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Clarification on . . .

DESIGN OPTIONS

In the Residential Site Improvement Standards

The Site Improvement Advisory Board was asked whether a municipality may limit design options in the Residential Site Improvement Standards (RSIS). For example, the RSIS contains a hierarchy of streets, one of which is a cul-de-sac. Can a municipality prohibit the use of a particular option in the RSIS? Can it adopt an ordinance that bans cul-de-sacs in residential developments? The answer is no.

Design options, for the most part, are choices for licensed design professionals, not the municipal reviewing authority. There are exceptions and these are specified in the RSIS. For example, designers may choose from among reinforced concrete, ductile iron, or corrugated polyethylene as acceptable materials for storm sewers. Designers also may use corrugated metal pipe, but only with the approval of the municipality [see N.J.A.C. 5:21-7.3(h)].

N.J.A.C. 5:21-4.1-5 establishes standards for various residential streets. These include special-purpose streets, one of which is a cul-de-sac. Municipalities may not adopt ordinances that limit options allowed by the RSIS. The RSIS replaces all local residential site improvement ordinances. Local residential site improvement ordinances are "deemed to have been repealed and of no further force or effect" [see N.J.A.C. 5:21-1.10(a)].

Similarly, the RSIS incorporates standards for detention basins, retention ponds, and other stormwater devices from the 2004 edition of the New Jersey Department of Environmental Protection's (DEP's) Best Management Practices Manual. N.J.A.C. 5:21-7.1(g) specifies "Where more than one design or method may be used to comply with the rules, choices among design options . . . shall rest with the design engineer." Municipalities may expect and require retention ponds to be regularly maintained and built according to accepted standards for safety and performance, but they cannot adopt an ordinance that bans them from the list of acceptable stormwater control devices in residential developments.

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