

April 5, 2018

Saratoga Springs Zoning Board of Appeals
City Hall
474 Broadway
Saratoga Springs, NY 12866

RE: Objection to the Request for Special Use Permit for 173 Lake Avenue

Chairman Torpey,

I am writing to you to express my strong concerns about the requested special use permit for the proposed project at 173 Lake Avenue, currently referred to as "Peppers Corner".

I am a lifelong resident of Saratoga Springs and have owned my property, 177 Lake Avenue, for the last 18 years. I grew up on the north side of town as well as the east side and frequented many, if not all of the corner stores that existed in the 1970's and 80's and was happy to have an establishment like Peppers available to us when we purchased our property.

At the time we bought our house, the market was still thriving as a sandwich shop and as a market providing the essential conveniences like milk, eggs, bread and snacks. Over the next decade, the ownership of the business changed hands a few times as the functionality slowly dissipated until it closed in the late 2000's, maybe 2010 (I'm sure tax records can be checked).

Moby Rick's ultimately began operating in the space and I was a little curious as it really didn't seem to fit the nature of a corner market but, at the time, I was happy to see a property that was dormant for years come back to life. I did have a few conversations with the owner as I was familiar with them from our local farmers market. I was told that the fish store front was a side business and that the location was really a storage and distribution depot that allowed them to access more markets and distribution points throughout the Northeast. I have since read through our zoning codes and believe that this business model is specifically not allowed in the UR-3 district in which the 173 Lake Avenue property resides. I also understand that after 30 days of non-use, a pre-existing non-conforming business loses its status. Therefore, if the former Pepper's Market was closed for more than 30 days, how could Moby Rick's be allowed to open after the property was not occupied for multiple years? I was never notified at that time (I am 50' from their property), nor were any of the other neighboring property owners. Before any review of this new proposal takes place, I feel we are owed a thorough understanding of what occurred to allow them to open and operate a business that brings in fish, pieces them out, and then sends them to other locations for sale elsewhere. For your consideration, as follows is the definition of "Industrial" from our zoning code as well as "convenience sales":

INDUSTRY OR INDUSTRIAL: The storage, manufacture, preparation, processing or repair of any item for off premises distribution and/or sale.

CONVENIENCE SALES: A small retail establishment providing a limited line of groceries and household items, and catering primarily to nearby residential areas. The use may have up to twenty seats for customers consuming food sold or prepared on-premise. Gasoline pumps shall not be permitted unless separately authorized.

I offer these definitions not because I doubt that you know our code, but rather because I think the differences in business models are so stark. It's clear to anyone who lives anywhere near Moby Rick's what happens here on a regular basis. Every week there are multiple deliveries of ice from very large trucks that are set up to stage farmers market sales.

When this project was first proposed, it was going to be a combination of Moby Ricks, with a new added business, 9 Miles East, another business based around a distribution model.

Thankfully, we were able to demonstrate, during a Zoning Board of Appeals Meeting, major issues with the project due to parking, increased traffic and misrepresentations by the project submitter, Tom West, on his efforts to engage the local neighborhood. The last issue presented the most disturbing element as he represented to the board that he had spoken to the affected neighbors during his process while he had in fact not spoken to a single person.

As I understand the current submitted project, the use variance is for a Convenience Sale location, as Mr West intends to demolish the existing structure and build a new one. No one that I know of in the neighborhood has any concerns about the creation of a new and improved local market, one "providing a limited line of groceries and household items, and catering primarily to nearby residential areas".

Unfortunately, we understand the business model of 9 Mile East, and it does not fit this description. I am not denigrating their business, in fact I am a customer. What I am concerned with is the high volume of vehicles that will now be coming in and out of that location and tiny intersection each and every day. 9 Miles East, in their own marketing material, states that they will be relocating their existing pizza and salad distribution business to the new location. This business has customers as far as the State Capital in Albany and Boston, MA, clearly neither is a nearby residential neighborhood. As I stated earlier, I do not think that this type of business is allowed in the UR-3 District and request that you not allow the use variance for this business on those grounds.

Thank you in advance for your consideration of this letter and those of my fellow concerned neighbors.

Kind Regards,

Dillon and Jen Moran
177 Lake Avenue
Saratoga Springs