

Turf War at the Hot Dog Cart

By [JULIA MOSKIN](#)

MONDAY was a routine day for Grant Di Mille and Samira Mahboubian, the owners of the Street Sweets food truck, a mobile trove of croissants, cupcakes and [cookies](#) that got rolling last month.

The couple loaded the truck by 6 a.m., parked in front of the Museum of Modern Art at 7, traded hostilities with other vendors from 9 a.m. to 1 p.m., and were surrounded by police officers by 2.

“The police told these guys that nobody owns the streets. But it sure doesn’t feel that way,” said Mr. Di Mille, who called the Midtown North precinct — not for the first time — when a jewelry vendor set up shop directly in front of his sales window.

In four weeks of business, the couple has been threatened at the depot where they park the truck; cursed by a gyro vendor who said that he would set their truck on fire; told to stay off every corner in Midtown by [ice cream](#) truck drivers; and approached by countless others with advice — both friendly and menacing — on how to get along on the streets.

“I want to be a good neighbor,” Mr. Di Mille said. “But I am nobody’s fool, and nobody’s pushover, and I should not have to carry a baseball bat on my truck in order to sell cupcakes.”

In the last two years, upscale food trucks have swarmed the streets, entrancing New Yorkers with everything from artisanal Earl Grey ice cream to [vegan](#) tacos. These highly visible trucks, their outspoken owners and their followers on [Twitter](#), [Facebook](#) and food blogs, have broken the code of the streets that has long kept a relative peace among food vendors.

Turf wars are nothing new for carts selling kebabs and cheap coffee. But the makers of thumbprint cookies, chicken-Thai basil dumplings, and crème anglaise are not happy about the sharp elbows that are part of the city's sidewalk economy, or the murky bureaucracy that oversees the issuing of permits. ([Six people were arrested on Tuesday](#) on fraud charges related to food vending permits.)

These new culinary entrepreneurs, most of them with English as their first language and little fear of police or [immigration](#) authorities, say that they are on a mission to bring better street food to New Yorkers, and ready to bring dark corners of the business to light.

“Right now the system actually favors the black market over people who want to do things right,” said Nathalie Jordi, an owner of People’s Pops, who makes frozen treats with ingredients like locally grown rhubarb and strawberries. “How can that be good for the city?”

Now, having been through the hassle of getting established on the street, these vendors are determined to find gold there. Like Mr. Di Mille, who has two children to support and a six-figure investment to recoup, they say they can’t afford to give in to the vendors who want them to move.

“If I only did business where these hot dog guys said I could do business,” said Lev Ekster, owner of the new CupcakeStop truck, “I would be vending in New Jersey.”

The established vendors, on the other hand, see newcomers as competitors with an unfair advantage in a desperate economy. “They think they can come in with their big fancy truck and push into a spot where I’ve been for 18 years,” said Norman Sweeney, the jewelry vendor who tried to block the Street Sweets truck Monday. He said that the strain of holding down two jobs and sleeping in his truck had caused him to “snap.” “This spot is all I have left,” he said.

Since last fall, when the city’s economy turned especially rough, the trickle of new trucks has become a flood. “We used to get two or three calls a week from people wanting to become food vendors,” said Michael

Wells, a director of the Street Vendor Project, a nonprofit group that advocates for vendors. “Now we get a dozen.”

More variety and better street food for the people of New York might seem like an uncontroversial proposition. But new food trucks have encountered resistance from brick-and-mortar businesses; huge backlogs in the city’s licensing system; and harassment from established vendors, which, new vendors say, is increasing as the trucks attract more attention.

“Absolutely the situation has deteriorated since last fall,” said Kenny Lao, an owner of the Rickshaw Dumpling Truck, who says that his life was threatened by other vendors when the truck opened for business last year. “The old vendors are edgy, and they don’t bother to figure out which one of the new trucks is which,” he said.

“A new vendor used to mean someone’s cousin coming in from Egypt,” said Zach Brooks, whose blog [Midtown Lunch](#) chronicles the sidewalk-food scene. “Now it’s a major culture clash.”

The early summer has brought at least a dozen new trucks, many of them run by people with advanced degrees and white-collar backgrounds: CupcakeStop is owned by a 2009 [New York University](#) Law School graduate. Cravings, a Taiwanese food truck, is the brainchild of Thomas Yang, who developed the truck’s business model before graduating from [Baruch College](#) in 2008. The owners of Street Sweets both left six-figure jobs to build their business, and the Big Gay Ice Cream Truck is driven by Doug Quint, a doctoral candidate in bassoon performance at CUNY. “The whole [Brooklyn Philharmonic](#) season was canceled,” he said. “I have to get through the summer somehow.”

The new truckers, knowingly or innocently, often roll right over unwritten rules about which corner belongs to whom, and when. The city, other than blocking certain streets entirely and enforcing parking regulations, does not dictate locations for food carts. But spots are virtually owned by vendors who have worked them for decades; they are handed down within families and even sold on the black market.

“You can set your watch by it: park in a new spot, and within 15 minutes someone will come and check you out,” said Kim Ima, a former actress who owns the Treats Truck. Ms. Ima, one of the first upscale mobile vendors, had the tires of her truck slashed near her bakery soon after opening in 2007. “The street is like the playground when you’re a kid, and you have to learn your way around,” she said. “You have to learn where the sixth graders sit and where the dodgeball game is before you can safely sit and eat your lunch.”

Vendors say that the traditional code of the streets may be effective, but that it feeds on fear, intimidation and the city’s lack of enforcement of permit rules.

“It only works because everyone is a little bit in the wrong, and no one is 100 percent clean,” said Mr. Lao. “We can’t go through legal channels to resolve our disputes.” Mr. Lao was referring to the notorious black market in the food vendor permits issued by the city’s Department of Health. Most of the vendors interviewed would not talk publicly about the status of their permits. But several of them, asking not to be identified because of the dubious legality of the arrangements, said they had secured theirs by paying unauthorized “fixers” or by entering into partnerships with existing permit holders. A common form of retribution among vendors is to report one another to city authorities for permit violations.

The black market, vendors say, is nourished by the city’s bureaucracy. Many, especially those for whom English is not a first language, pay brokers to navigate the system. These illegal go-betweens are common in the central depots where food vendors are required by the Health Department to park their carts and trucks.

Of all the gray areas for food vendors — who are regulated by a cluster of agencies including the [Department of Consumer Affairs](#), the Police Department and the New York State sales tax authority — permits are the murkiest. The Health Department set the number of full-time food

vending permits at 3,100, in 1979. (In the fall, the [City Council](#) will vote on a proposal that would increase the number of permits to 25,000.)

The \$200 permits are valid for two years and can be renewed indefinitely by mail. Their black-market value is tremendous: up to \$15,000 for two years, according to a report released Tuesday by the city's Department of Investigation. The new vendors are openly questioning the black holes of the system. "Every day, the city is leaving thousands of dollars on the table" by not taking control of the illegal trade in permits, said Mr. Yang, of the Cravings truck.

Ben van Leeuwen, whose artisanal ice cream business has expanded from one to three trucks in the last year, said that the city's revenue from the food vendor business was "laughable" compared with the potential earnings. "I could pay as much as \$5,000 a month for the summer season and still have a workable business model," he said.

Many vendors believe that vastly increasing the number of permits, and selling a percentage annually at auction, would work. Others believe that strict limits are necessary to pacify the owners of the city's thousands of delis, bakeries, restaurants and food stores.

"High-visibility trucks seem like a good thing, but there might not be room for everyone," said Thomas DeGeest, owner of the Wafels & Dinges Belgian waffle truck, who left a spot on Hudson Street downtown on June 10 after being warned off by a building employee. "I can see the pushback from the brick-and-mortars coming a mile away."

Mr. Ekster said he encountered resistance even before his CupcakeStop truck hit the streets in June. He said he received a phone call from the publicist for the popular Crumbs Bake Shop chain pointing out that the spot where he planned to park, near the Crumbs on University Place, was illegal. (Through a spokeswoman, Jason Bauer, the bakery's chief executive officer, said that he was providing friendly advice to a fellow baker.)

“These bakeries should focus on making better cupcakes, and not on stamping out the competition,” said Mr. Ekster, who, like many vendors, loudly proclaims his belief in free-market food fights.

Mr. Ekster said that before starting out in June, he wrongly believed that other street vendors would not see his fancy cupcakes as competition, but that was not the case. “When a hot dog guy sees a line in front of my truck, he thinks: ‘That’s my line,’ ” Mr. Ekster said.

The notion of a tiered market for street food does not ring true to some established vendors. “If someone comes out of the building with \$5 to spend, he is going to choose between my truck and another one,” said Atif Qureishi, a vendor of halal lamb in Midtown.

Others have begun to see the new vendors as inevitable, and possibly lucrative. “It brings more people out on the street,” said Lotfi Mouchrak, who was working on the Steak Truck on Park Avenue last Thursday when a new truck serving burgers made from grass-fed beef parked one block away. “Different food for different people.”

The troubles for Street Sweets began when diners sitting outside at Bistro Milano on West 55th Street left the restaurant, complaining of the truck’s noise. A few days later, the management of 1350 Sixth Avenue, a glossy high rise that is the landlord for Bistro Milano, called officials to pressure the couple into moving on for good. Soon the truck was surrounded by police officers, firefighters and a hazmat squad.

For Mr. Di Mille, who until recently was a graphic designer earning about \$200,000 a year, being treated like a vagrant was unsettling. “For 20-odd years, I was the kind of person who put on a tie and ate lunch in restaurants like that every day, and now I’m being shooed away from the curb like a low life-form,” he said. “I would not in my wildest dreams have thought it would be like this.”

After the truck’s showdown with the authorities was reported on the Midtown Lunch blog, the restaurant received angry phone calls from readers. “Everybody loves the truck, but we are also a small business,

with 20 families depending on us for their jobs,” said Enrico Migliaccio, a manager of the restaurant. “Because we are not a truck, we are nothing?”