§ 239-f. Approval of building permits, curb cuts, and subdivision plats. 1. Rules and regulations. The county superintendent of highways or the commissioner of public works in cooperation with the county planning board as well as the county building inspector, if any, shall promulgate rules and regulations governing the approval of building permits and curb cuts relating to elements contained in the county official map, including provision for direct application to him or her by prospective builders or by persons desiring to secure access to existing or proposed rights-of-way or to alter existing means of access. Any approval of such application shall be subject to all the provisions of law pertaining to the municipality affected.

2. Procedure. No subdivision plat or building permit shall be issued or approved by any municipality when there are proposed structures, proposed new streets, or proposed buildings which shall have frontage on, access to, or be otherwise directly related to any existing or proposed right-of-way or site shown on the county official map, except in accord with the following procedures.

(a) Notification. (i) Upon receipt of an application for approval of a subdivision plat, the clerk of the municipal planning board shall notify the county planning board and the county superintendent of highways or commissioner of public works.

(ii) Upon receipt of an application for a building permit the municipal building inspector or other authorized municipal official shall notify county officials. The county superintendent of highways or commissioner of public works shall notify appropriate state or federal agencies affected. Such state and federal agencies shall have ten working days in which to file their objections to an application for a building permit.

(b) Report. (i) The county planning board shall review a subdivision application insofar as proposed structures or new streets may be related to any existing or proposed right-of-way or site shown on the county official map. Within ten working days of receipt of notification of a subdivision plat application, the county planning board shall report to the municipality on its approval, disapproval, or approval subject to stated conditions.

(ii) The county superintendent of highways or commissioner of public

works shall review an application for a building permit insofar as proposed building, including curb cuts or other means of access, may be related to any existing or proposed right-of-way or site shown on the county official map. Within ten working days of receipt of a building permit application the county superintendent of highways or commissioner of public works may consult with the county planning board and shall report to the municipality on his or her approval, disapproval, or approval subject to stated conditions. If such superintendent or commissioner fails to make a report within ten working days of such reference, the county shall forfeit the right to suspend action.

(c) Considerations. In making such report the county planning board and the county superintendent of highways or commissioner of public works shall take into consideration the following:

(i) the prospective character of the development;

(ii) any appropriate access standards or non-access or limited access provisions of state and federal agencies;

(iii) the design and frequency of access;

(iv) the traffic which the development will generate and the effect of said traffic upon existing or proposed rights-of-way or sites shown on the county official map;

(v) the effect of this development upon drainage as related to drainage systems; and

(vi) the extent to which such development may impair the safety and traffic carrying capacity of existing and proposed rights-of-way affected.

(d) Approval. (i) A subdivision plat may be approved by the municipality subject to stated conditions, notwithstanding such county planning board report, by a two-thirds vote of all the members.

(ii) A building permit shall be issued in accord with and consistent with such report, provided that the board of appeals or other authorized board may vary the requirements of the report of the county superintendent of highways or the commissioner of public works by a two-thirds vote of all the members. Before issuing such building permit, a notice of public hearing on such permit shall be published in a newspaper of general circulation in the municipality at least ten working days prior to such hearing. Such notice shall be forwarded at least ten working days in advance by a registered letter to the

superintendent of highways or commissioner of public works, to the clerk of the county legislative body, and to the county planning board, if any, and appropriate state and federal agencies affected.