

November 23, 2014

Memorandum to: Councilwoman Kathee Burke-Gonzalez
From: Airport Planning Committee, Noise Sub-committee
Re: Ninth Preliminary Findings and Recommendations –
Problem Definition

At the public meeting on October 30, 2014, to present to the public the results of the phase 1 noise study, the Town's aviation counsel, Peter Kirsch, explained that the definition of the problem is an important element of the record. He furnished a proposal for a definition, by way of example, but invited the public to comment and submit alternatives.

Assemblyman Fred Thiele commented on the Kirsch proposal, noting that, by defining the problem as interference by aircraft noise with summer entertaining, Mr. Kirsch was failing to address the impact of aircraft noise on all other activities of life in East Hampton and narrowly characterizing East Hampton as a place for entertaining, rather than as a refuge from urban ills.

In response to the invitation to offer alternative definitions of the problem, the Airport Planning Committee, Noise sub-committee, submits that definition attached as Exhibit A, as unanimously approved at its meeting of November 17, 2014.

Respectfully submitted,

Airport Planning Committee, Noise
Sub-committee

Statement of the Problem of Aircraft Noise due to East Hampton Airport

1. The East Hampton Town noise ordinance, Town Code, Chapter 185, defines “noise pollution” to be, among other definitions:

“The presence of an amount of acoustic energy for that amount of time necessary to . . . [i]nterfere with the comfortable enjoyment of life and property or the conduct of business.”

Aircraft noise caused by East Hampton Airport, both in immediate proximity to and distant from the airport, is noise pollution as so defined. It interferes with the ordinary activities of East End residents at all times of the day and night, especially during the warm season when enjoyment of the outdoors is integral to the quality of life on the East End.

2. Aircraft noise events are disturbing and disruptive for 19 reasons:

- (i) The frequency with which they occur, especially during peak periods;
- (ii) The duration of individual events;
- (iii) The absolute loudness of events;
- (iv) The relative loudness of events against the low background noise level;
- (v) The acoustic properties of the noise, especially impulsive and low frequency noise;
- (vi) The startling effect of low altitude events;
- (vii) The instinctive perception of approaching aircraft as looming or threatening;
- (viii) The resonant rattling of windows and other household objects;
- (ix) The interruption of conversation;
- (x) The disruption of sleep and the deleterious effects on health;
- (xi) The perception of aircraft noise events as unwarranted and unwelcome intrusions upon, and interruptions of, privacy and home life, both indoors and outdoors;
- (xii) The incompatibility of aircraft noise with what is otherwise a pastoral environment;
- (xiii) The increase in noise, caused by aircraft, occurs at exactly those times of year, summer generally and especially summer week-ends, when residents, both year-round and seasonal, most want to enjoy the peace and beauty of the unique environment that is the special bounty of the East End;

(xiv) Acute noise exposure activates the autonomic and hormonal systems, leading to temporary changes such as increased blood pressure, increased heart rate and vasoconstriction;

(xv) Adverse effects of environmental noise on mental health include anxiety, emotional stress, nervous complaints, nausea, headaches, instability, argumentativeness, changes in mood, increase in social conflicts;

(xvi) Adverse social and behavioral effects of environmental noise include negative changes in overt everyday behavior patterns (e.g., closing windows, not using balconies, decks, and outdoor space, turning TV and radio to louder levels), adverse changes in social behavior (e.g. increased aggression, reduced helping behavior, unfriendliness, disengagement, non-participation), and negative changes in mood (e.g. less happy, more depressed);

(xvii) The designation of routes in order to reduce the number of affected homes grossly magnifies the adverse impact on homes under and along the designated routes;

(xviii) The designation of routes over the reflective surface of inland waters in order to reduce the number of affected homes amplifies the adverse impact on homes along the water and ruins the peaceful enjoyment of those who value their time spent on the water, fishing, boating, swimming, surfing, paddling and observing nature in what should be a serene setting;

(xix) Despite the Town's commitment to environmental preservation, the direction of aircraft preferentially over nature preserve areas, in order to spare residents from noise, disturbs the feeding, predation, predatory defenses, mating, nesting, reproduction, rearing, and migration of many species of wildlife and defeats one of the main purposes of the purchase of our open space, the ability of those who live and visit here to connect with nature and escape the urban environment.

3. Noise caused by properly equipped aircraft is excepted from the East Hampton noise ordinance, not because it is not noise pollution, but because: (i) under federal law the Town cannot regulate aircraft in flight and (ii) while subject to FAA grant assurances the Town has been without practical authority to regulate the use of its own airport to protect the community from aircraft noise.

4. As a result of these limitations upon local authority, no bounds have ever been placed upon the scope and effects of the aircraft noise exception to the local East Hampton noise ordinance.

5. In the absence of any limits on the scope of the aircraft noise exception to the local noise ordinance, aircraft using East Hampton Airport are overwhelmingly the largest source of noise pollution in East Hampton, far exceeding noise pollution due to other exceptions to the noise ordinance.

6. The relevant grant assurances will no longer be enforced by the FAA against East Hampton after December 31, 2014. Under the judicially and congressionally recognized "proprietor's exception" to what is otherwise federal preemption of local authority over aviation, this affords the Town its first practical opportunity to set appropriate limits to the scope and effects of the aircraft noise exception to the Town's local noise ordinance.