

ARB MINUTES

May 30, 2007

The ARB held a regular meeting on Wednesday, May 30, 2007 at North Royalton City Hall, 13834 Ridge Road. The meeting was called to order by Chairman Ed Kundla at 6:02 p.m. Roll called.

Members Present: Ed Kundla, Joe Kapitan, Frank Castrovillari
Donna Babinec (Secretary)

Members Absent: Ray Priest

Others Present: Tom O'Donnell

1. New Business:

- A. **Cresco Real Estate, Temporary Real Estate Sign Approval.** Chairman Kundla called for applicant. No one present. The Board then looked at the application without applicant. The application is for a temporary real estate sign which will be located at Wallings and State Roads. As the application was being reviewed the applicant arrived. Stephanie Cieszkowski was present as applicant. Chairman Kundla asked her why a site plan was attached to the application and she replied that it was only to show the location of the sign. Chairman Kundla then asked if Cresco has other signs in North Royalton and she did not think they did. The sign is their standard sign. The colors are Pantone 540 and Pantone 285. The posts are painted 4' x 4' and the sign is Alumnite. Chairman Kundla moved to approve the application as submitted. Mr. Kapitan second. No discussion. Roll taken. Motion carried 3/0. The applicant was advised that the Building Department would be notified the following morning that the application had ARB approval.
- B. **Fastsigns, Grubb & Ellis. Temporary Real Estate Sign Approval.** Chairman Kundla called for applicant. Paul Gergash present as applicant. The sign is the standard Grubb & Ellis 48 inch circle, black and yellow in color. It is 25 feet off roadway. The expiration date is 3/1/08. Chairman Kundla asked how the property is zoned and Mr. Gergash did not know. Chairman Kundla moved to approve the application as submitted. Mr. Kapitan second. No discussion. Roll taken. Motion carried 3/0.

- C. **Crystal Keg, Signs Approval.** Chairman Kundla called for applicant. Shawn Stacey present. The business is located at the southwest corner of York and Sprague Roads. The sign on side of building is 2 feet by 5 feet and is an insert to an existing box. The sign facing Sprague has a metal box with one inch rim with light tubes inside and will have the same insert. The background color of both signs in white. The colors on the application are accurate. The only difference in drawing and actual sign is that the word “The” will be added above the words “Crystal Keg.” Chairman Kundla asked Board members if there was a problem with the colors. There was no discussion regarding color. Chairman Kundla asked applicant if the sign had any texture. He replied that the letters are printed on the panel and there is no texture. Chairman Kundla moved to approve the sign as submitted. Mr. Kapitan second. No discussion. Roll taken. Motion carried 3/0. The applicant commented that Mr. Castrovillari appeared not to like the sign. Mr. Castrovillari stated that he didn’t like older buildings using existing boxes for their signs but that he felt it was a losing battle. Applicant thanked the Board for approving the sign.

2. **Old Business.**

Chairman Kundla asked Mrs. Babinec if letters had been sent to all applicants on the agenda as Old Business. She replied that they had. Chairman Kundla stated that all of the applications tabled in Old Business have a deadline of the next ARB meeting (June 11, 2007) to appear before the Board except for Royaltondale whose deadline is the current meeting of May 30, 2007. He further stated that he was aware of extenuating circumstances involving Gary Moyse but asked Mrs. Babinec if a response had been received from any of the other applicants. Mrs. Babinec advised that she had received a call from the owner of American Family Insurance who advised that he had misunderstood that he was required to appear before ARB and that his sign person would appear at the June 11, 2007 ARB meeting. She further stated that she had not received any calls or correspondence from the other three applicants or Royaltondale.

Chairman Kundla stated that, at the last meeting, Mrs. Vozar had advised that Board that the Code gives the ARB thirty days to rule on applications so, at that meeting, the Board did some housekeeping to meet the Code and sent notice to the applicants who had been tabled to advise them that they had two meetings to come forward and, if they did not appear, the Board would vote on the application as submitted. If rejected, they would have to start over. Chairman Kundla asked Mr. O’Donnell what “start over” actually means. Mr. O’Donnell replied that the applicant has approval from Planning Commission and, if necessary, Board of Zoning Appeals so they would not have to redo that part. Chairman Kundla asked if they have to restart the application process and pay another fee. Mr.

O'Donnell replied that he thought that was the case. Chairman Kundla asked how long before they would get back to the ARB if, say they were turned down today. Mrs. Babinec replied that she believed they could get on the agenda for the next meeting as long as their application was received seven days before that meeting. Mr. O'Donnell asked if Mrs. Vozar had quoted a code section at the last meeting. Chairman Kundla replied that she had quoted 1264.11 which was changed to 1264.04. Mr. O'Donnell believes the section is 1224.08. Mrs. Babinec said that section was quoted when referring to Stevens Painton on page two of the minutes of that meeting and it says "under no circumstances can it be delayed more than thirty days."

Mr. O'Donnell asked if there is a separate application for ARB. Mrs. Babinec replied that ARB receives the same application as Planning Commission and it is included in that fee. Mr. O'Donnell stated that the purpose of the time limit is to prevent the application from languishing in ARB and perhaps the Code should be modified to state that, if they are rejected due to time constraints, when they reapply a separate fee would be charged. The fee should be less than the fees in the section of the Code that assesses charges since it is a re-application. He stated that he would look into doing that. He also suggested putting notice on the application that it must be processed within thirty days and maybe have an identifier as to what the applicable Code is. Chairman Kundla asked Mr. O'Donnell if the Code currently says thirty days or two meetings. Mr. O'Donnell replied it is thirty days. Chairman Kundla stated that, depending on the date of the application, they may only have one opportunity to appear before ARB. Can it be extended if they are three or four days over. He would like them to have two full opportunities to come before the ARB. Mr. Kapitan referred to section (f). Mr. O'Donnell replied that it's intent is for the applicant to come to ARB within thirty days after approval by Planning Commission or BZA approval. Mr. Castrovillari asked if the Code could state thirty days or two ARB meetings, whichever is greater. Mr. O'Donnell replied that he would give it further thought.

Mr. Kapitan asked Mrs. Babinec if she had heard anything concerning Stevens Painton. Mr. Castrovillari stated that he thought they were still held up in BZA. Mrs. Babinec stated that she had been advised by Brenda at Planning that they had been denied in BZA. Mr. Castrovillari stated that their proposed building sign was three times the limit in size.

Mr. Castrovillari inquired about Gary Moyses's request for an extension. He felt that, as long as they got the request to the Board by the next meeting, it could be extended by thirty days and then put a cap on it. Mrs. Babinec asked Mr. O'Donnell if the Board and the applicant could both get thirty day extensions. Mr. O'Donnell replied that the applicant can request a continuance but if the Board wanted a continuance the applicant would have to agree to same to prevent the City from delaying the application. Mr. O'Donnell stated that

he is in favor of the time limitation but, in the case of Stevens Painton, how many continuances have they gotten and are they having a problem with any other Board? Mr. Castrovillari replied that they were battling with BZA. Mr. O'Donnell stated that, once they have approval from all other Boards, they have thirty days with ARB so they only have one more meeting of ARB on their original application. Mr. O'Donnell asked how long they have been extended. Chairman Kundla stated that it has been at least ninety days. Mr. O'Donnell stated that it could be revised to ask for sixty to ninety day extension. As with Planning Commission you have to go to counsel to get an extension so you will often see something from Planning Commission on Council's consent agenda. The consent is usually perfunctory and doesn't get much discussion but ARB would have to stay on top of the applications as Brenda does in Planning Commission. That way you would know what the time limit is. Council meets twice a month and you have to plan two weeks in advance to request extensions.

Mr. Castrovillari stated that initially Stevens Painton came before the ARB only for an opinion. Mrs. Babinec stated that they had asked to come to ARB to get their take on their application. They hadn't yet been approved by Planning Commission. Mr. Kapitan stated that they did receive approval by ARB for the site plan, building design and monument sign. Only the building sign was tabled. Chairman Kundla asked if the clock should start with ARB if they are tied up with another Board. Mrs. Babinec stated that she was advised she should not put them on the agenda until they have full approval from ARB or, if necessary, BZA. Mr. O'Donnell asked if the ARB gets a separate application and he was advised that ARB is given a copy of the same application made with Planning Commission. Mr. O'Donnell stated that they should be prohibited from appearing before ARB unless Planning Commission wants an advisory opinion from ARB. Chairman Kundla stated that the applicants sometimes do come just for a review and opinion. Mr. Kapitan stated that it should then be made clear that it would be as advisory and that the clock doesn't start until they are put on the agenda as new business. Mr. Castrovillari said that perhaps the agenda should have New Business, Old Business and Advisory and once off advisory they are put on the agenda as new business. He further suggested not changing the application but adding a box to check if they are coming to ARB for an advisory opinion and then a line next to it to note when the advisory is completed.

Mr. O'Donnell asked if the Board had Rules for ARB which are for applications and he thought that, since it is set in the Rules, it should be modified to add language for when applicants come to ARB, how they get to ARB, when they are put on the Agenda and when the clock runs. He would still want to see a time limit so that, if you want to extend it, it can be extended. He suggested a second page to the application stating that they must appear at ARB once they have received the approvals necessary, that there is a thirty day time limit to submit, they have thirty days time or two meetings for a decision and if more time is needed,

they can request a thirty day extension. He can limit their extension to one thirty day extension. Mr. Castrovillari asked if the ARB would have to send notice to applicants to advise of their deadline. He thought that the burden should be on the applicant but there should be notice of that on the application. Mr. O'Donnell asked if the applicants are sophisticated and Mr. Kapitan stated that the sign companies are sophisticated. Mr. O'Donnell stated that you should put the notice in capital letters that they have thirty days to make application to ARB after approval from Planning Commission or BZA, that the ARB has thirty days to make a decision or the case is dismissed and that they could ask for a thirty day extension. You need a rule or follow up that, if rejected due to time constraints, they can reapply. They will have a time limit of maybe thirty, sixty or ninety days to reapply or they have to go back to square one. Mr. Castrovillari asked if it should be tied into the BZA time limit. Mr. O'Donnell said the dilemma is that Planning Commission approval has one year time limit and he hesitates to say they must come back before one year and must apply within eleven months.

Mr. O'Donnell stated that he would like a table added to those where the Board is sitting so that he can participate and will have access to the microphone. He had made a decision to have someone from the law department appear at the meetings so they can give an immediate response to an inquiry by the Board.

Mrs. Babinec asked if the applications are going to be modified, should something be added regarding landscaping. Mr. Kapitan stated that he thought that Mr. Priest's complaint was more of an enforcement issue that the applications should be reviewed before they are accepted to be sure they are complete.

Mrs. Babinec asked if she should contact Mr. Moyse and Chairman Kundla stated that he would address that in his motion.

Mr. Castrovillari asked about the temporary signs. He stated that the same people come in all the time. Do they have to keep coming in for a temporary sign. Mr. O'Donnell stated that issue is being addressed. There is legislation currently in the works to amend the sign code so the building commissioner can approve or deny. He stated that the new legislation may come before council on Tuesday and they may still have to come to ARB. He will get a copy to ARB once it is ready. Mr. Castrovillari stated that he has no problem with reviewing the applications but he doesn't see why the applicant must appear. Mr. Kapitan stated that there is usually sufficient information on the application to approve a temporary real estate sign. The only issue would be the amount of information being limited to ten items. Mr. O'Donnell stated that one council person feels it is a waste of time for temporary signage to come before Planning Commission. Either it meets the Code or it doesn't so he wrote the Code to allow Building Commissioner to make decisions. If there

is no issue of color or anything like that he can write the criteria right into the Code and the Building Commissioner will follow it. Mr. Kapitan stated that he felt that it was a good idea to write it into the Code. He asked the Board to send him the criteria that they currently follow to have it written into the legislation. Mr. Kapitan stated that the ARB would want to restrict the number of colors they can use.

- A. Chairman Kundla stated that Mr. Moyses's application will remain tabled to the first meeting in June. Mr. Kapitan second. No discussion. Roll called. Motion carried 3/0.
- B. Chairman Kundla stated that American Family should remain tabled to the first meeting in June. Mr. Castrovillari second. No discussion. Roll called. Motion carried 3/0.
- C. Chairman Kundla stated that Stevens Painton should remain tabled to the first meeting in June. Mr. Castrovillari second. No discussion. Roll called. Motion carried 3/0.
- D. Chairman Kundla stated that Elizabeth Orosz should remain tabled to the first meeting in June. Mr. Kapitan second. No discussion. Roll called. Motion carried 3/0.
- E. Chairman Kundla stated that C&C Management should remain tabled to the first meeting in June. Mr. Kapitan second. No discussion. Roll called. Motion carried 3/0.
- F. Chairman Kundla stated that Royaltondale was sent a letter with May 30, 2007 as the deadline. He moved that the application remain tabled. Mr. Kapitan second. No discussion. Roll called. Chairman Kundla, nay; Mr. Kapitan, nay; Mr. Castrovillari nay. Chairman Kundla stated that the application is denied and they need to reapply. A short discussion was had concerning procedure and a second motion was made by Chairman Kundla to approve the Royaltondale application as submitted. Mr. Kapitan second. No discussion. Roll called. Chairman Kundla, nay; Mr. Kapitan, nay; Mr. Castrovillari, nay. Motion denied. Application is rejected. Mr. O'Donnell stated that they now have to reapply but there is no criteria for reapplication so, if they come in they should be allowed to reapply. He stated that they can't go ahead with their project without ARB approval. Mr. Kapitan stated that the signs are already up. Mr. O'Donnell stated that the Building Commissioner should send them notice to remove them based on ARB's denial and, if they don't comply they

will be cited. Mr. O'Donnell asked where they are located. The Board advised that they were before ARB for an insert to a monument sign and a building sign. He asked if they had gotten approval from Planning Commission. The Board members weren't sure but if they had, it was contingent on approval by ARB. Mr. Kapitan thought ARB had approved the building sign but not the monument sign insert. They were supposed to lower the building sign to meet the roof line which they have done.

4. Approval of Minutes of May 14, 2007 meeting. Chairman Kundla asked if there was any discussion regarding minutes from May 14, 2007 minutes. No discussion. Motion was then made by Chairman Kundla to approve minutes as submitted. Mr. Kapitan second. No discussion. Roll called. Motion carried 3/0.

5. Miscellaneous. Chairman Kundla asked if the ARB was off for the month of August. The other members believed they are so, if they aren't having meetings, what happens with the time limit on the pending applications. Mr O'Donnell stated that it should be put on the record that the Board is voting to recess for the month of August with a note that any pending applications will not be counted toward the thirty day time limit.

6. Adjournment. Chairman Kundla moved to adjourn. Mr. Kapitan second. Roll called. Motion carried 3/0.

Approved: _____
Chairman - Architectural Review Board

Attest: _____
Secretary - Architectural Review Board

Date: _____