

**245-03-BZ**

APPLICANT – Jeffrey A. Chester, Esq./GSHLLP, for Allied Enterprises NY LLC, owner; McDonald's Real Estate Company, lessee.

SUBJECT – Application December 26, 2013 – Extension of Term of a previously granted special permit (§72-243) for an accessory drive-thru to an existing eating and drinking establishment (*McDonald's*), which expired on December 12, 2013. C1-2/R3-2 zoning district.

PREMISES AFFECTED – 160-11 Willets Point Boulevard, northeast corner of Francis Lewis Boulevard, Block 4758, Lot 100, Borough of Queens.

**COMMUNITY BOARD #7Q**

**ACTION OF THE BOARD** – Application granted on condition.

**THE VOTE TO GRANT** –

Affirmative: Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez .....4  
Negative:.....0

**THE RESOLUTION** –

WHEREAS, this is an application for a reopening and an extension of the term of a special permit allowing a drive-through facility at an existing eating and drinking establishment, which expired on December 9, 2013; and

WHEREAS, a public hearing was held on this application on May 20, 2014, after due notice by publication in *The City Record*, with a continued hearing on June 17, 2014, and then to decision on July 22, 2014; and

WHEREAS, Community Board 7, Queens, recommends approval of this application; and

WHEREAS, Queens Borough President Melinda Katz recommends approval of this application; and

WHEREAS, the site is located on the northeast corner of the intersection of Francis Lewis Boulevard and Willets Point Boulevard, within a C1-2 (R3-2) zoning district; and

WHEREAS, the site is occupied by an existing eating and drinking establishment (*McDonald's*), with a drive-through facility with a ten-vehicle reservoir capacity, and 15 accessory parking spaces; and

WHEREAS, on December 9, 2003, under the subject calendar number, the Board granted a special permit, pursuant to ZR § 73-243, authorizing the drive-through facility for the existing restaurant for a period of five years, to expire on December 9, 2008; and

WHEREAS, on February 10, 2009, the Board granted an extension of term, to expire on December 9,

**A true copy of resolution adopted by the Board of Standards and Appeals, July 22, 2014.**

**Printed in Bulletin No. 30, Vol. 99.**

**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**

2013; and

WHEREAS, the applicant now requests an additional five-year extension of term; and

WHEREAS, at hearing, the Board directed the applicant to remove all signage contrary to the approved plans and to restore the speed bump to the parking lot; and

WHEREAS, in response, the applicant provided a photograph, which demonstrates that all excessive signage has been removed; in addition, the applicant states that the speed bump will be restored; and

WHEREAS, based upon the above, the Board finds that the applicant's application for an extension of term is appropriate, so long as the restaurant complies with all conditions set forth below.

*Therefore it is Resolved*, that the Board of Standards and Appeals *reopens and amends* the resolution, dated December 9, 2003, so that as amended the resolution reads: "to extend the term for five years from December 9, 2013, to expire on December 9, 2018; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked 'Received April 22, 2014' - four (4) sheets; and *on further condition*:

THAT the term of this grant will expire on December 9, 2018;

THAT all signage will comply with C1 zoning district regulations;

THAT there will be no change in the operator of the subject eating and drinking establishment without the prior approval of the Board;

THAT all conditions from prior resolution not specifically waived by the Board remain in effect; and

THAT the approved plans will be considered approved only for the portions related to the specific relief granted;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted." (DOB App. No. 401574060)

Adopted by the Board of Standards and Appeals, July 22, 2014.

