



VILLAGE OF RYE BROOK

MAYOR
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February 25, 2016

Dear Fellow Elected Officials and Neighbors:

RE: Proposed County Legislation Modifying the Airport Terminal Use Agreement

The Village of Rye Brook is very concerned about the impacts of proposed legislation that would significantly modify the long-standing Terminal Use Agreement (the "TUA") at the Westchester County Airport (the "Airport") and would result in dramatic changes to this regional Airport hub.

The proposed legislative changes would increase the long-standing limit on the number of commercial flight passengers allowed to enplane and deplane at the Airport from 240 passengers per half hour to 11,520 passengers per day. The result would be many more flights at the Airport, especially at peak times throughout the day, which would have a significant impact on the region not just in terms of air traffic but on other critical environmental areas of concern as well.

For some unexplained reason, this proposed legislation appears to have been placed on a recently expedited path. After initially submitting this legislation to the County Legislature in October 2015, it was re-submitted again earlier this month and will next be discussed at a joint meeting of the Committees on Legislation, Infrastructure and Environment & Health on Monday, Feb. 29th at 1pm on the 8th Floor of the Michaelian Office Building, 148 Martine Avenue, White Plains. This meeting is open to the public.

In reviewing the proposed Legislation, I ask that you please consider the following questions:

Why would this significant change be expedited just months prior to the release of an updated Airport Master Plan? Shouldn't this type of a change be discussed in conjunction with the Master Plan? Some speculation has been raised that the County is first seeing if this change is approved which could then lead to other significant changes in the Master Plan (longer runways? additional gates?). These types of changes in intensity could potentially change the County's long-standing position of *No Expansion at the Airport*. The problem is we just do not know because the Master Plan is not yet available so we cannot consider this change in that larger context.

Why are key environmental impacts not being considered? The Airport has already been designated by the County as a Critical Environmental Area (CEA), but so far the administration has only drafted a resolution recommending a Negative Declaration based upon a Short Environmental Assessment

Form than lacks meaningful details and analysis and determines no significant adverse environmental impacts.

Why was the Westchester County Airport Advisory Board not asked to comment on the proposed legislation? The County's Airport Advisory Board was not even initially asked to comment on this proposed legislation. After the Airport Advisory Board members inquired and started to discuss it (with a high turnout from the public), at least one member of that Board was removed and the most recent meeting was abruptly cancelled by the County administration after the meeting was already noticed. This was done without providing the Chairperson of that Board an explanation of the reason of the cancellation.

Let's consider some of the most basic facts:

- In 2014, the Airport had 1.4M passengers.
- At the proposed 11,520 passengers per day, the Airport would have the flexibility to have 4.2M passengers annually, which is several million more passengers than has ever utilized the airport at its peak of just under 2M passengers in 2010. If the County does not believe that these passenger limits will occur, why does the proposed legislation ask for this limit to be so high?
- The County's "voluntary curfew" period is 12:00 midnight to 6:30 a.m., yet the 11,520 passenger per day figure surprisingly *includes* 3,120 passengers that could potentially fly during this time period (violating the curfew) in developing the daily passenger maximum. The result of this change is expected to be more even more flights and passengers during the daily peak time periods.
- Approximately 65 days throughout the year are already considered "holiday periods" in the current TUA. These days already have no restrictions on the numbers of passengers, so this proposed legislation is NOT about added convenience for holiday travel.

To be clear, the Village of Rye Brook is not opposed to this regional Airport which serves an important purpose for the residents and business travelers and employees in the County. We agree and feel that it is reasonable to want to fly more modern, quieter, and fuel-efficient aircraft to the Airport. However, any changes to increasing the intensity of the Airport activities must also be balanced with the impacts to the residents in surrounding region. We ask that the County sit down with us to discuss a more reasonable approach.

At our regular meeting held on Tuesday, February 23, the Rye Brook Village Board approved the attached resolution expressing serious concerns with these legislative changes. I urge everyone to review our resolution and the proposed County legislation and make any concerns known to the County Executive and County Board of Legislators.

Thank you for your attention to this important matter. If you have any questions or concerns, please do not hesitate to contact me at mayor@ryebrook.org.

Sincerely,


Paul S. Rosenberg
Mayor

Encs.

On a motion made by Trustee Rednick and seconded by Trustee Heiser, the following resolution was adopted.

RESOLUTION

CONSIDERING A RESOLUTION EXPRESSING CONCERNS WITH WESTCHESTER COUNTY'S PROPOSED LEGISLATIVE CHANGES TO THE AIRPORT'S TERMINAL USE AGREEMENT

WHEREAS, prior Westchester County Executives and Boards of Legislators have historically maintained a firm policy position of *No Expansion at the Westchester County Airport* and went so far as to adopt resolutions to this effect dating back to at least 2003 to protect the County residents that are impacted by Airport activities; and

WHEREAS, despite the long-standing policy position of *No Expansion at the Westchester County Airport*, the County Executive has sent the Board of Legislators proposed legislation modifying the Terminal Use Agreement at the Westchester County Airport (the "Airport") which would drastically increase the long-standing limit on the number of commercial flight passengers allowed to enplane and deplane at the Airport from 240 passengers per half hour to 11,520 passengers per day; and

WHEREAS, the proposed legislation has been re-introduced to the Board of Legislators and it has been referred to the committees on Legislation, Infrastructure, and Environment; and

WHEREAS, this proposed legislation is of significant concern to the residents of the Village of Rye Brook and the County of Westchester who would be impacted by this airport expansion; and

WHEREAS, the net effect of this legislative change is to remove a legislatively-imposed policy of a half-hour passenger restriction and instead provide additional flexibility to the commercial airlines and the private Airport management company that contracts with the County in order to maximize and substantially increase their ability to add daily flights and increase the number of passengers as much as the market desires while utilizing the current four (4) gates within the current runway restrictions; and

WHEREAS, the County's position that 240 passengers per half hour simply equals 11,520 per day (240/half hour x 48) and impacts are minimal due to other restrictions at the Airport and terminal is seriously flawed based upon the following items:

1. The 11,520 passenger limit per day *surprisingly* includes an allocation of 3,120 passengers for the hours between 12:00 midnight and 6:30 A.M. when the County has previously instituted a *voluntary* curfew period and has made the policy decision not to encourage flights during that curfew period. This non-mandatory curfew is routinely already violated by airlines (171 times in November 2015, including 57 times by one airline);
2. Many more private planes and their passengers already use the airport. If this legislation is approved, this change will further dilute one of the few protections against additional flights and airport expansion. Commercial flights represent about 20% of the total flights at the Airport, and the Terminal Use Agreement already factors in approximately 65 "holiday" days when there are no restrictions on passenger limits. The airlines already have unrestricted limits on passengers approximately 18% of the year. The remaining "non-holiday" days simply place reasonable restrictions that spreads passengers throughout the days in order to limit the impacts on the County residents affected by the Airport traffic;
3. The Airport and terminal do not have the capacity to handle the number of passengers and flights they are seeking to add. For instance, in 2014 there were 1.4M passengers that utilized the Airport. 11,520 passengers per day would total 4.2M passengers in a year. At its peak (+/- 2008), the Airport had between 2.0- 2.5M passengers and there were serious impacts to traffic and parking;
4. The County is requesting the flexibility to have 11,520 passengers per day, yet at the same time, they state that they do not anticipate having 11,520 passengers per day because airlines prefer certain "prime" travel periods. The result is that the flexibility and control of the number of passengers and flights is placed solely in the hands of the airlines and the private airport management company that has a contract with the County in order to increase flights by

utilizing all of the gates during any travel times that the market dictates there is interest in flying. If the proposed legislation is approved, the 11,520 passenger limit may likely become a largely irrelevant restriction;

5. Over the years the County has made improvements at the Airport terminal and gates, but has stated the improvements were not Airport expansions, and the construction was for necessary security enhancements and added modern convenience for the passengers. At the time of these projects it was often stated to local municipalities that the best protection against expansion is the passenger limit of 240 per half hour, the runway design, weight restrictions, and the number of gates (4). Now, the County is reversing the argument in their favor, stating that the facility has expanded to 40,000 sf since the time the 240 passenger limit was put in place, so the provision is superfluous and outdated;
6. The only significant additional parking to handle an increase in flights that has been added to the Airport is the off-site facility at the Purchase Park-to-Fly, the long-term viability of which, to our knowledge, is not determined by Westchester County;
7. The County has stated that another significant protection against expansion is the limit of four (4) gates, but if this is a self-imposed limit there is nothing prohibiting additional gates to be considered by the County at a later date;
8. Another significant protection for the municipalities in the region is the limits on the length of the runways and the airplane weight restrictions which limit the size of the planes and the distance they can travel. The County has stated that increasing the runway length is one of the items being *considered* for potential inclusion in an upcoming Airport Master Plan update anticipated by mid-year 2016;
9. Any discussion or consideration of changes to the passenger restrictions, runways, gates or other significant items should be reviewed in the context of the updated Airport Master Plan anticipated later this year in order to avoid any segmentation concerns with regard to SEQRA, and to review each modification in the context of the long-term goals of the local residents, the County and the Airport; and

NOW THEREFORE BE IT RESOLVED, that the Village of Rye Brook firmly believes that Westchester County is not in a position to consider a Negative Declaration under SEQRA for this proposed legislation until such time that it has fully evaluated all of the environmental impacts that additional flights and passengers will bring to the Airport and surrounding region including the following items:

1. Impacts to the availability of on-site and off-site parking from the increase in passengers and flights;
2. Impacts of an increase in on-site and off-site traffic including on I-684, King Street, and Anderson Hill Road, especially during peak commuting hours;
3. Impacts on the water quality of the Blind Brook and Rye Lake/Kensico Reservoir as a result of the additional flights;
4. Impacts of additional de-icing fluid that would be utilized at the Airport and would enter the Blind Brook, which continues to be a significant problem for residents downstream from the Airport property as far south as Westchester Avenue;
5. Additional noise impacts and a reduction in air quality as a result of the additional flights;
6. Since the Airport has been designated by the County as a Critical Environmental Area (CEA), the potential impact of any Type I or Unlisted Action on the environmental characteristics of the CEA is a relevant area of environmental concern and must be evaluated in the determination of significance under SEQR;
7. Impacts to the FAA Z instrument overlay zones that radiate out from the airport as a result of any increase in flights, noise and/or types of aircraft at the Airport as a result of this legislation. These zones also affect development in the surrounding municipalities, in that they limit the type of development that may be located within these zones;
8. Other impacts of the additional flights, especially considering that in 2014 there were 1.4M passengers at the Airport and at the proposed limit of 11,520 passengers per day there would be

4.2M passengers per year not including the potential for additional passengers on the unrestricted +/- 65 holiday day periods. The potential for these passenger totals to far exceed any actual prior peak years ever experienced at the Airport is high, and as such, these impacts need to be fully evaluated;

9. Whether any of the identified considerations and impacts would trigger the need for an Environmental Impact Statement to be prepared to fully address any significant impacts of the proposed legislation; and

BE IT FURTHER RESOLVED, that while the Board of Trustees acknowledges that the Westchester County Airport serves a very important purpose for the residents and corporations in Westchester County and the surrounding region who depend upon the convenience of this regional airport, they are equally concerned about the impacts of the additional flights and number of passengers that would occur as a result of the proposed legislative changes to the Terminal Use Agreement; and

BE IT FURTHER RESOLVED, that the proposed legislation has far reaching impacts that require further environmental study and evaluation that should not be expedited and should instead be reviewed in the context of the update to the Airport Master Plan anticipated later in 2016; and

BE IT FURTHER RESOLVED, that the proposed legislative changes provide far too much flexibility for the airlines and the private airport management company that contracts with the County and have the potential to seriously impact the residents in the surrounding region; and

BE IT FURTHER RESOLVED, that prior to making any changes to the Terminal Use Agreement, the County should seek a written legal opinion from their counsel regarding whether making significant changes to the Terminal Use Agreement impacts any existing grandfathered protections included in this Agreement; and

BE IT FURTHER RESOLVED, that the Village Board is eager to continue to work with the County Executive, the Board of Legislators, the airline representatives and any other impacted municipalities to seek alternative ways of addressing problems currently experienced by the airlines and the airport management staff in a way that would seek to both support the Airport and limit impacts to the residents in the region; and

BE IT FURTHER RESOLVED, that a copy of this resolution be provided to the County Executive, the Board of Legislators, the Westchester County Airport Advisory Board, and other municipalities in the region urging them to consider the impacts of this proposed legislation on the residents and property owners within their jurisdictions.

TRUSTEE EPSTEIN	AYE
TRUSTEE HEISER	AYE
TRUSTEE KLEIN	AYE
TRUSTEE REDNICK	AYE
MAYOR ROSENBERG	AYE

State of New York }
County of Westchester } ss:
Village of Rye Brook }

I hereby certify that this is the Resolution adopted by the Board of Trustees of the Village of Rye Brook which was duly passed by said Board on February 23, 2016

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the Village of Rye Brook, this 25th day of February, 2016.



Village Clerk