



TOWN OF EAST HAMPTON

159 Pantigo Road
East Hampton, New York 11937

June 26, 2015

COURT AFFIRMS TOWN OF EAST HAMPTON'S RIGHT TO REGULATE AIRPORT NOISE

Airport Curfews to Take Effect on July 2, 2015

The federal court today affirmed the Town of East Hampton's legal right to adopt use restrictions to address the problem of excessive airport noise, noting that "it cannot be argued that the Town lacked the data to support a finding of a noise problem at the Airport."

Federal District Court Judge Joanna Seybert upheld the Town's legal authority to adopt restrictions to address noise problems, the fundamental issue in the litigation. The Court upheld two local laws instituting year-round curfews: one, a mandatory nighttime curfew, from 11 p.m. to 7 a.m., and the other, an extended curfew on noisy aircraft, from 8 p.m. to 9 a.m. The Court preliminarily enjoined a third law imposing a one-trip-a-week restriction. A fourth law was not challenged.

The Town of East Hampton adopted four laws to provide meaningful noise relief, while minimizing both the impact on users and the potential diversion to other airports:

- Local Law #3 calls for a mandatory nighttime curfew, from 11 p.m. to 7 a.m.
- Local Law #4 calls for an extended curfew on noisy aircraft, from 8 p.m. to 9 a.m.
- Local Law #5 calls for a limit on noisy aircraft to one trip – a single landing and takeoff – each week during the summer season.
- Local Law #7 refines the penalties provision and definitions and codifies the Town's intent to evaluate the effectiveness of the restrictions.

A group of opponents filed a legal action in federal court in April seeking to delay implementation of the local laws. Judge Seybert heard oral arguments on May 18, and at her request, the Town agreed to postpone enforcement of the laws pending today's decision.

The plaintiffs challenged three of the laws under a number of federal statutes and constitutional claims. In today's 45-page order, the Judge reviewed each of the applicable laws and constitutional principles in considerable detail. In her order, the Judge found there was no basis for enjoining the nighttime curfew and the extended curfew. However, she issued a preliminary injunction against Local Law #5 (the one-trip-per-week restriction on noisy aircraft).

Town Supervisor Larry Cantwell said, "We're pleased the judge has acknowledged that the Town was justified in adopting restrictions to provide relief to the growing number of people who are negatively affected by aircraft noise. Although we regret that one of the key laws cannot be

enforced for the time being, we are gratified that the Court recognized that the law allows the kind of restrictions that are essential to protect the residents of this Town.”

Enforcement of the local laws will begin on Thursday, July 2, 2015, at 12:01 a.m.

Town Councilwoman Kathee Burke-Gonzalez said, “The Court’s decision today is an important first step, but we must recognize that our opponents are well funded and will not give up easily. This will be a long process, not just for the pending case in federal court but also for the many other actions filed against operations at the Airport. In light of today’s ruling, however, we encourage our opponents to rethink their strategy. It’s time to do what’s best for the Town and adapt aircraft operations to fit our reasonable restrictions.”

Information on these laws as well as the court filings is available at www.htoplanning.com.

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