

**MINUTES OF**  
**REGULAR MEETING OF**  
**BOARD OF DIRECTORS**  
**CRESTMoor PARK (2<sup>ND</sup> FILING) HOMES ASSOCIATION**

**(Date: March 9, 2022)**

The regular meeting of the Board of Directors of Crestmoor Park (2<sup>nd</sup> Filing) Homes Association on March 9, 2022 was called to order at approximately 6:05 p.m. by John Sadwith, President of the Board, on a Zoom teleconference hosted by Cecilia Retelle Zywicki.

1. **Directors in Attendance.** John Sadwith, Mariette Bell, John Derungs, Jason Hill (for the initial approximately five minutes of the meeting), Andy Draper, Tom Deline, Cecilia Retelle Zywicki, and Robert L. Brown.

2. **Approval of Minutes.** The Board of Directors reviewed and unanimously approved the Minutes of the Board of Directors meeting held on February 15, 2022, on a motion made by Ms. Bell and seconded by Mr. Draper.

3. **Resignation of Mr. Hill.** Mr. Hill previously informed the Board that he and his family would be moving out of the Crestmoor 2<sup>nd</sup> Subdivision but would continue to own and lease his home. Because of that circumstance, he offered to resign from the Board of Directors. Mr. Sadwith recommended accepting Mr. Hill's resignation. Mr. Sadwith and Ms. Bell particularly thanked Mr. Hill for his three-year service on the Board. Mr. Sadwith formally accepted the resignation and expressed his regrets that Mr. Hill was leaving the Board but was pleased Mr. Hill and his family were pursuing their interests in a new residence. Mr. Hill replied that he had always served on the Board in the best interests of the Crestmoor community and wished the best of luck to the Board moving forward.

4. **Replacement Director.** Mr. Sadwith explained that the Bylaws permitted the Board to elect a replacement Director to serve out the remainder of Mr. Hill's term and suggest John D'Onofrio who had expressed an interest. ~~Ms.~~Mrs. Retelle Zywicki asked whether other members of the community had expressed an interest in serving on the Board of Directors and recommended that the opening be published to the membership. Mr. Deline explained the long history of the Board in these situations where the Board would choose a Director to serve up until the next annual meeting at which point the members would vote on a replacement. ~~Ms.~~Mrs. Retelle Zywicki emphasized that at the last annual meeting, multiple Crestmoor homeowners expressed an interest in serving and they and others should be in the running to replace Mr. Hill for the balance of his terms. Mr. Brown stated that he would not be able to support Mr. D'Onofrio and recommended that the Board wait until the annual meeting of the homeowners' association to elect a replacement. ~~Ms.~~Mrs. Retelle Zywicki repeated her call that fairness required that selection of a current replacement be open to all interested parties. Mr. Sadwith requested Mr. Draper to take over chairing the meeting. Mr. Draper recommended that the Board function with eight Directors until the annual meeting. Ms. Bell stated her agreement with Mr.

Draper's recommendation. Mr. Derungs recommended that the Board agree to return the annual meeting to a May/June date consistent with historic practice. Mr. Sadwith, in response to a question, noted that the Board many years ago had inherited the custom of a May/June annual meeting. Mr. Brown moved that the Board not fill the vacancy created by Mr. Hill's resignation. ~~Ms.~~Mrs. Retelle Zywicki seconded the motion. There being no further discussion, the motion passed unanimously.

5. Architectural Review Committee.

a. 404 Kearney St. Mr. Deline reported that the designer and owner of the 404 Kearney home were proposing a new home to be constructed on the existing site which would have a porch fronting the entire home that would have a minor encroachment from two feet at one end of the home to six inches at the other. Mr. Deline reported that (i) the existing home extended slightly further than that into the front setback, (ii) the adjacent homeowners had been consulted and approved the proposed plans informally, (iii) the new owner was following all of the Design Guidelines and Procedures, (iv) the new home was only a single story, and (v) the Association's review architect found the design to be compatible with the neighborhood residences. Mr. Deline described the procedure available in the Association's Covenants that permitted the Board of Directors of the Association to approve a movement of the front lot setback up to five feet closer to the street provided the adjacent neighbors approved. Mr. Deline reported that the ARC recommended that the Board agree to adjusting the front lot setback line to accommodate the plans as submitted. The ARC had previously submitted materials to the Board including a diagram showing the limited encroachment and proposed front lot line adjustment.

Mr. Draper asked whether this would set an unhelpful precedent. Mr. Deline replied that the Board had acted under this authority only once or twice in the past and in addition had created the concept of a "open vestibule" which permitted some encroachment into the setback. Mr. Deline did not believe this would set an adverse precedent since it was entirely consistent with the Covenants. Mr. Sadwith read the provision of the Covenants to the Board and moved adoption of the ARC proposal. Ms. Bell seconded the motion. Mr. Draper called for a vote, and there being no objection, the motion was adopted unanimously.

b. 99 South Locust. ~~Ms.~~Mrs. Retelle Zywicki reported contact by a complaining homeowner owning a lot adjacent to 99 South Locust. The owner of 99 South Locust recently died and her daughter and son-in-law were renovating the property and added two sheds in the back yard for storage. The complaining homeowner also noted a basketball hoop and a Port-a-Potty in the 99 South Locust driveway.

~~At least one~~One of the sheds is only in a temporary and the one located ~~furthest~~further away from the streets has been in place for a number of years and is intended to be permanent. Mr. Sadwith noted that the permanent shed appeared not to be in the side setbacks because it is in the rear one-third of the property line from both Locust and Krameria Streets and further that many homeowners have installed garden sheds in their back yard that were never approved by the Board or the ARC ~~who~~which never had notice of their installation. ~~Ms.~~

Mrs. Retelle Zywicki noted the unrealistic requirement that the materials of the permanent shed, an "outbuilding," be made out of brick, the material of the main residence. Mr.

Sadwith noted that the complaining homeowner could enforce the Covenants themselves. He also noted that the Board requested Port-a-Potties for contractors be placed on the homeowner's property rather than in the street as a courtesy to neighbors. ~~He~~Mr. Brown noted that the Covenants did not speak directly to the location of Porta-Potties. Mr. Sadwith also noted that a basketball hoop could be placed in a driveway provided it was temporary, i.e., not a fixture, and Mrs. Retelle Zywicki screen-shared with the Board the relevant provisions of the Design Guidelines regulating basketball hoops. Mr. Deline referred to the Design Guidelines regarding requirements.

After much discussion, Mr. Deline recommended that the owners of 99 South Locust submit a plan for the sheds to the ARC for review consistent with the Design Guidelines. The Board further discussed the requirements of setbacks on corner lots. Mr. Brown pointed out that the Covenants' eight-foot side setback requirements only applies to residences and not outbuildings. Mr. Deline repeated the admonition that the homeowners follow the Design Guideline process, and Mr. Sadwith recommended the Board review Articles 6, 7, and 8 of the Covenants. The Board asked ~~Ms.~~Mrs. Retelle Zywicki to draft a response to the complaining homeowners and to contact the 99 South Locust homeowners informing them of the requirement to submit a proposal.

c. **115 Kearney.** Mr. Deline noted that demolition of the existing residence had been completed and that it appeared preparations were being made to install a foundation, but no plans had been recently submitted to the ARC for review. He recommended the Board authorize him to send a cease and desist letter. Mr. Deline noted that the designer, Steve Barsch, had ignored the ARC and the requirements of the Covenants and Design Guidelines in connection with prior construction projects. The Board authorized Mr. Deline to immediately email Mr. Barsch and the property's owner notifying them that a formal cease and desist letter would be forthcoming.

6. **New Website.** ~~Ms.~~Mrs. Retelle Zywicki reported on various attributes of a greatly improved website for the HOA which she prepared. Mr. Draper, who had reviewed the new materials, expressed great thanks on behalf of the Board. Mrs. Retelle Zywicki asked all Board Members to review the automated email templates that are setup on the website that will be forwarded to them, and to let her know if any additional information or changes are needed. She also requested each member's headshot to be included on the website. Mrs. Retelle Zywicki will reach out to Ms. Millard to ensure that Ms. Millard has everything that she needs and will follow-up with Ms. Bell about setting up PayPal payment capabilities in the future.

7. **Parks Committee.** John Sadwith and John Derungs reported that the City will take care of all of the maintenance and irrigation of the HOA's islands, including replacing shrubbery provided that the Association provides the materials and labor for planting annuals subject to the contractor entering into a Memorandum of Understanding with the City.

8. **Treasurer's Report.** Ms. Bell delivered the Treasurer's report. Roberta Millard, the HOA's bookkeeper, reported that 107 homeowners paid by Intuit Credit Card Services and 135 mailed checks (as of March 8, 2022). Ms. Millard will be issuing follow-up statements, including late fees to those homeowners who have not paid as of March 15, 2022. ~~Ms.~~Mrs. Retelle Zywicki ~~suggesed~~suggested that the HOA consider PayPal as an alternative method for

homeowners to pay annual dues and that the availability of PayPal could be added to the HOA website. Ms. Bell will discuss with Ms. Millard in preparation for 2023 dues.

There being no further business to come before the meeting, the meeting was formally adjourned at 7:30 p.m.

Respectfully submitted,

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Robert L. Brown, Secretary

Approved by Board of Directors: April ~~10~~, 11, 2022

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