§ 356. Protection of approaches to public airport. 1. It is hereby declared that a flight hazard within the flight hazard area as defined in section three hundred fifty-five of this chapter endangers the lives and property of users of the airport and of occupants of land in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the public utility of the airport and the public investment therein. Accordingly it is hereby declared as a matter of public policy: (a) that the creation or establishment of a flight hazard within such flight hazard area is a public nuisance and an injury to the people and community served by such public airport; (b) that it is, therefore, necessary in the interest of the public safety, public health and general public welfare, that the creation or establishment of such flight hazards be prevented; (c) that this be accomplished to the extent legally possible under the constitution of the state by exercise of the police power without compensation, by the municipalities affected thereby under the authority granted in the following subdivisions; (d) that where the application of regulations promulgated under such police power in any particular case would prove so unreasonable as in fact to constitute a taking of the property affected, there is provided in section three hundred fifty-five of this chapter authority for the expenditure by municipalities of public funds for the acquisition of the fee or such lesser interest in property as may be necessary and proper to abate such particular hazard or prevent the creation of such hazard within the flight hazard area.

2. Any city, village or town having within its territorial limits any part of a flight hazard area as defined in section three hundred fifty-five of this chapter is hereby empowered by action of its governing body after due notice and hearing to adopt, amend and enforce regulations applicable within municipal limits for the protection of persons and property within such flight hazard area. Such regulations may divide such flight hazard area into different districts, and within each such district may apply regulations which may differ as between different districts, and may differ according to angles of elevation and distances computed from the ends of the runway of such airport and from the boundaries of approach and turning zones as may be required but

otherwise shall be uniform within districts of the same classification. Such regulations may restrict and limit the height to which buildings or structures may be erected or trees or other natural objects permitted to exist or grow in such flight hazard area and shall conform so far as locally practicable to such standards as may be promulgated and approved by the Federal Civil Aeronautics Administration or its successor.

3. Where a public airport or any part of its flight hazard area lies in one or more municipalities, upon the request of the municipality owning such airport, any municipality affected thereby and empowered as described above may by resolution duly adopted join with the municipality owning such airport in the establishment of a joint airport zoning board. Such board shall prepare appropriate regulations for such flight hazard area of the character authorized in subdivision two of this section and in accordance so far as locally practicable with such standards promulgated and approved by the Federal Civil Aeronautics Administration or its successor and shall recommend the adoption in any municipality wherein any part of such flight hazard area is located of such regulations as may be applicable within their respective municipal limits. The cost of preparing, enacting, publishing and amending such regulations as may be adopted by a municipality in accordance with the recommendations of such joint board shall be charged to the requesting municipality owning such airport or may be shared by the participating municipalities in such other manner as may be recommended by such joint board and mutually agreed to by each municipality affected thereby. Each municipality joining in the creation of such joint board is hereby authorized to appropriate moneys for its agreed upon share of the reasonable cost of preparing, enacting, publishing and amending such regulations.

4. In the event that a municipality has adopted, or hereafter adopts, a comprehensive zoning ordinance as heretofore or hereafter authorized by law, the provisions of this article governing the protection of public airports and flight hazard areas may be deemed to be supplementary to such general grant of power and any flight hazard area regulations applicable to any part of the area of such municipality may be incorporated in and made a part of such comprehensive zoning

regulations, and be administered and enforced in connection therewith by the municipality within which the regulations in question are applicable.

5. Any person aggrieved by any order or decision of an administrative official charged with the enforcement of regulations adopted pursuant to this section may appeal such order or decision within the time and in the manner provided in the local zoning ordinance of that municipality or otherwise provided by law, or in the absence of a zoning ordinance, or if no board of appeals or other appellate body has been established under such local zoning ordinance, may appeal such order or decision to the governing board of that municipality. Any such appeal to a governing board of a city, town or village shall be taken within sixty days after the filing of such order or decision with the clerk of that municipality; and shall be perfected, conducted and determined in accordance with the respective provisions of the general city law, town law or village law applicable generally to appeals from decisions relating to zoning regulations, to the extent that such provisions can be reasonably adapted to the proceedings of such governing board. Any decision of such board of appeal, other appellate body, or governing board of a city, town or village shall be subject to review by a proceeding under article seventy-eight of the civil practice law and rules in accordance with the respective provisions of the general city law, town law or village law applicable generally to the judicial review of decisions relating to zoning regulations.