



TOWN OF EAST HAMPTON

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UPDATE ON EAST HAMPTON TOWN AIRPORT PRESENTED AT NOV. 15, 2022, TOWN BOARD MEETING
Current status on litigation against town regarding airport operation is provided; next steps outlined

The East Hampton Town Board continues to pursue solutions to satisfy community concerns about noise and other environmental impacts related to aviation and use of the East Hampton Town Airport.

Following community-based discussions and a lengthy planning process in consultation with the Federal Aviation Administration, the Town Board sought to exercise local control over airport operations, studying the impact of use restrictions with an eye toward continued operation of a municipal airport that is acceptable to the community.

Background/ History:

- East Hampton Town's "grant assurances," or agreements with the FAA regarding airport operation, based on the Town's previous acceptance of federal airport money, expired in fall 2021
- The Town worked cooperatively with the Federal Aviation Administration for several years to chart a path forward that would enable local decision-making and more local control over airport operations
- Through a process of community engagement including several work sessions in 2020 and 2021, and four focused community engagement sessions in fall 2021, the Town Board found that a majority of EH residents would like to see significant change at the airport to address noise and environmental issues – or, if not possible, airport closure
- East Hampton Town sought to study the impact of reasonable restrictions at the airport during the 2022 summer season (as required by the New York State Environmental Quality Review Act – SEQRA)

Litigation:

- Several entities sued the Town, and a temporary restraining order was issued in May 2022 that precluded the Town from modifying airport operations and implementing the SEQRA study of reasonable airport restrictions
- Who sued?
 - State court action by Blade (commercial aviation operator) and Montauk residents

- State court action by East End Hangars et al (airport tenants and local individuals)
- State court action by Coalition to Keep East Hampton Airport Open (local individuals and aviators)

Petitioners claimed that the Town violated a state environmental law (SEQRA) and a federal aviation statute (ANCA -Airport Noise and Capacity Act of 1990).

The Town opposed the claims, saying that:

- SEQRA permits the Town to collect data and study the impact, if any, of modification or closure at the Airport, as contemplated by the Town
- ANCA does not apply. The FAA, the agency in charge of interpreting ANCA, confirmed this to the Town in discussions in 2021 and 2022

- On October 19, 2022, the Suffolk County Supreme Court ruled against the Town on these cases.

Read the Court Decision here:

<https://ehamptonny.gov/DocumentCenter/View/15213/Suffolk-County-Supreme-Court-decision-October-19-2022>

- The Town is appealing that decision (Notice of appeal was filed Nov. 9)

- Other Pending Court Actions:

- State Court action by Manny Vilar –East Hampton resident (ongoing)
- State court action by Long Island Airlines – commercial operator (ongoing)
- Federal court action by National Business Aviation Association – trade association (ongoing; court conference scheduled for Dec. 7. The Town has asked the Court to invite the FAA to participate in the proceedings)
- FAA Part 16 action by Curtis Air Taxi – commercial operator (ongoing)

See the full list of court cases, litigants, and counsel in the appendix to this litigation update:

<https://ehamptonny.gov/DocumentCenter/View/15165/TOEH--1115-Litigation-Update>

What's Next?

- Following the Suffolk County Supreme Court ruling, the Town will immediately re-initiate the SEQRA process.

An environmental impact statement that analyzes possible impacts from airport use restrictions or other decisions that the Town might make about the airport, when legally possible, will be prepared.

The Town Board is resolved to comply with all applicable laws and court rulings while continuing to act on behalf of the community that has expressed a desire for changes that will reduce the negative impacts of the airport on East Hampton residents.