sheneman, Village Attorney Joe Frateschi, Codes Enforcement Officer Ed Cusato, and Zoning Board Secretary Krista Ruzekowicz

In Attendance: Gregg Tweedy (Hyperion Development) owner of 3206 East Avenue, Agatha Tweedy and Benjamin Tweedy

Meeting Called to Order: At 7 p.m. Chairman Andy Smolnik called the regular meeting of the Zoning Board to order. All in attendance stood for the Pledge of Allegiance led by Chairman Smolnik.

NEW BUSINESS

Chairman Smolnik opened the meeting stating that back on the 23rd of May, the ZBA approved a Use Variance with stipulations to be completed in a 90-day period. Mr. Smolnik read through the items that were to be completed (*below are directly from the Resolution*):

- a. All garbage, construction materials and debris located on the Property as well as on the Village's property shall be cleaned up and hauled away. Reclaimed or useable wood must be stored or racked indoors.
- b. An adaptive water runoff system must be installed along the outside of the driveway area to the east of the carriage house. Such adaptive water runoff system must be approved by a Village professional/consultant.
- c. The driveway area of the Property must be reworked to provide suitable access from Rt. 49 to the front and side areas of the Property. The amended driveway area must be approved by a Village professional/consultant.

d. The Applicant shall have 90 days to accomplish the conditional items set forth herein, and, unless these conditions are complied with, the use variance shall expire.

e. For clarification, this use variance is only for a second, principal single-family dwelling place within the existing footprint of the carriage house, and, in no way shall this use variance be interpreted to allow for the expansion of the footprint of the carriage house or any other expansion of the use without a further use variance.

Mr. Smolnik stated that the resolution had a stipulation that the above items needed to be satisfied in 90 days or the variance would expire. Smolnik then said that he'd be reviewing each item with a member of the village staff and Mr. Tweedy.

A – Garbage. Chairman Smolnik asked CEO Cusato if he believed that Mr. Tweedy has completed removing the garbage and debris to his satisfaction. Mr. Cusato opened his iPad and produced pictures for the Board to review stating that he was satisfied with the results. Per Chairman Smolnik, **A** has been satisfied based on the pictures produced by Cusato.

C – Driveway to have suitable access – Mr. Sheneman has approved this and stated he was able to turn a pickup truck around in the driveway. Per Chairman Smolnik, **C** has been satisfied based on Paul Sheneman's approval.

E – Use Variance for only for a second, principal single-family dwelling. Per Mr. Cusato, this has remained the same. **E** has been satisfied.

D – Applicant has 90 days to comply with these stipulations. Mr. Smolnik stated that Mr. Tweedy is well beyond the 90-day condition. **D** has not been satisfied.

B – Adaptive water runoff system: Mr. Smolnik asked Village Engineer, Paul Sheneman who stated that "No, Mr. Tweedy has not done so properly." The original drawing showed the driveway would accept water on both sides of the driveway in a 12" deep trench containing #2 stone or crushed gravel to be located in the center of the driveway and direct all water into the swamp at the back of the property. The stone was installed about a foot deeper than Sheneman expected, the driveway was then backfilled so the drainage tile can't accept any water, and the driveway isn't sloped properly. **B** has not been satisfied.

Mr. Tweedy stated that he never agreed to the drawing and that the drawing was completed by Mr. Sheneman after their initial meeting. Tweedy says that neither the village engineer, the ZBA nor Tweedy knew what the runoff system was pertaining to in the resolution.

Mr. Tweedy states that he agreed to dig a center drain the entire length of the driveway with #2 stone with 4" drainage tile. He did not agree to re-slope the driveway. Tweedy went on to say that the slope was to be outside the driveway. The driveway at 3206 East Ave. was already pre-approved by his initial plan while restoring the original home on the property.

Mr. Tweedy has spent \$25,000 in the cost of stone and built up the outside slope on the side of the driveway that faces Mr. Skinner's property. Mr. Tweedy wanted a different mill of stone, but the county didn't have it available.

On 6/27, Mr. Tweedy stated that he sent photos to Mr. Sheneman and Mr. Cusato with the trench and fill shown and that Mr. Sheneman replied to the email saying that it looked great.

Mr. Sheneman states that this never happened.

Mr. Tweedy said that he would provide the email.

Mr. Tweedy went on to explain to the Board that one of the conditions of the use variance was to install an adaptive runoff system. When Mr. Tweedy asked the village engineer and zoning board what this meant, they all responded that they didn't know, Mr. Tweedy asked how this made it into the variance stipulations, and no one was able to answer what it meant. Was the stipulation to make sure that all water runoff was to stay away from Mr. Skinner's property? If so, he doesn't think this is a fair or legal position to take.

Joe Frateschi said that the conditions for the use variance were drafted for Mr. Sheneman's approval since he is the village engineer and would defer to his expertise. Joe went on to say that this was part of the Use Variance and it's your (Mr. Tweedy's) opinion that you've completed this correctly.

Mr. Tweedy stated that the renters in the carriage house don't even use this driveway, it isn't a new driveway, and it wasn't created so they can live in the carriage house. The driveway wasn't created for the change in use.

Mr. Frateschi stated that we're outside the limitations at this point and the conditions weren't met.

Mr. Tweedy asked if the variance can be rescinded if the board believes the variance has expired or if the stipulations are not met.

Mr. Frateschi said that the zoning board can choose to extend the variance to another date.

Mr. Tweedy stated to Mr. Sheneman that he has added a 25-foot drainage gutter on both sides of the driveway beside the carriage house as well.

Chair Smolnik asked if the drawing done by Paul Sheneman was given to Mr. Tweedy at the time the variance was agreed upon or after. Mr. Tweedy stated that it was after the variance was agreed upon and that the drawing just shows the general path of the driveway with a drainage path.

Mr. Smolnik then asked Mr. Tweedy what he had agreed to then at the start since Mr. Sheneman is the village engineer, isn't this what you agreed to?

Mr. Tweedy replied "No, I agreed to a 4" drainage tile with 2" milling. I don't believe that Runa crush will make the water go away either." Tweedy stated that millings were in the diagram provided.

In the emails from Mr. Sheneman, Gregg Tweedy states that the diagram looks good. But Mr. Tweedy stated that the diagram was to be an example only.

Gregg said he can't scrape any more off the top of the driveway, that he got to the caution tape installed for the gas/utility lines and had to stop scraping. He believes he's catching all the water coming directly from his property.

Mr. Sheneman states that it's not run-of-crusher gravel on the driveway right now and there are no millings visible to him.

Mr. Tweedy states that it's a fine run-of-crusher gravel and asked Mr. Sheneman to come over to see the driveway and that he's using all brand-new materials.

Agatha Tweedy asked if everyone needs one of these water runoff systems. If my husband needs one, does that mean anyone else above Mr. Skinner needs one?

CEO Cusato interjected and stated that Paul has a point and so does Gregg. But the point is that Gregg agreed upon the conditions. And Paul, at this point you've

been to the property. If Gregg was to build up a higher berm between his property & Skinners' property, would this work to divert the water from Mr. Skinner's property? Paul answered that this would work but would scour out Gregg's driveway to the carriage house eventually.

Gregg asked Paul if he had seen any ruts so far this year and Paul stated that there hasn't been any rain recently.

Mr. Cusato stated to the zoning board: you either figure out a compromise for the engineer and homeowner or rule against the use variance. It will take forever to get the renters out of the carriage house and that's what you must think about. You (to the Board) have no idea what it will take to get the renters out. Mr. Smolnik asked Ed Cusato what it would take. Cusato said it could go to the Supreme Court.

Joe Frateschi said that the variance could be considered expired and the owner is now in violation of the code. Joe went on to say that CEO Cusato would have to file a judgement against Mr. Tweedy and that he would incur fines. There could be significant fines for the violation per week, or Mr. Cusato and the Village Board of Trustees could go to Supreme Court; which would also produce fines, adjunctive relief; but this is more complex and it's not a ZBA decision. These are the options.

Mr. Tweedy said that he would then have to file article 78 against the Village.

Ed Cusato reminded the Board that the amount of time it would take to get the renters out, and that Paul and Gregg should be able to come to a compromise.

Gregg said that he's trying to work with the ZBA and the engineer. He's spent the money but can't stop water from running downhill.

Chair Smolnik asked Paul and Gregg if there was a possibility of a compromise.

Mr. Tweedy stated that there needs to be something in the middle. A 250 ft. long trench would be above and beyond what he had imagined and never thought it would be this trench that didn't meet the use variance conditions.

Per Gregg, Mr. Sheneman has not been to the site recently. Tweedy has just finished installing a gutter system (completed yesterday) on the outside of the driveway that will catch any additional runoff.

CEO Cusato said that if Paul and Gregg can come to a compromise, how long would the board agree to.

Mr. Tweedy asked if the board could put parameters on the village engineer. Gregg said he can't re-grade the entire driveway without hitting the current drainage tile and gas/utility lines.

Mr. Tweedy approached the Board and showed the Board where the tenants drove up to the carriage house on the diagram Paul had done. Tweedy said the carriage house is roughly 26 feet long. Gregg said he could adjust the slope of the driveway adjacent to the carriage house within the property line, to the edge of Skinner's driveway and to the trunk of the tree (shown on the diagram).

Mr. Tweedy said he just added 40 ft. of 6" tile gutters on the sides of the driveway, backfilled and seeded. Tweedy stated that any water from my property that comes off this, this gutter system would be the last line of defense against water going on Mr. Skinner's property.

Paul said that Gregg may have wasted some money. But Gregg said to Paul that he doesn't know what else to show him.

CEO Cusato stated to both Gregg and Paul that all three of them need to look at the driveway and property in its entirety.

Paul Sheneman said he thinks this can be easily accomplished and pointed to the diagram – all Gregg has to do is slope the driveway back the other way. It may unfortunately scour Gregg's driveway but would become his problem without Gregg having to reconstruct the center drain.

Executive Session

At 7:52 p.m., Mike Plantz called for an Executive Session to discuss a possible litigation matter, seconded by Carlos Hunter. All were in favor.

At 7:56 p.m. the regular zoning board meeting was back in order with the litigation matter having been discussed.

Chairman Smolnik would like to reconvene in two weeks' time for a compromise to be had between village engineer Paul Sheneman and Gregg Tweedy.

Gregg, Paul and CEO Cusato will meet at 3206 East Avenue at 9 a.m. tomorrow (10/29/25) to view the driveway and property then review the options available.

Scheduling of Meeting

The continuation of this meeting will be on Thursday, 11/13 at 7 p.m., which will give Gregg and Paul two weeks to come up with a compromise.

A motion made by Mike Plantz that the Zoning Board will reconvene on Thursday, 11/13 at 7 p.m., seconded by Carlos Hunter. All were in favor.

Previous Minutes

The meeting minutes from July 15, 2025, were read and a Motion was made by Carlos Hunter to accept the minutes as read, seconded by Mike Plantz. All were in favor.

Adjournment

At 8:03 p.m. Mike Plantz moved to adjourn the meeting, seconded by Hunter Carlos. All were in favor.

Respectfully submitted,

Krista Ruzekowicz
Zoning Board Secretary

Approved November 13, 2025

Editorial note from Village Engineer, Paul Sheneman:

1. "run-of-crusher gravel" is an unsorted gravel product which comes off of a crusher and contains an assortment of particles sizes typically from silt size particles up to #2 stone size particles. Run of crusher gravel packs tightly when compacted either purposely or by vehicle traffic over time forming an impermeable surface.
2. #2 crushed stone is also a crushed stone product but unlike run of crusher is sorted through a screening process to produce a permeable gravel with uniform particle sizes.
3. #2 washed stone is a stone product consisting of natural round stone excavated from a gravel bank and sorted to produce a permeable gravel with uniform particle sizes.