

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 THOMAS MACNIVEN**

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

1. I am a licensed agent, broker and former Managing Director of Sales employed and active full time in the real estate market in East Hampton and Southampton towns since 1986.

2. I make this declaration, based upon personal knowledge, in support of Defendants' response to Plaintiff's motion for a temporary restraining order.

3. I grew up in the Hamptons, started and raised a family here, and have bought and sold my own real estate here. I've been a homeowner, a landlord, and an investor. In the past twenty years I have lived at three different locations all in different directions from the East Hampton Airport.

4. I was appointed to the Town's Airport Noise Abatement Committee in January 2014.

5. Because of my role on the Airport Noise Abatement Committee, I am often consulted by local real estate agents with questions about the East Hampton airport and impacts to residential properties. I am frequently asked how and to what extent a particular property is affected. I have been asked about homes in Amagansett, Springs, East Hampton, Sag Harbor, Northaven, Shelter Island, Noyack, Sagaponack, Bridgehampton, Watermill and Southampton. If the questions relate to jet traffic, they are easier to answer, because the approach and departure paths are well known. The runways they take off and land on and the altitudes they fly at are fixed. But with regard to helicopter operations I cannot provide any level of comfort for any property within approximately 10-15 miles of the Airport. The helicopter altitudes, routes and approaches are voluntary and can change at a moment's notice because of any number of factors including the whim of the pilot.

6. Real estate agents in this market all recognize, as I do, that aircraft noise caused by use of East Hampton Airport is a critical consideration when purchasing or renting property in East Hampton. Prospective purchasers ask about these impacts. Is this house in the flight path? Is it affected by noise from airport traffic to and from East Hampton airport? Will I have helicopters flying over my house all summer long? Will I hear the noise? Do they come and go 24 hours a day, seven days a week?

7. It is widely recognized that noise from aircraft coming and going from East Hampton Airport is a negative aspect of living in many areas of Eastern Long Island. Prospective purchasers and renters are often concerned about noise from aircraft and helicopters, especially when looking at houses in areas affected by noise from air traffic coming and going to

and from East Hampton Airport. Potential buyers and renters are reluctant to rent or buy homes when they learn about aircraft noise impacts. Large areas of many towns and hamlets are often avoided by potential buyers and renters simply because of the fear of constant disruption and disturbance caused by aircraft coming and going to East Hampton Airport.

8. I own three properties in East Hampton. One in particular is quite affected by airport noise. This was not the case as recently as ten years ago. Many prospective renters are familiar with this problem. My frustration is that I cannot give them any level of comfort or accurate information when it comes to the quiet enjoyment of the home. This is true with homes all over the eastern end of Long Island.

9. I support the use restrictions that the Town of East Hampton enacted on May 16, 2015. I believe they will bring much needed relief to this community.

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

  
Thomas MacNiven

Executed this   <sup>th</sup> day of May, 2015 in East Hampton, New York.