

Airport Lawsuit Lands In Town Hall

By Kitty Merrill

East Hampton Town Councilman Pete Hammerle was not surprised. For years, as the town worked toward solidifying a Master Plan and Layout Plan and Final Environmental Impact Study for East Hampton Airport, an unwavering group of opponents concerned about local control, expansion, and noise, made its displeasure known.

Last month the Committee to Stop Airport Expansion, and individual community members David Gruber, Barbara Miller, Frank Dalene, Robert Wolfram, Barbara Wolfram and Stephen Levine, made that displeasure official. They filed an Article 78 legal proceeding in state supreme court. "We knew that was coming," Hammerle said last Thursday night.

An Article 78 proceeding is a legal mechanism used to overturn a decision made by a municipality. In this case the petitioners want the courts to overturn the town's adoption of the master and

layout plans and the FEIS. According to attorney Jeff Bragman, the petitioners' number one issue is the town's failure to even consider re-establishing local control of the airport. Because the town has taken money from the Federal Aviation Administration, East Hampton lacks the authority to regulate use and access at the facility. Long-term grant assurances give the power to the FAA. With existing assurances set to expire in 2014, the town could reclaim control, but the recently-adopted documents fail to consider such a scenario.

They don't do too well when it comes to the site's premiere environmental issue, either, the litigants assert. Town consultants used an "inappropriate and inapplicable" averaging standard to analyze the airport's noise impacts, Bragman explained, characterizing a conclusion that purported to show the airport generates no noise outside its bounds as "a complete absurdity."

merle said he felt the town did indeed conduct extensive and adequate SEQRA review. "I think we took the requisite hard look, and that's the test," he said. kmerrill@indyastend.com



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