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November 26, 2014

Supervisor Larry Cantwell
Councilwoman Kathee Burke-Gonzalez
Deputy Supervisor Peter Van Scoyoc
Councilwoman Sylvia Overby
Councilman Fred Overton
Concerned Residents

Re: East Hampton Airport Noise Mitigation

Ladies and Gentlemen:

In response to our previous letter, over 500 East Hampton property owners responded by mail to us in favor of local East Hampton Airport control *and major mitigation of aircraft noise*. As demonstrated by 20,000 call-in complaints this year, testimony before the Town Board on August 27, 2014, and numerous other citizen engagements, many more throughout the East End agree, including town managers across the region.

On 1 January 2015, The East Hampton Town Board is prepared to return the East Hampton Airport to local control. It is, therefore, now time to provide the Town Board with specific recommendations for noise control. Based on wide community input, following are measures which we believe should be implemented prior to May 1, 2015 if the pervasive noise problem is to be properly and thoroughly addressed. (Any emergency operation is to be excluded from these provisions.) Absent meaningful regulation now, the noise problem, which has been building for years, will only get worse. **Our specific proposals for noise mitigation are:**

- 1. Ban all helicopter and seaplane landings and takeoffs at East Hampton Airport.**
- 2. Require all aircraft using the East Hampton Airport facility to meet, in terms of both intensity and duration, a noise level standard appropriate to a quiet rural community.**
- 3. Permit airport operations only from 9:00am to 5:00pm, seven days a week.**
- 4. Restrict total landings and takeoffs, inbound and outbound combined, during those hours to four (4) per hour.**
- 5. Auction landing slots to generate a substantial fund to support the local airport.**
- 6. Promulgate strict and workable enforcement measures to accompany regulation.**

We have personally retained the nationally prominent law firm of Cravath, Swaine & Moore to advise us on the reasonableness from a legal perspective of the points which constitute our Proposal. In summary, Cravath's six page opinion letter states: "the (LipperWolf) Proposal fully comports with existing legal constraints on the ability of localities to regulate airport operations. The Proposal reflects a reasonable and non-arbitrary approach to the reduction of noise pollution, and does so in a manner that does not improperly discriminate against aircraft or aircraft operators for reasons other than the amount and timing of the noise they generate, individually and in the aggregate."

We have also recently reviewed our Proposal with the Village Preservation Society of East Hampton. *The VPS Board has unanimously endorsed the Proposal by formal Board resolution.*

In addition to the new measures recommended above, after 1 January 2015 when the airport will again be under local control, we urge the East Hampton Town Board to enforce the existing East Hampton Town Comprehensive Plan. That legal document prohibits scheduled commercial operations at the airport. Flights operated by businesses which use crowd sourcing to fill- up aircraft with passengers at recurring predictable hours fit squarely into this category. .

It is now time for the East Hampton Town Board to exercise its political will to act to protect citizens throughout the East End, rather than support the life style of a minuscule minority. There is no legal obstacle to prevent the Town Board from doing the right thing for citizens of the East End.

Cordially,

Kenneth Lipper

Peter M.Wolf