

Design Review Board
August 3, 2021
9:00 a.m.
Emergency Service Building
One Cedar Street, East Hampton

Those present were:

Robert D. Caruso, Chairman
Kristin Corwin, Vice Chairman
C. Sherrill Dayton, Member - Absent
Amy Dalene, Member
Ann Duffey, Member
Vincent Messina, Jr., Village Attorney
(via cell)
Alexander Balsam, Attorney on behalf of Mill Hill Realty Corp.
Christopher Diamond, Applicant, Mill Hill Realty Corp.
Ben Chaleff, Architect on behalf of Mill Hill Realty Corp.
Janet Dayton, 35 Toilsome Lane
Brian Matthews, Attorney on behalf of Janet Dayton, Stacey Stowe and
David Mayner, Eric and Kate Gibson, and Michael and
Christine Aaron
Michael Nachman, 5 Maidstone Avenue
Stacey Stowe, 27 Toilsome Lane
Eric Gibson, 30 Toilsome Lane
Pamela J. Bennett, 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 Ann Duffey, duly seconded by Kristin Corwin, the Board unanimously approved the minutes of July 20, 2021.

2. **Mill Hill Realty Corp. – 17 Toilsome Lane – SCTM #301-2-3-2**
(C. Sherrill Dayton has recused himself from this application.)

The Board is in receipt of a Design and Site Plan Application, marked received July 22, 2021, requesting permission to develop a small-scale

brewery which will offer casual food with an outdoor component to the tasting room (beer garden).

Mr. Caruso asked the applicant or the applicant's representative to explain the proposal.

Alexander Balsam Esq. appeared on behalf of the applicant and stated that the proposal is to remove the tile cow barn and replace it with a new addition to the existing block building and have a restaurant that basically brews its own beer. There would be a restaurant component, a beer production component, and a kitchen component. When seasonally appropriate, outdoor seating is proposed to be tucked behind the building for privacy from the neighbors. The property is in the manufacturing zone. It is a fairly light use for what is allowed, is appropriate for the site, and a positive for the Village and the community. The property has not been utilized for quite a number of years. The owners thought that, when taking all the factors into consideration and what is otherwise allowed at the site, this would be a nice use. Mr. Caruso asked the approximate number of feet from the curb to the front of the building. Mr. Balsam stated that it is approximately 200 feet. Mr. Caruso stated that basically the noise level would be projected out from the back of the building into the courtyard and away from the residential area. Mr. Balsam stated that that is correct and that it was also worth noting that there is a Village/Town boundary line directly behind the existing building. The four acres located in the Town is also owned by the applicant and is currently vacant. Mr. Caruso stated that the existing building has not been used in a number of years. Mr. Balsam said that that building was part of the family's furniture business and warehouse. Mr. Caruso stated that the condition of the building right now could use some tlc as it is kind of an eyesore and noted that what is proposed is going to revitalize the building. Mr. Caruso asked if there were any questions from the Board. The Board had no questions.

Janet Dayton, landowner and houseowner in front of the applicant's property, asked about the use of the vacant land, the farmland located in the Town. Mr. Balsam stated that the Town portion of the property is not part of the project.

Brian Matthews, Esq. appeared on behalf of Janet Dayton, owner of 35 Toilsome Lane, Stacey Stowe and David Mayner from 27 Toilsome Lane, Eric and Kate Gibson at 30 Toilsome Lane, and Michael and Christine

Aaron at 19 Toilsome Lane. Mr. Matthews stated that the people he listed contacted him with questions and that he wants to make it clear that this is not to oppose the application or try to stop the project. It is a drastic change from what exists and there are some concerns and questions that his clients would like to have answered. Traffic and traffic circulation is a concern as Toilsome Lane is a little bit of a busy road; during the summer season it becomes a passthrough road. Mr. Matthews asked if there will be a traffic analysis prepared to show what impact this is going to have on the quantity of traffic and circulation; will there be no left turns, no right turns, entrances/exits and what those impacts will be. His clients had questions about the parking; 60 parking spaces are proposed, how many of those spaces are allocated toward employees, if all the parking spaces are full, will there be overflow parking on the site, and will there be parking up and down Toilsome Lane or Railroad Avenue. With reference to the capacity of the buildings, there are 105 seats allocated but he did not see the total capacity of the buildings. Mr. Matthews stated that it is unclear if there is an outdoor dining component or just the beer garden for gathering of people, if there was intention to have some sort of music indoors or outdoors, or to hold special events. With respect to the Aaron's property at 19 Toilsome Lane, which is just to the south, what is the size and scope of any kind of vegetative buffer that would be there to protect them from any impacts. With reference to the beer garden itself, understanding the proposed location, will there be any measures put in place to have that contained by fencing or screening or both to stop the spread into any of the grassy areas on the property, or to control the noise. What measures will be in place to control lighting; it is a big building, it is a big operation so what will be in place to mitigate against that. With reference to the brewing process, how often does the brewing go on, is there an odor component to it, will there be venting which needs to be taken into consideration to minimize any impact. From an hours of operation standpoint, this is a much larger and different project but just by way of reference, the Montauk Brewery is much smaller and they have very short hours of operation, they do not go into the night, there is no restaurant component. With reference to the applicant's operation, is food secondary to the brewery or vice versa, is it intended to be a 10 o'clock shutoff or intended to be much later than that.

Mr. Caruso asked if the applicant could answer the questions. Mr. Balsam stated that two big picture points about the project; one, when it comes to the neighbors, the applicant is open to suggestions and continued dialogue throughout so it is something that everyone can live with. There

are some aspects of the submission that have to be followed up on like the details of the landscaping plan, the details of the lighting plan. The applicant wanted to take advantage of the Village's instruction packet to meet with a Committee to hash out just the big picture of the project; Mr. Hajek had suggested that the best way to start the process was to submit what the applicant had without all of the details. Once the project is in some semblance of order, ready to move forward, the applicant will work on the details like the lighting plan and the details of the screening plan. With reference to the traffic flow, the applicant is open to suggestions from the Village; the proposed egress is as far away as possible from the turn on Toilsome Lane. There are 63 parking spaces, 10 are designated for employees. In terms of capacity, the ideal situation would be to operate at 140 seats in season, up to 70 of those seats outside and 70 inside. During the cooler seasons, the seating would be shrunk down to a 105-seat capacity and the 105 seats are noted on the floor plan; there would be 70 in the main area and a second area above the kitchen would have 35 seats in the offseason. Ms. Duffey questioned whether that would be used for special events. Mr. Balsam stated that it could be just like any other establishment, it could be rented out for a gathering. With reference to the beer garden, the applicant is open to suggestions from the Village in terms of how to designate that. The current plan is to have designated seats outside and it could turn into a hangout spot but the plan is to have it more organized with seating.

Mr. Balsam stated that with reference to odors, there will be a restaurant there and when it comes to the brewery use, the applicant has had the help of brewery designers, who are architects, and their fulltime job is to design breweries so they know the ins and outs of what you need in terms of space and capacity. Mr. Caruso asked if the brewery will be a 24-hour operation. Mr. Balsam said no, not at all. Mr. Caruso asked the time it would operate starting in the morning and when it would end in the evening. Mr. Balsam stated that only at times there is production, the cooking of the batch, and then it goes into the storage tanks. Where smells can be an issue with breweries is when there is no space for the spent grains. When the spent grains are sitting around on the property for three or four days, that is when you get the oatmeal smell. The applicant is not going to have that as the spent grains will be taken away and applied to farm fields.

Mr. Caruso asked if there were any questions with reference to the look of the building.

Mr. Nachman stated that he is concerned with two issues; the effect on traffic as the traffic in the area has become much, much heavier and getting out of his street, Maidstone Avenue, onto Gingerbread so it can take quite a long time just with the existing traffic. Toilsome and Gingerbread Lanes seem to be very heavily trafficked. Mr. Nachman stated that he feels that the proposal would increase the situation. The other question refers to the hours of operation; how long will the beer garden be open for customers and the effect that will have in the evenings. Mr. Nachman stated that nobody has raised the issue about alcoholism with the capacity that the applicant is talking about with people staying for a few hours as there could be some unpleasant situations in the neighborhood. Mr. Caruso stated that within that area there are restaurants in the neighborhood and alcoholism is a problem everywhere.

Mr. Balsam stated that the hours of operation would be nothing more than normal restaurant hours; it is not going to be a late-night bar; the use is going to be quiet in the evenings particularly after normal restaurant times. Village Attorney Messina stated that the concerns about the hours of operation is not something the Board has jurisdiction over on this type of application. The applicant is before the Board for site plan and design, it is not a special permit for a use under the zoning ordinance, that is something different. That type of issue is beyond the Design Review Board's jurisdiction; the Board has to stick to the issues of site plan and design, and to the extent that that can affect traffic, that is something the Board will look at but the Board cannot judge the merits of the use, that is not what the Board is doing on this type of application. The Board reviews the design of what is being proposed and the actual site plan itself. Mr. Matthews' comment, for example, about buffer is well within the Board's jurisdiction.

Mr. Gibson stated that it is true that there are other restaurants in the neighborhood but they are also located close enough to Railroad Avenue to draw off a great deal of the traffic. The proposal is embedded in the Toilsome Lane neighborhood and there is no other way to enter or exit the property than via Gingerbread or Toilsome Lanes.

Mr. Preiato stated that his position is that of looking at the use of the parcel; the Village Planner helps more in the design, and, as presented, the application does not need a zoning variance, it is a permitted use. The restaurant portion is inherently a use that the code of the manufacturing district allows, a use that is also available to the commercial district, and

then as far as the brewery, it is more of a light manufacturing which is an obvious use in the manufacturing district. Mr. Caruso asked Mr. Preiato if the proposal meets the Code. Mr. Preiato stated that the proposed building is below 10,000 square feet; the vegetative buffer is shown; there are no red flags.

Ms. Stowe stated that she understands from the Village Attorney that the Board does not address issues of traffic, etc. but questioned whether the Board addresses issues of zoning. It was just mentioned that the zoning is okay. Mr. Caruso stated that the application requires no variances; all the boxes are checked as far as approvals. Ms. Stowe asked if the Board has any questions about the project. Ms. Corwin stated that the Board looks at the design of the building and lighting. Mr. Caruso said signage too. Ms. Stowe asked if the Board is going to ask any questions as she does not want to overlap. Mr. Caruso suggested that if Ms. Stowe has questions, she should ask them. Ms. Stowe stated that she has a lot of questions and asked if the Board has no questions about the design features of the project. Mr. Caruso stated that he thinks the design of the building looks excellent. Ms. Stowe asked if the Board has any questions about when the lights will shine, what the sign will look like, etc. Ms. Corwin stated that that will be a later meeting. Ms. Stowe stated that she has been a journalist for a number of years and that Mr. Caruso opened the meeting by essentially speaking to the applicant and saying that everything looks great and has no questions of the applicant. Mr. Caruso stated that there are stages that the applicant still has to go through. Ms. Stowe stated that she would like to know at what point will the concerns of the neighbors be addressed since the Board does not seem to have any of their own. Ms. Bennett pointed out that this is the first meeting for the Board to review the application and there will be more conversation about it; a Committee of the Board will be appointed to work with the applicant.

Mr. Caruso asked if anyone else had any questions. Mr. Matthews stated that this is the first time on and there will be time to vet the project and vet the concerns, but with reference to what the lighting will be and what the actual operation is going to be is a fluid process; something that would be good to get ahead of would be to address the traffic concern. Everybody would have to be in agreement that it is a major use to put into this area; it is a permitted use from the zoning perspective but subject to design review and site plan review. At the outset, traffic is something that

would be a worthwhile exercise of everyone's time to get a handle on to see what the actual anticipated impact would be.

Ms. Duffey asked if the traffic study is done through the Village. Ms. Bennett stated that usually the applicant will prepare a traffic study and then the Village sends it to its Village Engineer. Village Attorney Messina stated that a traffic study may or may not be necessary for the project; the Board will consult with the planner, it is an as of right use. There are very limited things you can do about traffic, site restrictions can be imposed based upon the flow of traffic, how it would go through the site, where are the safe places for ingress and egress but a traffic study may not be needed but the Village Planner will be consulted.

Mr. Nachman asked what the entire process would entail, beyond zoning, what other panels, what other departments will have to be involved, and the number of public hearings that he can expect in the future. Mr. Caruso stated that a Committee will be formed and asked that a list of concerns be formalized and submitted to the Board. Mr. Nachman stated that beyond zoning issues what other approvals would be required. Mr. Caruso stated that there would be lighting, signage, etc. A Committee will be formed and will work with the applicant so all the questions that the neighbors have will be answered.

Mr. Gibson stated that he would like to address the Village Attorney's point about there being no need for a traffic study. A brief history of Toilsome Lane is that it is a two-lane neighborhood street which for many years has been a bypass for through traffic wanting to avoid Route 27 so it is already heavily trafficked. From 6 am to 6 pm on weekdays and for a considerable period on weekends, there is a constant, steady stream of traffic along that street. Obviously, the proposal would produce considerably more traffic, however, regardless of the facts of the law, the residents of the neighborhood are entitled to have some concrete professional's statistical idea of what the traffic impact is going to be if this goes through.

Ms. Duffey and Ms. Dalene will serve as the Committee for this project.

Upon motion of Kristin Corwin, duly seconded by Amy Dalene, the Board unanimously adjourned the meeting at 9:36 a.m.

FILED
VILLAGE OF EAST HAMPTON, NY

DATE: 9/17/21

TIME: 12:45 pm

Camela J Bennett

3942