

# **NARRATIVE TO SPECIAL USE PERMIT APPLICATION SARATOGA HOTDOG COMPANY, INC.**

## **I. Background**

The Applicant, Saratoga Hotdog Company Inc., has been in operation at 110 Excelsior Avenue, Saratoga Springs, NY 12866 for the past 13 years. During that time, the only requirements to operate were a Vendor's Permit, Liability Insurance, and a Department of Health Certificate. The Applicant has met these same requirements for each year of its operation. Until now there was no requirement for a Special Use Permit (SUP) in order to operate at this location. On May 31<sup>st</sup> 2018, the Applicant received a certified letter from the planning board requiring the completion of the new SUP application and was given one month to meet the new terms and failure to comply would result in having to cease all operations at the aforementioned location. The Applicant received a copy of the Quality Hardware/Eddy's Beverage Inc (EBI) Site Plan, Exhibit V, on June 19<sup>th</sup> 2018 and made the necessary annotations to include the layout of all food vending operations.

Saratoga Hotdog Company Inc is a self-contained food cart concession operation that is permanently located at 110 Excelsior Avenue. It serves fresh smoked hotdogs, hamburgers, bratwurst, sausage peppers and onions, kielbasa, etc. on a daily basis.

We invite all Board members down to see the trailer and service operations in action and try one of the many delicious foods prepared daily. We also serve a variety of non-alcoholic beverages.

### **- Equipment:**

- 2008 Sno-Pro concession cart, 6 feet wide by 10 feet long.
- Wood-fired smoker grill
- Wagon – enhances overall look, for seasonal displays, and acts as a seating area
- A tent with 4 picnic tables, which the Applicant received oral approval for its use from Niagara Mohawk some years ago. We request a waiver, see section V, for the new no seating rules, as seating is prohibited in the Saratoga Springs Legislation, Chapter 165, Peddling and Vending Code, Section 6, Paragraph H.

### **- Requirements for Operation:**

- Electricity is supplied by an outside portable gasoline generator and has more than enough output for all the electrical requirements. The concession trailer has a water tank and plumbing for sanitation use as well. All water is supplied daily from our commissary, Spring Street Deli, and any waste is disposed of through the same commissary or in the dumpsters behind EBI.
- Zero lighting requirements - Saratoga Hotdog Company Inc. runs its operations only during daylight hours.
- Parking is shared with Quality Hardware and EBI stores and zero spaces are dedicated to the Applicant. Quick turnover of the parking ensures there are plenty of spaces.
- There is a wagon located at the edge of the parking lot for people to eat their food.

- Food is prepared daily on site and meets or exceeds all health code regulations and requirements, as per Department of Health Certificate.
- The Applicant also has a wood-fired smoker where the food is cooked on a daily basis, which adds a unique flavor to all prepared foods. There is a fence in front of the smoker to enhance the safety of all patrons.
- All food is ordered/served to the patrons through the window of the concession trailer, as to negate any persons getting too close to the wood smoker.
- There are bathrooms located at Quality Hardware or EBI for hand washing and other sanitary needs and disinfectant wipes and gel are also available for use by all patrons.

## **II. Proposed Conditions**

The Applicant's operations is located in the southwest corner of 110 Excelsior Avenue, EBI and Quality Hardware's parking lot. The Applicant has a signed annual property lease, Exhibit IV, with the owner of Quality hardware to use this space for the seasonal food vending operations, which begins in April and ends in December. In the past, the Applicant received oral approval from Niagara Mohawk to use the neighboring site as a seating area for its patrons. In addition to the wagon on the EBI property, the Applicant would like to locate a tent and four picnic tables near the food vending cart for people to sit while enjoying their purchased food. These picnic tables will not interfere with traffic or the thorough fare for the EBI or Quality Hardware stores. Most people that come to the cart are people that either live in the local area or are stopping at the two local stores to procure something quickly. The parking lot is shared with Quality hardware and EBI. As stated above, there are no dedicated parking spaces for Saratoga Hotdog Company Inc's patrons. This southwest location serves to ease congestion and promotes the safe flow of patrons throughout the parking lot.

In recognition of the conditions contained within the SUP, the Applicant requests that the Planning Board grant a permanent special use permit for the offering of food vending services at 110 Excelsior Avenue including the following conditions:

- (i) The hours of operation shall be limited to between the hours of 9AM and 6PM weekly and 9AM and 8PM during the Saratoga Racetrack season;
- (ii) The Applicant shall continue to work with all adjacent residential and commercial properties to control and reduce any adverse impacts from its daily operations;
- (iii) The Applicant shall comply with all provisions of the City's noise and other relevant/pertinent ordinances.

## **III. Analysis of SUP Criteria**

The Applicant submits that the Planning Board's evaluation of the criteria set forth in Section 7.1.3 of the Zoning Ordinance should result in the approval of the application as set forth below.

1. Granting the Applicant a permanent SUP to provide food vending services is entirely consistent with the zoning designation within the T-5 zoning district. Tourists and City residents alike frequent Saratoga Hotdog Company Inc. to enjoy freshly prepared food and conversing with the owner after frequenting the neighboring Quality hardware and EBI businesses and have done so for the past 13 years. Moreover, allowing the Applicant to continue its operations as presently conducted meets the principles outlined in the Comprehensive Plan by promoting economic stability through the retention

of an existing business and the employment opportunities associated therewith for food service workers.

2. Saratoga Hotdog Company Inc.'s use of the southwest corner of the parking lot compliments the neighboring businesses without creating a burden on the surrounding neighborhood. As patrons exit the nearby businesses, Saratoga Hotdog Company provides an ideal location to enjoy a meal while remaining outdoors.

3. The Applicant's fulfillment of the proposed conditions in the SUP will satisfy any concerns that may exist regarding pedestrian and vehicular access, traffic circulation, and parking.

4. Since Saratoga Hotdog Company Inc. has been operating with the required vendor's permit, Exhibit I, Department of Health certificate, Exhibit II, and a liability insurance policy, Exhibit III, for the past 13 years and it is believed that the continuation of its operations under the new SUP regulations will not create any further demand on infrastructure, public utilities or services.

5. To enhance site appearance, the wood used in the smoker is located behind the concession trailer and is covered by a tarp in order to keep it dry as well. There is only a one-month supply of wood at any time.

6. An approval of the SUP will allow Saratoga Hotdog Company Inc. to compete with other venues which offer like services within the City to sustain the long-term economic viability of the site. The Applicant is looking to further the cooperative relationship that has been fostered with neighboring properties, both residential and commercial.

#### **IV. Applicant's Historical Timeline:**

The Applicant has been operating at the same location for the past 13 years. On February 2<sup>nd</sup> 2018, the Applicant renewed the required vendor's permit, which has been done for the previous 13 years and was under the impression that it was going to be the same requirements this year. The Applicant was given a temporary permit until May 31<sup>st</sup> 2018 as the City of Saratoga was reviewing/changing its food vending regulations/codes. The Applicant communicated with the City during the next few months to see if there were any new requirements added in order to continue operations for the remainder of the 2018 season. There was no notice of the Planning Board's approval of these changes and the Applicant did not receive any notice of the City Council's March 20<sup>th</sup> 2018 approval of the new application process. The Applicant was notified when it received a certified letter on May 31<sup>st</sup> 2018 of these changes, which just so happened to be the date of expiration of its temporary permit. The Applicant learned of the new SUP requirements and was given a one-month extension to file the new application with all associated prerequisites. The Applicant had a very short time in which to prepare this application, gather all required documents, and then submit them to the Planning Board for their review/decision. The penalty for failure to comply within this short timeframe would have resulted in a loss of all income during the prime season.

#### **V. Relief Requested**

The Applicant respectfully requests that the Planning Board grant a permanent SUP. This will allow the Applicant to continue to provide food services for the 2018 and future seasons in the same manner that has been done over the previous 13 years, in accordance with the proposed conditions

specified herein. The applicant also requests the approval of the waivers in this section, which are as follows:

- **Waivers Requested:**

- Waive Formal Site Plan review process – We feel that the Quality Hardware/EBI Site Plan that was approved in 1984 and the sketch of the Applicant’s operations is more than enough to satisfy the Planning Board’s needs in this area.
- Waive Environmental review process – The Applicant has zero impact on the environment. All water is brought in daily from the commissary, all waste is disposed of in the dumpsters behind EBI or taken to its commissary, and all electricity is supplied by an outside portable gasoline generator.
- Establish Temporary Seasonal Seating Area – Erect a tent with 4 to 6 covered picnic tables in adjacent field. Alternatively, the location of the picnic tables could be at the periphery of the parking lot for use by Saratoga Hotdog Company Inc’s patrons. The Applicant is initiating the communication process with National Grid to determine what is required to utilize this site.
- Reduce Application Fee – Applicant has already paid the required \$250 fee for this year’s Vendor’s permit. The \$900 fee is rather expensive and puts an undue burden on a small part-time business such as this one, which its operation is controlled by outside influences such as weather, family needs, and limited staffing. We believe that the fee schedule should be discussed further.

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Below are the Exhibits that support this Narrative:

- Exhibit I: Food Vending Permit
- Exhibit II: Department of Health Certificate
- Exhibit III: Liability Insurance Policy
- Exhibit IV: Property Lease
- Exhibit V: Site Plan Sketch
- Exhibit VI: City of Saratoga Zoning Map
- Exhibit VII: Saratoga Hotdog Company T-5 Zoning Map
- Exhibit VIII: Vending and Peddling Application Letter



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