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Design Review Board
January 16, 2024
9:00 a.m.
LTV Studios
75 Industrial Road
Wainscott, New York 11975

Those present were:

Robert D. Caruso, Chairman
Kristin Corwin, Vice-Chair
C. Sherrill Dayton, Member
E. Ann Duffey, Member
Susan Davies, Member
Kathryn Davis, Member
Heather Baris, Member
Timothy Hill, Village Attorney (via Zoom)
William Hajek, Village Planner
Thomas Preiato, Village Building Inspector
John Huber, Agent on behalf of 132 Montauk Highway LLC
Eric Schieferstein, Architect on behalf of 132 Montauk Highway LLC
Alex Balsam, Agent on behalf of The Jewish Center of the Hamptons and
Agent on behalf of Mill Hill Realty Corp.
Barry Rice, Architect on Behalf of East Hampton Square Associates LLC
Greg Merrit, Landscape Architect on behalf of East Hampton Square Associates
LLC
Gabrielle McKay, Deputy Village Clerk

The Chairman called the meeting to order at 9:00 a.m., and the following official business was discussed:

1. Minutes

Upon motion of Kathryn Davis, duly seconded by C. Sherrill Dayton, the Board unanimously approved the minutes of **December 8, 2023**.

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2. 132 Montauk Highway LLC – 132 Montauk Highway – SCTM# 301-7-2-12

The Board is in receipt of an application for a Certificate of Appropriateness, marked received February 27, 2023 by a separate agent on the property owner's behalf. In April of 2023, John Huber of Dayton, Voorhees & Balsam, LLP began representing the property owners of this application. And, On May 8, 2023, John Huber of Dayton, Voorhees & Balsam, LLP submitted a representation letter into record stating as such. Since this date, various supplemental submissions have been added to the record by Mr. Huber, with the most recent being received on December 27, 2023 outlining the project notes. John Huber, attorney, and Ernest Schieferstein, architect, on behalf of the applicant, appeared before the Board.

The dwelling on the premises is known as the Talmage-Jones House and is a Timber Frame Landmark for purposes of East Hampton Village Code, Chapter 176. Mr. Huber expressed that his desire has been to express the applicants' good faith to restoring this home in an architecturally and historically consistent manner. The materials submitted have been developed primarily in response to Village Planner Billy Hajek's March 24, 2023 Memo, in which all materials were summarized in Mr. Huber's September 13, 2023 Memorandum.

Ernest Schieferstein introduced himself as the architect for the project. His efforts towards this project have been to accomplish the restoration of this house. Mr. Schieferstein provided a sample to the Board of the materials that will be used for the windows. The frame is all dug fir, which has yet to be painted so as to demonstrate that it will all be full pieces and not finger jointed. The sill and casing are historic. The muttons are to be 5"x8" and they will all be putty glazed and are simulated, not true divided.

Regarding the foundation of the dwelling, there is no problem with lifting the house to put a new foundation in, which is to be a stone veneer. Whatever stone is able to be used towards the new foundation that already exists will be utilized. Mr. Schieferstein then added that there are portions of the foundation that are cracked, and that the basement is in poor condition. Lifting the house up out of the ground will expose any rot.

Mr. Schieferstein then provided a sample of the material and color of the proposed shutters. The shutters are to be black in color and explained that the company that will be used accomplishes a lot of work in this area and recommends the material, and with it being pre-finished, it is expected to last a very long time.

Regarding the insulation, Rockwool is to be used, not fiberglass and no spray foam will be used. With the wide sheathing on the walls, the rock will hold up much better and allow some breathing of the shingles, allowing them to dry out. All the trim will be painted natural wood. The two main doors and their glass windows located at the front and rear of the house will be restored.

Member Kristin asked about the timber frame portion of the project. Mr. Schieferstein explained that there is some usable wood left, which may be used on the inside of the house. However, most of the wood is rotted and water damage was found on the second floor from a leak that resulted in the damage of the wood within the dining room area, which will have to be replaced.

Village Planner Bill Hajek explained that a few meetings have been held with the applicants as the project progressed and evolved. During these meetings, they worked together to create an appropriate design for the restoration. The agent has assured that the existing timber frame that is salvageable will remain and the work of lifting up the house and restoring the foundation can be conducted without structurally altering the existing timber. The addition that is proposed is on the backside of the house, which is considered a non-historic element of the house, thus Mr. Hajek does not have any concerns with it. The windows are being restored back to their original sizes, something that Mr. Schieferstein did not mention. This was an early recommendation from the Board and is important to note. Once the windows are restored to their original size, the shutters will become operable and will look correct for the house. All colors are to go back to the original colors of the house, except for the proposed shutters. Mr. Hajek then reiterated that the proportions of the windows are to go back to the original size and that any timber frames that are able to be used will be used for the project – for decorative purposes, not structural. Building Inspector Tom Preiato had no comments. The Board had no other questions or issues with the application.

Upon motion of E. Ann Duffey, seconded by Heather Baris, the Board unanimously approved the application.

3. Jewish Center of the Hamptons – 44 Woods Lane – SCTM # 301-8-7-46

The Board is in receipt of a Design and Site Plan Application, marked received December 12, 2022, for the addition of security planters at the front yard property line, and to also construct a pavilion, to be used for outdoor religious services, with walkways leading from the principal building and the driveway. On February 7, 2023, the Board concluded their preliminary review, and on December

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8, 2023, the Zoning Board granted the necessary Special Permit and Variance, with conditions. Alex Balsam Esq. appeared on behalf of the applicant and displayed a few enlarged prints of the proposed project. Mr. Balsam explained that from a design standpoint, not much has changed since going before the Board the first time. The location of the proposed pavilion has been moved closer to the sanctuary, pulling it out of the transitional yard setbacks. This complies with the Code and thus the application does not need an additional variance from the Zoning Board of Appeals. The updated landscaping plan and lighting plan were submitted to the Board, in addition to a new site plan showing the new location, all received on December 18, 2023. Alaskan Cedar is the material that will be used for the pavilion and the color will match the existing sanctuary. The entire premises will be retrofitted with code compliant dark sky lighting.

Village Planner Bill Hajek provided one suggestion to the Board regarding the planters proposed along the roadway being that upon approval the Board condition for the planters to be properly screened so that they are not visible from the road. Mr. Balsam further explained that when going through the Zoning Board of Appeals process, it was confirmed that the planters would become part of the existing hedgerow, making them properly screened from the road, which has already begun to take place. Currently, there are some planters that have been placed to the west of the existing hedgerow, in which Mr. Balsam spoke to the Jewish Center about and it was confirmed that there is a plan in place to either push them back into the existing hedgerow or add additional plantings in their current location so that either way they are better shielded. There are 14 planters total, which all were provided to the Jewish Center from Homeland Security.

Upon motion of Sue Davies, seconded by C. Sherrill Dayton, the Board unanimously approved the application with the condition that the proposed planters are screened in, so as not to be visible from the road.

4. East Hampton Square Associates LLC – 41 Main Street – SCTM #301-3-4-34

The Board is in receipt of a Miscellaneous Application, marked received October 31, 2023, requesting permission to install new shingle cladding; new gutters; new bay windows; and new landscaping along the alleyways and the Park Place frontage. On December 5, 2023, the project was presented to the Board so as to provide a summary of the project. Barry Rice, architect, and Greg Merrit, landscape architect, appeared before the Board. Mr. Rice explained that since the last meeting, supplemental information has been provided to the Board that he

would like to explain further. He then provided the Board with color samples for both the canopy and the cladding to be used for the exterior. Chairman Caruso confirmed with Mr. Rice that the dark green color is for the windows and canopies, and the white is for the edging trim around the canopy.

Mr. Rice pointed out on the plans received December 19, 2023, where the current businesses are located, including Book Hampton, Starbucks, and the building that will be undergoing the proposed project (cladding and new windows) that faces the Reutershan parking lot, directly behind Book Hampton. In between Book Hampton and the building facing Reutershan is an alleyway, the applicant would like to create a usable space out of this alleyway for the public and add in more landscaping. There currently is a Bilko unit that protrudes into the alley by about 8 feet that will have to be replaced by two small light wells that will be 3'x2' in size and at-grade. One of the light wells will have a second means of egress to the Book Hampton basement, as per Tom's recommendation to comply with New York State Code. The other light well will be a delivery point for books coming into the bookstore and will have a grated cover and drains in order to maintain the landscaping. Currently, books are being delivered through the Bilko. The applicant is also looking to condense the trash storage area located at the other end of the alleyway where the proposed public space will be built. The condensed trash area will be enclosed with a fence and will be maintained in such a way that any odor will be eliminated.

Member Davies asked if the building on the second page of the plan dated October 31, 2023, that is to undergo the installation of new cladding and windows is the building that currently houses the salon Warren Tricomi on Park Place, in which Mr. Rice confirmed. She then pointed out that the building, currently Amber Waves Farm, just to the left on the same page appears to have the same proposed design as the building that is going before the Board for this application. Mr. Rice stated that a similar proposed design of the neighboring building has been provided in the plans, however it is not part of this application. Ms. Davies then asked if they do indeed plan to do the same work on neighboring buildings, and if so, then should the application be considered for the project in its entirety. Chairman Caruso asked for Village Planner Bill Hajek's comments on this. Mr. Hajek explained that yes, the architect is depicting a separate parcel owned by the same entity undergoing the same project. However, since it is a separate parcel, it is not a requirement that the application be submitted for changes to that property with this application. The applicant can demonstrate to the Board what they are considering, however they cannot be forced to submit an additional application. Member Davies reiterated that if the same exact changes are proposed for the

neighboring parcel, she really would like to see it be a part of the same application. She then further commented that this design does not feel like it has the “East Hampton” look, although it is sleek and beautifully designed in an industrial way.

Mr. Hajek then explained that regarding the adjustments to the window wells, an official plan has not yet been formally submitted to the Board, thus they cannot yet act on this part of the project. The rearrangement is something that Tom and Billy have been working on with the agent over the course of the last week. Chairman Caruso asked Mr. Hajek to collaborate with the applicant on the proposed items that were presented today, in which he agreed and further explained that updated plans will have to be provided to the board depicting everything that is currently proposed.

Mr. Rice addressed the question, stating that the future work to be completed for both the Amber Waves and Starbucks buildings would include the changing of the windows by reducing the sill down. This was provided in the plans to the Board as an anticipated future project.

Mr. Rice asked the Board what they would like to see more information on. Member Davies asked Barry Rice to confirm that all windowsills are going to be lowered and that other sills in the commercial area are not this low in which he confirmed. Mr. Rice explained that the sills will be a foot above the sidewalk. Member Davies then asked how the proposed landscaping will be effected in the winter. The landscape architect for this project, Greg Merrit, stated that the intention is to have the “skeleton” of the landscaping be evergreen plantings, most likely boxwood. Member Baris stated that she sees that the new windows will provide more visibility into the space, which is good, however they also look thick, heavy, and industrial. Ms. Baris then asked to know just how thick the windows are going to be, in which Member Davies agreed. Barry Rice explained that the drawing plans, received October 31, 2023, of the windows portray them as looking much lighter than the plans of the anticipated look of the project that are in color, received December 19, 2023. Mr. Rice then added that the windows are traditionally detailed.

Chairman Caruso stated that since the conversation is going into several directions, he would like to appoint a committee to collaborate with the applicant. Mr. Hajek stated that only two people are to be on the committee. Chairman Caruso asked for Member Sue Davies and Member Kathryn Davis to be on the committee. The committee will work with Mr. Rice before the project goes before the Board again. Mr. Rice and Mr. Merrit thanked the Board for their time.

5. Mill Hill Realty Corp. – 17 Toilsome Lane – SCTM# 301-2-3-2

The Board is in receipt of a Design and Site Plan Application, marked received July 22, 2021. The initial proposed project consisted of a small-scale brewery that would offer casual food. The existing concrete block building was proposed to be refurbished to accommodate the brewery use, with both the kitchen and brewing equipment being within and a dining area on the second floor. Traffic was proposed to be one-way with cars exiting onto Toilsome Lane.

Alex Balsam, agent, appeared before the Board for the applicant. Members of the Diamond family were also present. Mr. Balsam explained that the last time the project had gone before the Board was pre-pandemic. The intent of the last time the proposed project went before the Board was to provide a big-picture idea of what the applicant would like to do and to see how the community felt about it. A lot of detail has been added to the project since then, including renderings, elevations, color schematics, exterior lighting plan, landscape plan, plan for the transitional yard setback area, the parking plan, and the floor plan, all of which was received on both November 15, 2023 and January 4, 2023.

Mr. Balsam clarified that the first submission of the floor plan was inaccurate, resulting in a second updated submission. What changed was the total number of seats proposed at the restaurant, as there are two calculations that are under consideration – the septic flow calculation that limits the number of restaurant seats as well as parking. 61 parking spaces are proposed, none of which took into consideration staff parking. 8 parking spaces must be allocated to employees. The restaurant now has 129 proposed seats, however the flow capacity for the restaurant is going to be approved for 105 seats. If it is January and you come to the restaurant, there will be 105 seats inside. The health department allows for one seat from inside the restaurant to equal two seats if placed outside. During the warmer months, the outdoor dining area that is to be located directly behind the building will be utilized, and the total number of seats both indoor and outdoor will be 129.

The use of the building has been shifted; however the footprint has stayed the same. The existing block building that is to be renovated will be the kitchen and the restaurant. The beer production will take place in a new building that will replace the dilapidated tile barn that currently is on the property.

Mr. Balsam stated that he read Billy Hajek's January 12, 2024 Memorandum and would like to address some of the points made. Regarding the deciduous plantings in the transitional yard setback, they were not all evergreens. The

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decision to use these plantings was based off a project of comparable size and location that the landscape architect had just completed. Mr. Balsam explained that if the Village would like these plantings to all be evergreen, then they will be. There is an existing stockade fence on the property that is on the transitional yard setback area that may belong to the neighbor. If the Village would like Mill Hill Realty Corp. to have their own fence, Mr. Balsam assured that they would have one installed. With either of these two points addressed in Mr. Hajek's memo, Mr. Balsam is ready to work with the committee or the entire Board to find a resolution. Additionally, there are some light fixtures along the egress that are also at the edge of the transitional yard setback that can be shifted to an adjacent location, if necessary.

At this time, a cross-section detail for all paving surfaces with a greater level of detail of the proposed grades is in the process of being made and will be submitted to the Board. Walbridge Surveyors is also in the work of putting all proposed improvements and changes onto an updated survey.

Mr. Balsam explained that the space is to be a restaurant use with a manufacturing component for the production of beer. The manufacturing of the beer is to be thought of as similar to the action of the cooking of the food for the restaurant. Both uses are allowed, and this was pointed out in Mr. Hajek's memo. Member Davies asked if the beer is to only be sold at the restaurant. Mr. Balsam stated that the primary retail focus is to be sold at the restaurant, based off the capacity of the manufacturing equipment. If there was an opportunity for a degree of local wholesale, this would be something of interest as well.

Village Planner Billy Hajek asked if anyone on the Board has specific questions in general or regarding his January 12, 2024 Memorandum. Member Davies asked what is to prevent people from parking in the nearby commercial parking lot if the lot on the Mill Hill Realty Corp. property is full. Mr. Hajek explained that they are not permitted to park in that lot unless a mutual easement is made between the two commercial properties. If not permitted, it would be an enforcement issue for the property owner to enforce. Chairman Caruso added that he would imagine that the adjacent property would be gated off. Mr. Hajek said that they could do this, however it may hinder the use of their own facility.

Member Dayton stated that he would like to make a few comments. This is the first of a kind in the Village of East Hampton and he has some concerns about the residential neighbors, the traffic, and the hours of operation. The Village should have a written determination as to the use of this facility. Mr. Dayton then read

some notes he made. He noticed that the Toilsome Brewery was back on the agenda and the name has been changed from the brewery to Toilsome Farms. Previously, the plans presented a brewery tasting room and a second floor lowkey restaurant. The recently submitted building plans appear to have a brewing plant, bar, restaurant, with outdoor and indoor seating. The beer production will be outside commercial activity. Therefore, the project could be considered two different uses on one property. There are serious issues involved that need to be addressed: traffic, residential neighborhood protection, crowd control, to name a few. As this project is an unprecedented lifestyle change use for our Village, the Board needs to be extremely vigilant in the determination, establishing perfectly clear guidelines not only for today's use, but also for the use of the property and facilities in the future. Village residents have the right to officially know that we are doing diligent research on this unusual project. Before the Design Review Board can act on Toilsome Farms, there needs to be sufficient research and a determination of this appropriate use by the Village Building Inspector. Most importantly, by following the Village Code, the determination must be submitted in writing. The Board cannot legally act on this appropriation nor can a public hearing take place.

Mr. Dayton then asked if it is possible for the traffic exit to be nearby a residential property. He stated that according to Village Code, that fence on the property is to be 30 feet from the edge of the driveway. The lighting along that edge could shine into the bedrooms facing the driveway on the neighboring property. The current driveway existed for the last 150 years without lights. Member Dayton then recommended that a double driveway, both an entrance and exit, be installed on the north side of the property, as there is plenty of room, rather than the traffic being on the residential side. Mr. Hajek stated that this is a good comment and something that could be looked at.

Member Duffey commented that there was a traffic study completed that shows reason for the current proposed location of the driveway. Mr. Hajek added that the traffic study concluded that site distance was more than adequate and over what the State requires for both the entry and exit. He then stated that he believes that the actual exit improvement does meet the required transitional yard, it is just the lighting within it that does not. Member Duffey stated that the entire property is within East Hampton Village's Industrial Manufacturing Zone, confirmed by Mr. Hajek. The neighboring residents and the parcels across the street are zoned residential. Chairman Caruso asked for clarification that it is not illegal to have a commercial property next to a residential property regarding to State Law. Village Planner Bill Hajek confirmed that commercial properties can abut residential

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properties, it is that the code requires a specific transitional yard because of this that provides a buffer. Member Duffey asked if the house on the corner edge was there before in which Mr. Hajek stated that he does not know. Member Dayton added that that specific house was built by Miller Dayton back in 1799 and he knows that he resided there. The whole complex next to the house was a dairy farm at the time, owned by the Gould brothers. The cement building at the back of the current Mill Hill Realty Corp. property was used as a storage facility for furniture and a change of use was required for this, which required going before the Zoning Board of Appeals.

Member Dayton stated Toilsome Lane has become a bypass for Main Street and that many cars drive over the 25 mile per hour speed limit including motorcycles, buses, and tractor trailers. He then asked if the brewery is going to be retail wholesale, or solely be used and made for the restaurant. Mr. Hajek explained that Alex Balsam had addressed this point prior, however if more clarification is needed, it could be spoken about again.

Mr. Hajek pointed out that this is a Site Plan Application, in which the Board does not get many of. Because there is engineering and site civil work involved, he had requested a minimum amount of information before it is referred to the Village's consulting engineer. Once that information is received, Mr. Hajek recommends that it be referred to Vincent Gaudiello at the Raynor Group for civil engineering review. The Design Review Board will also have to conduct SEQRA, the State Environmental Quality Review Act, in order to address a number of Member Dayton's questions, including traffic, lighting, and any environmental issues in relation to the project. In conjunction with SEQRA review, the Board must also declare lead agency status. Once complete, the Board can hold a Public Hearing in which general input from the public can be heard. Mr. Caruso stated that four to five meetings will be held before anything is determined and that the Board will go through the process.

Member Caruso appointed a committee to collaborate with the applicant, in which he asked Member Ann Duffey and Vice-Chair Kristin Corwin to be a part of and asked if Mr. Hajek could let the Board know what the next step they will have to take would be.

Mr. Balsam stated that he would like to further address Member Dayton's point. Regarding the manufacturing aspect, not all of the beer made is going to be sold through the restaurant. There is anticipation that some degree of wholesale will occur. In "brewery world," this is not a large production facility and does not

equate to delivery trucks backing in everyday and moving pallets of beer. This facility is not sized for such manufacturing. Member Dayton stated that Montauk Brewing Company started out in a garage. Mr. Balsam explained that Montauk Brewing Company beer is brewed off-site. Member Dayton asked why the manufacturing of beer cannot be off-site in this instance. Mr. Balsam stated that the Montauk Brewing Company actually does have a small brewery at their local facility. He then added that what Member Dayton is thinking of is all of the cans that are seen in all the stores and the "18-wheelers" that have their logo on it, in which is a different business plan than the brewery for 17 Toilsome Lane. Member Duffey added that the Greenport Brewery that is in an old firehouse was similar in size to what is proposed for this project, and it is also small manufacturing. When they got bigger, they then moved their manufacturing to a larger facility, in which Mr. Balsam confirmed. Mr. Balsam stated that the difference here is that the proposed project is going to be a restaurant.

Member Duffey asked if the silo is considered decorative or is to be used for storage. Mr. Balsam stated that they do not know yet and would like to keep the option open either way. The big picture is to have it be functional. Mr. Balsam then addressed a point made earlier regarding the initial application having a second story room, which has been removed. The operation has been simplified and throughout the years going through this process, there has been a lot of input from the community, almost all good and some bad. As Member Dayton had noted, there is no longer a beer garden, but rather outdoor dining. Mr. Balsam explained that they have pivoted from the idea of a beer garden and the proposed project is now for a restaurant. In regard to the hours of operation, the traffic study had taken this information into account and recommended that the hours be 12:00p.m. to 11:00 p.m. in the summer seven days a week and then during the "off season" 12:00 p.m. to 9:00p.m. six days a week. Mr. Balsam added that this is not a rowdy event hall that creates a nuisance like some are portraying it to be. This is geared to be a family place where families can come and have a meal and enjoy the tranquility. Chairman Caruso stated that it is not close by to a major college or university campus. Member Duffey added that there are some restaurants in the neighborhood already within walking distance.

Member Caruso thanked Mr. Balsam and asked Mr. Hajek what the next step would be for this application. Mr. Hajek suggested that the Board declare lead agency, which is done formally with a motion and a vote. Additionally, the applicant is to be submitting additional materials. In the interim, if the committee would like to set up a meeting with the applicant, that can be set up through the Board. The committee can work through some of the questions that were raised

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today and some of the items in Mr. Hajek's memorandum. Member Davis stated that Mr. Hajek had mentioned that the Board could elect to seek preliminary comment from the Department of Public Works, and then asked if this is something that has to be formally requested. Mr. Hajek explained that this is something that does not have to be formally voted on, but if the Board would like to do this, or if they would like to wait, they could do that to. Member Duffey asked if this is part of the process of declaring lead agency, in which Mr. Hajek confirmed.

Chairman Caruso made a motion to declare lead agency, so moved by Member Duffey, seconded by Heather Baris and carried unanimously.

Upon motion of Sherril Dayton, duly seconded by Susan F. Davies, the Board unanimously adjourned the meeting at 9:51 a.m.

FILED
VILLAGE OF EAST HAMPTON, NY
DATE: 3/22/24
TIME: 3:14 p.m.

Sherril Dayton