

The Approval Process by Bruce G. Boncke, P.E., President

I want to warn you in advance, that the nature of this article is along the lines of 'don't shoot us, we're just the piano player.' There are a few old timers at BME and a few clients that can remember a time when it took longer and more money to design a project than it did to obtain the necessary approvals. Those days are long gone. Today, we spend approximately 75% of the calendar time on trying to obtain approvals and only 25% of the time physically designing a project. On a cost basis, obtaining outside agency approvals is now often 50% or more of the total planning and engineering costs. When someone looks for reasons why New York is considered a non-business friendly environment, I don't have to look any further than our approval procedures.

Our challenges are compounded by the euphoria our clients experience when they finally get that, long waited for, approval from the Planning Board. The question leaving the meeting is always the same; "when can I get a shovel in the ground?" The answer many years ago would have been a matter of weeks. Now, our answer is usually a combination of "we don't know" and "a few months." We all know how well those answers are received by a client from a service provider! Of course, we always add in the usual caveats: Agency (A) has a three-month backlog in their reviews (because they have been understaffed for about 30 years); Agency (B) is in the process of changing policies on some issues and we don't know which way they want us to go on design; Agency (C) reviewed the project with the SEQR Coordinated Review, but made no technical comments and we expect, as they always do, they will when the permit application is filed; Agency (D) gave us review comments and we have answered all of them, but they typically come up with a complete new list when we resubmit the plans; and Agency (E) lost our submission package and we will have to send it again. You get the picture!

We feel we apply a high level of design and diligence in our projects and hope that our clients and the approval agencies would agree. However, there is some irony in the challenges we face. In the design process, we will likely have about five technicians, with various skills, involved in creating your project and the approval applications. However, throughout the approval process, there will likely be about 40 outside agency related people that will review, and often second-guess, the design. Every time one of these 40 people go to a seminar or see something on a television news magazine show, there seems to be another idea they want to impose in the approval process. This number obviously excludes the indeterminant number of people in the vicinity of the project who will oppose it and influence the approval agencies. The irony is the fact that, although the level of design and environmental protection has improved over the years, the odds of obtaining time and cost-sensitive approvals are against us, with these numbers.

Having stated the obvious, I want to conclude with a few items we are doing to give our clients some better answers on the approval process:

1. This past fall, we met individually with most of the approval agencies, specifically to express our concerns and determine if there is anything we, or they, can do differently to improve the process. We found some common ground and have trained our people accordingly.
2. We have in place a project tracking system that identifies the routing of a project's submissions, agency review status, our response dates and approval dates. Unfortunately, many agencies lose track of how long a project has been in their hands and, in some cases, even lose the submission package. We have found our tracking system often helps bring the submission back in focus.
3. We remain very involved with the local and state Home Builders Association and pro-actively meet with Communities and Agencies on a "trade association" basis.
4. We have chosen to be very pro-active in working with NYSDEC on the Phase II stormwater compliance issues. These regulations have quickly become the most costly agency related construction burden on most developers.

We welcome any further suggestions on how we may better influence and improve the outside agency approval process.