

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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FRIENDS OF THE EAST HAMPTON AIRPORT, INC.,
ANALAR CORPORATION, ASSOCIATED AIRCRAFT
GROUP, INC., ELEVENTH STREET AVIATION LLC,
HELICOPTER ASSOCIATION INTERNATIONAL, INC.,
HELIFLITE SHARES LLC, LIBERTY HELICOPTERS,
INC., SOUND AIRCRAFT SERVICES, INC., and
NATIONAL BUSINESS AVIATION ASSOCIATION, INC.,

No. 15 Civ. 2246 (SJF) (ARL)

Plaintiffs,

-against-

THE TOWN OF EAST HAMPTON,

Defendant.

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DECLARATION OF MICHAEL RENZ

I, Michael Renz, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am the President of Analar Corporation (“Analar”), one of the Plaintiffs in this action. I am a commercially rated pilot with over 16,000 hours of flight time and have spent over 34 years in the aviation business. I hold an Airframe & Powerplant License including an FAA Inspection Authorization issued by the Federal Aviation Administration (“FAA”) to conduct aircraft maintenance and inspections and to approve major alterations and repairs to aircraft.

2. I make this declaration, based on personal knowledge, in support of Plaintiffs’ application for a temporary restraining order enjoining the Town of East Hampton’s recently-enacted restrictions on access to the East Hampton Airport (“the Airport” or “HTO”).

Background of Analar

3. Analar is a business corporation duly organized and existing under the laws of the State of New Jersey, with a principal office located at 41 Airpark Rd., Princeton, New Jersey 08540.

4. Analar has been in business for over 35 years. The company was founded in 1979. Analar provides “on demand” helicopter charter services to passengers to and from various destinations within the Northeast corridor, including Washington, D.C., Maryland, Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, and Massachusetts. Analar operates seven helicopters as part of its charter service. Of those seven helicopters, Analar owns three, and the other four are owned by one or more individuals and managed by Analar. Analar flies the managed aircraft on demand for their owners, and uses the aircraft to transport other passengers when the aircraft are not otherwise in use by the aircraft’s owners, pursuant to Analar’s certificate under 14 C.F.R. Part 135. Part 135 allows Analar to conduct operations for compensation or hire. Analar also holds authorization from the Department of Transportation to engage in interstate air transportation. Pursuant to Part 135, Analar must comply with a number of FAA requirements and safety standards, including those related to flight operations, maintenance, and training.

5. Analar’s fleet is comprised of the following seven helicopters: two (2) Eurocopter AS 365N3 (Analar manages these two aircraft); four (4) Eurocopter AS 355F1 (Analar owns two and manages two); and one (1) Bell B206B3 (Analar owns this aircraft).

6. As part of its charter service, Analar offers clients the opportunity to prepay for a block of hours of flight time known as “Block Time.” These “Block Time” customers get

guaranteed seats on our helicopters going to and from their desired destinations, including East Hampton.

7. In addition to providing charter and managed services, Analar runs a maintenance operation through which we service aircraft outside of Analar's fleet. Analar conducts its maintenance operations at its Princeton, New Jersey facility and its Kearny, New Jersey location.

8. Analar has 15 employees.

Analar's Operations to and from HTO

9. Analar significantly utilizes HTO—especially between May and September. We fly more passengers to and from HTO than any other airport. Over 70% of Analar's passengers fly to and from HTO, and those flights have accounted for approximately half of Analar's flight operations. In 2014, for example, over 45% of Analar's 1,200 flights were to or from the Airport. Approximately 337 flights out of the 410 flights to HTO occurred during the months of May through September

10. Of the flights to and from HTO, approximately 80%—take place from May through September.

11. Flights to and from HTO account for over 55% of Analar's revenue.

East Hampton's Recently-Enacted Restrictions

12. I understand that on April 16, 2015, the Town Board adopted three new local laws restricting access to HTO ("the Restrictions").

13. I understand that the Restrictions include: (1) a mandatory curfew, prohibiting use of HTO between 11:00 p.m. and 7:00 a.m. (the "Mandatory Curfew"); (2) an extended curfew for "Noisy Aircraft" banning flights from 8:00 p.m. to 9:00 a.m. ("the "Extended Curfew"); and (3) a one-trip limit during the summer, prohibiting "Noisy Aircraft" from flying more than one

trip per week to HTO during the summer season (the “One-Trip Limit”). I further understand that the Restrictions define “Noisy Aircraft” as including any aircraft that has a published Effective Perceived Noise in Decibels (EPNdB) approach (AP) level of 91.0 or greater.

14. Six of the seven helicopters in Analar’s fleet are subject to this definition. The Eurocopter AS 365N3 has an EPNdB AP level of 96.1 and the Eurocopter AS 355F1 has an EPNdB AP level of 93.4. The Bell B206B3 has an EPNdB AP level of 90.7, and is therefore not a “Noisy Aircraft.”

15. The Town’s “Noisy Aircraft” definition is an inaccurate indicator of the actual ground-level noise impact generated by Analar’s helicopters on the environs around the Airport. Analar’s pilots follow HTO’s voluntary noise abatement procedures, unless otherwise directed by air traffic control or responding to inclement weather. As part of those procedures, Analar’s helicopters (1) maintain high altitudes when approaching HTO; (2) climb quickly when departing HTO; and (3) avoid operating the rotors for more than five minutes while on the airport ramp. All of these procedures significantly reduce the actual noise impact of Analar’s helicopters. Analar monitors compliance with these procedures by maintaining “Deviation Forms” in the cockpit of each aircraft. Should a pilot deviate from the procedures or routes, he or she must fill out the form and explain why the procedures were not followed. I personally review each form.

16. I participated in the crafting of the noise abatement procedures at HTO. Several years ago, I used my aircraft and flew with HTO’s manager to demonstrate several different noise abatement procedures. With those flights, and in consultation with other pilots, organizations, and the Town’s airport and noise subcommittees, we determined appropriate approach altitudes that were both safe for the aircraft and passengers and that mitigated noise in

and around the environs of East Hampton.

17. If the Restrictions are put into effect, Analar immediately will be subject to all three of the Restrictions—the Mandatory Curfew, Extended Curfew and One-Trip Limit. Six of the seven helicopters in Analar’s fleet will immediately be prohibited from flying into or out of HTO between 8:00 p.m. and 9:00 a.m., year-round. In addition, these six helicopters will be barred under the One-Trip Limit from flying more than one trip per calendar week during its busiest season. All of Analar’s aircraft will be prohibited from flying into or out of HTO from 11:00 p.m. to 7:00 a.m., year-round.

The Restrictions’ Impact on Analar

18. The Restrictions will have a devastating impact on Analar’s charter business. I predict that Analar could lose up to 60% of its charter business as a result of the Restrictions. Indeed, Analar is already being financial harmed by the passage of the Restrictions.

19. The One-Trip Limit crushes charter operations like Analar’s, which rely upon the ability of its aircraft to make multiple trips to HTO per week, and even per day.

20. Six of Analar’s seven helicopters will be subject to the One-Trip Limit. In 2014, Analar made a total of 337 trips to HTO between May and September, with an average of 17 trips per week. Under the One-Trip Limit, I estimate that 65% of Analar’s flights will be prohibited. Six of our seven helicopters will be limited to just one trip per week, a total of 6 trips. The one helicopter in our fleet not designated as a “Noisy Aircraft,”—namely the Bell 206B3—cannot possibly make up for this severe trip reduction. Based on our current demand, the Bell 206B3 realistically could only perform 2 flights a day due to the slower speeds and the need to refuel at each destination. These limiting factors combined with the timing of our typical departures would require approximately 5 hours of time to perform just 2 flights. In addition, we

are limited to 2 to 3 passengers on the Bell which falls well short of our current customer demand.

21. The impact of the One-Trip Limit on Analar's charter operations and revenue is even more severe given that three of the helicopters Analar uses are owned by third-party individuals with personal travel needs to and from HTO. The One-Trip Limit will most likely prevent Analar from using those aircraft to transport any clients to HTO except for the owners, further reducing Analar's ability to provide charter services. Moreover, to the extent those three helicopters have multiple owners—all of whom want to travel to HTO—it is uncertain how Analar or the owners will resolve who gets to use the helicopter's sole trip during the calendar week. I fear that this predicament will lead to the owners selling their helicopters, which will result in Analar losing its managed business and the use of those helicopters to provide charter services to passengers.

22. The Extended Curfew will also cause financial loss to Analar. The extended curfew prohibits Analar from using HTO 13 hours of every day, banning flight from 8:00 p.m. to 9:00 a.m., year-round. Many of Analar's clients own homes in East Hampton and, during the summertime, they spend the weekends in East Hampton and work in Manhattan or elsewhere during the week. Accordingly, the greatest demand for Analar's charter services is on Thursday and Friday evenings between the hours of 8:00 p.m. and 10:00 p.m., and early mornings on Mondays and Tuesdays, between the hours of 6:00 a.m. and 8:00 a.m. Under the Restrictions, Analar will be prohibited from using HTO during all of those times.

23. The Restrictions will also negatively impact Analar's maintenance business. Every hour of flight time requires some maintenance. The Restrictions will reduce the total

hours of flight time for each helicopter, which in turn will reduce the maintenance required for each helicopter.

24. Analar has already been harmed due to the pendency of the Restrictions. Customers have held off on making reservations and owners have advised us that they will sell their helicopters if the Restrictions take effect. If the owners sell their helicopters, Analar will not have access to these helicopters to conduct charter flights to all destinations, including HTO.

25. There is uncertainty about whether Analar could continue under its current business structure if the Restrictions take effect. The projected decrease in flights to HTO will force Analar to lay off approximately 7 of its employees and reduce its fleet by as many as 4 helicopters. Moreover, with the loss in annual revenue, Analar would either have to shut down or restructure its business to being predominantly a consulting and maintenance company.

26. Analar anticipates that it will also lose significant market share to other companies that can provide flight operations to HTO without being subject to the Restrictions. Even if the Restrictions were later lifted, Analar will have been permanently harmed, as its customers might not return.

27. If the Restrictions take effect, the other airports in Long Island, including Montauk Airport (“Montauk”), Francis S. Gabreski Airport (“Gabreski”), which is in Westhampton, and the Southampton Heliport (“Southampton”) are inadequate alternatives to HTO, and will not alleviate the serious economic and operational harm that Analar will suffer. Montauk is more than 20 miles east of HTO and does not provide fuel services. Southampton consists of a single helipad and does not provide fueling services. In addition, helicopters can only remain on the helipad for five minutes. Because Southampton can only accommodate one aircraft at a time, it will easily become saturated if it has to accommodate additional traffic as a

result of the One-Trip Limit. Gabreski is more than 25 miles west of HTO. Analar's clients who land at Gabreski would then have to drive via Route 27—which is heavily congested during the summer—to get to East Hampton. My clients have informed me that they will likely forego the expense of flying into Gabreski if they will still face heavy traffic en route to East Hampton.

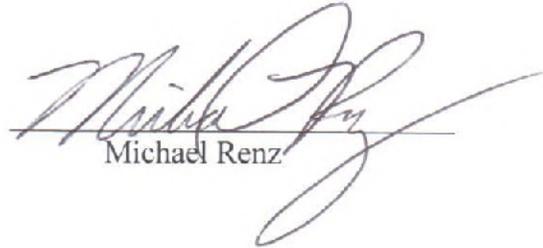
28. Furthermore, if the Restrictions go into effect, it is entirely unclear whether Southampton, Montauk and Gabreski would even have the capacity or ability to accommodate helicopter traffic that can no longer land at HTO—which for years has been the main airport hub on the East End for helicopter services.

29. Finally, in addition to harming Analar and other HTO users, the Restrictions will harm HTO itself. The Restrictions will have the effect of significantly reducing HTO's revenues, which will in turn deprive HTO of funds desperately needed to maintain the Airport in good repair. Even prior to its enactment of the Restrictions, the Town had failed, and continues to fail, to maintain HTO in proper condition as required by federal law. For this reason, on January 29, 2015, Analar and others filed an administrative complaint with the FAA, alleging that the Town has violated its federal grant assurances (specifically, Grant Assurance 19.a) by, among other things, failing to remove obstructions to runways, allowing runways to deteriorate, and failing to maintain an effective perimeter fence. *See Friends of the East Hampton Airport, Inc. et al. v. East Hampton Airport*, FAA Docket No. 16-15-02 (2015). That administrative complaint is pending. If the Restrictions are enforced, then HTO's revenues—which are currently the only source of funding for Airport maintenance—will plummet, causing HTO to fall further into disrepair.

30. If the Restrictions go into effect, Analar will be seriously and immediately harmed. The Restrictions will materially decrease Analar's revenues, forcing Analar to reduce its fleet size, downsize its staff, and reorganize its operations.

I declare under penalty of perjury that the foregoing is true and correct.

Executed: April 29, 2015
Princeton, NJ



Michael Renz