

SUBMITTED  
7/24/2017 JTG.  
July 24, 2017

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

RE: Objection to Peppers Corner

Chairman Moore,

I am writing to you to express my strong objection to 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 the occasional 6 pack of beer. 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, so what activity went on to allow Moby Rick's to open in the first place? 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 expanded 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 don't think you don't know our code, but rather because I think the differences in business models is 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. Further, they have no intention whatsoever to stop doing that.

The addition of 9 Miles East will only exacerbate the situation, as their own marketing material states their intent to increase their distribution business through the creation of this facility. They currently have multiple trucks delivering pizza and other items throughout the capital district. They are not focused on catering primarily to nearby residential areas.

The variances that the project is requesting should be viewed as USE variances as they are requesting uses for this property well beyond what is permitted by current zoning. For them to suggest otherwise is disingenuous at best.

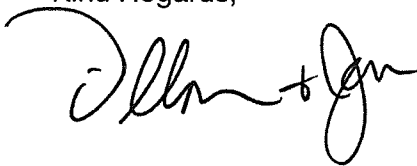
The last issue I wish to touch on is the impact of traffic. I have read the traffic "study" that was submitted with the project documents and have read the short form answers provided as well. I use the quotation marks as I feel that the document provided is comical in its content. I have watched the traffic at that corner for close to 20 years and it is a very dangerous corner at times. When you add in the large delivery trucks, bad parking jobs, pedestrian traffic, neighborhood kids, etc, it is an accident waiting to happen.

In addition to being a Chemical Engineer and an investor in a local business, I am pretty good at math and I know what it takes to make business successful. A conservative run of the numbers for this project shows that a break even point of 200 customers per day at a \$20 per customer sales point is necessary for this to succeed. Their traffic estimates don't even come close to that number, so if they are to be believed, why would you approve a project where the initial tenants are bound to fail?

In and of themselves, I have no issue with either business, but rather the size and scale that this project represents. Further, I think everyone in the area would love to see an improved Convenience Store in the 173 Lake Avenue location, operating as is allowed under current zoning, providing the kind of household and grocery items specifically detailed in the code.

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

Kind Regards,

A handwritten signature in black ink, appearing to read "Dillon + Jen". The signature is fluid and cursive, with a large initial "D" and "J".

Dillon and Jen Moran  
177 Lake Avenue  
Saratoga Springs