

Historic and Architectural Advisory Board
City of Cortland
December 14, 2012

A Special Meeting of the Historic and Architectural Advisory Board was held on Friday December 14, 2012 at 8:00 a.m. in the Mayor's Conference Room at City Hall.

Present: Chair Linda Kline, Comm. Leslie Wineburg, Pam Abbott, Mary Ann Kane, Dan Dineen, Shawn Smith, and Vicky Delaney

Staff Present: Asst. Chief William Knickerbocker of the Code Office, Zoning Officer Bruce Webber, Director of Administration and Finance Mack Cook, and the applicant Charbel Karam.

Item #1 – 41 Main Street – Pita Gourmet – (Charbel Karam) - Awning

Chair Kline asked if all Commissioners had a copy of the letter from Executive Director of the Cortland Downtown Partnership Adam Megivern, and if they had all read it.

Ms. Kline displayed the three boards and explained the first board depicts when the applicant first came before the Board in October of 2011 for the awning. The second board represents the new proposal that Charbel Karam is presenting. The proposal is to repaint the façade to better blend with the red awning and to remove the upper façade sign (the gold letters) PITA GOURMET and the wording FINE MIDDLE EASTERN CUISINE & MORE which Mr. Karam illustrated on the photo provided. Chair Kline took the liberty of coloring the façade pictures with the approved colors that were suggested. In March of 2012, the Zoning Board of Appeals reviewed this application and in the minutes it was determined, "Resolved that the area variance at 41 Main Street for signage be approved, contingent upon reaching an agreement with the Historic Board, and allow for the Historic Board to make a decision by December 12, 2012", which is why we are here. Is the awning in compliance, no it is not, stated Chair Kline. As stated in the City Code, Section 300-111. (2) A business identification awning sign, canopy sign, wall sign or pole sign for each building street frontage, which total signage shall not exceed one square foot per lineal foot of such building street frontage. Multiple users of such lots shall share such signage proportional to their occupancy. The measurement for Pita Gourmet's storefront is 17 feet. The 3 feet is the shared space (the business upstairs) proportional to their occupancy.

Multiple signage is on the awning. You have Gyro, Falafel, Shish Kebab on the front fringe and Hummus and Gyro on the end caps. On the awning is PITA GOURMET RESTAURANT and MIDDLE EASTERN CUISINE & TRADITIONAL AMERICAN FOOD. Commissioner Dineen asked what is the total square footage of the signage on the awning. Mr. Weber did not have those dimensions in front of him. If a business is upstairs, or there is a potential for a business upstairs, then the limit of signage would be 17 feet for the ground floor and another 3 feet for the upstairs business.

Comm. Delaney noted that the calculation needs to include the signage on the awning and the façade to calculate the 1 square foot per lineal foot of building.

Mr. Weber stated that no matter how you decide to determine the number of signs, combining some of the signs or counting each separately, it is still over the limit allowed.

Comm. Dineen wanted some clarification of the limit of signs in the window space, and if that was separate from the façade signs.

Chair Kline again quoted from the City Code “Section 300-107 (M) Window signs, provided that the area of all window signage shall not exceed 25% of the window and does not block any window area required for light, ventilation or emergency exit by any applicable code, nor be in any window higher than the level at which the principal use takes place. No window sign installed in a window above the ground floor shall be illuminated.

As stated in the Code, the reason the Historic Board has the authority to approve or disapprove an application, Section 300-45 B – 1 – Exercise aesthetic judgment and maintain the desirable character of the district and prevent construction, reconstruction, alteration or demolition out of harmony with existing buildings insofar as style, materials, color, line and detail are concerned.

The signs currently in the window are way beyond the 25% coverage.

Comm. Dineen stated that he would not have an issue with the awning being retained as long as the façade sign is removed so there isn’t double signage there. As far as the window, the signage in the window should be within Code.

Comm. Smith was in agreement with that.

Comm. Kane noted that this would be an exception, given the length of time that this has been ongoing, and given the letter from Adam Megivern, her feeling was that more direction should have been given to Mr. Karam at the start.

Motion to approve the retention of the current awning with the removal of the façade sign above, and limiting the window signage to no more than 25% of the window, as per allowed by Code, and with the understanding that when the awning is to be replaced, the applicant will come before this Board before the awning is replaced.

By: Comm. Dineen
Seconded: Comm. Smith

Comm. Shawn Smith explained that we are in a position where a decision has to be made. There is clear conflict here; you can’t have double signage. We are trying to accommodate what was asked for, to keep the awning. In order to do that you have to choose the upper sign or the awning sign.

Mr. Karam indicated that he thought his signage was already approved and he did not understand why he needed to come back again and again.

Mack Cook spoke in support of Mr. Karam, and his suggestion was to go forward proactively, and design a master plan for Main Street, which has been in the works for some time now. This applicant should not be treated any differently than any other business.

Shawn Smith noted we are not treating Mr. Karam differently. We are actually making an exception by accommodating his need to keep his awning. Mr. Cook then asked to show a slide show of what he sees on Main Street, to which Comm. Delaney said, “We weren’t prepared for a slide show which discusses all other issues.”

“We are talking consistency”, replied Mr. Cook.

Comm. Smith replied “You’re approaching it as if we have control over the consistency, which we don’t. We can only control what’s actually approved. What the person does

when they're out there is controlled by the Zoning Board. They're enforcement, we're not enforcement." Comm. Delaney noted that Mr. Karam is not in compliance with City Code, and whatever other people are doing on the street is not relevant to this situation right now. We have a simple violation and are offering him a choice of two options. 3

Mr. Karam apologized for anything he may have done wrong, but he is trying to do what he can to bring business in to his restaurant.

Mr. Cook suggested that a plan for Main Street needs to be put in place, and then proceed to notify businesses that are not in compliance and treat all businesses the same and bring them all into compliance.

Bruce Weber noted that these code requirements are already in place, there is no need to reinvent new codes.

Chair Kline explained that this is not what was approved in the application, and the Board is simply trying to bring the Pita Gourmet into compliance.

Comm. Dineen withdrew his motion and Comm. Smith withdrew her second.

Bruce Weber explained to Mr. Karam that the ZBA gave him an extension, and this Board also gave him an extension in order to give him time to bring his business into compliance. They did not have a decision to appeal. Now you have the option of appealing this decision.

Chair Kline noted that the Board had given special meetings, struggled with this item for fourteen months, and it is time to make a decision.

The motion has been amended.

Comm. Delaney stated that it appears that they are at a stalemate. Mr. Karam was asked "If you were given an option to keep all the signage as is on the façade, and all the paint as it is, and put up a stripped awning or plain awning that matches those colors without Pita Gourmet on it, which doesn't get covered with snow, would that be something you'd be willing to do? That would solve all the problems. It would solve the double signage problems, the color problems." Mr. Karam said he didn't have the money. Comm. Delaney explained to Mr. Karam that is why he was given a year to save the money for the necessary changes.

Mr. Karam asked if he could have the awning company take his awning down and cover the Pita Gourmet signage with a red patch. It would be cheaper for him to do that. Chair Kline said the awning has been there for over a year and the awning is already fading. It would begin to look like a quilt. It's a quick fix. Mr. Karam replied, "I need a quick fix".

Comm. Abbott said she prefers to keep the façade as is and replace the awning.

In order to correct the violations of multiple signage, the following motion was made:

Motion to approve retention of the current awning with the following conditions: The raised gold letters (Pita Gourmet) are to be removed and any additional signage (Middle Eastern Cuisine) in the upper façade is to be removed by repainting the façade with the colors presented and approved at the December 14, 2012 meeting. NOTE: the

approved colors are listed at the bottom. Mr. Karam will have until April 2013 to complete the total façade painting and removal of the upper signage. When Mr. Karam decides to replace the current awning or make any changes of any kind to the exterior of his building, he is to return to the Historic Commission with a new proposal. At that time he will have the option to replace the signage on the upper façade and re-use his gold letters as long as the new awning does not have signage and all signage is in compliance with the City Code.

By: Comm. Kane
Seconded By: Comm. Dineen

Opposed: Comm. Abbott, Comm. Delaney

Now the Board will address the windows. Chair Kline explained again that it is a City Code issue, and if Mr. Karam wished to keep the signs, they must be moved 12" back from the window as other businesses were instructed to do.

Bruce Weber explained to Mr. Karam that the 25% window coverage allowance is in the City Code, and gave several names of other businesses that moved the signs back 12" in order to be in compliance. Mr. Karam was not being singled out.

Mr. Karam agreed to work with the Code Office and follow their suggestion as to the allowable 25% window signage coverage allowed by City Code. Therefore a motion was not made.

Chair Kline asked Mack Cook if he would still like to present his slide show or comment. His concern is that Mr. Karam was never cited for his menu, and he felt that the Board was very close to enforcement mode, and was concerned about future litigation. Further discussion took place in regards to the looseness of the code, the inconsistency of the code and how it needs to be worked on.

Comm. Smith said "We are not enforcers. We make recommendations. This is supposed to be proactive, not reactive. The comment was made that maybe the city needs to work on a plan to be specific to the downtown area. Get City Council and Thoma Development together to develop a plan.

- **NOTED THAT:** Chair Linda Kline submitted a colored rendition of 41 Main Street, Pita Gourmet which shows the colors selected and their placement for the front façade. Chair Kline submitted the information to the City Clerk's Office for their records and to Mr. Mack Cook, who volunteered to give this information to Mr. Charbel Karam for his records.

- The colors are from the Benjamin Moore Product. The color selections are:

Color #1 Narragansett Green (HC-157)

Color #2 Phillipsburg Blue (HC-159)

Color #3 Whipple Blue (HC-152)

Color #4 Davenport Tan (HC-76)

Old Business

Nothing yet from the Mayor's office regarding appointing a new Commissioner.

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Motion to adjourn

By: Comm. Dineen
Seconded: Comm. Wineburg

Motion passed.

Linda Kline, Chairperson