

Pepper's Corner

Planning Board Presentation

July 19, 2018

**173 LAKE AVENUE
SARATOGA SPRINGS, NEW YORK**

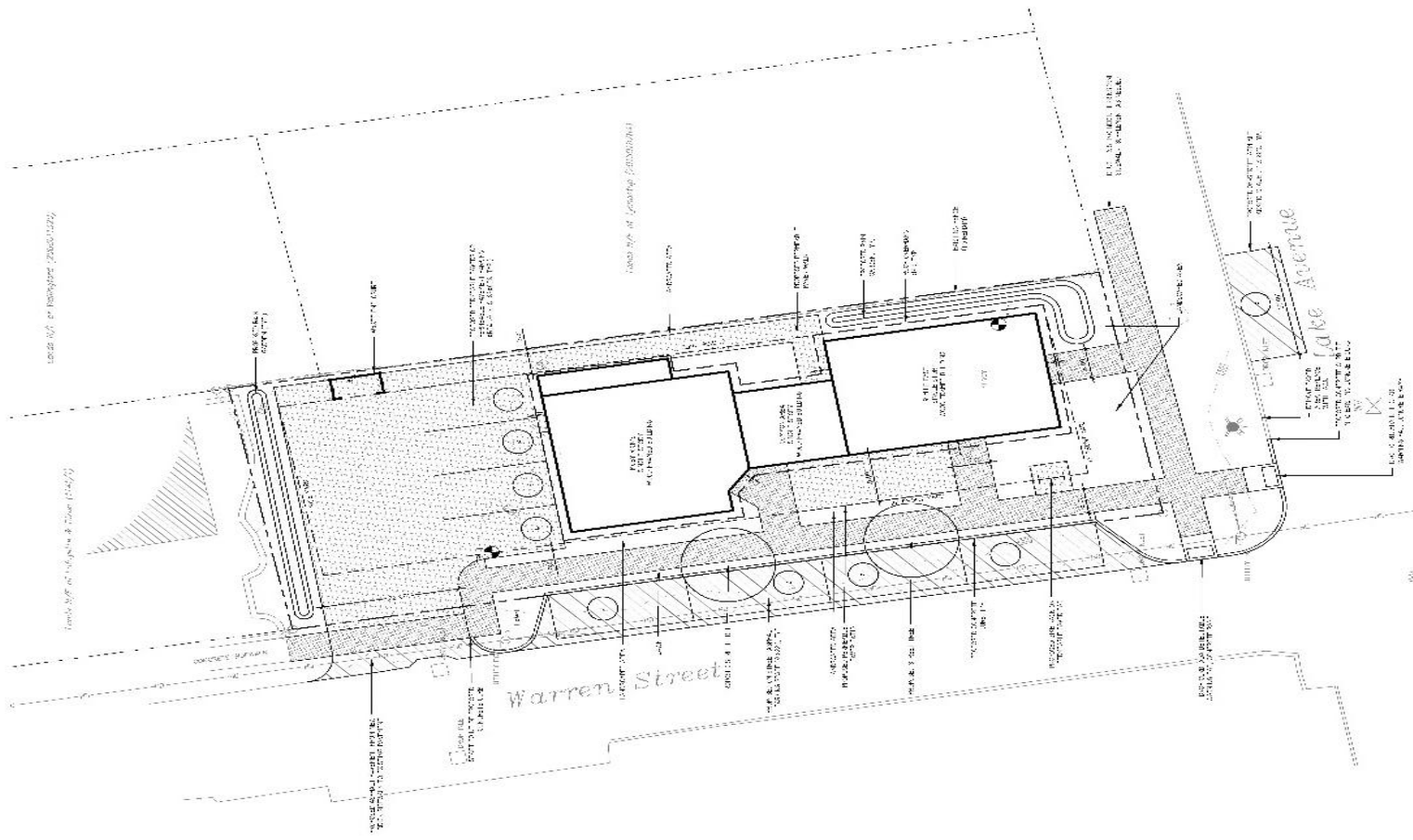


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- Purpose of Project: to revitalize 173 Lake Avenue in Saratoga Springs, New York, the current location of Moby Rick's, into a unique market experience to complement the East Side of Saratoga Springs.
- History of Location: Originally, the property was the location of Pepper's Market, which was part of the fabric of the East Side community for more than a century.
- Goals and Objectives: Maintain a unique market experience for farm to table products by replacing the existing facility in kind with a modern, well-designed facility.

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- **Original Site Plan:**



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- **Original Architectural Plans:**



LAKE AVE ELEVATION

$1/8'' = 1'-0'' \pm$



WARREN ST. ELEVATION

$1/8'' = 1'-0'' \pm$

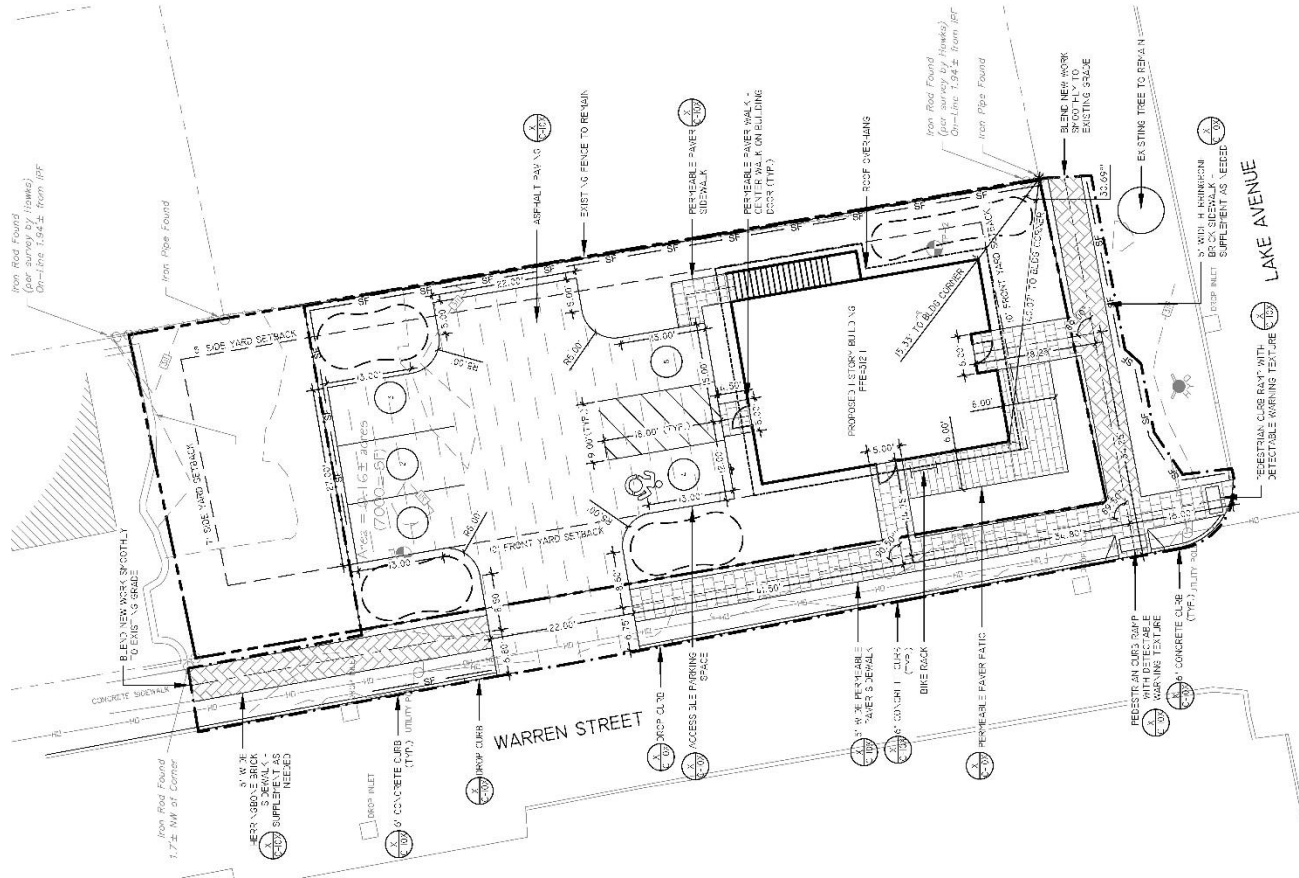
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- **Approach to Project:**

- Identified potential problems associated with the existing use.
- Reacted to neighborhood opposition.
- Retained best-in-class Landscape Architect.
- Redesigned project to replace existing structure with a modern facility that meets *all* zoning requirements.
- Single tenant occupancy that is designed to meet the definition of “Convenience Sales” in the Zoning Law with no need for *any* variances.

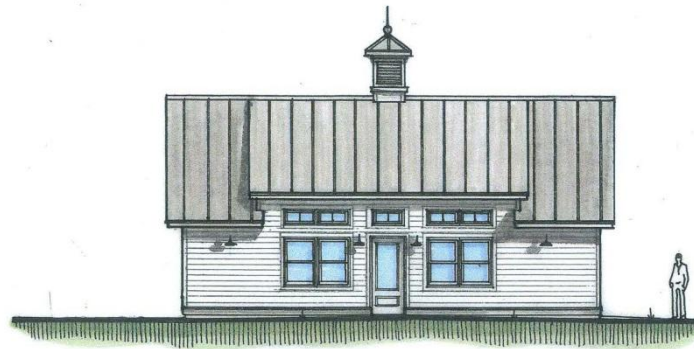
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- **Current Site Plan:**



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- **Current Architectural Plan:**



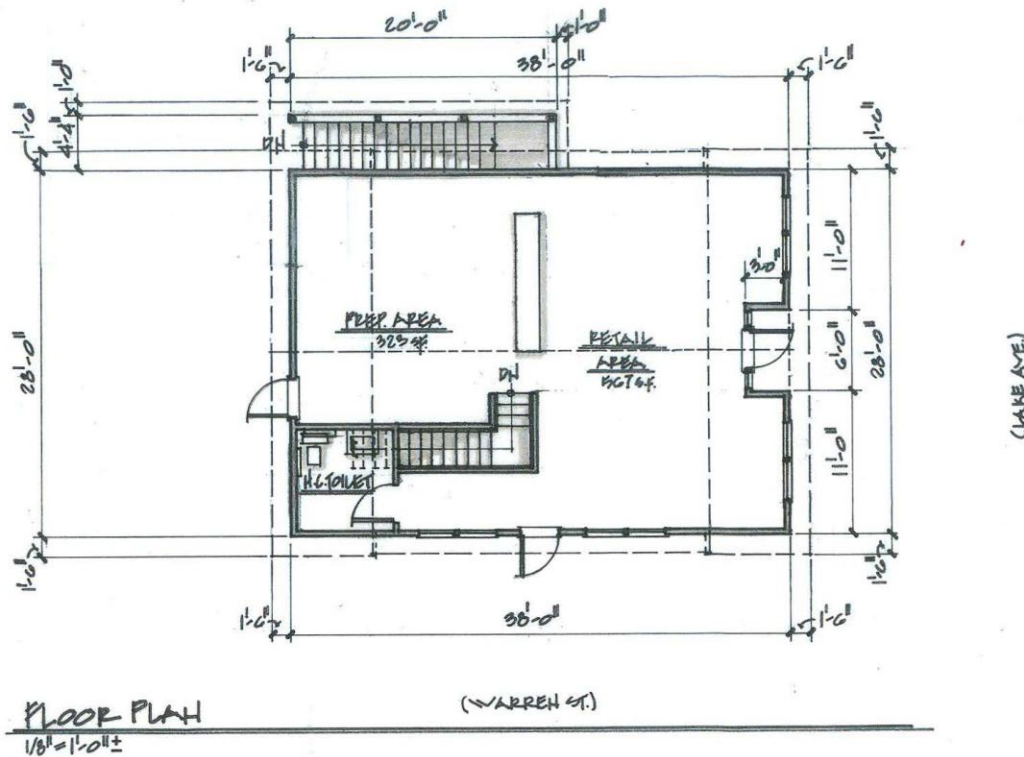
WARREN ST. ELEVATION
1/8" = 1'-0" ±



LAKE AVE. ELEVATION
1/8" = 1'-0" ±

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- **Current Floor Plan:**



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- “Convenience Sales” is permitted in UR-3 District with special use permit and site plan review.
- “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.”

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- Project has been designed to meet the definition of “Convenience Sales.”
- The 1064 ft.² structure will replace the existing, non-conforming structure and is approximately half the allowable size (2000 ft.²).
- Will be the Saratoga Springs location for 9 Miles East, with its unique farm to table food products.
- 9 Miles East will sell market products associated with its operations and provide freshly prepared take-out food and food for on premises consumption and delivery.
- Will sell sundry products to qualify as “Convenience Sales.”

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- Will include seating for no more than 20 patrons, some of which will be moved outside during the summer months.
- Will include refrigerated and non-refrigerated cases, shelving and other displays for prepared foods, fresh foods and sundry items.
- Lease requirements require the tenant to meet the definition of “Convenience Sales.”

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- **§7.1.3 EVALUATION CRITERIA FOR SPECIAL USE PERMITS:**
- **A. To ensure that the proposed use will not adversely affect surrounding properties and community character, the Planning Board's evaluation of Special Use applications shall include the following:**
- **1. The extent to which the use is in harmony with and promotes the general purposes and intent of the Comprehensive Plan and this Chapter.**
- **2. The density, intensity and compatibility of the use with the neighborhood and community character.**
- **3. Safe and efficient pedestrian and vehicular access, circulation and parking.**
- **4. Existing and future demand on infrastructure, public facilities and services.**
- **5. The environmental and natural resources of the site and neighboring lands including any potential erosion, flooding or excessive light, noise, vibration and the like.**
- **6. The long-term economic viability of the site, neighboring properties and districts.**

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- **§7.1.3 EVALUATION CRITERIA FOR SPECIAL USE PERMITS:**
- **1. The extent to which the use is in harmony with and promotes the general purposes and intent of the Comprehensive Plan and this Chapter.**
- **The use is a permitted use that will perpetuate a use that has existed since 1870. As such, the use is consistent with the Comprehensive Plan and the Zoning Code. These types of local markets are a dying breed that have been replaced by out of City big-box alternatives. These markets maintain the fabric of city living.**

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- **§7.1.3 EVALUATION CRITERIA FOR SPECIAL USE PERMITS:**
- **2. The density, intensity and compatibility of the use with the neighborhood and community character.**
- **The density is approximately half of that allowed and replicates in size, texture and form a use that has existed since 1870. The use is consistent with the mixed uses currently found on Lake Avenue and is consistent with the precedent established by this Board with Augie's, another "Convenience Sales" establishment located further to the east on Lake Avenue.**

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- **§7.1.3 EVALUATION CRITERIA FOR SPECIAL USE PERMITS:**
- **3. Safe and efficient pedestrian and vehicular access, circulation and parking.**
- **The site plan has been designed to provide for safe and efficient access for pedestrians, vehicles and bicycles. Sidewalks will be replaced or rehabilitated. In addition, a bike rack will be provided to promote bike access. Finally, Public Safety has indicated their willingness to designate the 15 minute parking space in front of the building as a loading zone to make sure that all inbound and outbound loading does not affect Warren Street.**

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- **§7.1.3 EVALUATION CRITERIA FOR SPECIAL USE PERMITS:**
- **4. Existing and future demand on infrastructure, public facilities and services.**
- **There will be no increased demand on existing or future infrastructure or services, as the proposed use perpetuates a use that has existed since 1870 with no increase in size or demand for services.**

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- **§7.1.3 EVALUATION CRITERIA FOR SPECIAL USE PERMITS:**
- **5. The environmental and natural resources of the site and neighboring lands including any potential erosion, flooding or excessive light, noise, vibration and the like.**
- **The site has been designed to reduce the impermeable surfaces, incorporate rain gardens, and use dark sky compliant lighting to minimize impact. The hours of operation will be 7 AM to 10 PM. Outdoor service will terminate a 9 PM and the chairs will be removed at 10 PM to avoid non-patrons from using the facility after hours. No additional fencing is proposed, to avoid adversely impacting the neighbor to the north.**

Pepper's Corner – Planning Board Presentation

- **§7.1.3 EVALUATION CRITERIA FOR SPECIAL USE PERMITS:**
- **6. The long-term economic viability of the site, neighboring properties and districts.**
- **9 Miles East has a significant customer base in the City of Saratoga Springs, including numerous customers that live on the east side of Saratoga Springs. They are committed to a long-term relationship with this neighborhood and community. Their letter to this Board confirms these facts.**

Pepper's Corner – Planning Board Presentation



- **A Renewable Special Use Permit Does Not Work Here:**
- **While renewable SUPs may be appropriate for existing structures, they do not work where a significant capital investment is required.**
- **A significant investment is required to replace the building and meet the site plan requirements.**
- **Could lead to a request for a hardship variance if renewal is denied.**
- **Inconsistent with the Zoning Determination, dated May 4, 2017, which was relied upon to acquire the property.**

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- **Status under the State Environmental Review Act:**
- **Due to the small size of this project and the fact that it is a replacement in kind for a long standing building and use, it is considered a Type II action under SEQRA, negating the need for any further environmental review.**