Division of Land Use Regulation

Recommendations for Program Improvements to Increase Staff Efficiency
May 2008

ADMINISTRATIVE CHANGES

Staffing & Personnel Issues

1. Staff needed to make programmatic improvements is the same staff processing permits. Due to inadequate staff to process existing permits, programmatic improvements are difficult to complete efficiently with existing staff. The lack of staffing does not allow the Division to look at innovative ideas and upgrading existing electronic information that is out dated and sometimes incorrect. Ex. Other much smaller programs have more personnel assigned to NJEMS maintenance than DLUR.

   Recommendation: Hire or transfer additional DEP staff or contract with outside entities to take on permit review so that those familiar with internal processes can make needed process improvements. Process improvement staff could focus on the following: web site update and maintenance, electronic reporting, GIS Mapping layer integration, bulletin fixes, SOP development and rule writing, NJEMS maintenance (standard permit condition library, Letter builder, Projects, etc.)

2. The Division has lost several professional staff at various levels due to our inability to provide promotional opportunities. This is evidenced by conducting exit interviews and thorough discussions with staff prior to their decision to leave state service. This problem has increased turnover in staff at all levels and has severely impacted morale of remaining staff many of whom are performing at a level significantly above their current titles.

   Recommendation: Provide promotional opportunities and appropriate salaries to retain qualified staff and senior staff.

3. Often hiring freezes, surges in permit activity or special assignments result in overloading existing staff beyond their ability to efficiently and effectively manage their workload. We also recognize the budget constraints the state is in at this time.

   Recommendation: Develop contracts for state agencies to hire outside consultants to assist in permit review similar to the success achieved by the air permit programs.

4. Attrition and low salaries lead to loss of staff at a rate of approximately two per month. Without the ability to back fill these losses in a timely fashion permit time frames are lengthen significantly**.**

Recommendation: Allow fee supported programs to maintain a base FTE level through backfilling of vacancies commensurate with fee revenue generated.

5. Due to hiring freeze the Division has hired clerical staff via private Temp Agencies. These personnel are transient and must be retrained each time a replacement is assigned.

   Recommendation: Hire full time clerical support so programs do not need to rely on temp agencies for support.

6. When staff is replaced, new hires have less experience and a significant amount of time and effort is required for training. The training is performed by the more senior staff which means they are also doing less work.

   Recommendation: Provide succession training when it is known an employee is leaving by hiring a replacement before the staff person and their expertise is lost. Provide standard training for all new employees.

Information Technology Issues

7. Many computers used by staff do not have sufficient memory to operate GIS CAD or other systems that would help to automate permit review. Spending freezes and the administrative process have compounded the problem.

   Recommendation: Provide adequate funding and a process to allow for the purchase of state of the art computer systems to allow use of GIS by all permit staff and the use of CAD for appropriate staff.

8. Existing computer operations need to be more user friendly and more efficient. Often staff enters data multiple times for combined permit decisions. This requires professionals to perform data entry and clerical functions when they could be reviewing permits. This problem has been evaluated numerous time internally. With inconsistent application requirements, inconsistent review criteria and inconsistent review times, having a computer system automate some of these functions is extremely challenging.

   Recommendation: Upgrades to the NJEMS system is possible, but to do it effectively would require some consistency of applications and reviews. See Item #1 under Statutory Changes.

9. E-Permitting is in the development stage and could assist in more efficient processing of permit applications. Evaluate all existing individual permit, general permit, transition area waivers and letters of interpretation applications and determine which should be allowed to be applied for online. This will reduce data entry and accelerate revenue processing. Those applications; not eligible for automated processing, will still be required to submit reports, maps, proof of notice and site plans. The applicant would benefit by having a known

set of standards and a known timeframe for approval. The automated approvals would need changes to the existing rules

Recommendation: Fully fund and develop electronic permitting. See attached proposal titled *'Land Use Permits Recommended for E-Permitting'*

10. Mapping used by staff is not all available digitally. The use of paper maps located in various places is inefficient. Generally, the scanning of maps and digitalizing documents is the responsibility of individual programs.

    Recommendation: Digitize all mapping used to review permit applications and make it available to staff via GIS or other efficient tool. This would require both staff time and monies as an outside contractor would need to be hired to perform the work.

11. A better system to track "old" applications is needed. Staff spends considerable amount of time researching databases.

    Recommendation: Transferring old databases to NJEMS is recommended. A system using state plane coordinates in a GIS database was also suggested.

12. Ask for PDF files for all major applications. Consultants could make changes to their compliance statements/plans and send them to us via internet. This would alleviate the issues of mailing large documents back and forth.

Staff Support Issues

13. In order to conduct site visits to efficiently process permits staff require proper equipment. This includes safety equipment as well as reliable state vehicles.

    Recommendation: Fund needed equipment purchases to enable staff to function effectively. In addition, allow users remote access to NJEMS so inspectors can spend more time in the field. This can be done via lap top or home PC at a minimal cost.

14. Recent changes to digital phone lines have given staff desk #'s to consultants thereby defeating the purpose and efficiency of the call center.

    Recommendation: Central Services should be asked to resolve this situation. Also, get new phones for staff with caller id.

Review Process Issues

15. Applicants with limited knowledge often submit inadequate material for review.

    Recommendation: Provide additional education and outreach programs throughout the State at the County and Township level to encourage local participation. While the Division already does some of this, the time allotted does not correspond with the need.

16. Standard certified calculation checklist forms and standardized SOPs are needed to ensure consistency and efficiency in the review of all Land Use rules. Due to reduction in staff and heavy workloads, time and staff are not available to develop these needed certified checklists and SOPs. DLUR should solicit the consulting community for input.

    Recommendation: Dedicated staff is needed to prepare these checklists and SOPs for all Land Use programs

17. Applications are submitted that are incomplete and must be sent back to the applicant. An even greater number of applications require significant revisions during the technical review period. This constant back and forth with consultants, results in slower processing times for all applications. While the Division can and is taking some steps internally to address this situation, there should be a legal way to hold consultants accountable for the quality of their work.

    Recommendation: The Division should be allowed to rate the performance of consultants and develop a qualitative rating system. In order to facilitate such actions, legal cover or even legislation may be required. In addition, as much time and effort was put into application review, the fee should be non-refundable if rejected. Cancellations and withdrawals could be pro-rated at half price as partial reviews took place.

18. Develop an "Environmental Permitting Plan" template and put it on our website. Applicants would be required to use this format for all applications. This would standardize our plan review.

    Recommendation: The Department should clearly set the 'minimum' standard for what needs to be in plans.

STATUORY CHANGES

1. The various permit programs administered by the Division are governed by different administrative rules and procedures which have been adopted over the decades. This causes confusion for the public and prevents implementation of efficiencies in administrative processing of permits.

    Recommendation: Revise 90 day law, FWPA and CAFRA to provide one review procedure for CAFRA, Waterfront Development, Wetlands 1970, Flood Hazard Area Control Act, Freshwater Wetlands protection Act. Include uniform application requirement (including public notice requirements), review criteria and review time frames. Graduated review timeframes based on permit complexity should be included. Or consider adopting one Land Use Statute that encompasses all laws.

2. A specific project activity (i.e.: utility crossing, bank stabilization, outfall structure, etc.) will require multiple permits for compliance with the different applicable Regulatory Acts.

   Recommendation: Consolidate review to issue one blanket permit, consolidate the requirements to address all applicable regulatory standards. Require that an applicant bundle their permit applications together. DLUR would issue one all inclusive permit. Further, if an applicant came in with a permit applicant and DLUR notes the need for another permit type, DLUR could hold the application until all other needed permits are applied for.

3. Highlands permits are complex permit reviews that combine several Dept. permits some of which are not within this Division. The decisions will also relate to the Highlands Master Plan and the Highland Council's decisions as the master plan becomes final.

   Recommendation: Consider having the Highlands Commission issue Highlands Permits.

4. Land Use statutes provide buffers for wetlands, T&E species, C-1 Waters, Riparian Zones etc. The width of the buffers is different and many times overlap on the same site. The standards for working in these buffers are also different. It would be more efficient to have standard buffer widths and criteria for working in the buffers since each protects valuable natural resources.

   Recommendation: Define one consistent buffer for wetlands, C-1 waters, riparian corridors, and one set of standards for construction in those buffers.

5. Vernal habitats are protected inconsistently through several Land Use regulations – Freshwater Wetlands, Highlands, Coastal

   Recommendation: Adopt uniform standards for regulation of vernal habitats regardless of which Statute it applies to.

6. There have been many scientific advances in the wetland mitigation field over the last 20 years. State and Federal rules outline specific criteria for success of wetland mitigation projects. There are a limited number of Freshwater Wetland Mitigation Council meetings (6/year) and those that occur frequently lack of a quorum. The Department supports the council with both DLUR staff and a DAG. The Council infrequently challenges the Department decision.

   Recommendation: Change the Freshawater Wetlands Statute to eliminate the Wetlands Mitigation Council because the staff effort involved to support the council is significant and redundant with reviews performed by the Division. If not eliminated all together, at least minimize the meetings and if no quorum, the Department decision would stand.

7. Methods for calculating fees for the various land use statutes are based on many different factors. Often multiple fees are required for the same site due to the need for multiple permits. Many of the initial administrative deficiencies are related to improper fee calculations being made.

   Recommendation: Standardize fees across the various Division of Land Use Regulation statutes. In addition, as much time and effort was put into application review, the fee should be non-refundable if rejected. Cancellations and withdrawals could be pro-rated at half price as partial reviews took place.

8. Several years ago NJAC 7:1L was adopted allowing applicants with fees over $1,000.00 to pay permit fees in 3 installments. This creates an additional administrative burden for review staff since payments are due based on permit processing milestones.

   Recommendation: Eliminate the rule Payment Schedule for Permit Application Fees NJAC 7:1L. This causes confusion for staff and applicants and requires DEP to chase payments.

REGULATORY CHANGES

1. More flexibility is needed in redevelopment areas to relocate degraded streams, reduce buffers and provide enhancements to stream corridors and buffers to offset impacts.

   Recommendation: Establish standards for approval in redevelopment areas that are different than other areas.

2. Administrative rules sunset every 5 years. As rules are readopted they change causing consultants and staff to become familiar with new rules. This leads to incomplete and deficient application packages. Also, readopting rules is a difficult administrative process, requiring significant amounts of staff and management effort. Land Use has at least 6 major rules governing permits in the Division.

   Recommendation: Change the Administrative Procedures, sunsetting rules to require re-adoption every 10 years instead of 5.

3. DCA and DEP regulate development in the state.

   Recommendation: Resolve redundancies and conflicts between DCA and DEP regarding standards in the Coastal Zone Management Rules and Flood Hazard Area Control Act Rules. (Low floor elevations, acceptable uses of crawl spaces, electrical and mechanical equipment locations, etc).

4. Some Land Use rules include standards that require a rule to be met “to the maximum extent practicable”. They also encourage or discourage development. These terms lead to negotiations during the permit review due to differing

perspectives of the development community, environmental community and Division staff.

Recommendation: Develop rules and in the interim policy directives that are more prescriptive to provide more predictable decisions.

5. Administrative and processing requirements need to be consistent for all rules. This is the same issue as Item #1 under Statutory Changes.

   Recommendation: Include uniform application requirement (including public notice requirements), review criteria and review time frames. Graduated review timeframes based on permit complexity should be included. Or consider adopting one Land Use Statute regulation that encompasses all rules.

6. Site plans, surveys and plans have different meanings and requirements. All Department applications for non-construction activities should require a Survey prepared by a Land Surveyor or engineer. All permits for construction activities should require a Site Plan signed and sealed by the person drawing the map. Engineers, Architects or Land Surveyors would be acceptable to create a site plan.

   Recommendation: The Department should clearly set the 'minimum' standard for what needs to be in plans.