

Historic and/or Architectural Advisory Board - Special Session
City of Cortland
February 21, 2012

A Special Meeting of the Historic District Commission was held on Tuesday, February 21, 2012 at 8:00 a.m. in the Mayor's Conference Room at City Hall.

Present: Chair Kline, Comm. Abbott, Delaney, Kane, Smith and Wineburg

Staff Present: Mayor Tobin, Director of Administration & Finance Mack Cook, Zoning Officer Bruce Weber and Cheryl Massmann, Deputy City Clerk

Item No. 1 - 41 Main St. - (Karam)(CB) - Awning

Charbel Karam, owner of the Pita Gourmet, was present.

Chair Kline explained to those present the situation explaining that the Historic Board tries to be fair and consistent and to work with all applicants. She noted that the previous meeting was three (3) hours long. She hopes to reach a compromise today, noting that this was the last meeting before an appeal to the Planning Commission.

Chair Kline explained what the Historic Commission did and reviewed past projects that occurred because of having a Historic District.

Chair Kline noted that this project was an unfortunate situation, noting that had Charbel come before the Board before the red awning had gone up they could've talked and compromised, but unfortunately, a City official interrupted the process. She noted that the red awning doesn't compliment the building. She noted that she and Charbel had worked for months to resolve this, but due to City policies and Code issues it isn't that easy. She explain that the project had been through a grant program in 2006 and the façade of this building was redone from the ground, right up and the Historic Commission approved the plan and it was completed in 2006. She went on to explain that in 2010 because of a number of issues with downtown merchants indicating ignorance of the Historic District, a letter was sent out to them informing them of procedures to follow. She explained that even with those efforts, there continued to be problems. She felt that the Historic Board needed to do more communication to the public. She explained that this Commission works with everyone who comes before them even before they submit their applications. She felt that the Commission needed to work harder on educating the public and downtown business owners.

Chair Kline explained that she knows that redoing this project is costly and she doesn't want to hurt a downtown business. She noted that businesses were happy when there were benefits for being in the historic district, but that was soon forgotten when there

was an issue with the Historic Board. She explained that what the Commission was here to do today was to offer a solution, noting that it wasn't complete because it has to be addressed by Code, which the Historic Board has nothing to do with.

Chair Kline stated that the Historic Board's proposal to Charbel Karam was that they will consider allowing the red awning and façade paint to remain as is until their December 2012 meeting where he will be asked to return to the Historic Board with a brand new proposal, preparing to make change. She noted that there was an issue of a second sign and that is not allowed and one (1) sign has to go. She explained that she has turned this over to Zoning Officer Weber to explain, as it is not for the Historic Board to explain.

Zoning Officer Weber explained to Mr. Karam that he actually had more than one (1) sign. He noted that there were multiple signs and that as part of the process, asked that the Historic Board include in their resolution regarding Mr. Karam's request a recommendation to the Zoning Board of Appeals to approve a greater number of more than allowed signage and a greater area and request an approval of an area variance. He felt that there were at least four (4) signs.

Mr. Karam asked if this rule applied to everyone on Main Street. He stated that some businesses had many signs. Zoning Officer Weber agreed that there were multiple violations downtown, but he did note that multiple signage was allowed for multiple tenants or businesses in a building, but the signs would have to stay within an allowable amount.

Chair Kline noted that Mr. Karam needed to make a decision. She stated that he could continue with his appeal of the Historic Board's decision before the Planning Commission or it ends, but should he accept the proposal offered by this Board, he will need to proceed to get an area variance from the Zoning Board of Appeals. Zoning Officer Weber agreed. Comm. Delaney asked if Mr. Karam agreed to this proposal being offered, could he avoid the area variance request. Zoning Officer Weber stated that he couldn't avoid it because the violation exists now and he has withheld asking Mr. Karam to apply to the Zoning Board of Appeals while the Historic Commission renders their decision or until such time as the Planning Commission renders their decision on the appeal that he has made. He further explained that if the Planning Commission says no and they agree with the Historic Commission, then the current awning needs to come down. He explained that Mr. Karam would be in violation from that standpoint and then the granting of the variance would have been mute. He noted that there was no sense in proceeding with that step until this situation was resolved. Zoning Officer Weber asked that when the Historic Board made their resolution, that they include within that resolution a recommendation to the Zoning Board of Appeals as far as the variance request.

Mr. Karam stated that he didn't have time to go to all of these different board meetings and he thought he would call the awning company and see if they still had the old awning and if they did, he'd put that back up. He felt that business had increased since he put up

the red awning. He noted that people couldn't see his building because of the neighboring building's awnings obstructing passerby's view.

Chair Kline noted that if he had come to this Board before he ordered the awning, that they could have worked together to come up with a façade and awning design to increase customer eye contact. She noted that on snowy days, the awning sign was completely covered from view. Mr. Karam stated that he went out a number of times during snowy days to knock the snow off. Mr. Karam stated that from the first day, he told the Historic Board that he was sorry and that he had made a mistake and he asked for help and some time. He had asked for one (1) year. Chair Kline stated that's what the Historic Board was doing. Mr. Karam stated that after three (3) meetings and many people involved, nothing had changed and the board said to take the awning down immediately.

Chair Kline noted that this whole mess was created because he had done something that a City official had suggested. Mr. Karam apologized for that. Chair Kline noted that this situation was agonizing for all.

Gary VanGorder wanted to be clear on what the proposal was. He asked if Mr. Karam could leave the awning up until December 2012 and come back with a new proposal and when would the new awning have to go up. Chair Kline stated that the Historic Board would stipulate a time and if the change wasn't completed within that time, it would have to come down. She noted that the weather is an unknown. Gary VanGorder noted that a reasonable time frame after December was possibly the end of that red awning's life anyway. Chair Kline noted that it would more than likely be sometime in April or May 2013, but that would have to be discussed.

Mr. Karam stated that he would have to go to the Zoning Board. Chair Kline noted that she was sorry for that, but it was beyond their control. Zoning Officer Weber stated that what Mr. Karam needed to consider at this point in time, was what kind of sign that he would want on the new awning. He explained that if Mr. Karam went to the Zoning Board of Appeals with the current awning and this amount of signage, they might grant him a variance contingent upon a recommendation of the Historic Commission for the same time frame. He further explained to Mr. Karam that he might also say in his proposal that he plans to have the same signage on the new awning. Zoning Officer Weber asked that the Historic Board consider that in their motion and recommendation to the Zoning Board or is the new awning going to have to be different. He explained that all of these variables come into play and there was no way to predict a decision.

Chair Kline noted that the Historic Board will provide the Zoning Board with as much information as possible to make them understand the circumstances. She asked Mr. Karam to understand that December is the deadline to come before the Historic Board with a whole new package. She offered to work with him or have any Board member work with him on that next application. Mr. Karam noted that he had had some drawings done and he had planned to go before Zoning and he had told them that at the second meeting. Mr.,

Karam begged them to look at his building. He stated that he would take down excess signage, but noted that he needs that signage to draw in the customers.

Chair Kline asked that Mr. Karam to remember that the Historic Board had to treat everyone equally and they had to be consistent. Mr. Karam noted that he understood the sign violation, but he didn't understand why they didn't allow red. He noted that it was beautiful.

Chair Kline noted that they could've worked together, tweaked the red and applied a design that flowed from the ground up to go with that, but right now that wasn't the case, noting that there were too many problems with the whole thing.

Mr. Karam appreciated the job the Board members did, noting that he had made a mistake and he had admitted that from the beginning. He asked them to help him fix this, but he's a business owner. He explained that his major concerns were to pay his bills, pay his taxes, keep his employees working and keep his business running. He stated that he would do anything this Board requested and he wanted to be legal. He stated that he would go to the Zoning Board for approval before coming back to the Historic Board. He stated that he would speak with Zoning Officer Weber about what he needed to do. Mr. Karam stated that what the Historic Board was proposing to him was totally acceptable. Mr. Karam noted that he had proposed this exact solution at their last meeting and it was turned down and now that's what the Board was offering. He asked why it was okay now and not the last time he was here.

Chair Kline explained that having this situation come up, the Historic Board tried to do what they were supposed to do. She explained that after much discussion, they realized that due to the City official stepping in and altering your decision, created a problem that was costly to you. She explained that the Board couldn't do this in other situations, but because of that decision being influenced, both this Board and Mr. Karam are being punished.

Mr. Karam noted that it was important that they all work together to find a solution to this and he has tried a couple of times and he doesn't want to keep going before boards. Chair Kline doesn't want him to go before another Board, either. He noted that the City Board's need to help businesses. He stated that the law should be applied to everyone, noting that some downtown stores had more than allowable signage. Chair Kline noted that she would approach a business if someone contacted her over an issue raised about something being out of compliance as a friendly gesture as she was not the compliance officer.

Comm. Smith stated that perhaps the Board has rethought their decision because they have a new member and because you asked the Board to work with you, they considered that request and they are now revisiting this application to see what they can do to work with you. Mr. Karam appreciated that, noting that they needed to work together.

