

Staff: Jeffrey Haberman  
Deputy Director  
Infrastructure Division



THE COUNCIL

**BRIEFING PAPER OF THE INFRASTRUCTURE DIVISION**  
Robert Newman, Legislative Director

**COMMITTEE ON ECONOMIC DEVELOPMENT**  
Hon. Thomas White, Jr., Chair

**AUGUST 18, 2009**

**PRECONSIDERED RES. NO. :** By: Council Member White, Jr.

**TITLE:** Resolution pursuant to the New York State Environmental Quality Review Act setting forth findings of the Council concerning the environmental review conducted for Proposed Int. No. 890-A.

Preconsidered Res. No. \_\_\_\_\_ is a determination that the Environmental Assessment Statement prepared by the Economic Development Corporation on

behalf of the Department of Small Business Services with respect to Proposed Int. No. 890-A, dated August 17, 2009, satisfies the requirements of the State Environmental Quality Review Act. (Preconsidered Res. No. \_\_\_\_ is annexed.)

Pursuant to the Rules of Procedure for City Environmental Quality Review §5-03(d), the Council, as a co-lead agency, has considered the relevant environmental issues attendant to such enactment and in making its findings and determinations under the State Environmental Quality Review Act (Environmental Conservation Law Article 8), the Council has relied on that Environmental Assessment Statement.

Preconsidered Res. No.

Resolution pursuant to the New York State Environmental Quality Review Act setting forth findings of the Council concerning the environmental review conducted for Proposed Int. No. 890-A.

By Council Member White, Jr.

Whereas, The enactment of Proposed Int. No. 890-A is an "action" as defined in section 617.2(b) of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York; and

Whereas, The Economic Development Corporation has prepared on behalf of the Office of the Mayor, a co-lead agency pursuant to section 5-03(d) of the Rules of Procedure for City Environmental Quality Review, an Environmental Assessment Statement, pursuant to Article 8 of the New York State Environmental Conservation Law, section 617.7 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York, and the Rules of Procedure for City Environmental Quality Review an Environmental Assessment Statement; and

Whereas, The Council, as a co-lead agency pursuant to section 5-03(d) of the Rules of Procedure for City Environmental Quality Review, has considered the relevant environmental issues as documented in the Environmental Assessment Statement attendant to such enactment and in making its findings and determinations under the Rules of Procedure for City Environmental Quality Review and the State Environmental Quality Review Act, the Council has relied on that Environmental Assessment Statement; and

Whereas, After such consideration and examination, the Council has determined that a Negative Declaration should be issued: and

Whereas, The Council has examined, considered and endorsed the Negative Declaration that was prepared; now, therefore, be it

Resolved, That the Council of the City of New York, having considered the Negative Declaration, hereby finds that:

- (1) the requirements of The State Environmental Quality Review Act, Part 617 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York, and the Rules of Procedure for City Environmental Quality Review have been met; and
- (2) as documented in the annexed Environmental Assessment Statement, the proposed action is one which will not result in any significant adverse environmental impacts; and
- (3) the annexed Negative Declaration constitutes the written statement of facts and conclusions that form the basis of this determination.



## NEGATIVE DECLARATION

CEQR Number: 10CCO001Q

Date Issued: August 18, 2009

NAME: Flying Food Group, LLC.  
Regionally Significant Project

LOCATION: Intersection of Bergen Road and 130<sup>th</sup> Place  
JFK International Airport, Queens

SEQR CLASSIFICATION: The project is classified as an Unlisted action pursuant to 6 NYCRR, Part 617.2(ak).

### Description

The proposed action requests the approval by enactment of a local law of the designation of Flying Food Group, LLC, a contract preparer of meals for various airlines' passenger service operating at John F. Kennedy International Airport (the "Airport"), as a Regionally Significant Project. The Empire Zones program is a certification program through which businesses that make investments in a geographically designated area are made eligible for a variety of New York State tax credits and other benefits

The proposed action would retain upwards of 430 jobs in southeast Queens and Flying Food would make a substantial investment to renovate, upgrade the electrical, plumbing and waste disposal systems and reoccupy a vacant food preparation facility on the Airport.

### Statement of No Significant Effect

Pursuant to Title 62 of the Rules of the City of New York Section 5-03(d), the Office of the Mayor and the New York City Council are designated as co-lead agencies for the purpose of conducting the environmental review for the enactment of local laws and make the following determination. The proposed action would have no significant effect on the quality of the environment.

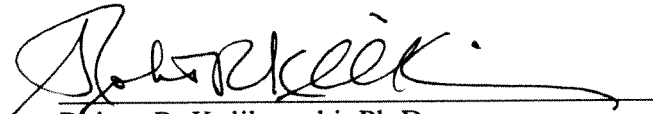


Supporting Statements


The above determination is based on an Environmental Assessment Statement (EAS) dated August 17, 2009, and incorporated by reference herein. The EAS finds that:

1. The project as proposed would not have significant adverse impacts on land use or the character of the surrounding community because it is the re-occupation of an existing building for the same activity as the prior use in conformance with existing zoning.
2. The project as proposed would not result in significant adverse traffic, noise or air quality impacts because the number of on-airport trips does not meet the CEQR threshold.
3. The project as proposed would not result in significant adverse impacts on cultural resources.
4. The project as proposed will not result in any adverse impacts from environmental hazards to humans or the natural environment. The Port Authority of New York and New Jersey has closed in place three underground storage tanks and will remediate an open petroleum spill.
5. No other significant adverse effects upon the environment that would require an Environmental Impact Statement are foreseeable.

This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA).

  
\_\_\_\_\_  
Robert R. Kulikowski, Ph.D.  
Assistant to the Mayor

August 18, 2009  
Date

  
\_\_\_\_\_  
Jeffrey Haberman  
Deputy Director of the Infrastructure Division  
New York City Council

August 18, 2009  
Date





**City Environmental Quality Review  
ENVIRONMENTAL ASSESSMENT STATEMENT  
PART I, GENERAL INFORMATION**

**Reference  
Numbers**

1. 10CCO001Q  
CEQR REFERENCE NUMBER (TO BE ASSIGNED BY LEAD AGENCY)  
N/A  
ULURP REFERENCE NO. IF APPLICABLE

BSA REFERENCE NO. IF APPLICABLE

OTHER REFERENCE NO(S) IF APPLICABLE  
(e.g. Legislative Intro, CAPA, etc)

**Lead  
Agency &  
Applicant  
Information**  
PROVIDE APPLICABLE  
INFORMATION

2a. Lead Agency  
NYC Council/Office of the Mayor  
NAME OF LEAD AGENCY  
Jeffrey Haberman/Robert Kulikowski  
NAME OF LEAD AGENCY CONTACT PERSON  
250Broadway/253 Broadway  
ADDRESS  
New York N.Y. 10007  
CITY STATE ZIP  
212-788-9122/9168 212-788-2937/2941  
TELEPHONE FAX  
jhaberman@council.nyc.gov  
rkulikowski@cityhall.nyc.gov  
EMAIL ADDRESS

2b. Applicant Information  
Flying Food Group, LLC  
NAME OF APPLICANT  
Timothy Murphy  
NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON  
Building 146, JFK International Airport  
ADDRESS  
Jamaica, Queens N.Y. 11430  
CITY STATE ZIP  
718-301-8022- 718-995-7053  
X2111  
TELEPHONE FAX  
tmurphy@flyingfood.com  
EMAIL ADDRESS

**Action  
Description**  
SEE CEQR MANUAL  
SECTIONS 2A & 2B

- 3a. NAME OF PROPOSAL Flying Food Group LLC
- 3b. DESCRIBE THE ACTION(S) AND APPROVAL(S) BEING SOUGHT FROM OR UNDERTAKEN BY CITY (AND IF APPLICABLE, STATE AND FEDERAL AGENCIES) AND, BRIEFLY, DESCRIBE THE DEVELOPMENT OR PROJECT THAT WOULD RESULT FROM THE PROPOSED ACTION(S) AND APPROVAL(S):  
**City Council and Mayoral approval (Proposed Into 890-A of 2008) of the proposed designation of the Flying Food Group at JFK International Airport, Building 146, Queens, as a Regionally Significant Project by passage of a local law. Please see Attachment A for a detailed description of the project.**
- 3c. DESCRIBE THE PURPOSE OF AND NEED FOR THE ACTION(S) AND APPROVAL(S): **Passage of a local law authorizing designation as a regionally significant project is required as a predicate for State agency action**
4. CITY PLANNING COMMISSION  Yes  No  
 Change in City Map  Zoning Certification  Site Selection - Public Facility  
 Zoning Map Amendment  Zoning Authorization  Disposition - Real Property  Franchise  
 Zoning Text Amendment  Housing Plan & Project  UDAAP  Revocable Consent  Concession  
 Charter 197-a Plan  
 Zoning Special Permit, specify type: \_\_\_\_\_  
 Modification of \_\_\_\_\_  
 Renewal of \_\_\_\_\_  
 Other \_\_\_\_\_
5. UNIFORM LAND USE PROCEDURE (ULURP)  Yes  No
6. BOARD OF STANDARDS AND APPEALS  Yes  No  
 Special Permit  New  Renewal  Expiration Date \_\_\_\_\_  
 Variance  Use  Bulk \_\_\_\_\_  
 Specify affected section(s) of Zoning Resolution \_\_\_\_\_



PLEASE NOTE THAT MANY ACTIONS ARE NOT SUBJECT TO CEQR. SEE SECTION 110 OF TECHNICAL MANUAL

7. DEPARTMENT OF ENVIRONMENTAL PROTECTION  Yes  No  
 Title V Facility  Power Generation Facility  Medical Waste Treatment Facility
8. OTHER CITY APPROVALS  Yes  No  
 Legislation  Rulemaking; specify agency:  
 Construction of Public Facilities  Funding of Construction, Specify  Funding of Programs, Specify  
 Policy or plan  Permits, Specify:  
 Other; explain: Council & Mayoral approval to designate Flying Food Group at Bldg 146, JFK International Airport, Queens as a Regionally Significant Empire Zone Project

**Action Type**

9. STATE ACTIONS/APPROVALS/FUNDING  Yes  No  
 If "Yes," identify \_\_\_\_\_
10. FEDERAL ACTIONS/APPROVALS/FUNDING  Yes  No  
 If "Yes," identify \_\_\_\_\_
- 11a.  Unlisted; or  Type I; specify category (see 6 NYCRR 617.4 and NYC Executive Order 91 OF 1977, as amended):

**Analysis Year**

- 11b.  Localized action, site specific  Localized action, change in regulatory control for small area  Generic action

**Directly Affected Area**

INDICATE LOCATION OF PROJECT SITE FOR ACTIONS INVOLVING A SINGLE SITE ONLY (PROVIDE ATTACHMENTS AS NECESSARY FOR MULTIPLE SITES)

12. Identify the analysis year (or build year) for the proposed action: 2009  
 Would the proposal be implemented in a single phase?  Yes  No  NA.  
 Anticipated period of construction: 4 Months  
 Anticipated completion date: 11/09  
 Would the proposal be implemented in multiple phases?  Yes  No  NA.  
 Number of phases: N/A  
 Describe phases and construction schedule: N/A

- 13a. LOCATION OF PROJECT SITE  
Building 146, JFK International Airport  
 STREET ADDRESS  
Intersection of Bergen Road and 130<sup>th</sup> Place  
 DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS  
M1-1 18d  
 EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION IF ANY ZONING SECTIONAL MAP NO.  
Block 14260, p/o Lot 1 Queens 13  
 TAX BLOCK AND LOT NUMBERS BOROUGH COMMUNITY DISTRICT NO.

- 13b. PHYSICAL DIMENSIONS AND SCALE OF PROJECT  
 TOTAL CONTIGUOUS SQUARE FEET OWNED OR CONTROLLED BY PROJECT SPONSOR: 223,440 SQ. FT.  
 PROJECT SQUARE FEET TO BE DEVELOPED: N/A - developed SQ. FT.  
 GROSS FLOOR AREA OF PROJECT: 106,000 SQ. FT. Existing building  
 IF THE ACTION IS AN EXPANSION, INDICATE PERCENT OF EXPANSION PROPOSED N/A % OF  
 DIMENSIONS (IN FEET) OF LARGEST PROPOSED STRUCTURE: N/A HEIGHT 30'+ WIDTH 330 LENGTH 320'  
 LINEAR FEET OF FRONTAGE ALONG A PUBLIC THOROUGHFARE: \_\_\_\_\_

- 13c. IF THE ACTION WOULD APPLY TO THE ENTIRE CITY OR TO AREAS THAT ARE SO EXTENSIVE THAT A SITE-SPECIFIC DESCRIPTION IS NOT APPROPRIATE OR PRACTICABLE, DESCRIBE THE AREA LIKELY TO BE AFFECTED BY THE ACTION:  
No

- 13d. DOES THE PROPOSED ACTION INVOLVE CHANGES IN REGULATORY CONTROLS THAT WOULD AFFECT ONE OR MORE SITES NOT ASSOCIATED WITH A SPECIFIC DEVELOPMENT?  Yes  No  
 IF 'YES', IDENTIFY THE LOCATION OF THE SITES PROVIDING THE INFORMATION REQUESTED IN 13a & 13b ABOVE.



## PART II, SITE AND ACTION DESCRIPTION

### Site Description

EXCEPT WHERE OTHERWISE INDICATED, ANSWER THE FOLLOWING QUESTIONS WITH REGARD TO THE DIRECTLY AFFECTED AREA. THE DIRECTLY AFFECTED AREA CONSISTS OF THE PROJECT SITE AND THE AREA SUBJECT TO ANY CHANGE IN REGULATORY CONTROLS.

1. **GRAPHICS** Please attach: (1) a Sanborn or other land use map; (2) a zoning map; and (3) a tax map. On each map, clearly show the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. The maps should not exceed 8½ x 14 inches in size.

2. **PHYSICAL SETTING** (both developed and undeveloped areas)

Total directly affected area (sq. ft.): 223,440 Water surface area (sq. ft.): N/A  
 Roads, building and other paved surfaces (sq. ft.): 209,040 Other, describe (sq. ft.): \_\_\_\_\_

**PRESENT LAND USE** landscaping – 14,400 sf

Residential

Total no. of dwelling units N/A No. of low-to-moderate income units \_\_\_\_\_  
 No. of stories \_\_\_\_\_ Gross floor area (sq. ft.) \_\_\_\_\_  
 Describe type of residential structures: \_\_\_\_\_

Commercial

Retail: No. of bldgs N/A Gross floor area of each building (sq. ft.): \_\_\_\_\_  
 Office: No. of bldgs \_\_\_\_\_ Gross floor area of each building (sq. ft.): \_\_\_\_\_  
 Other: No. of bldgs \_\_\_\_\_ Gross floor area of each building (sq. ft.): \_\_\_\_\_  
 Specify type(s): \_\_\_\_\_ No. of stories and height of each building: \_\_\_\_\_

Manufacturing/Industrial

No. of bldgs 1 (Vacant Food Prep building) Gross floor area of each building (sq. ft.): 81,000 & 2-story Portion 27,000 s.f.  
 No. of stories and height of each building: Partially 1-story & partially 2-story  
 Type of use(s): \_\_\_\_\_ Open storage area (sq. ft.) \_\_\_\_\_  
 If any unenclosed activities, specify: \_\_\_\_\_

Community facility

Type of community facility: \_\_\_\_\_  
 No. of bldgs N/A Gross floor area of each building (sq. ft.): \_\_\_\_\_  
 No. of stories and height of each building: \_\_\_\_\_

Vacant land

Is there any vacant land in the directly affected area?  Yes  No  
 If yes, describe briefly: 14,400 s.f. landscaped area is part of the parcel

Publicly accessible open space

Is there any existing publicly accessible open space in the directly affected area?  Yes  No  
 If yes, describe briefly: \_\_\_\_\_

Does the directly affected area include any mapped City, State or Federal parkland?  Yes  No  
 If yes, describe briefly: \_\_\_\_\_

Does the directly affected area include any mapped or otherwise known wetland?  Yes  No  
 If yes, describe briefly: \_\_\_\_\_

Other land use

No. of stories N/A Gross floor area (sq. ft.) \_\_\_\_\_  
 Type of use: \_\_\_\_\_

4. **EXISTING PARKING**

Garages

No. of public spaces: No garage No. of accessory spaces: approximately 100  
 Operating hours: \_\_\_\_\_ Attended or non-attended? \_\_\_\_\_

Lots

No. of public spaces: N/A No. of accessory spaces: \_\_\_\_\_  
 Operating hours: N/A (vacant facility) Attended or non-attended? \_\_\_\_\_  
Other (including street parking) - please specify and provide same data as for lots and garages, as appropriate.

5. **EXISTING STORAGE TANKS**

Gas or service stations?  Yes  No Oil storage facility?  Yes  No Other?  Yes  No

If yes, specify: Three UST heating oil tanks have been cleaned and filled in place by the Port Authority

Number and size of tanks: \_\_\_\_\_ NYFD inspection date: \_\_\_\_\_



6. CURRENT USERS

No. of residents: N/A No. and type of businesses: \_\_\_\_\_  
No. and type of workers by businesses: \_\_\_\_\_ No. and type of non-residents who are not workers: \_\_\_\_\_

7. HISTORIC RESOURCES (ARCHITECTURAL AND ARCHAEOLOGICAL RESOURCES)

Answer the following two questions with regard to the directly affected area, lots abutting that area, lots along the same blockfront or directly across the street from the same blockfront, and, where the directly affected area includes a corner lot, lots which front on the same street intersection.

Do any of the areas listed above contain any improvement, interior landscape feature, aggregate of landscape features, or archaeological resource that: **No to (a) through (e)**

- (a) has been designated (or is calendared for consideration as) a New York City Landmark, Interior Landmark or Scenic Landmark;
- (b) is within a designated New York City Historic District;
- (c) has been listed on, or determined eligible for, the New York State or National Register of Historic Places;
- (d) is within a New York State or National Register Historic District; or
- (e) has been recommended by the New York State Board for listing on the New York State or National Register of Historic Places?

Identify any resource:

Do any of the areas listed in the introductory paragraph above contain any historic or archaeological resource, other than those listed in response to the previous question? Identify any resource. **No**

8. WATERFRONT REVITALIZATION PROGRAM

Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries?  Yes  No  
(A map of the boundaries can be obtained at the Department of City Planning bookstore.)

If yes, append a map showing the directly affected area as it relates to such boundaries. A map requested in other parts of this form may be used.

9. CONSTRUCTION

Will the action result in demolition of or significant physical alteration to any improvement?  Yes  No  
If yes, describe briefly:

Will the action involve either above-ground construction resulting in any ground disturbance or in-ground construction?  
 Yes  No If yes, describe briefly:

Installation of 3 5,000 gallon waste interceptors under the existing parking lot.

10. PROPOSED LAND USE

Residential

Total no. of dwelling units N/A No. of low-to-moderate income units \_\_\_\_\_ Gross floor area (sq. ft.) \_\_\_\_\_  
No. of stories \_\_\_\_\_ Describe type of residential structures: \_\_\_\_\_

Commercial

Retail: No. of bldgs N/A Gross floor area of each building (sq. ft.): \_\_\_\_\_

Office: No. of bldgs \_\_\_\_\_ Gross floor area of each building (sq. ft.): \_\_\_\_\_

Other: No. of bldgs \_\_\_\_\_ Gross floor area of each building (sq. ft.): \_\_\_\_\_

Specify type(s): \_\_\_\_\_

No. of stories and height of each building: \_\_\_\_\_

Manufacturing/Industrial

No. of bldgs 1 Gross floor area of each building (sq. ft.): 108,000

No. of stories and height of each building: partially 1 story and partially 2-story

Type of use(s): \_\_\_\_\_ Open storage area (sq. ft.) \_\_\_\_\_ If any unenclosed activities, specify:

**Food preparation and catering to airlines operating @ JFK**

Community facility

Type of community facility: N/A

No. of bldgs \_\_\_\_\_ Gross floor area of each building (sq. ft.): \_\_\_\_\_

No. of stories and height of each building: \_\_\_\_\_

Vacant land

Is there any vacant land in the directly affected area?  Yes  No

If yes, describe briefly:

**14,400 s.f. of landscaped lawn**

Project

Description

THIS SUBPART SHOULD  
GENERALLY BE  
COMPLETED ONLY IF  
YOUR ACTION  
INCLUDES A SPECIFIC  
OR KNOWN  
DEVELOPMENT  
AT PARTICULAR  
LOCATIONS





Publicly accessible open space

Is there any existing publicly accessible open space to be removed or altered?  Yes  No  
If yes, describe briefly:

Is there any existing publicly accessible open space to be added?  Yes  No  
If yes, describe briefly:

Other land use

Gross floor area (sq. ft.) None No. of stories \_\_\_\_\_ Type of use: \_\_\_\_\_

**11. PROPOSED PARKING**

Garages

No. of public spaces: \_\_\_\_\_ No. of accessory spaces: 80-90  
Operating hours: \_\_\_\_\_ Attended or non-attended? Unattended

Lots

No. of public spaces: \_\_\_\_\_ No. of accessory spaces: \_\_\_\_\_  
Operating hours: \_\_\_\_\_ Attended or non-attended? \_\_\_\_\_

Other (including street parking) - please specify and provide same data as for lots and garages, as appropriate.  
No. and location of proposed curb cuts:

**12. PROPOSED STORAGE TANKS**

Gas or service stations?  Yes  No Oil storage facility?  Yes  No Other?  Yes  No  
If yes, specify: Note: The facility will be 100% natural gas operated  
Size of tanks: \_\_\_\_\_ Location and depth of tanks: \_\_\_\_\_

**13. PROPOSED USERS**

No. of residents: N/A No. and type of businesses: One, Food Preparation  
No. and type of workers by businesses: 430 Approx No. and type of non-residents who are not workers: \_\_\_\_\_

**14. HISTORIC RESOURCES (ARCHITECTURAL AND ARCHAEOLOGICAL RESOURCES)**

Will the action affect any architectural or archaeological resource identified in response to either of the two questions at number 7 in the Site Description section of the form?  Yes  No  
If yes, describe briefly:

**15. DIRECT DISPLACEMENT**

Will the action directly displace specific business or affordable and/or low income residential units?  Yes  No  
If yes, describe briefly:

**16. COMMUNITY FACILITIES**

Will the action directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, hospitals and other health care facilities, day care centers, police stations, or fire stations?  Yes  No  
If yes, describe briefly:

17. What is the zoning classification(s) of the directly affected area? M1-1

18. What is the maximum amount of floor area that can be developed in the directly affected area under the present zoning?  
Describe in terms of bulk for each use.  
223,440 SF

19. What is the proposed zoning of the directly affected area?  
No change in zoning is proposed.

20. What is the maximum amount of floor area that could be developed in the directly affected area under the proposed zoning?  
Describe in terms of bulk for each use.

21. What are the predominant land uses and zoning classifications within a 1/4 mile radius of the proposed action? Airport and airport support facilities

SEE CEQR  
TECHNICAL MANUAL  
CHAPTER III B.,  
SOCIO-ECONOMIC  
CONDITIONS

SEE CEQR  
TECHNICAL MANUAL  
CHAPTER III C.,  
COMMUNITY FACILI-  
TIES & SERVICES

**Zoning  
Information**



**Additional Information**

22. Attach any additional information as may be needed to describe the action. If your action involves changes in regulatory controls that affect one or more sites not associated with a specific development, it is generally appropriate to include here one or more reasonable development scenarios for such sites and, to the extent possible, to provide information about such scenario(s) similar to that requested in the Project Description questions 9 through 16.

**Analyses**

23. Attach analyses for each of the impact categories listed below (or indicate where an impact category is not applicable):
- |  |  |
|--|--|
| a. LAND USE, ZONING, AND PUBLIC POLICY | See CEQR Technical Manual Chapter III.A. |
| b. SOCIOECONOMIC CONDITIONS            | See CEQR Technical Manual Chapter III.B. |
| c. COMMUNITY FACILITIES AND SERVICES   | See CEQR Technical Manual Chapter III.C. |
| d. OPEN SPACE                          | See CEQR Technical Manual Chapter III.D. |
| e. SHADOWS                             | See CEQR Technical Manual Chapter III.E. |
| f. HISTORIC RESOURCES                  | See CEQR Technical Manual Chapter III.F. |
| g. URBAN DESIGN/VISUAL RESOURCES       | See CEQR Technical Manual Chapter III.G. |
| h. NEIGHBORHOOD CHARACTER              | See CEQR Technical Manual Chapter III.H. |
| i. NATURAL RESOURCES                   | See CEQR Technical Manual Chapter III.I. |
| j. HAZARDOUS MATERIALS                 | See CEQR Technical Manual Chapter III.J. |
| k. WATERFRONT REVITALIZATION PROGRAM   | See CEQR Technical Manual Chapter III.K. |
| l. INFRASTRUCTURE                      | See CEQR Technical Manual Chapter III.L. |
| m. SOLID WASTE AND SANITATION SERVICES | See CEQR Technical Manual Chapter III.M. |
| n. ENERGY                              | See CEQR Technical Manual Chapter III.N. |
| o. TRAFFIC AND PARKING                 | See CEQR Technical Manual Chapter III.O. |
| p. TRANSIT AND PEDESTRIANS             | See CEQR Technical Manual Chapter III.P. |
| q. AIR QUALITY                         | See CEQR Technical Manual Chapter III.Q. |
| r. NOISE                               | See CEQR Technical Manual Chapter III.R. |
| s. CONSTRUCTION IMPACTS                | See CEQR Technical Manual Chapter III.S. |
| t. PUBLIC HEALTH                       | See CEQR Technical Manual Chapter III.T. |

The CEQR Technical Manual sets forth methodologies developed by the City to be used in analyses prepared for the above-listed categories. Other methodologies developed or approved by the lead agency may also be utilized. If a different methodology is contemplated, it may be advisable to consult with the Mayor's Office of Environmental Coordination. You should also attach any other necessary analyses or information relevant to the determination whether the action may have a significant impact on the environment, including, where appropriate, information on combined or cumulative impacts, as might occur, for example, where actions are interdependent or occur within a discrete geographical area or time frame.

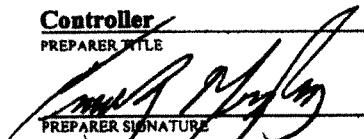
**Applicant Certification**

24. Timothy Murphy  
PREPARER NAME

Flying Food Group, LLC  
PRINCIPAL

Controller  
PREPARER TITLE

David Cotton  
NAME OF PRINCIPAL REPRESENTATIVE

  
PREPARER SIGNATURE

CFO  
TITLE OF PRINCIPAL REPRESENTATIVE

August 14, 2008  
DATE

  
SIGNATURE OF PRINCIPAL REPRESENTATIVE

August 14, 2009  
DATE

NOTE: Any person who knowingly makes a false statement or who knowingly falsifies any statement on this form or allows any such statement to be falsified shall be guilty of an offense punishable by fine or imprisonment or both, pursuant to Section 10-154 of the New York City Administrative Code, and may be liable under applicable laws.



**Impact  
Significance**

**PART III, ENVIRONMENTAL ASSESSMENT AND DETERMINATION**

TO BE COMPLETED BY THE LEAD AGENCY

The lead agency should complete this Part after Parts I and II have been completed. In completing this Part, the lead agency should consult 6 NYCRR 617.7, which contains the State Department of Environmental Conservation's criteria for determining significance. The lead agency should ensure the creation of a record sufficient to support the determination in this Part. The record may be based upon analyses submitted by the applicant (if any) with Part II of the EAS. The CEQR Technical Manual sets forth methodologies developed by the City to be used in analyses prepared for the listed categories. Alternative or additional methodologies may be utilized by the lead agency.

1. For each of the impact categories listed below, consider whether the action may have a significant effect on the environment with respect to the impact category. If it may, answer yes.

LAND USE, ZONING, AND PUBLIC POLICY	<u>No</u>
SOCIOECONOMIC CONDITIONS	<u>No</u>
COMMUNITY FACILITIES AND SERVICES	<u>No</u>
OPEN SPACE	<u>No</u>
SHADOWS	<u>No</u>
HISTORIC RESOURCES	<u>No</u>
URBAN DESIGN/VISUAL RESOURCES	<u>No</u>
NEIGHBORHOOD CHARACTER	<u>No</u>
NATURAL RESOURCES	<u>No</u>
HAZARDOUS MATERIALS	<u>No</u>
WATERFRONT REVITALIZATION PROGRAM	<u>No</u>
INFRASTRUCTURE	<u>No</u>
SOLID WASTE AND SANITATION SERVICES	<u>No</u>
ENERGY	<u>No</u>
TRAFFIC AND PARKING	<u>No</u>
TRANSIT AND PEDESTRIANS	<u>No</u>
AIR QUALITY	<u>No</u>
NOISE	<u>No</u>
CONSTRUCTION IMPACTS	<u>No</u>
PUBLIC HEALTH	<u>No</u>

2. Are there any aspects of the action relevant to the determination whether the action may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials? If there are such impacts, explain them and state where, as a result of them, the action may have a significant impact on the environment.

3. If the lead agency has determined in its answers to questions 1 and 2 of this Part that the action will have no significant impact on the environment, a negative declaration is appropriate. The lead agency may, in its discretion, further elaborate here upon the reasons for issuance of a negative declaration.

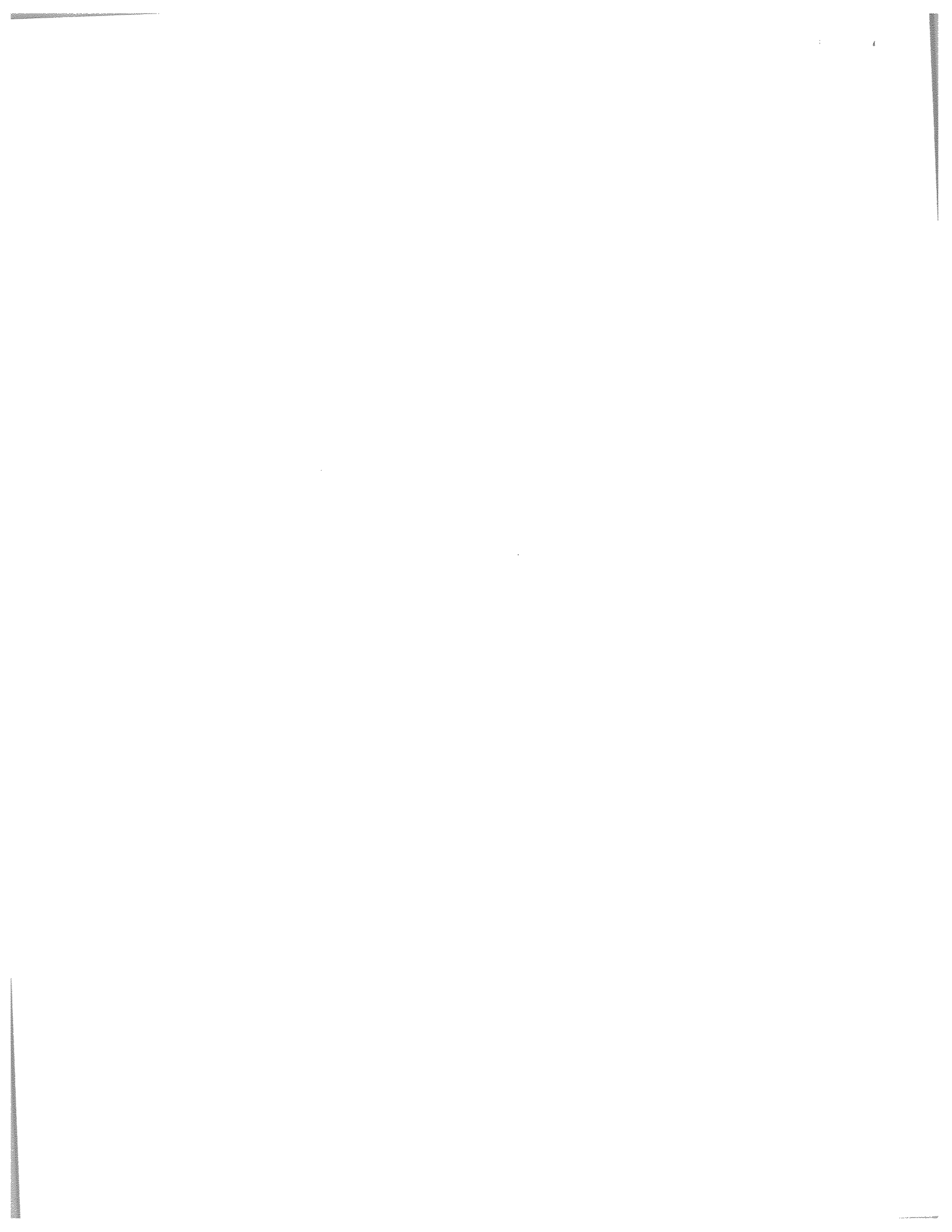
4. If the lead agency has determined in its answers to questions 1 and 2 of this part that the action may have a significant impact on the environment, a conditional negative declaration (CND) may be appropriate if there is a private applicant for the action and the action is not Type I. A CND is only appropriate when conditions imposed by the lead agency will modify the proposed action so that no significant adverse environmental impacts will result. If a CND is appropriate, the lead agency should describe here the conditions to the action that will be undertaken and how they will mitigate potential significant impacts.

5. If the lead agency has determined that the action may have a significant impact on the environment, and if a conditional negative declaration is not appropriate, then the lead agency should issue a positive declaration. Where appropriate, the lead agency may, in its discretion, further elaborate here upon the reasons for issuance of a positive declaration. In particular, if supporting materials do not make clear the basis for a positive declaration, the lead agency should describe briefly the impact(s) it has identified that may constitute a significant impact on the environment

**Lead Agency  
Certification**

Douglas Rice  
PREPARER NAME  
Vice President - EDC  
PREPARER TITLE  
Douglas Rice  
PREPARER SIGNATURE  
August 14, 2009  
DATE

Jeffrey Haberman/Robert Kullkowski  
NAME OF LEAD AGENCY REPRESENTATIVE  
Dep. Dir. Infrastr./Assistant to the Mayor  
TITLE OF LEAD AGENCY REPRESENTATIVE  
Jeffrey Haberman  
SIGNATURE OF LEAD AGENCY REPRESENTATIVE  
August 17, 2009  
DATE



## City Environmental Quality Review Environmental Assessment Statement

### Attachment A

#### 3b. Project Description

Flying Foods Group LLC (the 'Company') prepares and delivers prepackaged meals for various passenger airlines located at John F. Kennedy International Airport (the "Airport"). The Company receives raw materials, primarily foodstuff from various vendors, prepares individual meals, which are delivered to airline customers in concert with flight schedules 24 hours a day, seven days a week. Total company employment is approximately 430, although this number fluctuates based on the number of airlines served and fluctuations in client airlines flight schedules. The company employee base is composed of four functional units: food preparation and handling (approximately 42% of employees), transportation, the company maintains a fleet of 40 twenty foot trucks which are utilized for delivery of prepared meals to departing flights and to pick up used utensils, glassware, plates, flatware et cetera from arriving flights ( approximately 24% of employees), a sanitation division which cleans the facility and returns and prepares meal-related equipment for reuse (approximately 11% of employees), while the remaining 23% encompasses maintenance, office and janitorial staffs, managers and executive personnel.

Work shifts of the company's various functional divisions are geared to airline schedules. The food preparation, transportation and sanitation divisions' personnel work schedules are spread over two or more shifts, are synchronized with the schedule and needs of customer airlines and are not coincident with AM and PM background traffic peak hours. The Office and support staff generally work daytime schedules similar to those of typical office staff.

The company will be relocating from a nearby off-airport facility located at the 147-17 Guy Brewer Boulevard at the intersection of Guy Brewer and 149<sup>th</sup> Avenue. The Company plans to extensively renovate the interior of the 108,000 gsf vacant building, primarily replacing the electrical and plumbing and mechanical and fire safety systems and adding some additional doors. The large paved area will be patched, resurfaced and reconfigured to optimize vehicle staging and accessory parking for the company's fleet of pick up and delivery vehicles, as well as limited employee and visitor parking. Three 5,000 gallon waste interceptors will be installed under the parking lot to collect and release waste from food preparation and reusable supplies to the Airport's sewer plant.

Relocation closer to its clients will improve efficiency for the Company by reducing travel times and would provide space for anticipated expansion. It is anticipated that the journey to work mode profile would not change noticeably. As is noted in Attachment B, Analysis, there are several transit options that provide access to the Airport.





**City Environmental Quality Review  
Environmental Assessment Statement  
Part III, Environmental Assessment**

**Attachment B - Analysis**

Land Use, Zoning, and Public Policy – The proposed use is as-of-right in the M1-1 zoning district that encompasses the Airport. The relocation to the Airport proper, where the company's customers are located, is desirable since the residential community north of the airport has long sought to reduce conflicts between those residential areas and near-by companies servicing the airport. Construction activities are limited to renovation of an existing vacant facility which previously housed an identical use, provision of food services for passengers to major airlines. The use is an ancillary use to the primary functions of the Airport and is complementary to other uses on the Airport. As the project complies with the current zoning and is compatible with the range of uses and character of the area, this action would not result in a change in the array of land uses on the Airport nor affect regulations or policies governing land use and therefore, a detailed analysis is not required. There would be no impact on land use, zoning, and public policy.

Socioeconomic Conditions – The Company plans to upgrade and reoccupy an existing, vacant building which housed the same type of business. There would be no direct or indirect displacement of uses or loss of jobs as the Company's relocation onto the Airport would not change the airline food service business and would contribute to the existing economic base of the airport. Temporary construction jobs would be created during the course of renovation of Building 146 on the Airport. The relocation would not result in the direct or indirect displacement of residents in the surrounding area of the Company's current quarters. The proposed action would not result in substantial socioeconomic changes in the area, and a detailed assessment is not required.

Community Facilities and Services – The proposed action will neither displace nor alter any community facility or service. While the Flying Food Group will bring additional personnel on Airport, the Port Authority of New York and New Jersey provides some essential community services for Airport tenants and other community service providers would essentially remain unchanged as the Company will not be relocating far from its current location.

Open Space – The proposed action would not eliminate or alter the area's available, publicly accessible open space and would contains 14,000+ s.f. of landscaped open space on site. Furthermore, the action does not add more than 500 new employees to the immediate surrounding area and thus does not exceed the CEQR threshold for conducting a detailed open space analysis.

Shadows – There will be no change to the exterior dimensions (height or bulk) of the existing building. Thus, there will be no change in shadows and therefore there is no requirement or need for a shadow study.



Historic Resources – Much of the Airport is constructed on land fill and during the course of the Airport's more than 60 years of operation considerable in ground disturbance has occurred during the course construction, reconstruction and placement of extensive below grade infrastructure. The construction of the waste interceptors beneath the parking lot would not damage or destroy any subsurface cultural resources. Building 146 is not a historic landmark, nor is it eligible for listing on the State or National Register of historic Places. There are no landmarked structures in the immediate surrounding area. Therefore, no further analysis of cultural resources is warranted.

Urban Design/Visual Resources – There will be minimal changes to the building's exterior, principally the installation of some additional doors which would not significantly alter the character of the building and vegetative cover for the proposed open space which combined would not adversely affect the urban design/visual resources of the surrounding area. The proposed action would not alter the existing street grid or streetscape. Therefore, no changes to urban design or visual resources would occur which would require a detailed analysis.

Neighborhood Character – Because the proposed project does not substantially change the type or magnitude of the business activity in the area and there would be no substantial change in traffic congestion, ambient air quality or noise levels, significant adverse change in land use, or other areas of environmental concern which would lead to a change in the character of the project area, no further analysis of neighborhood character is necessary.

Natural Resources – The site is not located adjacent to surface water bodies or designated wetlands or other upland natural resources. Furthermore, the project is located in a built urban environment and does not provide essential or unique habitats. Therefore, no effect on natural resources would be anticipated and further analysis is not required.

Hazardous Materials – The PANY/NJ has tightness tested, cleaned and abandoned in place in accordance with DEC permit process and approval three out-of-service heating oil USTs which are located on site. The facility will be an all natural gas operated facility. Soil removed from the location of the new waste interceptors were disposed of at a Port Authority designated location on airport and new blacktop laid to resurface the parking area below which the sewer interceptors were placed.

Waterfront Revitalization Program – This project is located within the Waterfront Revitalization Program (WRP) boundaries. As is stated in the WRP “Public actions should ensure that the safety and operational needs of the airports are met while protecting the environmental resources in Jamaica and Flushing Bays to the maximum extent feasible”. Thus the program policy permits the waterfront siting of the City's airports and acknowledges the very significant contribution of the airports to the economic base of the City. The proposed project does not result in new development on the airport, but rather the reuse of existing facilities. Building 146 is approximately 1 ½ miles from JFK's border on Jamaica Bay and would have no impact on this significant ecological natural resource.



Infrastructure – The project is located in a developed, urban industrial area where infrastructure is already in place. No significant increase in water supply or sanitary sewage discharges are anticipated since the project's consumption of water from its employees is negligible and the PANYNJ maintains a sewer treatment plant that processes sewage generated on airport, therefore no further analysis is required.

Solid Waste and Sanitation Services – Solid waste is picked up by the PANYNJ which has contracts with private disposal firms. Therefore no solid waste impacts would occur and no further analysis is required. Three 5,000 gallon waste interceptors will be installed below the parking lot to collect and release waste from food preparation operations and waste from clean up of reusable utensils to the airport's sewerage system.

Energy – The project is not a significant generator of energy and the company usage of energy at its new facility will be generally offset by the cessation of energy use at its current location. No detailed analysis of significant adverse impacts on energy supplies is warranted or required.

Traffic and Parking – The Company maintains a multi-shift 24 hour per day, seven days a week operation. The company operations are divided into four functional groups – food preparation, transportation, sanitation and indirect functions. Approximately forty-two percent of employees produce and deliver prepared food products to the various airlines served by the Company. The food preparation group is divided into three shifts spanning 24 hours a day. About 22% of the employees are engaged in picking up from the airlines, and cleaning and assembling the silverware and other accessories delivered with prepared meals for re-use. The remaining staff is composed of management and office staff, support, storage and maintenance personnel.

Approximately 15% of employees currently journey to work by vehicle while the remaining 85% of employees travel to and from work by mass transit, and it is assumed that any change in these percentages would be negligible as the new facility is accessible via multiple mass modes with numerous service options. The B15 and Q10 buses stop at Liberty Avenue or Jamaica Avenue where connections to the A&C trains are available as well as the AirTrain, LIRR and E, J and Z subway lines at Jamaica station. The Q22 bus stops at Federal Plaza where a direct transfer to the AirTrain exists. There are approximately 40 surface parking slots for the pick up and delivery fleet and a 20-space garage for managers and visitor parking on-site. A few additional surface spots will remain for the non-management staff employees that do drive to work.

Transit and Pedestrians – There would be no substantial impact to transit facilities or pedestrian thoroughfares as there would be fewer than 100 peak hour new transit trips and various modes of mass transit and mass transit lines which provide access to the Airport. No pedestrian trips are anticipated.

Air Quality – By nature of its 24-hour multiple shift operations and substantial usage of mass transit the project would not generate a significant amount of mobile or stationary



sources of air emissions. The Company will be converting Building 146 to natural gas usage and there are no receptors nearby the building's emission points. Therefore, the project would not generate significant adverse air quality impacts. There are no stationary sources located within 400 feet of Building 146.

Noise – There is no significant adverse mobile source noise impacts anticipated as a result of the proposed project as traffic is not expected to double along the routes to and from the site and the exits of the airport which by the nature of its operations has a high level of background ambient noise levels.

Construction Impacts – There will be minimal construction associated with the project: the installation a two or three exterior doors, upgraded plumbing and electrical, installation of the three waste interceptors and resurfacing of the pavement on the existing parking lot. Environmental effects of these activities would be minor and of short duration.

Public Health – There would be no impacts on air quality, elevated noise generated above ambient levels, or hazardous materials impacts, and therefore, there would be no adverse public health impact to the site occupants or area population.





August 17, 2009

**VIA E-MAIL & DHL EXPRESS**

Mr. Robert Kulikowski  
Assistant to the Mayor  
253 Broadway - 14th Fl.  
New York, NY 10007

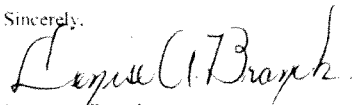
Dear Mr. Kulikowski:

In March 2009, the Port Authority of NY & NJ permanently closed in place a 10,000-gallon and two 5,000-gallon No. 2 Fuel Oil underground storage tanks (USTs) located at Building 146, John F. Kennedy International Airport. Please see the attached figure for the location of the tanks. After the closure process was completed, environmental hydropunches were installed around both excavations. The results of the post closure sampling indicated that there is no impact that can be attributed to these heating oil tanks.

There is still an open New York State Department of Environmental Conservation (NYSDEC) spill number (9503285) at the Building 146 site. The former tenant Ogden called in this spill in 1995 after they removed the gasoline tanks from the site. The contamination from this spill is still present in the soil and groundwater around the area of the former gasoline dispensers. The Port Authority of NY & NJ intends to remediate the area by means of in-situ chemical oxidation, followed by natural attenuation.

Should you have any further questions, do not hesitate to call me at (718) 244-3568.

Sincerely,



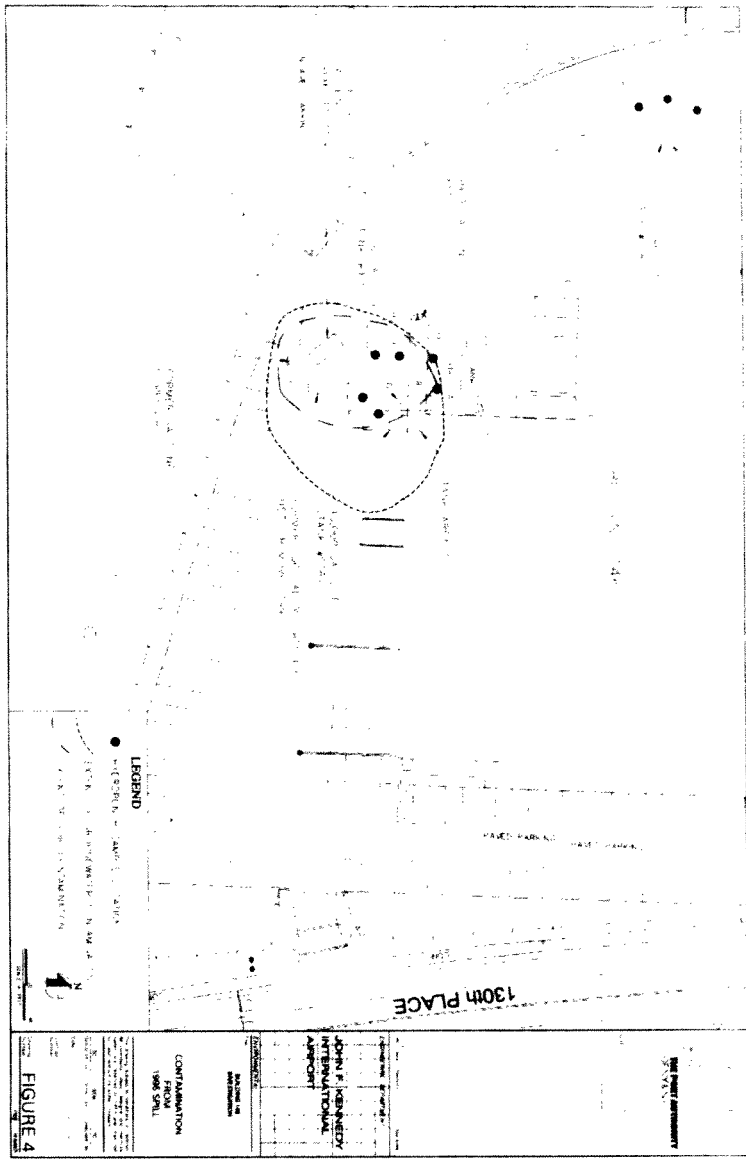
Denise A. Branch  
Manager, Environmental Services  
Kennedy International Airport

Attachment

Cc: D. Rice

2009/08/17 14:14:43  
DENISE.A.BRANCH@PACONYNJ.GOV







For Internal Use Only:

WRP no. \_\_\_\_\_

Date Received: \_\_\_\_\_

DOS no. \_\_\_\_\_

## NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's designated coastal zone, must be reviewed and assessed for their consistency with the New York City Waterfront Revitalization Program (WRP). The WRP was adopted as a 197-a Plan by the Council of the City of New York on October 13, 1999, and subsequently approved by the New York State Department of State with the concurrence of the United States Department of Commerce pursuant to applicable state and federal law, including the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. As a result of these approvals, state and federal discretionary actions within the city's coastal zone must be consistent to the maximum extent practicable with the WRP policies and the city must be given the opportunity to comment on all state and federal projects within its coastal zone.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, other state agencies or the New York City Department of City Planning in their review of the applicant's certification of consistency.

### A. APPLICANT

1. Name: Flying Food Group, LLC
2. Address: JFK International Airport, Building 46, near Bergen Road and 130th Place, Queens
3. Telephone: 718--301--8022 Fax: 718-995-7013 E-mail: tmurphy@flying food.com
4. Project site owner: New York City

### B. PROPOSED ACTIVITY

1. Brief description of activity:  
Reoccupy a former food preparation building (Building 146) on JFK International Airport (the "Airport") for reuse for food preparation for airline companies.
2. Purpose of activity:  
Relocation to the Airport brings the company's operations closer to its customer base resulting in shorter turnaround times and better service and relocates an Airport ancillary use from the surrounding neighborhood outside of the Airport, thus also reducing Airport-related traffic from local streets beyond its borders.
3. Location of activity: (street address/borough or site description):  
Building 146 is reached from the main entrance to the Airport at Building 146, located near the intersection of Bergen Road and 130th Place.



**Proposed Activity Cont'd**

4. If a federal or state permit or license was issued or is required for the proposed activity, identify the permit type(s), the authorizing agency and provide the application or permit number(s), if known:

None required.

5. Is federal or state funding being used to finance the project? If so, please identify the funding source(s).

No.

6. Will the proposed project require the preparation of an environmental impact statement?

Yes \_\_\_\_\_ No  If yes, identify Lead Agency:

7. Identify city discretionary actions, such as a zoning amendment or adoption of an urban renewal plan, required for the proposed project.

City Council adoption and Mayoral approval of legislation approving the designation of the Flying Food Group as a regionally significant Empire Zone facility and site

**C. COASTAL ASSESSMENT**

**Location Questions:**

Yes No

1. Is the project site on the waterfront or at the water's edge?

\_\_\_\_\_

2. Does the proposed project require a waterfront site?

\_\_\_\_\_

3. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters?

\_\_\_\_\_

**Policy Questions**

Yes No

The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each question indicate the policy or policies addressed by the question. The new Waterfront Revitalization Program offers detailed explanations of the policies, including criteria for consistency determinations.

Check either "Yes" or "No" for each of the following questions. For all "yes" responses, provide an attachment assessing the effects of the proposed activity on the relevant policies or standards. Explain how the action would be consistent with the goals of those policies and standards.

4. Will the proposed project result in revitalization or redevelopment of a deteriorated or under-used waterfront site? (1)

\_\_\_\_\_

5. Is the project site appropriate for residential or commercial redevelopment? (1.1)

\_\_\_\_\_

6. Will the action result in a change in scale or character of a neighborhood? (1.2)

\_\_\_\_\_





**Policy Questions cont'd**

**Yes No**

- |   |       |   |
|---|-------|---|
| 7. Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3)                                       | _____ | ✓ |
| 8. Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2)        | _____ | ✓ |
| 9. Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2)   | _____ | ✓ |
| 10. Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1) | _____ | ✓ |
| 11. Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2)   | _____ | ✓ |
| 12. Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2)  | _____ | ✓ |
| 13. Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3)   | _____ | ✓ |
| 14. Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3)            | _____ | ✓ |
| 15. Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1)                      | _____ | ✓ |
| 16. Would the proposed project create any conflicts between commercial and recreational boating? (3.2)  | _____ | ✓ |
| 17. Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3)   | _____ | ✓ |
| 18. Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound- East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2)                         | _____ | ✓ |
| 19. Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitat? (4.1)  | _____ | ✓ |
| 20. Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1 and 9.2)   | _____ | ✓ |
| 21. Would the action involve any activity in or near a tidal or freshwater wetland? (4.2)   | _____ | ✓ |
| 22. Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3)   | _____ | ✓ |
| 23. Would the action have any effects on commercial or recreational use of fish resources? (4.4)  | _____ | ✓ |
| 24. Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5)  | _____ | ✓ |
| 25. Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1)                            | _____ | ✓ |
| 26. Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1)  | _____ | ✓ |
| 27. Will any activity associated with the project generate nonpoint source pollution? (5.2)   | _____ | ✓ |
| 28. Would the action cause violations of the National or State air quality standards? (5.2)   | _____ | ✓ |



**Policy Questions cont'd**

	Yes	No
29. Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)	_____	✓
30. Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands? (5.3)	_____	✓
31. Would the proposed action have any effects on surface or ground water supplies? (5.4)	_____	✓
32. Would the action result in any activities within a federally designated flood hazard area or state-designated erosion hazards area? (6)	_____	✓
33. Would the action result in any construction activities that would lead to erosion? (6)	_____	✓
34. Would the action involve construction or reconstruction of a flood or erosion control structure? (6.1)	_____	✓
35. Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)	_____	✓
36. Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)	_____	✓
37. Would the proposed project affect a non-renewable source of sand ? (6.3)	_____	✓
38. Would the action result in shipping, handling, or storing of solid wastes, hazardous materials, or other pollutants? (7)	_____	✓
39. Would the action affect any sites that have been used as landfills? (7.1)	_____	✓
40. Would the action result in development of a site that may contain contamination or that has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2)	_____	✓
41. Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3)	_____	✓
42. Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8)	_____	✓
43. Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8)	_____	✓
44. Would the action result in the provision of open space without provision for its maintenance? (8.1)	_____	✓
45. Would the action result in any development along the shoreline but NOT include new water-enhanced or water-dependent recreational space? (8.2)	_____	✓
46. Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)	_____	✓
47. Does the proposed project involve publicly owned or acquired land that could accommodate waterfront open space or recreation? (8.4)	_____	✓
48. Does the project site involve lands or waters held in public trust by the state or city? (8.5)	_____	✓
49. Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)	_____	✓
50. Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)	_____	✓



**Policy Questions cont'd**

**Yes    No**

51. Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10)

\_\_\_\_\_

52. Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10)

\_\_\_\_\_

**D. CERTIFICATION**

The applicant or agent must certify that the proposed activity is consistent with New York City's Waterfront Revitalization Program, pursuant to the New York State Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If the certification can be made, complete this section.

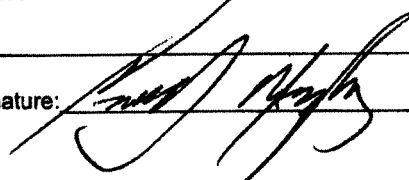
"The proposed activity complies with New York State's Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent Name: Timothy Murphy

Address: Building 146, JFK International Airport, near intersection of Bergen Road and 130th Place, Queens

Telephone 718-301-8022

Applicant/Agent Signature: \_\_\_\_\_



Date: August 14, 2009



**ATTACHMENT C**

**FLYING FOOD GROUP LLC**

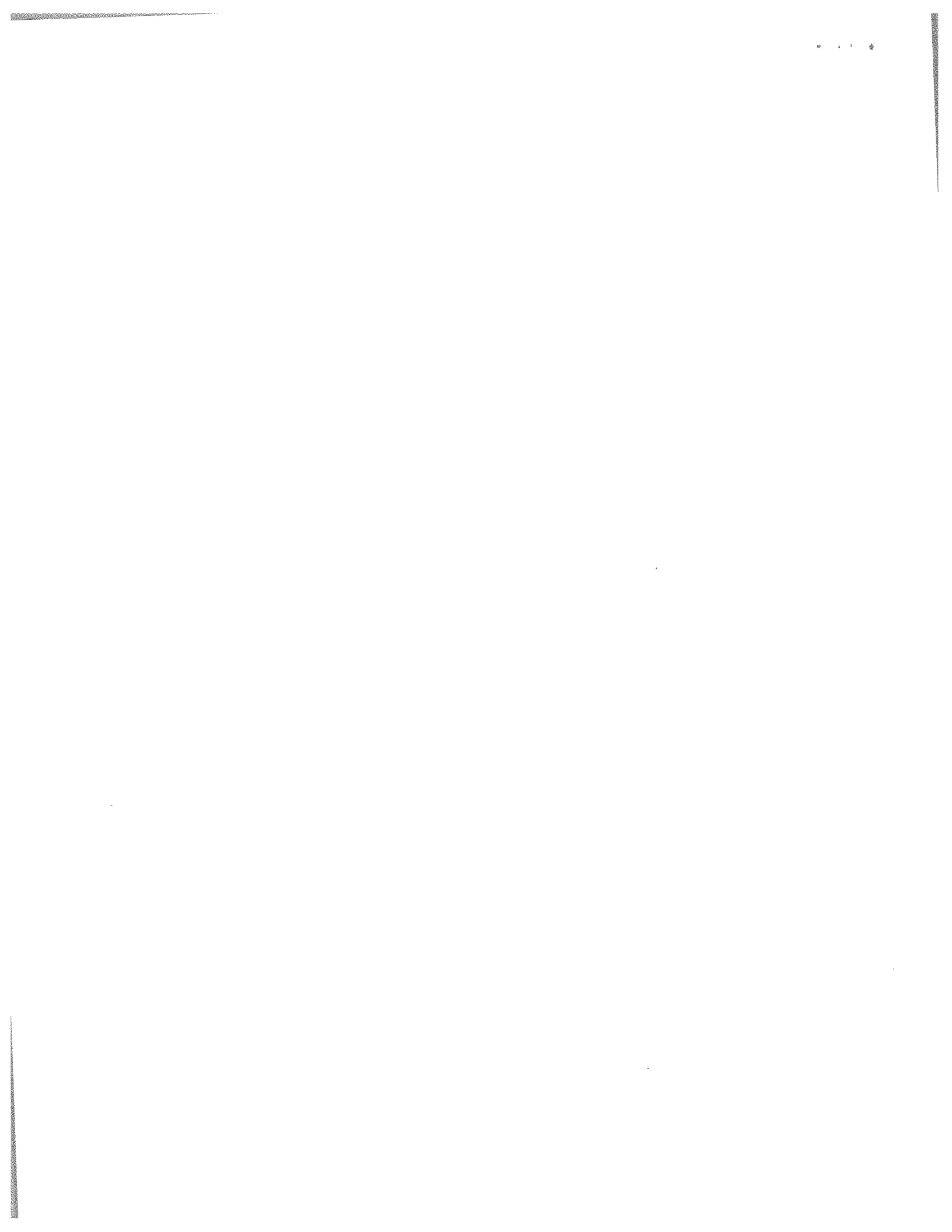
**JOHN F KENNEDY INTERNATIONAL AIRPORT**

Analysis of Potentially Affected Coastal Policies as Defined in the New York City  
Waterfront Revitalization Program

**POLICY QUESTION 5** Is the project site appropriate for residential or commercial redevelopment?

**Policy 1.1** **Encourage commercial and residential redevelopment in appropriate coastal zone areas.**

The project site is located within one of the country's largest airport complexes which houses a plethora of ancillary support uses to air travel terminals. These include a variety of manufacturing and commercial uses. The airport complex has a full array of infrastructure such as roads, water and sewer facilities, etc. to support the air terminal complex. The project will reoccupy a building which previous housed an identical use, thus supporting airport operations and enhancing the revenue generating ability of the airport.





**ATTACHMENT D**



Proposed Int. No. 890-A

By Council Members White Jr., Comrie, James and Palma

A Local Law

To amend the administrative code of the city of New York, in relation to regionally significant projects and empire zones.

Be it enacted by the Council as follows:

Section 1. Statement of legislative findings and intent. Under Section 957(d)(i) of the General Municipal Law, certain business enterprises located outside the boundaries of an Empire Zone may still be eligible for Empire Zone benefits as a "regionally significant project" because the economic activity of such enterprise is of a nature that is encouraged by the State, and the Administrative Board of such Empire Zone authorizes the designation of such business as a regionally significant project. The New York State Department of Economic Development and the South Jamaica Empire Zone Administrative Board have determined that Flying Food Group LLC, a manufacturer and food processing and packaging company serving 85 airlines and nationally known retail food chains is projected to create more than 100 new jobs and has been provisionally approved for Empire Zones benefits as a regionally significant project under Section 957(d)(i) of the General Municipal Law.

§2. Chapter 7 of title 22 of the administrative code of the city of New York is amended by adding new section 22-719 to read as follows:

§22-719 Authorization for the designation of a regionally significant project. a. Pursuant to the provisions of article 18-B of the general municipal law, a business enterprise may be designated as a regionally significant project if the criteria set forth in paragraph i of subdivision d of section 957 of such article are met.

b. By a resolution of the South Jamaica empire zone administrative board, dated June 30, 2008, such administrative board, in accordance with the provisions of article 18-B of the general municipal law, supported the designation of Flying Food Group LLC, having federal employer identification number 36-4331472 and located at building 146, JFK International Airport, in the borough of Queens, as a regionally significant project.

c. Pursuant to the provisions of article 18-B of the general municipal law, such regionally significant project shall be as set forth as follows:

Flying Food Group LLC, having federal employer identification number 36-4331472 and at building 146, JFK International Airport, in the borough of Queens also known as Block: 14260 Lot: 1, in the borough of Queens.

§3. This local law shall take effect immediately.

LS 6586 Flying Foods RSP  
7-21-09