



East Hampton Town Board
159 Pantigo Road
East Hampton, NY 11937

Meeting: 09/18/14 06:30 PM
Department: Town Attorney
Category: Approvals
Prepared By: Elizabeth Vail
Initiator: Elizabeth Vail
Sponsors: Supervisor Larry Cantwell
DOC ID: 14423 B

ADOPTED

RESOLUTION 2014-1180

Identify and Adopt Regulations To Address Noise and Disturbance from Operations at East Hampton Airport

WHEREAS, the East Hampton Airport (“Airport”) provides useful transportation facilities which are important to, and are used by, residents, visitors and businesses in both East Hampton and the South Fork of Long Island; and

WHEREAS, the Town of East Hampton, as proprietor and operator of the Airport, is committed to operating a safe and properly maintained facility; and

WHEREAS, there has been and continues to be considerable local concern regarding disturbance from noise and related impacts from aviation operations at the Airport; and

WHEREAS, studies have shown that aviation noise is disturbing at a lower decibel level when the ambient noise level is low, as it is in East Hampton and other nearby communities surrounding the Airport that are especially noise-sensitive and especially dependent upon having a quiet, tranquil environment; and

WHEREAS, studies have shown that aviation noise can be harmful to human health and wildlife and that helicopter noise can cause disturbance at lower decibel levels than fixed-wing aircraft; and

WHEREAS, the Town has worked with the Eastern Region Helicopter Council, operators of helicopters, the Congressional delegation, and federal regulators in past years to establish voluntary helicopter arrival and departure routes aimed at abating adverse community impacts from helicopters using the Airport; and

WHEREAS, the problem of noise and disturbance does not just interrupt and disrupt the lives of residents within the immediate vicinity of the Airport but also adversely affects residents in communities, including Bridgehampton, East Hampton, North Haven, North Sea, Noyac, Sagaponack, Sag Harbor, Shelter Island, Wainscott, and the North Fork; and

WHEREAS, the Town of Southampton, Town of Shelter Island, Town of Southold, Village of North Haven, Village of East Hampton, and Village of Sag Harbor, have adopted resolutions, noting the effect of excessive aircraft noise from the increased traffic at the Airport on their respective Town and Village residents and requesting the Town Board of the Town of East Hampton “adopt a comprehensive aircraft noise limitation policy...” among others; and

WHEREAS, the Town has consulted, and continues to, consult with leadership in nearby towns to address impacts of aviation operations in those towns as well; and

WHEREAS, while voluntary measures have provided some limited relief in certain neighborhoods, these measures alone have not reduced to an acceptable level the overall intensity of community disturbance from noise associated with aviation operations at the Airport; and

WHEREAS, the number of helicopter operations at the Airport has increased by more than forty percent in the last year; and

WHEREAS, the Town announced its intent to pursue use restrictions on operations at the Airport by the adoption of Resolution RES-2012-832 on August 2, 2012; and

WHEREAS, the Town Board has received multiple presentations from aviation engineers, noise consultants, and counsel regarding viable and permissible approaches to address the consequences of disturbance from noise associated with operations at the Airport; and

WHEREAS, the Town Board has determined that it is prudent and in the best interest of communities both within and outside the Town that are affected by noise from the Airport to take action to reduce the level of community disturbance from noise associated with aviation operations; and

WHEREAS, the Town cannot lawfully adopt a restriction on aviation operations at the Airport without first studying the local problem and considering alternative strategies specifically and narrowly tailored to address the identified problem in the affected communities; and

WHEREAS, the Town has been collecting data for several years on aviation operations at the Airport for the purpose of understanding the relationship between noise disturbance and aviation operations at the Airport; and

WHEREAS, the Town has invested heavily in a sophisticated system for collecting data on noise and disturbance in the vicinity of the Airport, the purpose of which is to provide the Town with robust data upon which to make decisions about the most appropriate way to address local noise and disturbance problems; and

WHEREAS, the Town Board has directed its noise consultants to collect, assess and evaluate data that has already been collected on noise and operations at the Airport, so that the Town Board can understand and be positioned to address and resolve the problems of disturbance from noise associated with operations at the Airport; and

WHEREAS, the Town Board has no intention of imposing any restriction on aviation operations arbitrarily or without careful study and consideration of a tailored restriction that is based upon the unique environment of the communities affected by noise from Airport operations; and

WHEREAS, the Town Board has directed its Town Attorney and outside counsel to ensure that the Town follows a deliberate, transparent, and thoughtful process in compliance with applicable law before considering adoption of restrictions on aviation operations; and

WHEREAS, the Town Board has determined that it would be advantageous to make a decision about possible restrictions on aviation operations before the beginning of the 2015 season; now, therefore, be it

RESOLVED, that the Town Board is committed to finding a solution to disturbance resulting from noise associated with Airport operations and intends to adopt whatever lawful measures it can to ensure the peace, quiet, tranquility and health of communities affected by Airport noise; and be it further

RESOLVED, that upon completion of appropriate analysis, the Town will consider the following issues before making a decision: (1) the most serious disturbances to the local population; (2) the cause(s) of the disturbances; and (3) reasonable and practical solutions tailored to address the source(s) of those disturbances; and be it further

RESOLVED, that upon receipt of the noise consultant's analysis, the Town Board will identify a proposed action that addresses the identified problem(s), which action, along with some of the alternative solutions reported on, will be the subject of further study that will comply with the requirements of federal and state law; and be it further

RESOLVED, that the Town Board will hold public meetings, workshops and/or hearings at appropriate times to provide ample opportunity for all points of view to be expressed, so that the Town can thoroughly consider the benefits and impacts of each of the alternative solutions to the identified problems, before the Town Board takes any formal action; and be it further

RESOLVED, that the Town Board will consult with, and seek input from, the affected stakeholders, the Congressional and state legislative delegation and the Federal Aviation Administration before taking any action to adopt a solution to the noise problem; and be it further

RESOLVED, that upon completion of such further study and any required environmental analysis, the Town Board will decide whether to proceed with adopting an alternative or alternatives, which may include restrictions on helicopter and/or other aviation operations at the Airport, to address local disturbance resulting from aviation operations at the Airport; and be it further

RESOLVED, the Town Board finds that the adoption of this resolution is classified as a Type II Action under the State Environmental Quality Review Act (SEQRA) pursuant to 6 NYCRR Part

617.5(c)(21) and Town Code Chapter 128, and as such, no further environmental review is required; and be it further

RESOLVED, that the Town Board intends to complete this process and to implement the selected alternative or alternatives before the 2015 season.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Larry Cantwell, Supervisor
SECONDER:	Peter Van Scoyoc, Councilman
AYES:	Peter Van Scoyoc, Sylvia Overby, Fred Overton, Larry Cantwell
ABSENT:	Kathee Burke-Gonzalez