

November 5, 2014

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By email to: HTOcomments@EHamptonNY.gov

Re: Town of East Hampton's Noise Study

Honorable Sir and Madam,

On behalf of Friends of the East Hampton Airport, Inc., we hereby protest the Town's promotion of an incomplete and inaccurate "Noise Study" that was done on the cheap, did not utilize all the tools available to record actual noise, depended on the wrong data, and drew inaccurate conclusions.

The prior noise study commissioned by the Town in 2007 and completed by Young Environmental acknowledged that the Day Night Average Sound Level Methodology ("DNL") "is the standard way to describe noise impact around airports in the USA."¹ The current Noise Study shows the same noise DNL profiles exist today as existed in 2008. The current Noise Study shows that noise does not exceed 65 DNL in any residential areas. The 65 DNL profile is contained to airport property just as it was in prior studies.

¹ GEIS, at page 30.

Rather than bolster the Respondent's case for use and access restrictions, the Noise Study demonstrates that noise is the same as shown in previous studies, and does not exceed the FAA's standard for incompatible residential use.

Even though the Noise Study is flawed in important respects, it illustrates the following important facts:

- Year-round average noise from aircraft operations (measured as "DNL") is lower now than in 2008. This is likely because helicopters voluntarily adopted higher altitude approaches in 2013.
- Year-round average noise levels do not exceed 55 DNL outside of the Airport property.
- The use of data from 2013 has little meaning since helicopters voluntarily increased altitudes more than 1,000 in 2014 which would lead to even quieter on the ground readings.
- The determination on helicopter "compliance" with voluntary noise mitigation routes is enormously inaccurate because Young Environmental did not account for the fact that routes were changed once again in 2014.
- There is no meaningful data in the total number of noise complaints unless data on the number of complainants, i.e., how many times each person complained, is also provided. In 2014, the Town and anti-airport groups conducted an outreach campaign to generate as many complaints as possible. As a result, complaints in 2014 increased, even though helicopters were flying at a higher altitude and were creating less noise.

The fact that the Town used 2013-2014 complaints but only 2013 aircraft track information raises the question whether the Town attempted to manipulate the results to show higher levels of noise than actually exists since in 2014, helicopters began flying in from higher altitudes to reduce noise. The use of only 2013 rather than 2014 data is intentionally misleading, and at the very least, it shows that the Noise Study's results are hopelessly flawed and unusable.

Even if the Town believed that it could rely on aircraft track data, there is no reason not to have used 2014 data. While 2014 has not yet ended, the only data that is critical is summer data and this material was readily available. If the Respondent wanted a full twelve months, it could have used twelve months from October 1, 2013 to September 30, 2014. Its use of 2013 data when helicopters used lower altitudes nullifies the whole study.

Note must also be made that the charts used in the Noise Study are not readable. We request that that data used for the Noise Study be immediately released to the public.

Rather than using the FAA standard of 65 DNL, the Noise Study plots an enlarged noise affected area by using 45, 50, and 55 DNL. However the Noise Study does not provide the background noise level. Without the background noise level, there is no way to compare the aircraft noise level against between the natural background noise level or to understand the impact of normal daytime events, such as cars, construction equipment, and landscaping equipment, etc.

The Noise Report's suggestion that aircraft noise at 50 and 55 DNL is unacceptable and misleading hyperbole. A level of 50 DNL equates to quiet urban daytime and 55 DNL equates to an automobile at 200 feet away.

The Report was further rendered meaningless when it concluded that every aircraft operation (from single-engine Cessna to the largest jet or helicopter) in 2013 and 2014 exceeded the Town's noise ordinance. This inflammatory data purported to show millions of "exceedances" of the Town's noise ordinance. There is no community in the United States that bases aviation noise restrictions on such measures because federal law has preempted the regulation of aviation noise. The Town's noise ordinance is irrelevant. This part of the study served no meaningful purpose and only distracts from informing the community from the current conditions on the ground and from the true legal issues to be evaluated.

An accurate Noise Study would have been a useful tool for the various parties to seek a reasonable solution to the issues at hand. What we fear is that this Study will simply exacerbate emotions, unfounded opinions and create a hostile atmosphere for reasonable people to prevail based on reasonable and sensible solutions.

Based on all of the above, we believe that the \$60,000 in public funds used to pay for this study was entirely inappropriate. We are asking for the Suffolk County Comptroller to do a thorough review of the use of these public funds in such a deliberately misleading and purely political manner.

Very truly yours,



Leonard D. Kirsch

Cc: Jeff Smith
Peter Kirsch, Esq.
Elizabeth Vail, Esq.
Suffolk County Comptroller Joseph Sawicki, Jr