

**FINAL REPORT OF THE BLUE-RIBBON
PANEL TO STREAMLINE
DEVELOPMENT APPROVALS**



December 11, 2019

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I. LIST OF PANEL MEMBERS & STAFF

MEMBERS OF THE BLUE-RIBBON PANEL

- Co-Chair Kyle Strober, Executive Director, The Association for a Better Long Island
- Co-Chair Kenneth Arnold, P.E., Commissioner of NCDPW
- Legislator Ellen Birnbaum (District 10)
- Legislator Laura Schaefer (District 14)
- Richard Bivone, Chairman, Long Island Business Council
- Denise Carter, P.E., EVP, Greenman-Pedersen, Inc.
- Kathleen Deegan Dickson, Esq., Partner, Forchelli Deegan Terrana
- Kevin Gershowitz, VP, Gershow Recycling
- Mitch Pally, CEO, Long Island Builders Institute
- John Skinner, Nassau County Commissioner of Labor



Blue-Ribbon Panel Members and County Staff

COUNTY SUPPORT TO THE BLUE-RIBBON PANEL

- Evlyn Tsimis, Deputy County Executive for Economic Development
- Sean Sallie, AICP, Deputy Commissioner for Planning, NCDPW
- William Nimmo, Deputy Commissioner, NCDPW
- Jill Murtha, Secretary to the Commissioner, NCDPW
- David Viana, Planner II, NCDPW



II. EXECUTIVE SUMMARY

The **Blue-Ribbon Panel to Streamline Development Approvals** was established by Nassau County Executive Laura Curran in April of 2019. The Panel was charged with making recommendations to improve the Nassau County Department of Public Works' (NCDPW) 239-f review and approval process.

The Final Report of the Blue-Ribbon Panel presents a suite of technical and policy recommendations identified by Panel members. The Department of Public Works has already begun to implement several recommendations included in this report, such as the planning for **a new Permit Center with dedicated staff**. Thanks to the advocacy of Blue-Ribbon Panel members and with the support of the County Legislature, the County's 2020 Operating Budget includes additional funding for DPW staff dedicated to the new Center. NCDPW has also begun coordinating with the Nassau County Department of Information Technology to transition DPW's review of development plans from paper-based to a more modern electronic-based review. The County Executive's 2020 Proposed Capital Plan would support this technological upgrade, among other needs in the new Permit Center. Finally, NCDPW has begun organizing additional 239-f resources on the County's [website](#). NCDPW will continue to work with the necessary agencies to implement all of the Panel's recommendations in this report.

The Panel shall reconvene within six months of this report's submission to the County Executive, where it will receive an update from NCDPW on its implementation progress, including how the agreed to improvements have impacted 239-f review timeframes. The Panel agrees to work collaboratively with NCDPW to refine review time metrics on an ongoing basis.



III. BACKGROUND

Since taking office in 2018, County Executive Laura Curran has made it a key priority to make Nassau County more business friendly. The administration has focused on various initiatives that will streamline County processes and reduce barriers to economic growth. One of these processes is the County’s 239-f review and approval process. This complicated and cumbersome process – as described to the County Executive by various members of the business and development community – has resulted in economic losses and hardships. It has impacted everyone from small mom and pop stores, to large corporations, to single family homeowners. Specifically, it has added significant time delays on construction projects, resulting in substantial carrying costs being passed down to the end users (residents and commercial tenants). Economic impacts also extend beyond the property through lost wages to the local construction sector.

To address these issues head-on, County Executive Curran established the **Blue-Ribbon Panel to Streamline Development Approvals** in April of 2019. The Panel was charged with making recommendations to improve the NCDPW 239-f review and approval process. Section 239-f of New York State General Municipal Law (GML §239-f) requires municipalities (towns, villages and cities) to refer certain proposed subdivision plat or building permit applications to the County’s commissioner of Public Works for review.¹ The commissioner has established requirements to meet the technical aspects of such approval and the County Legislature has established ordinances to set fees for these reviews. The commissioner is responsible for responding in writing with approval, disapproval or approval with conditions to the referring agency.

The Panel was tasked with performing an examination of the Department’s procedures, available resources, use of technology, fees and other considerations as it deemed necessary. The County Executive’s primary goals in commissioning the Panel were to ensure the County’s compliance with all applicable requirements, while streamlining the review process to enhance opportunities for economic development and sustainable growth in Nassau County’s tax base.

Co-Chairs Kyle Strober, executive director of the Association for a Better Long Island (ABLI), and Kenneth Arnold, P.E., the commissioner of Public Works, led the Panel. The Panel also comprised of County legislators from the majority and minority caucuses, the County commissioner of Labor, advocates of the development community, and representatives from involved engineering and law practices. Staff from the County’s Department of Public Works provided technical and administrative resources to the Panel. Throughout the Panel’s commission, subject matter experts were asked to participate and present information to assist the Panel in identifying recommendations on improving the Department’s review process.

¹ Applications subject to County referral include subdivision and building permit applications where 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’s official map.



IV. SUMMARY OF RECOMMENDATIONS



Estimated Time to Completion:

Short Term: 0-6 months **Medium Term:** 6-12 months

Long Term: 12+ months

SHORT

- 1** **Establish New “Permit Center” in NCDPW**
- 2** **Procure Electronic Plan Review Software & Equipment**
- 3** **Further Develop 239-f County Webpage**
- 4** **Create Improvement Threshold Criteria for Submissions**
- 5** **Bifurcate/Stagger On & Off-Site Approvals**
- 6** **Begin Offering On-Site Meetings with NCDPW & Applicant Traffic Engineers**
- 7** **Conduct Regular Outreach to Municipalities and Development Community**
- 8** **Avoid Redundant Reviews**



SUMMARY OF RECOMMENDATIONS (CONTINUED)



Estimated Time to Completion:

Short Term: 0-6 months **Medium Term:** 6-12 months
Long Term: 12+ months

MEDIUM

9

Allow Reviews to be Self-Certified

10

**Recalibrate “Cost of Construction”
Review Fee**

11

**Reconcile County Requirements with
Local & State Requirements**

LONG

12

Procure Electronic Permit Tracking Software



OVERVIEW OF RECOMMENDATIONS

The final recommendations were compiled collaboratively between the Department of Public Works and members of the Panel. A timeline was also established to give an estimated completion date for each recommendation. Out of the twelve recommendations, the Department anticipates being able to complete the majority of the recommendations within the next six months. Three additional recommendations are expected to take six to twelve months to complete, and one recommendation may take longer than one year to fully implement. It should be noted that several recommendations require collaboration with other agencies including Nassau County's Department of Information Technology (NCIT), the County Attorney (CA), the County Legislature, and all municipalities (towns, villages, and cities).

Below is a list of recommendations beginning with short-term priority reforms:

1. Establish New “Permit Center” in NCDPW (*Short Term*)

The Proposed 2020 Capital Plan includes funding for a new “Permit Center” to be housed within the County's Department of Public Works headquarters at 1194 Prospect Ave, Westbury. The purpose of the Permit Center is to centralize staff working on plan reviews and permit processing. This will require the re-assigning of two existing NCDPW employees to be dedicated to the new center. It will also require the **hiring of two new NCDPW employees** to augment civil review staff. The Permit Center will begin offering pre-referral conferences between project designers and NCDPW reviewers for all projects. It will also begin allowing the submission of scanned copies of signed and sealed plans. Finally, the Department will establish, publish and adhere to new comment response time goals, helping provide more predictability for applicants.

2. Procure Electronic Plan Review Software & Equipment (*Short Term*)

The County will procure new software to allow for the electronic review of plans. The system will also allow for electronic comments/markups to be made directly on plans via desktop computers or mobile devices. In addition to reviewers in the Department of Public Works, employees in the Fire Marshal's Office and the Department of Health can also benefit from utilizing this system when reviewing engineering plans for their offices. Lastly, the County will need to procure new hardware such as large display screens and tablets for County staff to properly utilize the system. Collaboration will be needed with NCIT.

3. Further Develop 239-f County Webpage (*Short Term*)

A [new County webpage](#) for 239-f was recently created on the Department of Public Work's website. The Department will further improve the page by posting 239-f design specifications, the submission process, additional checklists, a schedule of bi-weekly coordination meetings, and more. NCDPW will work with NCIT to implement the changes.



4. Create Improvement Threshold Criteria for Submissions *(Short Term)*

NCDPW will establish site improvement thresholds to reduce the number of 239-f applications requiring review by NCDPW. This concept calls for the establishment of a “renovation/improvement” threshold, to be set based on a project’s size, scope and/or use. Applications falling within this threshold will be exempt from requiring 239-f review and approval. Such applications will still be referred with an affidavit confirming the renovation/improvement percentage. NCDPW will define a reasonable percentage within 90 days of the release of this report. Should a referral be “exempt,” an email confirmation will be sent to the municipality. New thresholds will be circulated to all municipalities and posted on the Department of Public Works website.

5. Bifurcate/Stagger On & Off-Site Approvals *(Short Term)*

On-site and off-site approvals including traffic signals, ADA curb ramps, etc., will be staggered. In cases where bifurcation is applicable, the County will also allow for a municipality to issue a building permit prior to receiving 239-f approval for required off-site improvements. This can be particularly helpful to applicants when there are only minor on-site-related comments that require a resubmission. The County may take escrow/bond to ensure off-site improvement designs are fully completed in accordance with applicable requirements and specifications. Lastly, the County will continue to “approve as noted” to close out minor comments, rather than require a resubmission.

6. Begin Offering On-Site Meetings with NCDPW & Applicant Traffic Engineers *(Short Term)*

NCDPW staff will begin offering on-site meetings with the applicants’ traffic engineers to go over any questions or concerns.

7. Conduct Regular Outreach to Municipalities and Development Community *(Short Term)*

NCDPW will conduct outreach to municipalities and the development/engineering community to update them on any changes to the County’s 239-f process. Outreach will include email blasts to municipalities and the Nassau County Village Officials Association, directing them to the County website where any changes will be highlighted. The County will also conduct an annual meeting with all parties to inform them of any changes in our process. A general overview of the process will also be given so that local government employees new to the 239-f process can be brought up to speed.

8. Avoid Redundant Reviews *(Short Term)*

If NCDPW subdivision review is required, the County will combine its review with 239-f so that there is only one review. NCDPW will create a process to synchronize the review of applications subject to both major subdivision (defined in the Nassau County Charter, §1610) and 239-f approval.



9. Allow Reviews to be Self-Certified *(Medium Term)*

Self-certification allows for licensed professionals to certify their plans, without the need for a full review by the reviewing agency. NCDPW will allow plans to be self-certified for reviews of civil, sanitary and water resources. Self-certification will not be permitted for traffic/ingress-egress review. Coordination with the County Attorney's Office will be needed for implementation.

10. Recalibrate "Cost of Construction" Review Fee *(Medium Term)*

The County should revise its process for calculating the "Cost of Construction" review fee that is currently in place. The fee should be revised to be proportional to the amount of proposed site work. Such a change requires legislation by the County Legislature. NCDPW will work with the Legislature to implement this change.

11. Reconcile County Requirements with Local & State Requirements

(Medium Term)

NCDPW will review and reconcile its requirements with the requirements of local municipalities and New York State. The referring agency will be given the authority to enforce our mutual requirements. This reconciliation will help reduce the frequency of waivers being given to applicants and drastically reduce County review time. NCDPW is currently working with all three towns to harmonize drainage and site ingress and egress requirements. Ongoing collaboration with the local municipalities is needed to fully implement this recommendation.

12. Procure Electronic Permit Tracking Software *(Long Term)*

The County will procure new software or produce a system in-house to allow for the electronic management and tracking of County permits. The software should also allow for municipalities to electronically refer applications to the County. Collaboration will be needed with NCIT and municipalities.



IMPROVED 239-F PLAN REVIEW PROCESS WITH BIFURCATION



***New threshold criteria will be set based on project size, scope and/or use.**



V. CURRENT 239-F PROCESS

OVERVIEW

Before a 239-f application is received by the Nassau County Department of Public Works, the development process begins with a homeowner or developer applying for building permits with the local municipality (town, village, or city). If an applicant has concerns about meeting certain County standards, it is advised that they meet with County engineers before submitting their application to discuss their concerns.

Upon receipt of the application package, the local municipality is responsible for determining whether the project is subject to County review. Such review is triggered when the project proposes structures, streets, and/or buildings which shall have frontage on, access to, or be otherwise directly related to any existing or proposed County-owned right-of-way or site. If the application warrants a County review, the application is mailed, or hand delivered by the applicable municipality (or authorized agent) to NCDPW.

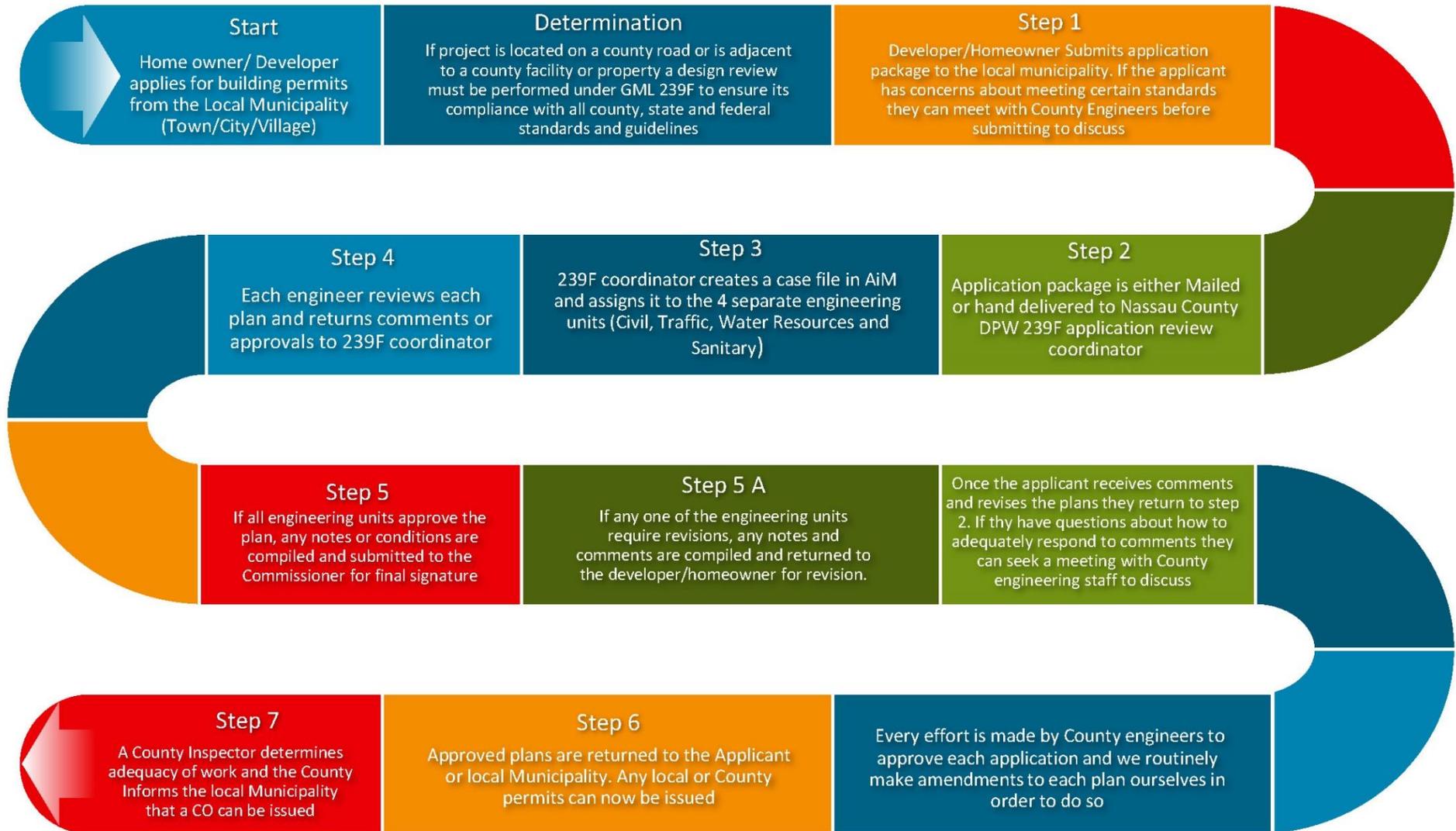
All applications that are received by the County are organized by NCDPW's 239-f coordinator. The coordinator then creates a case file for the application in the County's AiM system, and then assigns the application's review to the four separate engineering units in NCDPW (Civil, Sanitary, Traffic and Water Resources). Each unit is responsible for concurrently reviewing the plans and submitting their comments or approvals to the 239-f coordinator. After all engineering units have completed their review, the 239-f coordinator must transcribe by hand all of the units' comments onto one master set. If an application is "approved as noted," comments are transcribed by the coordinator on all five sets of plans. Once all engineering units approve of an application, any notes or conditions are compiled and submitted to the commissioner for final signature. If an applicant revises its plans, they must resubmit revised plans to the County for review by all units again.

Upon final approval by the County, signed (by the commissioner of Public Works) plans are returned to the applicant or local municipality. Local or County permits can then be issued to the applicant. The last step in the process is for a County inspector to determine the adequacy of the applicant's work performed, pursuant to a County work permit (road opening permit, sewer permit, etc.). Once the inspector completes their review, the County informs the local municipality that a certificate of occupancy (CO) can be issued. It should be noted that Nassau County's review generally takes about six to twelve months to complete. See Appendix A for a comparison of other municipalities' duration of reviews.

A flowchart depicting the current 239-f review process is shown on the following page.



NASSAU COUNTY'S CURRENT 239-F PLAN REVIEW PROCESS





PINCH POINTS OF THE CURRENT PROCESS

1. Limited staff handling multiple roles
2. Reliance on all-paper system
3. Transcribing comments onto a master set of plans
4. Waiting on last reviewer to finish
5. Process and design specifications not easily accessible
6. Inconsistent design requirements between municipalities and County

The Panel identified six main areas that are the major pinch points in the plan review process. First, there is a lack of staff dedicated solely to the 239-f review role. Review staff are currently assigned to multiple roles and responsibilities. To provide an example, the 239-f coordinator is responsible for routing and managing the circulation and comment responses for all applications, while also addressing the steady flow of applicant phone calls and email requests for information or assistance. Second, there is an outdated reliance on an all paper system. While other government agencies have made the switch to electronic reviews, the County requires all plans to be submitted by paper. Third, the process for transcribing comments by the 239-f coordinator is a time-consuming way of compiling, cataloguing and providing comments back to applicants. Other government agencies have simplified this task through the incorporation of electronic comment processes. Fourth, while plans are reviewed concurrently, there is frequently an issue of waiting for the last unit to finish their review. This holds up the approval process and does not allow for other approved areas of a plan to move forward until the last unit submits their approval. Fifth, the process and design requirement specifications are not easily available to the public (such as being posted online), which results in confusion and excess time needed by applicants to prepare approvable plans. Finally, sixth, there are variations in design requirements (such as stormwater) between local municipalities and the County. This inconsistency further confuses applicants and causes delays.



VI. SUMMARY OF PANEL'S WORK

Since its kick-off in April of 2019, seven meetings of the Blue-Ribbon Panel were convened. Over the course of these six months, the Panel hosted enlightening discussions with County engineers, municipal officials and staff from within and outside of Nassau County, and representatives from various engineering and architecture firms that frequently interact with Nassau's 239-f process. Each meeting helped the Panel and County staff learn about best practices that the County could follow to streamline its plan review process. In addition to hosting guest speakers, NCDPW conducted research on other jurisdictions in the broader New York metropolitan area and presented information on the latest technologies available to help modernize the County's review process.

A summary of the Panel's work and key highlights from each meeting are provided below.

TIMELINE

4/3/2019 – Press conference announcing establishment of panel.

MEETINGS OF THE PANEL:

4/18/2019 – Kick-off meeting of panel.

5/1/2019 – Guests: County reviewers from NCDPW's Civil, Sanitary, Traffic and Water Resources Units.

6/4/2019 – Guests: Representatives from Suffolk County and Town of Hempstead. Presentation of research by NCDPW on comparable municipalities and best practices.

6/27/2019 – Guests: Representatives from building departments of the three townships.

7/17/2019 – Guests: Building department representatives from various villages, and the cities of Glen Cove and Long Beach. NCDPW presentation on fee analysis of comparable municipalities and overview of Bluebeam Revu software.

8/14/2019 – Guests: Engineering firms Bohler, Highpoint, R & M and VHB. Presentation by NCDPW on permit tracking software research.

10/2/2019 – Discussion on Department's and Panel members' proposed recommendations for final report.



4/18/2019 – 1ST MEETING OF THE PANEL

Co-Chairs Kyle Strober and Kenneth Arnold kicked-off the first meeting by detailing the Panel’s mission and goals. The Co-Chairs stated that local, regional and national best practices and examples would be researched and documented for the Panel to help identify recommendations for the County. The Panel committed to a “no stone left unturned” approach to fully understand all components of the County’s review process in need of improvement. The Co-chairs had all Panel members share their involvement/interaction with the 239-f process, and what their goals for improvement were. The meeting also included a detailed overview by County staff on of the current review process, timelines and fee structure. Panelists requested that County staff review design review procedures from other local and regional governments including Suffolk and Westchester Counties, and New York City.

5/1/2019 – 2ND MEETING OF THE PANEL

NCDPW staff from all reviewing units (Civil, Sanitary, Traffic, and Water Resources) attended the second meeting and provided detailed overviews of their experiences with the 239-f process. The staff explained that while they are responsible for reviewing 239-f applications, they are also assigned to manage other non-239-f Department responsibilities. One major issue the staff said they find, is that similar mistakes are frequently made by design professionals, even after County informs them of how to correct them. Another issue is that there are often instances where the County receives applications that call for minimal or no change to the site. The local municipalities refer all applications for properties fronting on County roads, “just in case.” However, doing so, only further delays the County’s process. Finally, staff reported that a major impact on the length of review is the need to transcribe each reviewer’s comments onto a master copy of the plans. The staff reported that with new technology, this step can be eliminated, expediting the process.

6/4/2019 – 3RD MEETING OF THE PANEL

Representatives from Suffolk County’s Department of Public Works and the Town of Hempstead Supervisor’s Office participated in the third meeting of the Panel. Suffolk County provided insight on their 239-f review process. Suffolk reports that they a relatively smooth operation in place. They have made a diligent effort to be involved with developers early in the design process to avoid headaches later on. Applicants/municipalities will send informal referrals to the County early in the permitting process for “planning level” review. This has reportedly helped expedite the processing of applications and avoided back and forth after an application has been submitted. Suffolk also encourages Towns to have a checklist for developers that includes early notification to the County. Another important point that Suffolk shared, was that they do not review for onsite stormwater retention design. This is left to the municipalities to do. Finally, Suffolk’s Traffic Impact Fee is not imposed on an applicant if they are converting property uses (some exceptions) and building(s) will be maintained.



The Town of Hempstead Supervisor's Office provided insight on how they would like to see parity among applicable County and Town specifications. One way to accomplish this is to increase the Town's stormwater retention volume standard to be in line with the County's standard for properties fronting on County roads.

Lastly, research on four comparable municipalities (Suffolk and Westchester Counties, New York City, and Middlesex County in New Jersey) were presented to the Panel by NCDPW staff. Each municipality's staffing levels, duration of reviews, technology/methods of review, fee structure, and caseload statistics were presented. A summary of this research is attached to this document as Appendix A. It should be noted that New York City's process differs from the other comparable municipalities since they are the exclusive agency doing plan reviews. The City also uses self-certification.

6/27/2019 – 4TH MEETING OF THE PANEL

Representatives from the building departments of all three townships (Hempstead, North Hempstead, Oyster Bay) attended the fourth meeting of the Panel. The Towns report that their biggest hurdle is getting through all of the traffic change comments in the County. They also mentioned an issue of making sure everyone has the most up to date versions of plans after changes have been made. The Town typically forwards plans to the County as they are reviewing. However, if changes are made after, sometimes the Town or County do not get changes. The Town of North Hempstead shared that they are moving toward using an electronic review software called Bluebeam Revu. They hope to have this in place later this year. The Towns requested they receive an up to date list of everything that has to be sent to the County and a list of what doesn't need to be sent for 239-f. A panelist suggested creating a preliminary checklist to determine if an application should be sent to the County. Panelists also stated that a downloadable 239-f application should be made available on the County's website. (This was completed on July 15, 2019.)

It should be noted that prior to the fourth meeting of the Panel, the administration submitted legislation to eliminate the "% Cost of Construction" fee for all charitable, religious and not-for-profit property owners. The administration seeks to promote further growth and innovation in the healthcare industry and ensure that revenue generated by these institutions can go into service delivery rather than fees to the County. The County Legislature approved this legislation on August 5th, 2019.

7/17/2019 – 5TH MEETING OF THE PANEL

Representatives from the Nassau County Village Officials Association, City of Glen Cove and City of Long Beach attended the fifth meeting of the Panel. Municipal representatives expressed a desire for communication to be improved between County & local municipalities. They stated that there have been instances where things are reviewed and changed in the plans, but the local municipality is not notified of the changes. County staff stated that municipalities have been inconsistent with their



understanding of the County’s requirements for sending over a submission. Cities and villages stated that depending upon the size of a project, they will occasionally use outside consultants to review plans. For example, Glen Cove used an outside consultant for the Garvies Point project. There was a discussion regarding the disconnect between County and local requirements, particularly with respect to drainage. Municipal representatives also asked if there were published minimum thresholds for submitting 239-f referrals to NCDPW. Additional questions included whether or not certain minor applications can be programmatically exempt from submission – municipalities would need a formal policy to refer to. Finally, the Village of Valley Stream informed attendees that they will allow self-certification for code compliance cases, while the Village of Great Neck announced that they are moving towards electronic application submissions.

The second part of the meeting featured a presentation by NCDPW staff on an analysis of the plan review fees charged in five comparable municipalities. These included Suffolk, Westchester, Middlesex, and Somerset Counties, as well as NYC (an additional New Jersey county was added to the research since the previous presentation). A sample supermarket development was used to estimate potential costs. It was found that Nassau’s fees were the highest among all municipalities – over \$12,000 higher than Westchester’s fees, which was the second highest municipality). Furthermore, it was found that Nassau takes the longest out of all municipalities to review plans, and Nassau had significantly fewer applications per roadway mile than other counties.

The County also researched an electronic review software product called Bluebeam Revu, to provide panelists with an idea of features and costs of a plan review software. The software is a PDF markup and collaboration tool that is cloud-based. It would allow for County staff to review plans electronically and provide comments electronically. Use of such a software would eliminate the need to manually transcribe each reviewer’s comments on to a master copy of comments. Bluebeam offers three options (Standard, CAD, and eXtreme):

Software Name	Special Features
Revu Standard	Standard edition
Revu CAD	Standard features + one-click 2D & 3D PDF creation from programs such as AutoCAD & SketchUp Pro.
Revu eXtreme	CAD features + optical character recognition, automatic form creation, batch sign & seal

A cost breakdown of the Bluebeam software is on the following page. The software is charged as a one-time fee to the County. Maintenance for the software is available as a yearly fee and covers free major software upgrades, as well as phone technical support. A rough estimate of 25 seats was used to calculate how many Nassau County employees would be using the software. It is anticipated that in



addition to NCDPW staff, the Fire Marshal’s Office and the Department of Health would also benefit from using the software.

Software Name	Software Cost	Maintenance Cost	One-Time Software Cost to County (25 seats)	Maintenance Cost to County (25 seats)
Revu Standard	\$349 / seat	\$99 / seat	\$8,725	\$2,475 / year
Revu CAD	\$449 / seat	\$119 / seat	\$11,225	\$2,975 / year
Revu eXtreme	\$599 / seat	\$149 / seat	\$14,975	\$3,725 / year

In addition to the cost for the software, County staff would need new hardware to properly view the plans and mark them up through Bluebeam. This includes the purchase of larger display screens and tablets. NCDPW estimates this may cost an additional \$100,000.

8/14/2019 – 6TH MEETING OF THE PANEL

Representatives from four engineering firms that frequently work on 239-f applications attended the sixth meeting of the Panel. Firms in attendance included Bohler, Highpoint, R & M and VHB. The representatives stated that reviews in NCDPW immediately got better with the hiring of additional traffic engineers. However, they stated that more reviewers are still needed to speed up the process. In fact, the engineering companies reported that some of their clients have altered their business plans in Nassau because the County’s review process takes too long. One firm reported that a fast food company canceled two planned locations in Nassau because of this. It was noted that the New York State Department of Transportation’s review is currently about half the time of Nassau’s review. (Nassau’s review generally takes between six and twelve months to complete. See Appendix A for a comparison of other municipalities’ duration of reviews.) Additionally, the State does electronic signatures and emailed comments which helps expedite their process. The engineering firms said they would like to see the County start providing comments in an online system so that they can begin addressing the comments right away. They also told the Panel that they would not have any issues if the County moved towards an electronic plan submission system. The representatives did note that applicants sometimes get comments back that weren’t part of the County’s first round of reviews. It was requested that this be avoided in the future.

Additional feedback from the engineering firms included suggestions that the County implement a waiver/exemption process for “no change to site” applications, the implementation of a formal process that allows the issuance of building permits prior to 239-f approval, and having NCDPW traffic engineers conduct site visits with the applicant’s engineers. There was also a concern stated that the 239-f



process has been morphing with the highway permit process. It was requested that both processes remain separate.

Following the discussion with the firms, NCDPW staff presented its research on permit tracking software. The American Institute of Architects (AIA) assisted the County with this research by providing examples of permit tracking software commonly used in the industry. It was recommended that the County contact the City of Campbell, California which is currently rolling out a new system. Campbell, CA staff spoke with NCDPW staff and detailed their experiences with MyGovernmentOnline, a product made by the South Central Planning and Development Commission (a public agency in Louisiana). The system serves as a 24-hour portal for government (internal) and public (external) use. It provides the municipality with online electronic plan management, helps project managers direct applications to different employees depending upon workload, provides real time notifications to staff, and has the ability to automatically validate contractor and business licenses. The system also provides benefits to the public, by allowing them to submit applications online, electronically pay any municipal fees, and get real-time status notifications on their applications.

MyGovernmentOnline's costs are based on the number of internal system users (government staff). The number of external users (the public), does not affect the price to the municipality. The City of Campbell provided the County with a rough estimate of their costs as shown below. A rough cost estimate to Nassau County was calculated based on Campbell's costs.

Location	Cost Per User	Number of Users	Yearly Cost
Campbell, CA	~\$1,700 / user	~15 users	~\$25,000 / year
Nassau County, NY (Estimated)	~\$1,700 / user	25 users	~\$42,500 / year

The AIA provided additional recommendations for permit tracking software companies in the marketplace:

- [Accella](#) (used on some federal projects)
- [Citizen Serve](#) (used by several jurisdictions in Missouri)
- [ePlanSoft](#) (used by Montgomery County, Maryland)
- [Project Dox](#) (used by Washington, D.C.)
- [ProjNet - DrChecks SM](#) (used by NY State and some federal projects)



10/2/2019 – 7TH MEETING OF THE PANEL

The seventh meeting of the Panel served as a work session to finalize the recommendations for the final report. NCDPW and the panelists presented their list of preliminary draft recommendations during the meeting and engaged in a discussion to fine tune the list further. NCDPW and the panelists both suggested improvements to the County's website, providing additional resources and updates for the public on the 239-f process. Panelists suggested that regular outreach to the municipalities should also be done to inform them of any updates that occur in the County's process. Both parties also discussed the need for setting clear thresholds on when 239-f requirements are triggered and relaying that information to all municipalities. Details regarding the establishment of a Permit Center within NCDPW were discussed, as well as the need for technological improvements to have the Department begin electronic submissions and reviews of applications. With respect to reviews, a panelist suggested that one way to expedite the process further is to avoid having all NCDPW units review resubmissions. It was suggested that if a particular unit did not have any comments in their initial review, they should not have to review it again in subsequent submissions. NCDPW shared some concerns that plan revisions may trigger new issues that all units may need to be aware of. Finally, a panelist suggested that the Panel reconvene in the future to see what impacts the Panel's recommendations have had on the 239-f process. The Panel agreed that it should reconvene in six months.



APPENDICES

A. OVERVIEW OF PLAN REVIEWS IN COMPARABLE MUNICIPALITIES

B. MUNICIPALITY PLAN REVIEW ANALYSIS



Overview of Plan Reviews in Comparable Municipalities

GML § 239-F Blue Ribbon Panel

June 27, 2019

Summary

The Nassau County Department of Public Works researched five municipalities and their general plan review process. The municipalities included:

1. Suffolk County, NY – Department of Public Works
2. Westchester County, NY – Department of Public Works & Transportation
3. Middlesex County, NJ- Office of Planning
4. Somerset County, NJ – Planning Division
5. City of New York, NY – Department of Buildings

The four counties researched were chosen due to their similar status and development patterns as a suburban county within the New York City metropolitan area. The City of New York was also researched because of their known use of advanced technology in plan reviews. The findings have been summarized in six main categories: roadway miles, staffing, duration of review, technology/methods for review, fee structure, and caseload statistics.

Roadway Miles

Nassau: 1,600 miles of County roadways. (1,580 traffic signals.)

Suffolk: 425 miles of County roadways.

Westchester: 130 miles of County roadways.

*Westchester has transferred over many of its County roads to local municipalities.

Middlesex: 310 miles of County roadways.

Somerset: 565 miles of County roadways.

NYC: 6,000 miles of City roadways.

Staffing

Nassau: Five people work on 239-F. Only one person is dedicated to the process, while four people have other duties in addition to 239-F review.

Suffolk: Three people dedicated to 239-F permits, including planning, utility permits, and heavy hauling permits.

Westchester: Four people work on 239-F, though they are not fully dedicated to this.

Middlesex: Two people work on plan review and are dedicated to this. Up until recently, four people were working on plan review.



Somerset: Three people work on plan review, though they are not fully dedicated to this. During peak development (pre-1980), four employees were dedicated only to plan review.

NYC: Unable to provide number of employees, but it is extensive. There are various teams that work specifically on plan review. Plan examiners only work on plan review.

Duration of Review*

Nassau: Staff generally completes review within six months to one year.

Suffolk: If they are just design comments, it generally takes one to two weeks to send back comments. If an application for 239-F was previously reviewed during the design phase, it generally just takes one more week for approval. If an application did not go through preliminary design review, it *may* take a lot longer.

Westchester: Staff generally completes review within 20-30 days, with certain actions only taking about 10 days.

Middlesex: Staff generally completes review within 30 days as required.

Somerset: Staff lately has been completing review within ~40-50 days, despite being required to complete reviews within 30 days.

NYC: Generally respond within 10 days.

**Estimates given do not factor in the back and forth an applicant may go through to make corrections to their plans. Depending upon the speed at which an applicant resubmits/makes changes, this may extend the review significantly.*

Technology/Methods for Review

Nassau: The review process has not been computerized. All submissions are paper copies. Field reviews are a part of the process.

Suffolk: Plans are scanned in and reviewers can view plans electronically, however, comments are handwritten. A one-off system made by Sydney Bowne and later purchased by LiRo, is used to store plans, correspondence, and track the permit process. Field reviews are a part of the process.

Westchester: The review process has not been computerized. The County has just begun to accept emailed applications from municipalities. Field reviews are occasionally done depending upon the type of development.

Middlesex: Staff relies heavily on GIS (Geographic Information System) mapping software to investigate sites during review. There is no special technology used for reviews, though the County is trying to move toward electronic submissions in the future. Paper submissions and written comments continue to be their methods. Field reviews are rarely done since the reviewers rely heavily on GIS.

Somerset: The review process has not been computerized. All submissions are paper copies (just one copy). Engineers will scan plans into the computer for storage. Field reviews are usually a part of the process.

NYC: There are two general processes applicants can use for filing applications. One is through the NYC HUB system (online), and the other is through paper submissions at borough offices.



NYC HUB is connected to Bluebeam Revu where the plan examiners can review plans and provide comments electronically (see Appendix for description of program). Field reviews are not a part of the process.

Fee Structure*

Nassau: Plan review fees include a flat \$1,500 fee, an impact assessment fee tied to a project's peak hour traffic generation (follows a fee schedule), and a cost of construction fee (0.75% of the value of construction. Fees for road work permits are also charged and vary depending upon the type of work being completed.

Suffolk: Plan review fees are tied to a project's peak hour traffic generation. There is also a separate impact assessment fee that is also tied to the project's peak hour traffic generation. Fees for highway work permits are charged as well, in the amount of 10% of the value of the road work.

Westchester: There is no review fee for 239-F. Only if a road permit is required are fees implemented. Fees for road work permits are also charged and vary depending upon the type of work being completed.

Middlesex: Plan review fees are based on a flat fee of \$500 + (\$10 x number of proposed parking spaces for non-industrial use), and/or (\$0.15 x square feet of proposed building area for industrial use.)

Somerset: Plan review fees are based on a flat fee of \$400 + (\$10 x number of proposed parking spaces for commercial/office) + (\$2 per 100 SF of building area for industrial), + (\$20 per dwelling unit for residential). Note: The review fee is waived for each affordable housing unit.

NYC: A building work permit filing fee is based on the square footage of the proposed development. A plan examination fee is not charged during the first two reviews.

**See "Municipality Plan Review Fee Analysis" document for a detailed overview of the fees and a sample project fee breakdown.*

Caseload Statistics

Nassau: Between January 2019 and June 2019, 76 applications were received. In 2018, there were 118 applications.

Suffolk: Between January 2019 and June 2019, 120 applications were received. The average is about 30 projects a month. In 2018 there were about 360 applications.

Westchester: In 2018, only 20 applications for 239-f were received. In 2017, 36 applications were received. Separately, there are usually around 275-400 road permits a year.

Middlesex: In 2018, there were 138 applications. Monthly applications during 2018 ranged from four to twenty. The County publishes comprehensive monthly reports online detailing how many applications come in, the types of development they are for, and other types of general development data.

Somerset: In 2018, there 394 applications. In 2017, there were 412 applications. Note: These numbers include resubmissions. Additionally, both years were considered fairly active years,



particularly due to a surge in transit-oriented, mixed-use developments. Twenty years ago, there were about 500-600 applications a year.

NYC: The City did not have statistics readily available.

Key Messages

Suffolk: It is important for the Towns to get the County involved early in the design process to avoid developer headaches later. Towns should have a checklist for developers that includes early notification to the County.

Westchester: The County has transferred over many of its County roads to local municipalities, thereby reducing the number of 239-F reviews it must complete. Due to the limited number of applications received, there is no push to change its process.

Middlesex: The County believes they need to modernize their process by accepting electronic submissions. They hope to implement this soon.

Somerset: The biggest problem the County has is its “paper problem.” They are running out of storage space for site plans. A solution has not yet been identified. Engineers are hesitant to change the process because they favor paper copies.

NYC: The use of modern technological systems for plan reviews has been working well. The City is currently trying to standardize plan objections in the system for consistency purposes among reviewers, and to reduce confusion among applicants. While the City still accepts paper submissions, reviewers will still review and process comments electronically.

Municipality Plan Review Fee Analysis – 6/27/19

Data Source: NCDPW Accounting Division

Summary of All Nassau County 239-F Fees Over Last 5 Years

Fee Type	2015	2016	2017	2018	2019 Projected	5-Year Total
Cost of Construction Fee	969,634.00	532,049.00	725,711.00	365,431.00	590,106.00	3,182,931.00
Impact Assessment Fee	N/A	N/A	55,680.00	170,680.00	NYA	226,360.00
239F Plan Review – Initial Submission	34,500.00	113,250.00	165,500.00	112,500.00	51,000.00	476,750.00
239F Plan Review – Re-Submission	12,950.00	11,840.00	7,400.00	1,850.00	NYA	34,040.00
Total Year Fees	1,017,084	657,139	954,291	650,461	641,106	3,920,081

*2019 numbers indicate total revenues as of 6/10/19 + \$250,000 in pending fees. "NYA" - not yet available.

Not-For Profit (NFP) Projects vs. All Projects

Fee Type	All Projects 5-Year Total	NFP 5-Year Total	% of Fees from NFPs
Cost of Construction Fee	3,182,931.00	375,000.00	12%
239F Plan Review – Initial Submission	476,750.00	37,500.00	8%
Total	3,659,681.00	412,500.00	11%

Impact of NFP Construction Fee Elimination

Fee Type	Amount
All Projects: 5-Year Total for All 239-F Fees Received	3,920,081
NFPs: 5-Year Total for Construction Fee	375,000.00
% Change in Total 239-F Fee Revenue	-10%



Municipality Plan Review Fee Analysis – 6/27/19

Municipality Key Facts

Municipality	Staff Working on Reviews*	Field Reviews Part of Process	Roadway Miles Owned by Muni.	Applications in 2018**
Nassau County, NY	1 FT + 4 PT = 5 Total	Yes	1,600	118
Suffolk County, NY	3 FT	Yes	425	360 (Based on avg of 30/mo.)
Westchester County, NY	4 PT	Occasionally	130	20
Middlesex County, NJ	2 FT	Rarely	310	138
Somerset County, NJ	3 PT	Usually	565	394**
City of New York, NY	Not readily available.	No	6,000	Not readily available.

*FT=Employee dedicated to plan review process full time. PT=Employee works on plan reviews part time and must balance other work duties.

**All numbers represent unique applications that were submitted in 2018, except for Somerset County, which includes resubmissions.



Municipality Plan Review Fee Analysis – 6/27/19

Municipality Fee Comparison Table

Municipality	Review Fee Ordinance	Sample Project Fee Breakdown*	Sample Project Fee Total*	Additional Permit Fees
Nassau County, NY	<p>Review Fee: \$1,500 for initial review (fee shall be waived for applications where cost of construction is less than \$25,000)</p> <p>Resubmission Fee: \$740 for each re-submission</p> <p>Impact Assessment Fee: Varies. \$0 to \$640 x vehicles generated. See Appendix A.</p> <p>Cost of Construction Fee: 0.75% of construction cost</p>	<p>Review Fee: \$1,500</p> <p>Impact Assessment Fee: \$66,240</p> <p>Cost of Construction Fee: \$29,400</p>	\$97,140	<p>Road Opening Fee (Application & Inspection): \$1,470</p> <p>Sanitary Connection: \$620</p>
Suffolk County, NY	<p>Review Fee: Varies based on trip generation. Ranges from flat fee of \$200 to \$10/vehicle generated.</p> <p>Resubmission Fee: \$0</p> <p>Impact Assessment Fee: Varies. \$0 to \$800 x vehicles generated. See Appendix A.</p>	<p>Review Fee: \$2,200</p> <p>Impact Assessment Fee: \$82,800</p>	\$85,000	<p>Permit Fee for Road Work: 10% of total value of work;</p> <p>Utility Road Work Fees: Most are \$1/linear foot of utility work (typically paid by utility)</p>
Westchester County, NY	<p>Review Fee: \$0</p> <p>Resubmission Fee: \$0</p>	<p>Review Fee: \$0</p>	\$0	<p>Roadway Permit Fees: Varies greatly based on fee schedule. See Appendix B.</p> <p>Recent Supermarket Permit Fee Total: \$46,688 (for a Wegman's)</p>
Middlesex County, NJ	<p>Review Fee: \$500</p> <p>+ \$10 x # of proposed parking spaces (non-industrial)</p> <p>+ \$0.15 x square feet of proposed building area (industrial)</p> <p>Note: There is a \$20,000 cap on the review fee. This excludes fees charged for re-submissions.</p> <p>Resubmission Fee: 33% of original fee for first re-submission.</p>	<p>Review Fee: \$500 + \$2,000 for parking spaces</p>	\$2,500	<p>Permit Fees for Road Work: \$150 for Residential; \$250 for Utility Companies and/or Commercial.</p> <p>+ Escrow amount for all excavations: \$12-15 per square yard of disturbance</p>



Municipality Plan Review Fee Analysis – 6/27/19

Municipality	Review Fee Ordinance	Sample Project Fee Breakdown*	Sample Project Fee Total*	Additional Permit Fees
Somerset County, NJ	<p>Review Fee: \$150 flat fee if project does not impact County road or drainage \$400 flat fee if project does impact County road or drainage + \$10 x # of proposed parking spaces (Commercial/Office) + \$2 per 100 SF of building area (Industrial) + \$20 per dwelling unit (Residential) <u>Note:</u> Review fee is waived for each affordable housing unit.</p> <p>Resubmission Fee: First revision is free. Second and each subsequent revision is \$300.</p>	<p>Review Fee: \$400 (assuming impact to County road or Drainage) + \$2,000 for parking spaces</p>	\$2,400	-
City of New York, NY	<p>Building Work Permit Filing Fee: \$0.26/SF (min. \$280 fee) Resubmission Fee: \$100 for resubmission of permit application. There is no additional charge for the first two plan reviews. Appeals after the first two plan reviews (which consisted of an objection and affirmation of objection), cost \$1,000.</p>	<p>Building Work Permit: \$10,400</p>	\$10,400	-

*Sample Project Fees were calculated based on the following assumptions:

Sample Project Assumptions for Counties:

Development: **40,000 SF new construction supermarket.**

Parking ratio of 5.0 = **200 parking spaces.** (1 space for every 200 SF of development.)

Cost of construction = **\$98/SF or \$3.92M total.** (National average for supermarket construction with union labor is \$78.57 x location modifier of 1.25). \$98 x 40,000 SF = \$3.92M.

Peak hour traffic generation: **414 vehicles an hour.** (The peak traffic generated for supermarkets occurs during the Saturday peak hour and is calculated using a rate of 10.34. (10.34 x 40 (sf/1000) = 414 vehicles an hour.

Sample Project Assumptions for NYC:

Development: **40,000 SF new construction supermarket.**

Permit Type: New building work permit for new buildings less than 7 stories and less than 100,000 SF, where no existing building elements are to be retained in place as part of new building.



Municipality Plan Review Fee Analysis – 6/27/19

Appendix A: Nassau County & Suffolk County Transportation Impact Fee Schedules

Number of Vehicles in Highest Two-Way Peak Hour	Nassau Fee (x vehicles generated)	Suffolk Fee (x vehicles generated)
0 to 10	\$0	\$0
11 to 25	\$20	\$25
26 to 99	\$32	\$40
100 to 199	\$80	\$100
200 to 299	\$96	\$120
300 to 399	\$128	\$160
400 to 499	\$160	\$200
500 to 549	\$228	\$285
550 to 599	\$296	\$370
600 to 649	\$364	\$455
650 to 699	\$432	\$540
700 to 749	\$500	\$625
750 to 799	\$568	\$710
800+	\$640	\$800



Municipality Plan Review Fee Analysis – 6/27/19

Appendix B: Permit Fee Schedule from Supermarket Development in Westchester County

TYPE OF OPERATION	DEPOSIT- Unit Price	DEPOSIT- No. of Feet	DOLLAR AMOUNT	FEE-50% of the Deposit-\$480 min.
1) Trenching (Roadway)	\$685 (up to 10') \$480/10 Ft.			
Shoring	\$11 Lin. Ft.			
2) Trenching (Shoulder)	\$480 (up to 10') \$250/10 Ft.	50'	\$1,480	\$740
Shoring	\$11 Lin. Ft.			
3) Gutters	\$950 (1 st 100') \$11 Lin. Ft.			
4) Curbing	\$950 (1 st 100') \$11 Lin. Ft.	100'	950	475
5) Asphalt Shoulder	\$950 (1 st 100') \$11 Lin. Ft.			
6) Other Shoulder Areas	\$950 Min.	N/A		
7) Sidewalks	\$950 Min.	1-SW \$950 3 ramps \$1500	2,450	1,225
8) Driveways	\$950 Min.	N/A	950	475
9) County ROW (Storage of Materials, etc.)	\$950 Min.	N/A		
10) Moving Buildings over Co. Roads	\$1940 Min.	N/A		
11) Installation of Traffic Signals & Assoc. Equip.	\$950 Min. Access Cabinet	1 Signal, 3 Ped	2,950	1,475
12) Traffic Control Items (Pavement Markings, etc.)	\$415/per (\$950 Min.)	\$415 x 23	9,545	4,772.50
13) Traffic Control Items (Traffic Det. Loops)	\$2950/per x4	N/A	11,800	5,900
14) Other Related Work*	\$750 Min. 2 Catch Basins	N/A	1,000	500
15) Utility Co.	To Follow Above Schedule	To Follow Above Schedule		\$480 Fee
16) Private Home	To Follow Above Schedule	To Follow Above Schedule		\$51 Fee
Subtotals			31,125	\$15,562.50
Deposit & Fee Total				\$46,687.50

