

RECORD OF APPROVAL  
ALBANY INTERNATIONAL AIRPORT  
ALBANY, NEW YORK

Noise Compatibility Program

The Albany International Airport (ALB) Noise Compatibility Program (NCP) describes the noncompatible land uses for the base year (2003) and five years following (2008) in accordance with the requirements of Federal Aviation Regulations (FAR) Part 150, Airport Noise Compatibility Planning. Preparation of this Part 150 study update fulfills a commitment made by the airport sponsor in its previous NCP, approved by the FAA on October 25, 1996. This program replaces that NCP and recommends a total of 31 measures to prevent the introduction of additional noncompatible land uses and to reduce the effect of the noise generated at the airport. The recommendations include eight (8) Noise Abatement measures, fifteen (15) Land Use measures and eight (8) Program Management measures. Twenty measures are, in whole or in part, continuations or modifications of existing measures previously approved in the 1996 ROA. These measures are identified below as either Revisions or Continuations. The recommended program measures are summarized on pages 4-3 through 4-9 of the NCP and described in detail on pages 4-45 to 4-78.

The recommended measures identified below are organized by program element and are referenced to the NCP by page number. Each description summarizes the Albany County Airport Authority's (ACAA), the airport operator) recommendations as found in the NCP. The statements contained within the summarized recommendations and before the indicated FAA approval, disapproval or other determinations do not represent the opinions or decisions of the FAA.

The approvals listed below include approvals of actions that the ACAA recommends be taken by the Federal Aviation Administration (FAA). It should be noted that these approvals indicate only that the actions would, if implemented, be consistent with the purposes of Part 150. These approvals do not constitute decisions to implement the actions, or a commitment by the FAA to provide federal financial assistance for approved measures. Later decisions concerning possible implementation of the actions may be subject to applicable environmental or other procedures or requirements.

FAA notes that some measures refer to 2001 and 2006 noise exposure contours. The ACAA submitted the final NCP in April 2003, which included noise exposure maps for 2003 (NEM-1) and 2008 (NEM-2) representing current conditions and future conditions five years after the date of submission. As part of that submittal, the ACAA stated that the maps were based on earlier data. The ACAA provided documentation that, based on latest activity data for the airport, the contours remained a reasonable representation of current conditions as of the date of submittal and future conditions.

## Noise Abatement Elements

1. Continue runway use policy designating Runway 1 as the primary runway and Runway 28 as the secondary runway, as set forth in ALB Tower Order 7110.13, Standard Operating Procedures (SOP), July 15, 1999. (Continuation) (Page 4-11)

Description: Runway 1 has been designated as the “calm wind” runway for several years in the Air Traffic Control Tower’s Standard Operating Procedures. Whenever winds are less than 5 knots, Runway 1 is advertised as the primary runway in use. It is intended to direct most departures to the north, away from the population centers to the south. Continuing this measure will minimize noise over the greatest number of people located in the vicinity of the airport.

**FAA Action:** **APPROVED** as a voluntary measure as air traffic, weather and airspace safety and efficiency permit. Publication in the SOP must not be construed as a mandatory procedure for noise abatement purposes.

2. Direct large aircraft on approach to maintain 2,000 feet Mean Sea Level (MSL), until established on final approach course. (Continuation) (Page 4-12)

Description: This procedure is intended to prevent short visual approaches by large aircraft (over 12, 500 pounds). This would prevent very loud and potentially startling single events caused by low flying aircraft off the standard approach path. In observing this procedure, an aircraft on standard three-degree approach would be on the extended runway centerline for the last six miles of the approach.

This procedure is recommended for large aircraft only, since smaller aircraft tend to create less noise and are typically slower on approach. Imposing this requirement on them could slow the arrival stream into the airport during busy periods and would complicate the sequencing of approaches by air traffic controllers. This procedure has been incorporated in Tower Order ALB 7110.13, Subsection 2-33, Informal Noise Abatement During Visual Approaches. That section requires an announcement on the ATIS that states, “In the interest of noise abatement, it is requested that all large aircraft maintain 2000 feet MSL until established on final”.

**FAA Action:** **APPROVED IN PART, DISAPPROVED IN PART**

**APPROVED**, with respect to the operational procedure, as a voluntary measure only as air traffic, weather and airspace safety and efficiency permit.

**DISAPPROVED**, as an announcement in the ATIS. The Tower intends to remove this announcement in accordance with current FAA procedures on the use of the ATIS. Publication in the SOP must not be construed as a mandatory procedure for noise abatement purposes.

3. Direct all nighttime circling and practice approaches to maintain 2,000 feet MSL until established on final approach course. (Continuation) (Page 4-13)

Description: This procedure is intended to prevent short visual approaches by all aircraft between 11PM and 6AM. Low flying aircraft off the standard approach plan can cause very loud single events. Pilots were notified of this voluntary procedure in the Albany Tower Letter to Airmen No. 99-5. This measure would prevent loud and potentially alarming single events caused by low flying aircraft off the standard approach path.

**FAA Action: APPROVED** as a voluntary measure only as air traffic, weather and airspace safety and efficiency permit. Publication in the Letter to Airmen must not be construed as a mandatory procedure for noise abatement purposes

4. Direct all turbojet departures to maintain runway heading until out 2,000 feet MSL (Continuation) (Page 4-14)

Description: This measure is intended to prevent low altitude turns by jets immediately after takeoff. Low altitude turns concern residents of many neighborhoods around the airport. The measure is reflected in the current Tower Order ALB 7110.13, Subsection 5-13, Departure Procedures, Fixed Wing.

**FAA Action: APPROVED** as a voluntary measure only as air traffic, weather and airspace safety and efficiency permit. Publication in the SOP must not be construed as a mandatory procedure for noise abatement purposes

5. Engine maintenance run-up policies (Revision) (Pages 4-15-17)

Description: Under this measure, maintenance and test run-ups of all aircraft are prohibited from midnight to 6:00 AM unless the Airport Manager's representatives grant permission. The 1996 ROA approved implementation of several policies under the airport's regulations for engine run-ups and disapproved others. Specifically, the FAA disapproved sub-elements 1, 5, 7, and 8 based on concerns that there was not sufficient information to determine whether they impacted airport access. In this NCP update, the ACAA requests approval of these same sub elements, and has provided additional information for FAA review. The ACAA states that these sub elements merely provide guidance by which all necessary maintenance runups shall be conducted in a manner that will minimize exposure to noise to nearby residents. The ACAA states there are no circumstances under which permission for a maintenance runup necessary to ensure that an aircraft is ready for its scheduled departure would be denied (underline emphasis in the NCP text). Under sub-element 8, which would apply after the runup enclosure is built, permission for a run-up outside the run-up enclosure cannot be refused if criteria are met. This sub-element requires that between 10:00PM and 7:00AM all maintenance run-ups above idle power lasting more than five minutes be done inside the runup pen unless wind

and/or weather conditions create a significant risk of equipment damage to preclude successful testing within the runup enclosure. Under those conditions the maintenance operator may seek permission for an alternative location, and authorization shall not be unreasonably delayed or withheld.

**FAA Action: APPROVED IN PART, DISAPPROVED IN PART**

**APPROVED IN PART:** Sub elements 2,3,4,6 8, and 9 are approved as continuing measures or revisions to previously approved NCP measures.

The runup pen has now been constructed.

Sub elements 1, 5 and 7 are **DISAPPROVED pending submission of additional information to make an informed analysis:** The FAA has the same concerns now as when it disapproved these sub-elements in the 1996 ROA. There is insufficient information whether the limitations would reduce the total numbers of hours of aircraft operations, which would make it subject to the requirements FAR Part 161. The NCP provides no analysis of the impact of these sub-elements on operations; consequently access restrictions concerns remain. For example, it is not stated whether runups will always be permitted if there are no substitute aircraft (sub-element 5). Also, there are no criteria in the NCP to objectively define “necessary” runup operations, a term emphasized in the NCP (sub-elements 1 and 7).

6. Construct aircraft maintenance run-up enclosure.

Description: This measure would construct a run up enclosure for maintenance run-ups by commercial turboprop aircraft. (Continuation) (Page 4-18).

**FAA Action: APPROVED.** This measure was approved in 1996 for study and construction. Since completion of this NCP update, the run-up enclosure has been completed and is operational. No further action is required.

7. Continue existing policy of considering the potential noise attenuation benefits of new buildings on the airport. (Continuation) (Page 4-19)

Description: This measure would continue the ACAA policy of considering the potential noise attenuation benefits for nearby residential areas when reviewing the location and orientation of new airport buildings. This measure includes consideration of the placement of buildings to block direct line of sight between houses and ground source of aircraft noise, the use of construction materials that absorb noise and are not highly reflective and the selection of plant materials that tend to absorb or scatter noise.

FAA Action: **APPROVED.**

8. Encourage Stage 2 business Jet operators to use the National Business Aviation Association's (NBAA) standard Noise Abatement Procedure (or manufacturer's aircraft specific noise abatement procedure on all takeoffs. (Page 4-20)

Description: The ACAA would encourage corporate operators of Stage 2 business jets under 75,000 pounds to use the above referenced procedure whenever possible by identifying and contacting operators of these jets to encourage their use of this procedure. The ACAA would obtain and distribute copies to users and publish use of the procedure in the Airport/Facility Directory for Albany International Airport.

FAA Action: **APPROVED** as a voluntary measure only as air traffic, weather and airspace safety and efficiency permit. Publication in the Airport/Facility Directory must not be construed as a mandatory procedure for noise abatement purposes.

### Land Use Elements

1. Define Airport Influence Area in local comprehensive plans. Preserve airport-compatible zoning in this area. (Revision) (Page 4-21) (Exhibit 4-1)

Description: The FAA approved in 1996 several preventive land use measures that would address incompatible construction within the (then) 1994 DNL 60 dB noise contour. This measure intends to carry forward in this NCP update the use of the DNL 60 dB noise contour, as updated to reflect activity and proposed airport development within the forecast year timeframe. Specifically, 2001, 2006 with proposed runway extensions, and the inner part of the FAR Part 77 surfaces are defined as an Airport Influence Area. The Part 77 approach surfaces to the runways are identified to prevent incompatible development along the runway approaches so that aircraft overflights will not be disturbing. The combined sets of noise contours define the outer boundaries of the area at risk of being exposed to noise above the 60 DNL.

The Aircraft Influence Area would be shown in local comprehensive plans, and polices enacted to preserve airport-compatible zoning in this area. New plans and future updates of existing comprehensive and neighborhood plans in the towns of Clifton Park and Colonie, the Village of Colonie, Albany County and the City of Albany should reference the airport. The Airport Influence Area boundary would be delineated and provisions incorporated promoting compatible zoning and land use planning polices in the area. The ACAA would encourage the appropriate local governments to adopt resolutions adopting this designation.

**FAA Action: APPROVED.** This measure is a revision of a measure approved in the 1996 NCP that proposed to maintain existing compatible zoning within the 60 DNL based on the 1994 noise exposure contours. The federal government has no authority to control land use. Local governments have the authority to implement this measure.

2. Adopt discretionary project review guidelines for rezoning, special use, conditional use, planned development, and variance applications for use within the Airport Influence Area (Revision) (page 4-24, Exhibit 4-1)

Description: This measure would provide criteria to be included in local comprehensive plans or used as a checklist for local land use officials to help make decision on potential land use changes around the airport. This will help ensure consideration of noise compatible issues in the review of development proposals and to establish a dialogue between the Airport Authority and local officials on issues of common interest.

**FAA Action: APPROVED.** The FAA approved project review guidelines for these five criteria in the 1996 NCP. This revision to the measure would add all of the revised Airport Influence Area (see Land Use Measure 1). The federal government has no authority to control land use. Local governments have the authority to implement this measure.

FAA's policy is that new noise sensitive land uses should be prevented from developing around airports or, in cases where prevention is not feasible, they should be rendered compatible with noise exposure levels through measures such as sound insulation during construction. While the FAA prefers no new noise-sensitive development, in cases where the airport sponsor does not control land uses, sound attenuation for new construction would provide compatibility with the airport. Part 150 provides that, where the community determines that residential or school uses must be allowed in the 65 DNL dB contour, measures to achieve outdoor to indoor noise level reductions (NLR) of at least 25 dB and 30 dB should be incorporated into building codes. 14 C.F.R. Part 150, Table 1.

3. Remove from NCP update a 1995-NCP measure to rezone land south of Wolf Road and east of Sand Creek Road to permit clustered housing development. (Repealed) (Page 4-28)

Description: This measure was intended to prevent new incompatible land uses from occurring. This measure was not implemented in the form it was recommended. The southerly corner of the parcel was developed residentially, and most of the remaining 130 acres was purchased by the Town of Colonie and will be developed as a park for passive recreational use. This measure is no longer needed.

**FAA Action: NO ACTION REQUIRED.**

4. Remove from NCP update a 1995-NCP measure to rezone land north of the airport for lower density residential use. (Repealed) (Page 4-29)

Description: This measure was subsequently determined to be of limited value and has met with resistance from property owners. The Town of Colonie's recent enactment of noise overlay zoning would achieve some of the objectives of the 1995 NCP measure (sound insulation of new homes in the DNL 65 dB noise contour).

**FAA Action: NO ACTION REQUIRED.**

5. Encourage the Town of Colonie to update noise overlay boundaries to reflect the composite 65 and 70 DNL noise exposure contours based on the 2001 baseline noise exposure and 2006 noise exposure with the planned runway extensions.

The Town of Colonie should consider establishing a new outer, noise overlay district boundary on the proposed Airport Influence Area. Within this additional overlay district, the Town should consider requiring the recording of fair disclosure covenants with the deeds if lots in new subdivisions.

The Town of Clifton Park should enact noise overlay based on the proposed Airport Influence Area. Within the overlay district, it should consider requiring the recording of fair disclosure covenants with the deeds of lots in new subdivisions. (Revision) (Pages 4-30-33, Exhibit 4-2)

Description: The Town of Colonie has adopted an overlay district based on the DNL 65 and 70 dB contours of the 1995 Part 150 Study. The Town of Clifton Park and the Village of Colonie has taken no action to date. Under this revision of a previously approved measure, the ACAA would request that these municipalities adopt these noise overlay boundaries.

**FAA Action: APPROVED.** The Federal Government has no authority to control land use. Enactment of these measures is within the authority of the responsible local land use planning jurisdictions.

FAA's policy is that new noise sensitive land uses should be prevented from developing around airports or, in cases where prevention is not feasible, they should be rendered compatible with noise exposure levels through measures such as sound insulation during construction. While the FAA prefers no new noise-sensitive development, in cases where the airport sponsor does not control land uses, sound attenuation for new construction would provide compatibility with the airport. Part 150 provides that, where the community determines that residential or school uses must be allowed in the 65 DNL dB contour, measures to achieve outdoor to indoor noise level reductions (NLR) of at least 25 dB and 30 dB should be incorporated into building codes. 14 C.F.R. Part 150, Table 1.

6. Repeal measure to amend site plan review and subdivision regulations to require dedication of avigation easements and recording of fair disclosure agreements for new subdivisions and noise-sensitive developments (towns of Clifton Park and Colonie and Village of Colonie). (Repealed) (Pages 4-35-36)

Description: This measure was intended to allow local planning and zoning officials to ensure requirements of the Town of Colonie noise overlay zoning ordinance for granting aviation easements and fair disclosure agreements are met at the time of site plan approval and land subdivision. After the 1995 NCP was approved, the Town of Colonie undertook preparing a plan, including reviewing the 1995 NCP recommendations. There was significant concern about the advisability of requiring easements through regulation, and the action was rejected. The Town did begin requiring plat notes noting its location near an airport with likely periodic noise. Given these actions, this measure is considered to no longer be necessary and is recommended for repeal.

**FAA Action: NO ACTION REQUIRED.**

7. Adopt local building codes amendments setting sound insulation standards for noise-sensitive buildings within the noise overlay zones. (Continuation) (Pages 4-37-39, Exhibit 4-2)

Description: The FAA approved this measure in its 1996 record of approval, submitted in the ACAA's 1995 NCP. While the Town of Colonie has achieved much of the earlier recommendation, the ACAA requests that the Town of Colonie amend its existing building code to specify how its adopted building code standards will accomplish the noise level reduction currently required for new buildings within the 65 DNL. A suggested building code amendment is contained in Appendix H. Before enacting this measure a test of noise reduction capabilities of the current code standards should be conducted. Prior to enforcement of these regulations, a training program for building inspectors and interested builders would be conducted.

**FAA Action: APPROVED.** The Federal Government has no authority to control local land use; the local government has the authority to implement this measure.

FAA's policy is that new noise sensitive land uses should be prevented from developing around airports. Where this is not feasible, they should be rendered compatible through measures such as sound insulation during construction. Part 150 provides that where the community determines that residential or school uses must be allowed in the 65 DNL, measures to achieve outdoor to indoor noise level reductions (NLR) of at least 25dB and 30 dB respectively should be incorporated into building codes.

8. Promote Site Planning for noise abatement on the north side of Runway 10-28. (Continuation) (Pages 4-40-41)

Description: An undeveloped area of land zoned for commercial/industrial lies between Runway 10-28 and an existing residential area east of Old Niskayuna Road. This runway has recently been lengthened and while the noise impacts do not reach the DNL 60 dB, the noise can be disturbing from time to time. While

specially designed noise barriers are not justified, the layout of future commercial or industrial development could be designed such that it could block noise from the runway. The ACAA has taken ownership of many of the parcels in the affected area since the measure was approved in 1996. In 2002, the Colonie Town Board rezoned part of this area from undeveloped to commercial incorporating a 100-foot buffer from the adjacent residential district.

Whenever the land use proposed for development, the Town of Colonie should encourage the developer to arrange the buildings in accordance with the design provided in the 1995 NCP. The buildings should be positioned to maximize the noise attenuation afforded by the buildings, illustrated in Appendix H, Exhibit H-1 for the Runway 28 end. The continued implementation of this measure will enhance the compatibility of land use issues surrounding the airport.

**FAA Action: APPROVED.** This measure would promote continued site planning of new commercial buildings to minimize noise impacts on adjacent neighborhoods.

9. Promote informal means of providing fair disclosure of potential impacts in the airport area. (Continuation) (Pages 4-42-43)

Description: This measure would promote disclosure of information about aircraft noise to prospective buyers of homes built before disclosure notices, such as plat notes or fair disclosure agreements, were required. Under this measure the ACAA would work with the local Board of Realtors to develop voluntary ways of disclosing airport noise impacts. The ACAA would arrange to prepare information materials to aid in communicating with the real estate industry. Materials would also be placed in municipal offices and libraries in the area.

**FAA Action: APPROVED.**

10. Acquire undeveloped land north of the airport within the 65 DNL contour, based on noise in the 2001 and 2006 with the planned runway extensions. (Revision), (Pages 4-44-45, Exhibits 4-3, 4-4)

Description: This measure is being revised to reflect the 2001 and 2006 DNL 65 dB noise contours with planned runway extension. Two parcels of undeveloped land lie directly north of the airport along the extended centerline of Runway 1-19. This land was identified for acquisition under the 1995 NCP. The land is still undeveloped and continues to lie within the 65 DNL contour based on the updated noise analysis. The parcels are currently zoned residence AC-2, permitting single-family housing on lots as small as 18,000 square feet. This land has no realistic chance of being rezoned for compatible use since the land is suited only to residential use. Over the long term, it is likely to come under increasing development pressure. Portions of the properties are located in the Town of Colonie's noise overlay district. New residential properties are not be prohibited within this 65 to 70 DNL contour, but measures to achieve an Interior Noise Level of 45 dBA for these structures are

required. Should it not be possible for the ACAA to purchase these properties, two other options are proposed. This measure recommends either a land exchange or the development of a cluster subdivision of this property to reduce the number of units that would be built within the 65 DNL contour.

**FAA Action: APPROVED.** The FAA believes that prevention of additional land uses within the DNL 65 dB contour is highly preferable over allowing such uses even with sound attenuation, revised building codes or avigation easements. In the event acquisition is not possible, the ACAA and local land use jurisdiction are urged to pursue all possible avenues to discourage new residential development within these levels of noise exposure. Land acquisition must follow the requirements of the Uniform Relocation Assistance and Real Property Acquisition Act.

The FAA's policy published in the Federal Register April 3, 1998, states that the FAA will not approved Federal Funding to mitigate noise-sensitive land uses constructed after October 1, 1998.

11. Acquire residential parcels within the 65 DNL based on the 2006 DNL contour.  
(Revision) (Pages 4-49-51, Exhibits 4-3, 4-5, 4-6 and 4-7)

Description: This measure was included in the ACAA's 1995 NCP and approved by the FAA. The original measure associated parcel acquisition with the 2000 NEMs. Under the 1996 ROA, approximately 45 residential parcels were approved for acquisition. Thirty-two houses have been acquired. This measure, using the 2006 forecast NEM with runway development, would continue that acquisition program for the remaining 13 parcels, and add 27 more parcels.

**FAA Action: APPROVED IN PART, DISAPPROVED IN PART** for purposes of Part 150 with respect to Airport Improvement Plan (AIP) funding.

Only parcels clearly located within the DNL 65 dB noise contour for the selected NEM document are approved for acquisition. At the time this measure is implemented, it is subject to a demonstration that the property is within the DNL 65 dB 2006 (2008) NEM. Federal funding for acquisition of these homes is subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act.

Even though the NCP description of this measure states parcels are within the DNL 65 dB, the information provided on the referenced exhibits shows that several of the parcels may be outside the DNL 65 dB noise contour for 2006 (2008), including several of the parcels identified for acquisition under the 1996 ROA. Section 189 of Public Law 108-176, Vision 100-Century Of Aviation Reauthorization Act, December 12, 2003, specifically prohibits FAA approval of Part 150 program measures that require AIP funding to mitigate aircraft noise outside DNL 65 (through Fiscal Year 2007). Section 189 does not preclude the use of airport revenue or PFC funding outside DNL 65 dB.

12. Repeal measure to acquire the Verdoy Fire Station (Repealed) (Page 4-56)

Description: This measure has been completed and should be removed from the NCP. It was approved in the 1996 Record of Approval for the 1995 NCP.

**FAA Action: NO ACTION REQUIRED.**

13. Develop a noise sensitivity design guide for voluntary use by local developers. (Continuation) (Page 4-57)

Description: The ACAA would develop design guidelines for voluntary use by local developers and property owners that would explain the basic principles of building and landscape design to minimize the effects of exterior noise. A guide would be developed and could be distributed through local airport management office, local planning and building departments and hardware stores, lumberyards, and landscape supply stores and nurseries.

**FAA Action: APPROVED.**

14. Acquire two undeveloped parcels on Sand Creek south of the airport. Hold as open space or resell portion outside of the DNL 65 dB for cluster development, subject to covenants and easements. (New) (Page 4-58-59, Exhibit 4-4)

Description: The 1996 ROA approved a measure recommending that the Town of Colonie rezone land south of Wolf Road and east of Sand Creek Road to permit clustered housing development. Since that time, part of this parcel has been redeveloped as a residential subdivision and 130 acres was purchased by the Town of Colonie and developed as a park for passive recreational use. This measure recommends the acquisition of the remaining two parcels that fall within the 65 2001 DNL contour (Exhibit 4-4). Following acquisition, the ACAA could hold the land for open space or sell that portion of the land outside the 65 DNL for development subject to an aviation easement and covenants requiring disclosure. If acquisition is not possible, the ACAA could negotiate a land exchange. If that option were not feasible, the ACAA would work with the Town of Colonie to encourage developers to consider a cluster development on this property.

**FAA Action: APPROVED.** Acquiring the property by the ACAA would remove a parcel within the DNL 65 dB that is at risk to be developed for residential use. Once the ACAA takes ownership, it is required by its Federal grant obligations to maintain the property compatibly with airport operations. If acquired by the ACAA, the property should be released in compliance with Federal grant obligations.

If the ACAA is unable to purchase the property, the other two options for property use described in this measure are approved (land exchange or encouraging more compatible development).

The FAA believes that prevention of additional land uses within the DNL 65 dB contour is highly preferable over allowing such uses even with sound attenuation, revised building codes or avigation easements. If acquisition is not feasible, the ACAA and local land use jurisdiction are urged to pursue all possible avenues to discourage new residential development within these levels of noise exposure.

The FAA's policy published in the Federal Register April 3, 1998, states that the FAA will not approve Federal Funding to mitigate noise-sensitive land uses constructed after October 1, 1998. Land acquisition must follow the requirements of the Uniform Relocation Assistance and Real Property Acquisition Act.

15. Acquire undeveloped land in the business/commercial/industrial zones permitting noise-sensitive uses within the 65 DNL contour, but outside of the Town of Colonie Noise Overlay Zoning District, based on noise in 2006 with the planned runway extensions. (New) (Pages 4-60-61, Exhibits 4-3, 4-6, and 4-7)

Description: Several undeveloped parcels in business, commercial and industrial zoning districts are within the 2006 DNL 65 dB contour. Most of these districts permit noise-sensitive institutions in addition to commercial and industrial use. The Town of Colonie's existing noise overlay zoning ordinance prohibits the development of noise-sensitive, non-residential uses within the overlay zone. However the boundaries of this zone are smaller than the 2006 DNL noise contour, so some land remains at risk for incompatible development.

Measure LU-5, above, recommends that the Town of Colonie amend its noise overlay district to incorporate land within the 2006 65 DNL contour. If the Town of Colonie is unable to amend that district, the ACAA should offer voluntary acquisition to these undeveloped parcels to prevent future noncompatible land use within this contour. The proposed parcels are shown in Exhibits 4-3, 4-6 and 4-7. Acquisition of 13 parcels are recommended, 5 of which the ACAA has already acquired and have been included to make the acquisition eligible for reimbursement under the noise set-aside of the Airport Improvement Program. The ACAA would either hold the land or offer it for sale after recording covenants or easements prohibiting the placement of dwellings on the most severely impacts parts of the lots. This measure would be implemented if rezoning under Measure LU-5 does not occur or is delayed.

**FAA Action: APPROVED IN PART, DISAPPROVED IN PART** for purposes of Part 150 with respect to Airport Improvement Plan (AIP) funding.

Only parcels clearly located within the DNL 65 dB noise contour for the selected NEM document are approved for acquisition. At the time this measure is

implemented, it is subject to a demonstration that the property is within the DNL 65 dB 2006 (2008) NEM.

Even though the NCP description of this measure states parcels are within the DNL 65 dB, the information provided on the referenced exhibits shows that several of the parcels may be outside the DNL 65 dB noise contour for 2006 (2008). Section 189 of Public Law 108-176, Vision 100-Century Of Aviation Reauthorization Act, December 12, 2003, specifically prohibits FAA approval of Part 150 program measures that require AIP funding to mitigate aircraft noise outside DNL 65 (through Fiscal Year 2007). Section 189 does not preclude the use of airport revenue or PFC funding outside DNL 65 dB.

16. Consider rezoning individual parcels within the Vischer Ferry corridor in the Town of Colonie Park to Land Conservation (New) (Pages 2-15, 4-62, Exhibit 2.2)

Description: This measure would encourage the Town of Clifton Park to change the zoning classification from residential to Land Conservation within the Vischer Ferry corridor and within the proposed Airport Influence Area from residential to Land Conservation. The Town of Clifton Park's Land Conservation District does not permit noise-sensitive uses.

**FAA Action: APPROVED.** Enactment of this measure is within the authority of the responsible local land use planning jurisdiction. The Federal Government has no authority to control land use.

17. Consider cooperating with the Town of Clifton Park in establishing an open space acquisition program that would also relate to the Airport Authority's need for noise compatibility north of the airport. (New) (Pages 4-63-4-64)

Description: Under this the ACAA would work with the Town of Clifton Park to identify parcels in the Town that, if included in the Town's open space acquisition program, would enhance land use compatibility north of the airport. The Town of Clifton Park's Conservation Law allows for the establishment of conservation easements or the purchase of development rights to preserve historic buildings and open space in the community. The ACAA would work with the Town to promote long term noise compatibility under the program by requesting if the Town give special consideration to the purchase of those parcels located within the proposed Airport Influence Area that otherwise meet the criteria for participation in the program. To date 12 parcels have a farming conservation easement and an additional 38 parcels have open space easements. Several of these parcels are located within or adjacent to the 60 and 65 DNL noise contours.

**FAA Action: APPROVED.** Enactment of this measure is within the authority of the responsible local land use planning jurisdiction. The Federal Government has no authority to control land use.

18. Encourage the Town of Clifton Park to require that new subdivision plats and to record the notes on deeds for new subdivisions within an Airport Notification District. (New)(Pages 4-65-66, Exhibit 4-8)

Description: The ACAA would encourage the Town of Clifton Park to require plat notes<sup>1</sup> on new subdivision plats and to record the notes on deeds for new subdivisions within an Airport Notification District. Most of the Town that is affected by frequent aircraft overflights (Exhibit 4-8) is undeveloped land and farmland. Given the potential for continued residential development in the Town, the pattern of flight tracks over the Town and the volume of traffic departing to the north over the Town, it is appropriate to consider the delineation of an Airport Notification District.

**FAA Action: APPROVED** Enactment of this measure is within the authority of the responsible local land use planning jurisdiction. The Federal Government has no authority to control land use.

**Supplemental Land Use Measure:** The following measure was submitted in November 2004, after the NEMs were revised in March 2004 to disclose the location of the Ann Lee Nursing Home. The location of the Home was not disclosed on the original NEMs submitted for public review and comment. As a result, the nursing home is shown to be within the DNL 65 dB noise contour. The ACAA proposed the following mitigation measure.

19. Acquire the Ann Lee Nursing Home and the associate parcel of land, as the facility is within the 65 DNL. (New) (Provided in supplemental information received March 19, 2004 and November 18, 2004)

Description: The Ann Lee Nursing Home currently lies within the existing and 2006 baseline 65 DNL contour. The property on which the nursing home resides is zoned E-1, which allows for some noise sensitive uses under the Town of Colonie zoning ordinance. The County of Albany owns the 38-acre parcel and operates the Nursing Home and is not subject to local zoning laws. The County plans to move these residents to another facility and sell the parcel. In addition, the County's preferred option is to retain the property and institute a long-term lease. No specific use of the property has been identified (November 18, 2004 submittal, page 3). Approximately 80% of the parcel is within the DNL 60 dB noise contour (November 18, 2004 submittal page 5) Under this measure the ACAA would acquire the entire parcel.

**FAA Action: DISAPPROVED.** This measure was recommended in a submittal to the FAA following the formal submittal of the NCP in April 2003. After the April NCP submittal, additional information was provided noting that an error in the airport property line resulted in the Ann Lee Nursing Home not being identified as a noncompatible land use within the DNL 65 dB noise contour(s). While a portion of

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<sup>1</sup> An example of the language to include as a plat note and in the deed is: "This parcel is located in an area where aviation activity occurs. Such activity may include...aircraft overflights at all times of the day and night, noise, vibration and other associated activities...."

the building that houses the nursing home is within the DNL 65 dB noise contour(s), the structure's use as a nursing home is being discontinued by Albany County. If the land, located in the Town of Colonie, is sold, it will become subject to the Town's Airport Overlay District, which prohibits noncompatible land uses.

Acquisition of vacant land is justified as necessary to prevent new noncompatible development when new noncompatible development is highly likely and local land use controls will not prevent such development. The information provided in the NCP does not demonstrate that these circumstances exist in this case. (See, for example, 2003 NCP at pages 2-15, 2-48).

### **Program Management Elements**

1. Enhance the reporting capabilities of the current system for receiving and responding to noise complaints. (Revision) (Page 4-69)

Description: The airport has in place a program that keeps a record of noise complaints, which is kept on file for reference and analysis. This measure is to revise that program to collect more detailed information and to enable that information to be linked to a geographic information system. Summary reports would be submitted to the noise advisory committee.

**FAA Action: APPROVED.** This measure revises the previously approved measure to provide for more detailed analysis of noise complaints and allow linkage to run-up procedures and attributed to over flight activity. This information will help evaluate the effectiveness of noise abatement measures.

2. Enforce Airport Rules and Regulations to require all operators to maintain a standard log of aircraft engine maintenance run-ups. (Revision) (Page 4-72)

Description: The airport has in place a regulation that airline maintenance operators maintain a log of when engine maintenance run-ups take place between midnight and 6:00AM, which are kept, on file with the Airport Operations Department. This log helps in the investigation of noise complaints. The development of this regulation was approved as a voluntary measure in the 1996 ROA. This measure is revised to state that this measure should continue to be enforced.

**FAA Action: APPROVED AS A VOLUNTARY MEASURE.**

3. Review of noise compatibility plan implementation (Continuation) (page 4-73)

Description: The Albany County Airport Authority currently monitors the implementation of the measures approved under the 1996 ROA by working with local planning official to implement the recommended land use measures. Specific activities approved include noise monitoring, noise modeling or flight track analysis

to study future issues. This measure would continue these activities under the revised NCP.

**FAA Action: APPROVED.**

4. Update Noise Exposure Maps and Noise Compatibility Program (Continuation) (page 4-74)

Description: An Update of the Part 150 Study including the Noise Exposure Maps and Noise Compatibility Program should be conducted every five to eight years, or when conditions at the airport change. Due to local concerns, the ACAA should consider detailed analysis below the DNL 60 dB noise contour in the next update.

**FAA Action: APPROVED.** Plans for updating the NEM and NCP is consistent with FAR Part 150.

5. Establish a standing noise advisory committee. (New) (Page 4-75)

Description: A standing noise advisory committee should be established to advise the ACAA on airport noise and land use compatibility issues and to review progress in implementing the NCP. The committee will be balanced with equal numbers of aviation and nonaviation members, and convene quarterly or semiannually. The ACAA should determine the size and membership composition, and hold an orientation meeting.

**FAA Action: APPROVED.**

6. Implement a near real time flight tracking system to support collection and recording of aircraft flight patterns and assist complaining response coordination and substantiation. (New) (Page 4-76)

Description: A near real time tracking system should be implemented to enable matching of aircraft flights with noise complaints. A subscription to an existing internet-based flight track and status system would be purchased. The information would assist the noise advisory committee. The information would also be made available to the public through a link on the ACAA website.

**FAA Action: APPROVED.** The flight tracking system must technically be able to interface with the FAA equipment and operations, and must comply with FAA data download requirements. For purposes of aviation safety, this approval does not extend to the use of monitoring equipment for enforcement purposes by in-situ measurement of any pre-set noise thresholds and shall not be used for mandatory enforcement of any voluntary measure.

7. Offer periodic training seminars for land use planners on the implementation of Noise Compatibility program land use management measures. (New) (Page 4-77)

Description: The ACAA, in conjunction with the Capital District Regional Planning Commission, would offer training seminars to land use professionals on the implementation of the NCP land use management measures. These seminars would be designed to answer questions by local planners on aviation and the NCP would be offered to local jurisdictions periodically. The seminars would explain the use of the Airport Influence Area and Part 77 approach surfaces in land use planning. Through these seminars, committees of land use planners could be formed to refine the implementation tools provided in Appendix H (Site Planning for Noise Abatement). Training materials would also be developed. Implementation would enhance the effectiveness of the other mitigation programs and measures in this NCP.

**FAA Action: APPROVED.** Implementation of this measure would facilitate the implementation of the NCP land use management measures through improved awareness and understanding of aviation and means to reduce noise impacts.

8. Acquire portable noise monitoring equipment to enable periodic noise monitoring in the community (New) (Page 4-78)

Description: The ACAA should purchase a portable noise monitor to take short-term noise measurements in the communities around the airport, and magnetic identifications signs for the vehicle used to transport the equipment to the measurement sites. Several citizens requested ACAA conduct noise monitoring in their communities. The data would be used to support follow-up investigations of noise complaints. ACAA staff would conduct the measurements, analyze the data and maintain the equipment. The data would be used to track the effectiveness of other NCP measures.

FAA Action: **APPROVED.** This approval does not extend to the use of monitoring equipment for enforcement purposes by in situ measurement of any present noise threshold.

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