



Chairperson, Martha Taylor

*The City of New York
Borough of Queens*

Community Board 8

197-15 Hillside Avenue
Hollis, NY 11423-2126
Telephone: (718) 264-7895
Fax: (718) 264-7910
Qn08@cb.nyc.gov
www.nyc.gov/queenscb8



District Manager, Marie Adam-Ovide

PUBLIC HEARING:

**BSA Cal. No. 2018-164-BZ
72-71 Kissena Boulevard
Flushing, NY 11367**

DATE:

Wednesday, November 28, 2018

PLACE:

**Hillcrest Jewish Center
183-02 Union Turnpike
Fresh Meadows, NY 11366**

ATTENDANCE:

**Steven Konigsberg, Zoning Committee Chair
Edward Chung, Board Member
Susan Cleary, Board Member
James Gallagher Jr., Board Member
Marc A. Haken, Board Member**

Others in attendance:

**Neil Weisbard, - Pryor Cashman LLP Attorney/Applicant
representative
Jared Jones – Bohler Engineering
Marie Adam-Ovide, CB 8 District Manager
Jatnna Reyes, CB8 Staff Member**

Purpose of Public Hearing

This application is filed pursuant to Section 73-243 of the Zoning Resolution. It seeks to legalize the drive-through servicing the McDonald’s eating and drinking establishment located on the site. A Special Permit is needed for proposed eating establishments with accessory drive-through windows.

Zoning Chairperson Steven Konigsberg called this Public Hearing to order at 7:30 p.m. He introduced the Board Members present and explained the rules governing the Hearing. There were five (5) Board Members present; therefore, there was not a quorum. A vote will be taken by the full Board at the Community Board Meeting on December 12, 2018 at the Hillcrest Jewish Center, located at 183-02 Union Turnpike at 7:30 p.m.

Public Participation

There was no public participation for this application.

Zoning Chairperson Steven Konigsberg introduced Neil Weisbard from Pryor Cashman LLP, representing the applicant of the above premises.

Presentation by Mr. Weisbard representing McDonald's Corporation:

This is an application for a special permit to permit a drive through at this location. The drive-through has actually existed since 1999. They are moving forward now to legalize the drive-through.

Steven Konigsberg – With the letter and statement of facts that were received with the application, in addition to the legalization of the drive-through, there is also a statement here that said, “The applicant proposes to also construct a 532 square foot enlargement.

Answer: *[Neil Weisbard]* – Yes. Jared (Project Engineer) can speak to you about this. That is not subject to the BSA application. It will be permitted as of right.

Answer: *[Steven Konigsberg]* – Some people were confused as to why we were only talking about one part and not another part. Go ahead please *[directed to Mr. Jones]*.

Jared Jones – *[Descriptions were made with a diagram of the premises provided at the meeting]*. The enlargements are here and here on the drive-through side of the building. Basically, they will provide three windows (pay window, pick-up window and a large order window). The enlargement will fit the proper spacing. The most enlargement will be at the rear, they are getting rid of the trash area and are moving it inside the building in a cooler space which is better for the environment.

Marc A Haken – I'm sorry, you said trash?

Answer: *[Jared Jones]* – Yes, the trash area is going to be inside the building. It will be cooled, no odor, just better for the environment.

When does it get picked up?

Answer: *[Jared Jones]* – They have scheduled pick up usually in the morning [7:00 a.m. or 8:00 a.m.].

Not 2:00 a.m.?

Answer: *[Jared Jones]* – No, not 2:00 a.m. It is usually early in the morning between 7:00 a.m. to 9:00 a.m.

Neil Weisbard – Just for your information McDonald's is going around country and out-of-state doing re-modeling on their restaurants. This is one of them. Right now at the rear on Aguilar Avenue there is a chain link fence with the green buffer which is going to be replaced with a PVC vinyl fence. Also there will be an addition to a second drive-through lane near the ordering window; so, that will alleviate any congestion that might take place right now.

Jared Jones – Essentially they will be doing a complete renovation of this building. They are going to bring it down basically to the structure and everything is going to be rebuilt: new roof, new façade, new everything. New storm water system, basically [it will be] a brand new building.

Steven Konigsberg – The play area?

Answer: *[Jared Jones]* – The play area will remain the same but it will be all brand new.

Neil Weisbard – None of that is subject to BSA approval, just so you guys understand. It's just the drive-through facility.

Answer: *[Steven Konigsberg]* – Well, it's part of the project.

We are here to answer any questions.

Steven Konigsberg – In support of application for the legalization of the drive-through though, that does require a presentation that we can vote on. Unless, you want to rest on what you said so far which doesn't amount to much.

Neil Weisbard – There are certain findings that the BSA require. As indicated on the Environmental Assessment Statement, there are no adverse impacts anticipated by the operation of the drive-through facility. Mr. Weisbard presentation was as follows:

- They require ten (10) reservoir spaces for the drive-through. They will be providing thirteen (13).
- The entrance to the drive-through is located on 73rd Avenue, which is a wide street, it should not cause any congestion to local streets. It is an 80 foot wide, two way street.
- There will be a separate exit along Kissena Boulevard. Another 80 foot wide two way street. There should be no adverse impact on the residences of the area. There are no residences on the site's block. Many of these restaurants are adjacent to residences. This is not the case with this one. There are residences in the area but they are located across the wide streets.
- The final findings for the BSA is that their signage will comply with the zoning regulations for a C1-1 district. Some of the existing signs on premises will be removed when renovation is completed.
- There will be thirty-four (34) parking spaces in compliance with the zoning regulations.

Zoning Chairperson Konigsberg opened the floor for questions from the Board Members.

Questions by the Board Members:

Susan Cleary - How long is the McDonald's going to be down?

Answer: [Jared Jones] – It is scheduled for construction for about 120 days.

James Gallagher Jr. –The drive-through, will that be open until like 2:00 a.m.?

Answer: [Jared Jones] – 24 hours a day.

Great.

Marc A. Haken:

I was just wondering about the parking spaces. Are certain of them specifically designated for certain employees to keep them off of the local streets?

Answer: [Jared Jones] – Not specifically designated for employees. I'll have to check. I am pretty sure a lot of the employees commute via mass transit.

Might it be possible, maybe for the manager? Or somebody that get designated one or two spots?

Answer: [Neil Weisbard] – We can speak to the operator about that. I think most of the store is driven by the drive-through. We are providing 34 spaces but under zoning they think is appropriate to have at least 24. So we have 10 [spaces] which are extra.

Edward Chung –

This part right here [pointing to the diagram given] you are making it wider? I didn't catch the part of the widening.

Answer: [Jared Jones] – So the lane was actually widen out so that you get more flow basically through the overall site. These are much tighter, narrowed down to like 12 feet. They are going up to 18 feet to get more room for maneuverability.

Okay. So if the cars are blocking you can go around?

Answer: [Jared Jones] – Correct. There are two spaces here [pointing at diagram] that are designated for big orders. For example, if you get a \$100 order, they'll tell you go here and you'll get your order [brought to your car].

The curb perimeter is still the same?

Answer: [Jared Jones] – Yes. Everything will remain the same in terms of the perimeter.

DM Adam-Ovide – So you me is the same size, it will just be re-configured?

Answer: [Jared Jones] – Yes. The lot is staying the same size.

Steven Konigsberg - I do not know if you have a picture of what the premises look like now?

Answer: *[Neil Weisbard]* - I have some photos I can hand out now.

Steven Konigsberg - If you can, compare the exit and the entrance currently from what you are proposing on the new picture. If there is any changes?

Edward Chung – Will there be a stop sign going out the exit?

Answer: *[Jared Jones]* – We are proposing new ones. I do not recall if there are existing ones now. We are putting new ones in.

Steven Konigsberg – For this curb cut in driveway, where people are entering the property [pointing to diagram], to get into the queue, is that going to be the same location as it is now?

Answer: *[Neil Weisbard]* – Yes.

The issue that I have with the current configuration is that on 73rd Avenue, there is one car space between the driveway and the light at Kissena Boulevard, then you have a driveway and then you have all the car space behind that. The minute you get two cars waiting at that red light and someone is coming in a easterly direction wanting to make a left turn, they'll back up all the traffic onto Kissena Boulevard and beyond. That is a little bit of an issue and I don't know how you can possibly address this.

Answer: *[Neil Weisbard]* – We were actually talking about that before we met. We don't really have another location where we can move that entrance. Otherwise, we would have two entrances along Kissena Boulevard and that wouldn't make sense because we would have to U-turn it. I don't know if there is any other way to push this down. I think we maxed out.

Jared Jones – It is going to be at the loss of parking if we do it.

Answer: *[Steven Konigsberg]* – You are ten over at the parking anyway. This might alleviate some traffic issues. A smart driver, the minute they come up and see, oh that's a McDonald's right there and there is no room for another car, they allow space so that people can make the left turn in. I am not saying this is occurring several times an hour or how many times a day but on occasions when I pass by there, that is my personal experience.

Neil Weisbard – Well, we can explore that. If we move it approximately 10 feet I don't think that's going to solve that problem.

Susan Cleary – There is a bank right next to it too. Can't you move it up to Aguilar Avenue? The drive-through?

Answer: *[Jared Jones]* – There is no way for them to circle back around the site to get through the drive-through. The curb cut has to be on this section *[pointing at diagram]*.

Steven Konigsberg – Well, if you are starting with a blank slate, you are taking the whole thing down, you really have the opportunity to become creative.

Answer: *[Jared Jones]* – That's where all the extra cost comes in that they were trying to avoid.

I am not worried about the dollars/cost. I am worried about people driving and not having road rage because I am waiting. I want to get somewhere and someone else is blocking my entry to get into McDonalds etc.

Neil Weisbard – We can look into that.

Steven Konigsberg – You want to table this? So, that you can stop the clock or you want to be able to move forward.

Answer: *[Neil Weisbard]* – We want to be able to move forward.

Looking into it means, we go forward.

Answer: *[Neil Weisbard]* – I think we are going to have to stand with the position that this makes the most sense to this perimeter.

Are you telling me that, that other configurations were considered?

Answer: [Jared Jones] – Yes, absolutely.

So why not simply have the entrance 100 feet back? How big is the lot?

Answer: [Neil Weisbard] – The street front is limited to here [pointing at diagram]. This area is other blocks. This is only the location's street frontage. This part we can't put it here because it is our neighbor's property.

So that is the parking lot of the land next door.

Answer: [Neil Weisbard] - Yes.

Susan Cleary – I noticed that the disabled parking spots have been moved back. Are they going to be moved to the back door of the McDonalds? Because right now they are up near the front door.

Answer: [Jared Jones] – They are moving the doors around a bit. There is going to be a door right here [pointing at diagram] that you can enter and there is a door right here.

Yeah, but you got your disability parking spots, there by the back doors by the bathrooms.

Answer: [Jared Jones] – No. These are service doors [pointing on diagram]. These are not going to be for parking.

They will remain the same. Great.

Mr. Konigsberg asked for a motion for the approval of the legalization of the drive-through servicing the McDonalds of this establishment.

Marc A. Haken made a motion to approve BSA Cal. No. 2018-164-BZ, 72-71 Kissena Boulevard, for the legalization of the drive-through servicing the McDonald's eating and drinking establishment located on the site, seconded by Susan Cleary.

Vote:

5 in favor

0 opposed

0 abstained

Board Members who voted in favor: Edward Chung, Susan Cleary, James Gallagher, Jr., Marc A. Haken and Steven Konigsberg.

Board Members who voted against: None

The motion was passed unanimously

Adjournment

This Public Hearing adjourned at 7:48 p.m.

*Respectfully submitted
Jatnna Reyes, CB8 Staff
December 6, 2018*