

UNIFORM CONSTRUCTION CODE ADVISORY BOARD
Minutes of Meeting, April 14, 2023
Meeting held Electronically via Microsoft Teams

Attendance

Board Members

Beth Pochtar, Chair	Bob Mellohusky
Tony Neibert, Vice Chair	Greg Moten
Charles Baldanza	Michael Seeve
Doug Boydston	Bill Tevald
John Del Colle	Valerie Waricka
John Heine (for Steve Rodzinak)	Michelle Wood
Kathy Herity	
Art Londensky	

DCA Staff

Edward Smith, Director, Division of Codes and Standards	Keith Makai
Toritseju Agbeyegbe	Adam Matthews
Scott Borsos	Anthony Menafro
Joseph Chiusano	Ian Rayfield
Marie Daniels	Chrystene Wyluda

Public Attendees

Public attendees joined using a registration link, and only those who registered and announced themselves will be listed herein.

Ms. Beth Pochtar, Chair, called the meeting to order at 9:32 a.m.

A. Approval of Minutes of the Code Advisory Board Meeting February 10, 2023

Ms. Michelle Wood made a motion, which was seconded by Mr. Art Londensky, to approve the minutes. The motion carried unanimously.

B. Subcode Committee Reports

Barrier Free Subcode Committee – Mr. John Del Colle reported that the Committee met and discussed the agenda and other items.

Building Subcode Committee – Ms. Michelle Wood reported that the Committee met and discussed the agenda and other items.

Electrical Subcode Committee – Mr. Tony Neibert reported that no meeting was held.

Elevator Subcode Committee – Mr. Doug Boydston reported that the Committee met and discussed the agenda and other items.

Fire Protection Subcode Committee – Mr. Art Londensky reported that the Committee met and discussed agenda and other items.

CAB MINUTES

April 14, 2023

Mechanical/Energy Subcode Committee – Mr. Bob Mellohusky reported that the Committee met and discussed the agenda and other items.

Plumbing Subcode Committee – Mr. John Heine reported that the Committee met and discussed the agenda and other items.

C. Old Business

1. Draft Rule, Supplemental Private On-Site Inspection Agencies P.L.2022, c.139 – N.J.A.C. 5:23-2 and 4 Revisions.

Ms. Marie Daniels introduced this item for further discussion. In the previous Code Advisory Board meeting, the proposal was given to the Subcode Committees for review and comment. The Barrier Free Subcode Committee stated that rule does not address low staffing issues in municipal construction offices and that the additional paperwork will make the burden on those offices worse. The Building Subcode Committee stated that the rule raises concerns of unfamiliar inspectors performing work, does not adequately establish reimbursement stipulations, and questioned the exemption of Department of Community Affairs local municipalities from the rules. Additionally, the Committee noted that these rules will only help a small number of larger developers and would lead to an exodus of inspectors from municipalities to private supplemental inspection agencies. The Electrical Subcode Committee stated that the root cause for missed inspection deadlines is the inability for municipalities to follow UCC guidelines concerning the allocation of construction office generated income. The Elevator Subcode Committee noted that the rules will make retaining qualified inspectors more difficult and that there are considerable fee structure issues that are not addressed. The Fire Protection Subcode Committee agreed with many of the same comments and voted to change the minor work requirement from 30 to 15 days. The Mechanical Energy Subcode Committee agreed with the other committee comments and stated that municipalities should be able to set guidelines when signing a Certificate of Occupancy for a supplemental private inspection. The Plumbing Subcode Committee noted they had similar concerns as the other committees, they also questioned how to properly value an inspection and if there is an incentive for the private inspection agency to fail an inspection. In addition, they proposed changing minor work requirements from 30 days to 10 days.

Further discussion centered predominately on the financial issues surrounding the proposed rules, such as fees and reimbursement. Many board members stated that language on fees and reimbursement needs extensive work. Mr. Art Londensky noted that this will possibly change the revenue stream for municipalities, and they may in turn need to raise fees. Mr. Tony Neibert noted the UCC regulation (N.J.A.C. 5:23-4.17(c)2) concerning revenue generated from inspections is required to fund the construction office and many municipalities are using this revenue for other purposes. Ms. Michelle Wood stated that a dedication by rider pursuant to the requirements of the Uniform Construction Code is necessary. Board members stated that if all municipalities were required to comply with 5:23-4.17(c)2 and utilize a dedication by rider, there would be no issues in ensuring timely inspections.

Board members also expressed concern with the requirement to allow the owner to choose between the municipality or the private on-site inspection agency for the remainder of the project after the first missed inspection and felt that this could lead to a situation where municipalities must reimburse entire projects even if they would have been able to perform all other inspections on time but faced one unexpected delay. The Board requested that language be added to ensure that after a missed inspection, the project first goes back to the municipality.

CAB MINUTES

April 14, 2023

Ms. Michelle Wood made a motion, which was seconded by Mr. Tony Neibert to deny the proposal until rewritten. The motion carried 11 in favor, 1 opposed.

2. Bulletin 13-1A – Elevating Existing Homes – Revision

Ms. Michelle Wood stated that the Building Subcode Committee approves the bulletin as written. Mr. Greg Moten noted that he approved the bulletin, however, the companion text in the regulations does not define, “addition.” Ms. Marie Daniels noted that this can be changed after review.

Mr. Art Londensky made a motion, which was seconded by Mr. Greg Moten to approve the bulletin. The motion carried unanimously.

3. Electronic permitting – N.J.A.C. 5:23-2.15, 2.15A, 2.15B, 4.5, 4.12, 4.14, and 4.22

The Board noted that every committee is in favor of the draft rules. Ms. Michelle Wood questioned if end user training can be provided and if there will be a surcharge fee for the use of credit cards on the electronic permitting portal. Mr. Anthony Menafrò requested and was granted approval to share the draft rules with the various licensing boards. Mr. Bob Mellohusky agrees with the convenience of the electronic system but does not believe there should be a surcharge. Ms. Valerie Waricka questioned if municipalities will have to remit to the Department if they use their own software, Ms. Marie Daniels stated that she will look this up and confirm. In addition, Ms. Michelle Wood and Ms. Valerie Waricka noted spelling errors in the draft rules on page 8 and 12.

Further discussion centered on security of the electronic seal. Ms. Beth Pochtar stated that they need a list of trustworthy third party programs/companies to lock plans and seals.

Ms. Valerie Waricka made a motion, which was seconded by Mr. Art Londensky to approve the proposal with suggested changes. The motion carried unanimously.

D. New Business

1. Draft Rule, Responsibilities Correction – N.J.A.C. 5:23-3.4

Ms. Marie Daniels introduced this item, which amends the UCC to consolidate inspection responsibilities. Specifically, the proposal allows for an electrical inspector to check if solar panel roof pathways are appropriately sized based on the approved locations via the plan review. In addition, this proposal amends two sections that refer to the National Electrical Code, which fall into differing responsibilities. The proposal will add electrical to the responsibility to align both of these sections.

Mr. Tony Neibert made a motion, which was seconded by Mr. Art Londensky to approve the proposal. The motion carried unanimously.

2. Draft Rule, IBC and IRC Corrections – N.J.A.C. 5:23-3.14 and 3.2

Ms. Marie Daniels introduced this proposal that concerns window well and foundation drains in the UCC. The proposal correlates similar provisions in the International Residential Code/International Building Code, as the foundation drain may relate to a potential installation of a window well and the applicable sections of the National Standard Plumbing Code.

CAB MINUTES

April 14, 2023

Ms. Michelle Wood made a motion, which was seconded by Mr. Art Londensky to approve the proposal. The motion carried unanimously.

E. Information

1. CAB Tentative Meeting Dates 2023 – 06/09; 08/11; 10/13 and 12/08
2. CAB Log
3. List of Pending Legislation
4. Form 150, elevator – Update per N.J.A.C. 5:23-2.15(b)9 on 03/20/2023

F. Public Comments

Dennis Bettler, on the proposed Private Supplemental Inspection rules, noted agreement with the Board's comments. Concerning the Electronic Permitting discussion, the commenter stated that Bernards Township is ready to proceed with the program and requirements.

Jeffrey Heiss, on the proposed Private Supplemental Inspection rules, agrees with the Board's comments and hopes that additional changes will be made to help municipal officials.

John Medina, on the proposed Electronic Permitting rules, asked if the surcharge for value of work has been kept in the rules. This was confirmed to still be in the rules by Ms. Marie Daniels

Jenn Newton, on the proposed Private Supplemental Inspection rules, asked if the municipality is capable of performing an inspection in a timely manner, would they be able to deny the private inspection agency. Additionally, they asked if this was only at the time of submission of planning documents or at any point of the process. Ms. Marie Daniels confirmed that the municipality can deny the private supplemental inspection agency and that the applicant can only request for a private on-site inspection agency to perform inspections for the entire project during the planning stages of the project.

Daniel O'Gorman, on the proposed Private Supplemental Inspection rules, noted that the rules would be a positive change, as salaries and local staffing would increase.

Ken Rogers, on the proposed Private Supplemental Inspection rules, noted their agreement with the Board's comments. Additionally, they asked if the developer were to use a private supplemental inspection agency due to a municipality missing the inspection deadline, would the private agency be able to take up inspection responsibility for the entire project. Ms. Marie Daniels responded that it would depend on the contractor. Mr. Ken Rogers suggested that the rules should be amended to bar the private supplemental inspection agency from receiving the entire project. Lastly, Mr. Rogers noted that the central issue is the lack of enforcement of N.J.A.C. 5:23-4.17(c) and that municipalities are resistant to change as they will lose a source of additional funding for other offices by following the regulation.

G. Adjourn

Mr. Tony Neibert made a motion, which was seconded by Mr. Art Londensky, to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 11:02 a.m.