UNIFORM CONSTRUCTION CODE ADVISORY BOARD
Minutes of Meeting, December 13, 2013
Location
101 South Broad Street
Trenton, New Jersey 08625

Attendance
Board Members

Beth Pochtar, Chair
John Scialla, Vice Chair
Mark Caputo
John DelColle
John Fritzen
George Hrin
Jason Kliwinski
Arthur Londensky
Gregory Moten
Alexander Tucciarone
Alan Wilkins

DCA Staff

Edward M. Smith, Director, Division of Codes and Standards
Emily Templeton, Code Development Unit
John Terry, Code Assistance Unit
Mitchell Malec, Office of Local Code Enforcement
Louis Mraw, Office of Regulatory Affairs
Robert Austin, Code Assistance Unit
Tom Pitcherello, Code Assistance Unit
Darren Port, Code Assistance Unit
Michael Whalen, Code Assistance Unit

Guests

Elaine Adair, Technical Assistant Student
Pamela Castle, Technical Assistant Student
Celeste Colaiocco, Technical Assistant Student
Bill Doolittle, New Jersey Building Officials Association
Samantha Dwelle, Technical Assistant Student
Steve Gluck, Municipal Code Officials Association (MUNCO)
Bob La Costa, New Jersey Building Officials Association
Tom Pinand, New Jersey Building Officials Association
Brenda Sirkis, West Windsor Township
Michelle Wood, BPMIA
Jim Zaconie, New Jersey Building Officials Association

Ms. Beth Pochtar, Chair of the Uniform Construction Code Advisory Board (CAB), called the meeting to order at 9:30 a.m.

A. Approval of Minutes of the Code Advisory Board Meeting of June 14, 2013
Mr. Arthur Londensky made a motion, which was seconded by Mr. Greg Moten, to approve the minutes without change. The motion carried unanimously.

Ms. Beth Pochtar, Chair, announced that, in recognition of the building officials who came to present comments on Old Business Item C1, Ordinary Maintenance and Minor Work-Exterior Siding and Roofing (N.J.A.C. 5:23-2.7, 2.17A), the reports from the chairs of the Subcode Committees would be held pending a discussion of Old Business item C1.

C1. Ordinary Maintenance and Minor Work-Exterior Siding and Roofing (N.J.A.C. 5:23-2.7, 2.17A),

Summary of Agenda Item: At the June 14, 2013 meeting, Mr. Lou Mraw framed this issue. This rule amendment is a direct result of actions taken following Superstorm Sandy. Following Superstorm Sandy, the requirement for permits and inspections for interior finish, roofing and siding were suspended to facilitate the recovery. This rule amendment would codify that action by removing the permit requirement.
Subcode Committee Referral: This draft rule was referred to the Building Subcode Committee for review and comment.
In advance of the Board discussion, Chair Beth Pochtar yielded the floor to the members of the public who had come to speak on this issue.
Public Comments: One building official presented multiple reasons that a permit and inspections should continue to be required for roofing and exterior siding, including: (1) permits and inspections protect homeowners from unscrupulous contractors by checking the contractor registration and the contractor's work; (2) an ice dam membrane is required in Sussex County, but not in other counties, so code enforcement officials in Sussex County ensure compliance with this additional, critical requirement; (3) if there is no permit, there will be no inspection for compliance with structural loads in materials and methods, (N.J.A.C. 5:23-6.8) Rehabilitation Subcode; (4); if there is no permit, there will be no inspection for compliance with the reroofing requirements at N.J.A.C. 5:23-6.4(e), Rehabilitation Subcode; (5) Materials and Methods in the Rehabilitation Subcode references the building subcode, chapter 7, wall coverings; the inspection ensures that the siding complies; (6) Bad contractors substitute caulking for flashing, which is found upon inspection. Another building official commented that inspecting this kind of work gives an opportunity to see if other structural changes have been made. A third building official commented on an inspection in which the siding had been installed over the heating vent. A fourth building official pointed out that although good contractors could do work without oversight, the bad and the ugly contractors require inspection. Without inspections the homeowners have no immediate protection. The building officials agreed that the change to suspend the permit requirement to facilitate recovery from Superstorm Sandy was a good idea, but they cautioned that no one knows now whether there are problems from that suspension. No one knows if the work was good or not.
Board Discussion: The Board was referred to the minutes of the July 26, 2013 Building Subcode Committee meeting summarizing the Committee's discussion of this agenda item. The same issues and concerns that were expressed by the building officials in attendance at this Board meeting were reflected in the Committee discussion. A brief Board discussion ensued.

Mr. Arthur Londensky made a motion, which was seconded by Mr. Jason Kliwinski, to deny approval of this draft rule amendment. The motion carried unanimously.

B. Subcode Committee Reports

Barrier Free Subcode Committee: Mr. John DelColle, Chair, reported that the Barrier free Subcode Committee did not meet.

Building Subcode Committee: Mr. John Scialla, Chair, reported that the Building Subcode Committee met on July 26; agenda items were discussed. One non-agenda item was also discussed. The committee discussed the guidance document on protection of adjoining properties relative to the elevation of homes. The Committee members agreed with the guidance and, because the guidance has been published, there was no additional action required by the Committee.

Electrical Subcode Committee: Mr. Alan Wilkins, Chair, reported that the Electrical Subcode Committee did not meet.

Elevator Subcode Committee: Mr. George Hrin, Chair, reported that the Elevator Subcode Committee did not meet.

Fire Protection Subcode Committee: Mr. Arthur Londensky, Chair, reported that the Fire Protection Subcode Committee did not meet.

Mechanical/Energy Subcodes Committee: Mr. John Fritzen, Chair, reported that the Mechanical/Energy Subcodes did not meet.

Plumbing Subcode Committee: Mr. Alex Tucciarone, Chair, reported that the Plumbing Subcode Committee did not meet.

C. Old Business

2. Draft Revised Bulletin: Seismic Hazard Maps Revised

Summary of Agenda Item: At the June 14, 2013 meeting, the Board was informed that the draft revised bulletin provides a larger map for easier reading of the seismic contour lines; it also includes a web-based application. The more precise web-based application tool may be used in lieu of the actual seismic maps to determine seismic design category.

Subcode Committee Referral: The draft revised bulletin was referred to the Building Subcode Committee for review and comment.

Updated Summary of Agenda Item: At the December 13, 2013 Code Advisory Board meeting, Mr. John Terry provided a status report on the rule proposal to adopt the 2012 national model codes. The rule proposal was referred to the Governor's Office in March 2013. Staff in the Governor's Counsel's Office asked several questions and Division staff responded. To date, the rule has not been released for publication. The Uniform Construction Code (UCC) Act provides for the adoption of a national model code every three years. Because of the three-year cycle, proposing the 2012 codes at this time would delay all subsequent national model code adoptions. Therefore, the Department is planning to prepare a proposal to adopt the 2015 national model

codes as soon as copies become available. Because of these unusual circumstances, the draft bulletin on seismic hazards has been revised to include updated information; examples based on the 2012 national model codes have been revised so that only examples from the 2009 national model codes are included. The revised draft bulletin was sent to the Building Subcode Committee for review.

Board Discussion: The Building Subcode Committee recommended approval of the revised draft bulletin.

Mr. Alex Tucciarone made a motion, which was seconded by Mr. Greg Moten, to approve the revised draft bulletin. The motion carried unanimously.

D. New Business

1. Draft Bulletin 03-4: Wind Maps Revised

Summary of Agenda Item: The draft bulletin on wind maps has been revised to include updated information; examples based on the 2012 national model codes have been revised so that only examples from the 2009 national model codes are included. One staff member pointed out this this map is posted on the Division's web site.

Mr. Alex Tucciarone made a motion, which was seconded by Mr. Arthur Londensky, to approve the revised draft bulletin. The motion carried unanimously.

2. Draft Rule (N.J.A.C. 5:23-3.11A) and Draft Revised Bulletin (00-3): Educational Facilities

Summary of Agenda Item: The attached draft rule revision and revision of Bulletin 00-3 proposes a change in the process for review of plans for projects at schools. Prospectively, no Department of Community Affairs approval will be required for local review of plans for projects to be undertaken at schools. This would eliminate the use of Department of Education Form DOE-124. Local code enforcement agencies that are classified at the appropriate level to review the project in question will be able to accept the project. Should a local code enforcement agency decline to perform plan review for a school project--or if a local enforcing agency is not appropriately classified, the project may be referred to another appropriately classified local code enforcement agency in a neighboring town or to the Department for review. Because of the added security requirements, plans and specifications for the construction of new schools will continue to be reviewed by the Department. Projects involving a change of use or an addition may be reviewed by a local enforcing agency classified at the appropriate level for the project. All Schools Development Authority (SDA) projects will continue to be reviewed by the Department.

Board Discussion: One Board member commented that it was sensible to allow an appropriately classified municipality to perform the plan review of a school. Local enforcing agencies deal with construction projects in other buildings just this way—if the municipality has the appropriate classification, it can review the project; if not, it can refer the project to another municipality, one that is appropriately classified, or to the Department.

Mr. John Scialla made a motion, which was seconded by Mr. Arthur Londensky, to approve the revised draft bulletin and the draft amended regulations. The motion carried unanimously

3. Draft Rule: Plan Review of Construction on Piers (N.J.A.C. 5:23-3.11)

Summary of Agenda Item: The draft rule would reserve to the Department the plan review of construction of piers and the foundation of Class 1 and Class 2 buildings constructed on piers because not every local enforcing agency has the capacity to perform the required structural analysis.

Subcode Committee Referral: This agenda item was sent to the Building Subcode Committee for review and discussion.

Board Discussion: In its discussion, the Building Subcode Committee pointed out that, by definition, the term "pier" could include a vertical column. The intent of this proposal is to deal with the piers over water, not the vertical column. The Building Subcode Committee recommended that a definition be included to clarify that the pier is over a body of water.

Mr. Alex Tucciarone made a motion, which was seconded by Mr. Alan Wilkins, to approve the draft rule as amended by discussion. The motion carried unanimously

4. Draft Bulletin: Residential Sprinklers-National Fire Protection Association (NFPA) 13D and International Residential Code (IRC) P2904.

Summary of Agenda Item: This draft bulletin provides guidance on allowing the construction of a three-story International Residential Code (IRC) structure when either a National Fire Protection Association (NFPA) 13D or International Residential Code (IRC) Section P2904 fire sprinkler system is installed.

Subcode Committee Referral: This draft bulletin is referred to the Building Subcode Committee, Fire Protection Subcode Committee, and Plumbing Subcode Committee.

5. Draft Bulletin: Use of National Fire Protection Association (NFPA) 14-Manual Wet Standpipes

Summary of Agenda Item: This draft bulletin provides guidance on allowing the installation of a NFPA 14, Class I, manual wet standpipe system in a building when either a NFPA 13 or 13R sprinkler system is installed. Currently, through modifications that were first made in the International Building Code (IBC)/2000 and carried forward in subsequent code adoptions. Section 905, residual water pressure is required at the topmost outlet when a Class I standpipe is allowed to be installed. This is an unintended consequence of the amendments. In the unamended International Building Code (IBC), manual wet standpipes are required to have the water pressure available only for the sprinkler system and are not required to supply the gallons per minutes (gpm) demand of the standpipe. Simply put, once the fire department arrives, it can tie into the fire department connection and supply the standpipe with the required pressure to meet the demand of the hose it brings to connect to the 2½ inch hose valves. The draft bulletin recommends granting a variation to allow the use of manual wet standpipes.

Subcode Committee Referral: This draft bulletin is referred to the Building Subcode Committee and the Fire Protection Subcode Committee.

6. Draft Rule: Mechanical Inspector (N.J.A.C. 5:23-3.4)

Summary of Agenda Item: This draft rule would designate the plumbing subcode official as the mechanical inspector in the absence of another designee.

Board Discussion: One Board member summarized the current requirement and the difference the rule would make, as follows. Currently the UCC allows a construction official to designate

an inspector as the mechanical inspector. If this rule is approved, this construction official could still designate a mechanical inspector, but if no mechanical inspector is designated, the plumbing subcode official would be designated as the mechanical inspector by default. Board members recognized that this would result in a decrease in fees paid by the permit applicant and collected by the municipality. There was general agreement that this rule is logical.

Mr. Alex Tucciarone made a motion, which was seconded by Mr. Jason Kliwinski, to approve the revised draft bulletin. The motion carried unanimously.

7. Draft Rule: Conflict of Interest-Adjacent Municipalities (N.J.A.C. 5:23-4.5(j))

Summary of Agenda Item: This draft rule would amend the conflict of interest provisions to delete "adjacent municipalities" thus limiting conflict to the munipality(ies) in which a code official is employed in code enforcement. Mr. Lou Mraw explained that since Superstorm Sandy there has been a problem finding enough code officials to provide assistance to the badly-hit municipalities. Municipal reliance on part-time code officials has complicated the issue by further limiting the pool of available code officials. A brief discussion ensued.

Mr. John Scialla made a motion, which was seconded by Mr. Alex Tucciarone, to approve the draft rule. The motion carried unanimously

E. Information

1. CAB Log: The updated Code Advisory Board activity log was included in the meeting packets.

2. List of Pending Legislation: A list of pending legislation on issues that impact construction and the Uniform Construction Code was included in the meeting packet

3. Revised Bulletin 98-3: Health Care Facilities

F. Public Comments

There were no comments from the public.

G. Adjourn

The meeting was adjourned at 10:50 a.m.

H. Executive Session

The Executive Session was adjourned at 11:15 a.m.

UNIFORM CONSTRUCTION CODE ADVISORY BOARD
Minutes of Meeting, June 14, 2013

Location
101 South Broad Street
Trenton, New Jersey 08625

Attendance

Board Members

Beth Pochtar, Chair
John Scialla, Vice Chair
Mark Caputo
John DelColle
John Fritzen
Jason Kliwinski
Arthur Londensky
Gregory Moten
Michael Seeve
James Sinclair
Alexander Tucciarone
Valerie Waricka
Alan Wilkins

DCA Staff

Edward M. Smith, Director, Division of Codes and Standards
Emily Templeton, Code Development Unit
Mitchell Malec, Office of Local Code Enforcement
Louis Mraw, Office of Regulatory Affairs
David Uhaze, Bureau of Construction Project Review
Robert Austin, Code Assistance Unit
Paulina Caploon, Bureau of Code Services
Tom Pitcherello, Code Assistance Unit
Darren Port, Code Assistance Unit
Michael Whalen, Code Assistance Unit

Guests

Sal DiCristina, Rutgers University, Facilities

Ms. Beth Pochtar, Chair of the Uniform Construction Code Advisory Board (CAB), called the meeting to order at 9:30 a.m.

A. Approval of Minutes of the Code Advisory Board Meeting of April 12, 2013

Mr. Alex Tucciarone made a motion, which was seconded by Dr. James Sinclair, to approve the minutes without change. The motion carried unanimously.

B. Subcode Committee Reports

Barrier Free Subcode Committee: Mr. John DelColle, Chair, reported that the Barrier free Subcode Committee met on June 7. Agenda items were discussed and the Barrier Free Subcode Committee continued its review of the International Code Council/American National Standards Institute (ICC/ANSI) A117.1-2003 and the Americans with Disabilities Act Accessibility Guidelines (ADAAG)/2010.

Building Subcode Committee: Mr. John Scialla, Chair, reported that the Building Subcode Committee met on May 31; agenda items were discussed.

Electrical Subcode Committee: Mr. Alan Wilkins, Chair, reported that the Electrical Subcode Committee met on May 21; agenda and non-agenda items were discussed. In addition to the agenda items, grounding and bonding and access lifts for public swimming pools were discussed.

Elevator Subcode Committee: Mr. George Hrin, Chair, reported that the Elevator Subcode Committee held a teleconference meeting on June 7; agenda items were discussed.

Fire Protection Subcode Committee: Mr. Arthur Londensky, Chair, reported that the Fire Protection Subcode Committee held a meeting on May 9 in which agenda items were discussed. In addition to the agenda items, the Fire Protection Subcode Committee discussed whether a permit is required to install a portable fire extinguisher for a special hazard use. Currently, a permit is required; the Fire Protection Subcode Committee recommended that the Department consider making this ordinary maintenance.

Mechanical/Energy Subcodes Committee: Mr. John Fritzen, Chair, reported that the Mechanical/Energy Subcodes met on May 23; agenda items were discussed.

Plumbing Subcode Committee: Mr. Alex Tucciarone, Chair, reported that the Plumbing Subcode Committee met and discussed agenda and non-agenda items. Mr. Tucciarone reminded the Board that the National Standard Plumbing Code (NSPC) Code Change hearings are scheduled for Atlantic City on June 25.

C. Old Business

1. Draft Rule: Rehabilitation Subcode Update (N.J.A.C. 5:23-6)

At the April 12 Code Advisory Board meeting, Mr. John Terry explained that the draft rule contains the changes to the Rehabilitation Subcode that result from the adoption of the 2012 national model codes. This rule was referred to all Committees for review.

Mr. John Del Colle, Chair, Barrier Free Subcode Committee, reported that in its review of the Rehabilitation Subcode, one Committee member raised a question about whether there is a need for an owner of a bed and breakfast (B&B) to live within 15 minutes of the B&B. That Committee member thought that the purpose of a B&B was that it be owner-occupied and that allowing the owner to live off-site would means that the business is actually a small hotel.

In response, one Board member noted that the 15 minute requirement came from the Uniform Fire Code (UFC) and the inclusion in the Rehabilitation Subcode must have been made

for consistency. There was generalized agreement among the Board members that this provision is not enforceable.

Mr. John Scialla, Chair, Building Subcode Committee, reported that the Building Subcode Committee raised the following issues:

- With regard to the amendments at N.J.A.C. 5:23-6.8(e)1 and N.J.A.C. 5:23-6.8(h)10, the Building Subcode Committee discussed the replacement of equipment in a room without combustion air. The Committee members asked Department staff to consider the following: Can an older edition of a fuel gas or mechanical code be referenced? Can the actual combustion air requirements be added to Materials and Methods? There was concern regarding existing installations that do not comply with the code for any number of reasons, such as work without a permit.
- At N.J.A.C. 5:23-6.25(b)1iii and iv, "clear" opening is not consistent with terminology used throughout the Rehabilitation Subcode.
- All of N.J.A.C. 5:23-6.29(b) should to be amended because the existing text only addresses the floor/ ceiling. With that said, the Committee discussed the whether separation and alarms should be required in dwellings side-by-side to non-residential occupancies. The committee requests that this amendment be deleted.
- N.J.A.C. 5:23-6.31(a)4, the committee recommended that guidance be developed explaining or emphasizing that the approval for removal is based on the code requirement for the equipment; it is not based on a personal desire to have the equipment remain.

Mr. Alan Wilkins, Chair, Electrical Subcode Committee, reported that the Committee recommended that the specific reference to replacement receptacles in the "(e)" sections of N.J.A.C. 5:23-6.4, 6.5, 6.6 and 6.7 was discussed. The Committee recommended that because N.J.A.C. 5:23-6.8(d), electrical materials and methods, already covers this, the redundant references in all (e)'s should be removed. In addition, with regard to the reference to the National Electrical Code (NEC), Section 210.8, GFCI protection, the NEC/2011 added scoping language that contains the words "readily accessible". This broad language could require those who are replacing a receptacle in a GFCI location to move the receptacle. The Electrical Subcode Committee thought that this is not within the intention of the Rehabilitation Subcode and recommended that scoping be added to N.J.A.C. 5:23- 6.8(d) specifying that Section 210.8 receptacles are required to be "accessible;" this would allow receptacles to be replaced without having to move them and adding expense to the project.

Mr. Arthur Londensky, Chair, reported that, in addition to identifying a couple of typographical errors, the Fire Protection Subcode Committee recommended that, at N.J.A.C. 5:23-6.31(p)2.xi.(1)(B)(II), the wording be modified due to the consolidation of the referenced standards into National Fire Protection Association (NFPA) 72. Staff provided the committee with a copy of the change recommended to the Uniform Fire Code (UFC). The committee recommended that the wording referencing the legacy NFPA standards be deleted from this draft rule and replaced with language similar to that being added to the UFC. The recommended language follows: <u>The building is protected throughout by an automatic fire alarm system complying with the building subcode and is supervised in accordance with NFPA 72.</u>

Mr. George Hrin, Chair, Elevator Subcode Committee, Mr. John Fritzen, Chair, Mechanical/Energy Subcodes Committee, and Mr. Alex Tucciarone, Chair, Plumbing Subcode Committee, reported that their Committees had no recommended changes to the draft rule.

One Board member recommended that the guidance on elevating existing homes be added to the Rehabilitation Subcode in N.J.A.C. 5:23-6.32, Additions.
Mr. Arthur Londensky made a motion, which was seconded by Dr. James Sinclair, to approve the rule with the amendments recommended by the Subcode Committees.

2. Draft Bulletin 13-XX: Foundation Issues

At the April 12 Code Advisory Board meeting, Mr. John Terry explained that the draft bulletin is in response to questions regarding the construction or elevation of a home in a V-zone. Federal rules require that an engineer design the foundation. Because the IRC has no requirements for piles, the bulletin recommends that American Society of Civil Engineers (ASCE) 24 for deep foundations be used. The bulletin also clarifies when the grade beam is the lowest horizontal structural member. It has been reviewed and approved by representatives of the Federal Emergency Management Association (FEMA) and of the National Flood Insurance Program (NFIP). In response to a question from a Board member, Mr. Terry stated that this will be posted as guidance on the Division's web site today. This draft bulletin was referred to the Building Subcode Committee for review and comment.

One Board member initiated the discussion of this draft Bulletin by asking whether the Federal requirements require that an engineer design the foundation only or the entire structure; staff responded that an engineer is required for the design of the entire structure. The Board held a brief discussion as to the reasonableness of this requirement. Ultimately, the Board decided that it is responsible for providing the Department with its best advice based on existing laws and requirements. The Board may draw attention to what it perceives as flaws in the over-riding regulations, but, ultimately, the public must be provided with the best advice given existing rules and regulations.
Mr. Arthur Londensky made a motion, which was seconded by Mr. John Scialla, to approve the draft bulletin without change. The motion carried unanimously.

3. Draft Revision: Bulletins 95-1, 1A, 1C, 1D: Underground Storage Tanks

At the April 12 Code Advisory Board meeting, Mr. John Terry explained that the revisions to these bulletins complete the revision of the packet of bulletins that address underground storage tanks. The draft revised bulletins were referred to the Building Subcode, Fire Protection Subcode, Mechanical/Energy Subcodes, and Plumbing Subcode Committees for review and comment.

Mr. John Scialla, Chair, reported that the Building Subcode Committee recommended that, in Bulletin 95-1A, the example addressing corrosion protection using sacrificial annodes be retained. In Bulletin 95-1C, the Building Subcode Committee asked staff to verify that a double wall fiberglass motor fuel tank is exempt from approval by the Department of Environmental Protection (DEP). In Bulletin 95-1D, staff was asked to verify that DEP is no longer issuing "No Further Action (NFA)" letters. Other Board members agreed.

Mr. Arthur Londensky, Chair, Fire Protection Subcode Committee, reported that the Fire Protection Subcode Committee recommended that the Response Action outcome (RAO) notice should be added to the Bulletin. The Bulletin should also mention that the NFA letters may be issued by a Licensed Site Remediation Professional (LSRP) rather than DEP.

Mr. John Fritzen, Chair, Mechanical/Energy Subcodes Committee, reported that one Mechanical/Energy Subcodes Committee member was concerned about the statement in Bulletin 95-1A inferring that the fuel oil dealer knows when a tank is leaking based on their records for filling the tank. It was recommended that this statement be deleted from the Bulletin. One Committee member recommended that Bulletin 95-1C mention that most tank and piping manufacturers have installation checklists that could be used. Also, the installer should be required to document the diameter of the fiberglass tanks after installation to ensure that excessive stress is not exerted by the tie down straps. Finally, Bulletin 95-1C could state that "non-metallic, pre-engineered, flex pipe systems comply with United Listing (UL) 971. With regard to Bulletin 95-1D, revisions must be made to ensure that the Bulletin reflects the process established by the Licensed Site Remediation professionals (LSRP) program in DEP. As written, the process is outdated. A brief discussion ensued. It was agreed that staff should review these issues and incorporate any required changes into the published revised bulletins.

Dr. James Sinclair made a motion, which was seconded by Mr. Alex Tucciarone, to approve the draft revised bulletins with changes required for consistency with overlapping programs. The motion carried unanimously.

D. New Business

1. Draft Rule: Ordinary Maintenance and Minor Work (N.J.A.C. 5:23-2.7, 2.17A)

Mr. Lou Mraw, Supervisor of Enforcement, Office of Regulatory Affairs, informed the Board that this rule amendment is a direct result of actions taken following Superstorm Sandy. With the thought that if the requirement for permits and inspections for interior finish, roofing and siding can be suspended following a storm, it might no longer be necessary to require permits and inspections for this work. It was observed that during the 1980's, roof replacement was minor work. The rule was amended requiring a permit for roof replacement because, as roofs were replaced, the installation of a third roof, which is not allowed, was not being caught until the work had been completed.

One Board member asked whether this would apply to lathe and plaster removal with replacement by sheetrock. One Board member recommended replacing the 25% reference, but retaining the permit and inspection requirement. The interior finishes, roofing, and siding protect the building envelope. Another Board member commented that when inspections are not required, work becomes less reliable.

This draft rule was referred to the Building Subcode Committee for review and comment.

2. Draft Revised Bulletin: Seismic Hazard Maps

The draft revised bulletin provides a larger map for easier reading of the seismic contour lines; it also includes a web-based application. The more precise web-based application tool may be used in lieu of the actual seismic maps to determine seismic design category.

The draft revised bulletin was referred to the Building Subcode Committee for review and comment.

E. Information

1. CAB Log: The updated Code Advisory Board activity log was included in the meeting packets.

2. List of Pending Legislation: A list of pending legislation on issues that impact construction and the Uniform Construction Code was included in the meeting packets.

In advance of the public comments, Board member Dr. James Sinclair announced that because he is moving to California next month, this is his last Code Advisory Board meeting. In a brief statement to the Board, Dr. Sinclair recalled that, approximately 41 years ago, he was lured into State government by Governor Cahill. Then, during the Byrne administration, he was asked to develop a housing demonstration program. This task brought him to the Department of Community Affairs where he worked with visionary leaders in State government, including Bill Connolly, Sol Metzger, Chuck Decker, Cynthia Wilk, and Lisa Farrell. The legislation that provided for the promulgation of a single, Statewide, Uniform Construction Code was initially opposed, but then supported, by the interested parties, including local code officials. At the time, many, but by no means all, municipalities adopted their own, municipal building codes. There was no uniformity and, therefore, no predictability for construction in New Jersey. New Jersey's builders, including Lenny Sendelsky, the only remaining charter member of the Code Advisory Board, worked hard to ensure that a single standard for construction would be adopted and uniformly enforced. Local building officials, led by Wilber Lynn, supported this change. The State-licensed, municipally enforced code enforcement system that was subsequently developed made code enforcement a profession and made code enforcement officials professionals. Standards were established for licensure; continuing education was required to ensure that code officials would stay abreast of changes in the adopted national model codes; and, ultimately, a system of peer review was established.

Dr. Sinclair stated that being part of the development of this Uniform Construction Code system and the great ideas enacted by these visionary leaders was the highlight of his career. As gubernatorial administrations changed, some were supportive of this sea change; others posed a burden to getting things done. As administrations come and go, it is wise to remember that the primary charge of each Board member is to keep public safety at the forefront of decision making: uniformity, cost containment, and public health and safety form the foundation for the Uniform Construction Code and its enforcement system. It is up to current Board members to carry that on.

Board members thanked Dr. Sinclair for his leadership and his historical and institutional knowledge; all agreed that Board discussions and decisions were better for his participation. There was extended applause in appreciation.

F. Public Comments

There were no comments from the public.

The meeting was adjourned at 11:25 a.m.

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Minutes of Meeting, April 12, 2013
Location
101 South Broad Street
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Attendance

Board Members

John Scialla, Vice Chair
Mark Caputo
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Edward M. Smith, Director, Division of Codes and Standards
Emily Templeton, Code Development Unit
John Terry, Code Assistance Unit
Michael Baier, Bureau of Code Services
Mitchell Malec, Office of Local Code Enforcement
Louis Mraw, Office of Regulatory Affairs
Robert Austin, Code Assistance Unit
Richard Greenberg, Bureau of Construction Project Review
Marcel Iglesias, Code Assistance Unit
Tom Pitcherello, Code Assistance Unit
Michael Whalen, Code Assistance Unit

Guests

Donna Daugherty, Student in a Class for Technical Assistants
Sal DiCristina, Rutgers University, Facilities
Irene Epshinsky, Student in a Class for Technical Assistants
Annely Gomez, Student in a Class for Technical Assistants
Alicia Jones, Student in a Class for Technical Assistants
Steve Jones, New Jersey Building Officials Association (NJBOA) and International Code Council (ICC)
Melissa Marszalek, Student in a Class for Technical Assistants
Brenda Sirkis, Technical Assistant, West Windsor Township
Annette Sobino, Student in a Class for Technical Assistants

Mr. John Scialla, Vice Chair of the Uniform Construction Code Advisory Board (CAB), called the meeting to order at 9:30 a.m.

Mr. Scialla welcomed one new Board member, Mark Caputo, representing public health officers.

A. Approval of Minutes of the Code Advisory Board Meeting of April 12, 2013
Mr. Alex Tucciarone made a motion, which was seconded by Mr. Michael Seeve, to approve the minutes without change. The motion carried unanimously.

B. Subcode Committee Reports
Barrier Free Subcode Committee: Mr. John DelColle, Chair, reported that the Barrier free Subcode Committee did not meet.

Building Subcode Committee: Mr. John Scialla, Chair, reported that the Building Subcode Committee met on March 15 and discussed agenda and non-agenda items. Non-agenda items discussed included an update of the status of the rule proposal for the 2012 national model codes, a request for a guidance document on foundation systems in V-zones, and the use of non-residential occupancies for housing volunteers who are providing aid following a disaster.

Electrical Subcode Committee: Mr. Alan Wilkins, Chair, reported that the Electrical Subcode Committee met on March 19; agenda items were discussed.

Elevator Subcode Committee: Mr. George Hrin, Chair, reported that the Elevator Subcode Committee met on March 15; agenda items were discussed and meeting dates for 2013 were set.

Fire Protection Subcode Committee: Mr. Arthur Londensky, Chair, reported that the Fire Protection Subcode Committee held a meeting on March 14 in which agenda and non-agenda items were discussed. The non-agenda item discussed was the use of non-residential occupancies for housing volunteers who are providing aid following a disaster. The Fire Protection Subcode Committee provided a list of characteristics that should be weighed when determining whether a particular nonresidential building may be used for this kind of short term stays.

Mechanical/Energy Subcodes Committee: Mr. John Fritzen, Chair, reported that the Mechanical/Energy Subcodes Committee did not meet.

Plumbing Subcode Committee: Mr. Alex Tucciarone, Chair, reported that the Plumbing Subcode Committee met on March 8 and discussed agenda and non-agenda items. The non-agenda item discussed was an update on the status of the regulations for licensing Heating, Ventilation, Air-conditioning, and Refrigeration (HVACR) contractors. It is expected that the adopted regulations will be published in the *New Jersey Register* on April 15. The operative date is anticipated to be in the Fall 2013.

C. Old Business

1. Draft Revision: Bulletin 95-1B, Underground Storage Tanks

Mr. Tom Pitcherello, Code Assistance Unit, summarized the four major amendments to the draft revised bulletin. First, the bulletin is updated to reference the latest code sections. Second, a new "Example B – Aboveground Tank Removal – Cut and Cleaned Off-Site" has been added to detail the requirements for cutting and cleaning an above ground tank off site. Third, N.J.A.C. 7:26A (rules promulgated by the Department of Environmental Protection) have been added to reference the recycling rules for oil tank waste. Fourth, the "Contamination" paragraph has been revised to inform the code official of the proper procedure for closing out the permit when contamination has been encountered.

The draft revised bulletin was referred to the Building Subcode, Plumbing Subcode, Elevator Subcode, Fire Protection Subcode, and Mechanical/Energy Subcodes Committee.

Board discussion began. The Elevator Subcode Committee, Fire Protection Subcode Committee, Mechanical/Energy Subcodes Committee, and the Plumbing Subcode Committee reported that they recommended approval without change. The Building Subcode Committee had several recommended changes.

A major issue revolved around when – and whether - a demolition permit is required. Building Subcode Committee members were concerned that, in the absence of a separate demolition permit, there would be no record of the tank abandonment or removal. One Board member commented that tech cards provide a means of tracking the removal of the tank. Another Board member stated that assigning a separate permit number both provides a clear record and protects the contractor, who is not paid until the entire job is completed. Another Board member commented that the contractor could be paid when the accompanying job has been completed, but there was agreement that, although that is possible, it is not what happens. The Building Subcode Committee recommended that the issuance of the Certificate of Approval for the additional construction work be contingent upon the application of the demolition permit for the tank abandonment/removal. There was a brief discussion about the process for abandoning or removing a tank. Commercial enterprises are familiar with the process and often apply for a separate demolition permit for tank removal/abandonment; homeowners, on the other hand, are not familiar with the process and do not know that they can apply for a separate demolition permit. Increasingly, banks and mortgage companies are asking for proof that an underground storage tank has been removed; a separate demolition permit makes recovery of that record easier. One Board member agreed that if the tank has not been removed, the applicant does not get a mortgage. Although the Uniform Construction Code (UCC) does not have processes designed to meet the requirements of mortgage lenders, it does make sense to have a record that is easily retrievable. Therefore, in this case, a separate demolition permit makes sense. One Board member pointed out that underground storage tanks corrode. When they have leaked, the Department of Environmental Protection (DEP) must be notified. Then there is an extended wait. Holding a permit open for that delay does not make sense; a separate demolition permit can turn out to be more practical.

Mr. Alex Tucciarone made a motion, which was seconded by Dr. James Sinclair, to amend the bulletin to state that a separate demolition permit may be required for the removal/abandonment of an underground storage tank. The motion was passed with two members voting in opposition.

The Building Subcode Committee then raised the issue of the required sketch showing the location of the abandoned tank. The Building Subcode Committee recommended that the sketch be required prior to the issuance of the Certificate of Approval instead of prior to the issuance of the permit because this would provide an accurate record of the tank's location. Submitting the sketch prior to the issuance of the Certificate of Approval would provide an accurate record of where the tank is, in the case of abandonment, or was, in the case of removal.

Mr. Alex Tucciarone made a motion, which was seconded by Dr. James Sinclair, to amend the bulletin to state that the sketch would be submitted prior to the issuance of the Certificate of Approval. The motion carried unanimously.

The Building Subcode Committee recommended that the current enforcement responsibilities be maintained. The proposed amendment assigns the responsibility to the fire protection subcode official. Building Subcode Committee members thought that the construction official should be able to appoint an inspector. In many municipalities, the fire protection subcode official is part-time; in many towns, the fire protection subcode official has the fewest work hours. Requiring an inspection by the fire protection subcode official could cause a delay of the project. For this reason, the construction official should have the authority to assign the responsibility to the building, fire or plumbing official as the UCC currently provides. A staff member explained that the reason that the inspection was assigned to the fire protection subcode official was for consistency; the sections of the International Residential Code (IRC) that are being assigned are from the International Fire Code (IFC). One Board member pointed out that there is no evidence that assigning this inspection to the fire protection subcode official causes any scheduling problems. All inspections need to be scheduled and assigned; many towns have part-time officials and scheduling for these inspections is no different from scheduling other inspections.

Dr. James Sinclair made a motion, which was seconded by Mr. Leonard Sendelsky, to retain the inspection assignment without change. The motion carried with one Board member in opposition.

Mr. Leonard Sendelsky made a motion, which was seconded by Dr. James Sinclair, to approve the bulletin with the changes reflected in the previous motions. The motion carried unanimously.

In closing this discussion, Mr. John Scialla asked that Department staff confirm that the requirement for a "No Further Action" letter from DEP be verified. One Building Subcode Committee member thought that DEP no longer issues such letters. Staff agreed to follow up.

2. Draft Revision: Bulletin 03-3, Public Access to Building Plans

Ms. Emily Templeton explained that the bulletin that provides guidance on responding to request through the Open Public Records Act (OPRA) is substantially revised to reflect changes in the law and in the governing regulations since the bulletin was first published following 9/11.

The draft revised bulletin was referred to all Committees.
The Electrical Subcodes Committee, Elevator Subcode Committee, Fire Protection Subcode Committee, Mechanical/Energy Subcodes Committee, and Plumbing Subcode Committee all recommended approval. The Building Subcode Committee asked whether language could be added to require the permission of the current owner of the building before plans were released. Building Subcode Committee members thought that this type of requirement would remove the responsibility from the Construction Official for deciding on the validity of a common law right of access request. One staff member explained that the OPRA law references the common law

right of access and provides that avenue of access for people who have a reason for obtaining otherwise protected records. There are some requests through the common law right of access that clearly should be granted; there are others that are more complicated. A complicated or ambiguous request should be referred to the municipal attorney for a determination. The Department regularly seeks advice from its Deputy Attorney General (DAG) on an issue like this and would encourage construction officials to consult with their municipal attorneys should they have any question about whether to allow access to the building plans.

Mr. Michael Seeve made a motion, which was seconded by Mr. Leonard Sendelsky, to approve the bulletin as drafted. The motion carried unanimously.

3. Draft Bulletin 13-XX: Elevation of Existing Houses

Mr. John Terry explained that the draft bulletin is intended to provide direction for elevating houses in the aftermath of Superstorm Sandy. Elevating an existing house creates an addition in keeping with the definition of "addition" in the Rehabilitation Subcode. It is not reasonable to expect that an existing house being elevated can meet all the code requirements that would apply to a newly constructed elevated house or that would apply to a change of construction type. The intent of the bulletin is to provide a reasonable solution by which the existing house can be elevated while protecting the safety of the residents.

Mr. Terry further explained that this guidance is being posted on the Division's website so that there will be some clear guidance available. However, the Division is seeking the Board's advice and will replace the guidance with the bulletin once the bulletin includes the Board's recommended changes.

The draft bulletin addresses two problems: (1) The height of an existing structure that could exceed the mean roof height allowed by code once it is elevated to meet the Federal Emergency Management Agency's (FEMA) Advisory Base Flood Elevation (ABFE); (2) The increase in loads, especially wind loads, once the building has been elevated.

The Board held a brief discussion about the need for guidance. Several Board members who are code enforcement officials gave examples of the damage that they have encountered in their municipalities and the challenge in obtaining clear direction for the homeowners who are struggling to make decisions. There were several expressions of appreciation for the Division's willingness to provide unambiguous direction.

The draft bulletin was referred to all Committees.

Mr. John Terry informed the Board that staff has continued to have internal discussions about this bulletin and has found that some technical changes are necessary. In the interest of timeliness, the Board was asked to comment on the draft bulletin and take action on it at this meeting. Staff would then make all necessary changes and would provide a copy of the final document, with an explanation of the changes that have been made, at the next Board meeting. The Board then engaged in a lengthy discussion.

The Plumbing Subcode Committee expressed concern about the impact on plumbing systems when a house is raised. Because water pressure is impacted by the length of the run, boosters could be needed. The impact cannot be generalized; it must be determined on a case-by-case basis. Air conditioners and down flow systems must also be considered.

Before the discussion continued, one Board member asked what the universe of houses impacted was; the response was tens of thousands.

The Fire Protection Subcode Committee asked that the recommendation for issuing a variation be strengthened to state that "For this reason, a variation is appropriate for increases in

height that bring the mean height of the highest roof surface to greater than 35 feet in height provided that…" Uniformity of enforcement is increased when direction and the reason for it are clear. In addition, again for clarity and uniformity, the Fire Protection Subcode Committee recommended that the reference to smoke alarms be revised to reflect the language in the International Residential Code (IRC), as follows: "ac powered interconnected smoke alarms or a low voltage household fire alarm system is installed in accordance with the one- and two-family dwelling subcode."

The Electrical Subcode Committee commented that there are likely to be complications for electrical service. For example, if the non-habitable space under the home, whether it is an A-zone or V-zone foundation, is considered inside or outside the structure makes a difference in what conductors may be used. There are multiple other examples and the Electrical Subcode Committee recommended that a similar bulletin be developed to address electrical issues. The Elevator Subcode Committee agreed and recommended that a reference be added stating that the installation of an elevator is included under general references. One staff member informed the Board that the Department has been meeting with the utility companies with the goal of producing a standardized process and uniform practices.

The Building Subcode Committee made several recommendations. First, it recommended that language be added to make it clear that the scope of this bulletin is limited to those single family dwellings that are being elevated to comply with the Advisory Base Flood Elevations (ABFE) requirements of the Federal Emergency Management Agency (FEMA). They requested that the bulletin state unambiguously that it does not apply to homes where additional habitable space is electively being added. Second, like the Fire Protection Subcode Committee, the Building Subcode Committee recommended that the language regarding issuing the variation should be strengthened. Third, the Building Subcode Committee expressed concern that the one-hour rated assembly could cause moisture build-up in the assembly. Staff informed the Board that the Department was investigating solutions for this problem. Fourth, the Building Subcode Committee recommended referring to Formal Technical Opinion (FTO)13 for elevated homes in the A-Zone with parking below. Fifth, the Building Subcode Committee recommended providing a date for "Pre-IRC" houses. Finally, the Building Subcode Committee recommended that, in the table "Required strength of connections", the committee recommended that a column for a 120 mph wind speed be added to Exposure D.

One Board member commented that a bulletin provides guidance; because the bulletin is guidance and not a regulation, this Board member recommended that the scoping provisions of the bulletin, and perhaps other subcode-specific bulletins, be added to the Rehabilitation Subcode. Other Board members agreed.

Dr. James Sinclair made a motion, which was seconded by Mr. Michael Seeve, to approve the bulletin as amended by discussion. The motion carried unanimously.

D. New Business

1. Draft Rule: Rehabilitation Subcode Update (N.J.A.C. 5:23-6)

Mr. John Terry explained that the draft rule contains the changes to the Rehabilitation Subcode that result from the adoption of the 2012 national model codes.

This rule was referred to all Committees.

2. Draft Bulletin 13-XX: Foundation Issues

Mr. John Terry explained that the draft bulletin is an attempt to respond to questions that have arisen regarding the construction or elevation of a home in a V-zone. Federal rules require that an engineer design the foundation. The IRC has no requirements for piles, so the bulletin recommends that the American Society of Civil Engineers (ASCE) 24 for deep foundations be used. The bulletin also clarifies when the grade beam is the lowest horizontal structural member. It has been reviewed and approved by representatives of FEMA and of the National Flood Insurance Program (NFIP). In response to a question from a Board member, Mr. Terry stated that it will be posted on the Division's web site today.

This draft bulletin was referred to the Building Subcode Committee for review.

3. Draft Revision: Bulletin 95-1, 1A, 1C, 1D: Underground Storage Tanks

Mr. John Terry explained that these revisions to these bulletins complete the revision of the packet of bulletins that address underground storage tanks.

The revised draft bulletins were referred to the Building Subcode, Fire Protection Subcode, Mechanical/Energy Subcodes, and Plumbing Subcode Committees.

E. Information

1. CAB Log: The updated Code Advisory Board activity log was included in the meeting packets.

2. List of Pending Legislation: A list of pending legislation on issues that impact construction and the Uniform Construction Code was included in the meeting packets.

3. Meeting Dates 2013: The meetings dates were included in the packet for the convenience of Board members.

Additional Comments by Board Members

1. Dr. James Sinclair asked whether the Department has looked into providing electronic copies of the national model codes.

   Mr. John Terry, Manager, Code Assistance Unit, informed Dr. Sinclair that the Department has looked into electronic copies of the national model codes and has a read-only copy of the New Jersey editions of the IBC and IRC available on its web site. However, the International Code Council (ICC) charges more for an electronic copy than for a paper copy, so the more cost efficient means of providing copies remains paper.
2. Dr. James Sinclair asked whether there is a comprehensive review of the Construction Boards of Appeals system. Is it working? Is it practical? Are the decisions tracked? Of the Boards of Appeals, what percentage is at the county and what percentage at the municipal level?

   Mr. Lou Mraw, Supervisor, Office of Regulatory Affairs, responded that, although there is not sufficient staff to undertake the comprehensive review Dr. Sinclair envisions, the Office of Regulatory Affairs (ORA) receives and reviews copies of the decisions made by the Boards of Appeal. In addition, in response to complaints about a lack of timeliness, ORA can direct Boards of Appeal to meet in a timely manner.

3. With regard to the licensing and training of Subcode Officials, Dr. James Sinclair asked whether the participating community colleges offer an on-line training option. Mr. Michael Baier, Acting Chief, Bureau of Code Services, responded that there is no on-line training leading to licensure. There has been a reluctance on the part of the community colleges to cooperate with one another, so that, if there are six students in one community college and four in the community college in an adjacent county, it has not been possible to get both community colleges to cooperate with one another and offer one course; instead, each of the classes is cancelled due to the small class size. The Education Unit in the Bureau of Code Services has been looking into working with a consortium of community colleges, which would lead to more cooperation. In addition, the Education Unit is looking into having the required courses offered through Rutgers. Mr. Baier reported that there are on-line classes that are part of the continuing education required of licensed code enforcement officials.
4. Mr. John DelColle, Chair, Barrier Free Subcode Committee, spoke concerning the accessibility of slot machines in New Jersey's casinos. He expressed his extreme disappointment in the action of the Board at its last meeting to approve revisions to the regulations governing casinos without making equal access part of those revisions. As they stand, the requirements for fixed stools at slot machines is clearly discriminatory in that people with disabilities are not able to enjoy equal, independent access to the goods and services offered by the casinos. New Jersey has been a national leader in access for people with disabilities since the 1970's. It is a grave concern to see the leadership continually step away from this obvious discrimination. Just as a reminder: People with disabilities want to experience everything that able-bodied people can experience. It is wrong to think that the Federal government will take action or that Federal action can be substituted for State action. Although there is a complaint that has been filed, the resolution of complaints by the Federal government can take years. These are State regulations. They are our responsibility and under our purview. As a Board, we should vote to uphold equal access. Staff is asked to gather information on whether any other casinos required fixed stools and, if they do, why they do. The argument has been made that this is a fire safety issue. It is not. New Jersey has been the only state with such a requirement. Fire safety has not been compromised in the other states that have casinos. The fear that folding chairs will cause chaos in a fire event has been disproven. Rather than panic, slot players in other jurisdictions have had to be told to leave slot machines in fire events. The staff is asked to undertake research on this issue and re-present this to the Board; the Board is asked to reconsider it.
5. Mr. Alan Wilkins, Chair, Electrical Subcode Committee, informed the Board that the National Fire Protection Association (NFPA) is developing a new article in the National Electrical Code (NEC) to cover solar installations (Article 690.11).

F. Public Comments

1. Mr. Steve Jones, representative of NJBOA, spoke about a regulatory change to the Rooming and Boarding House regulations (N.J.A.C. 5:27) that has been proposed by the Department. The proposal was published in the *New Jersey Register* on March 4, 2013; the public comment period expires on May 3. These changes are of great concern. They reduce the oversight of those rooming and boarding houses that provide residential opportunities for people with Alzheimer's disease. In addition, they would reduce the

safety standards currently in place. Code enforcement officials and Board members should review these regulations and should submit comments. There was a brief discussion. In addition to the changes in the regulations, there is a bill (A3950) in the Legislature that would transfer residences that provide care for people with Alzheimer's disease to the Department of Health, which would be required to license and inspect them.

2. Mr. Sal DiCristina, Rutgers University, commented on the items that had been raised by Dr. Sinclair. First, all the national model codes, except the National Standards Plumbing Code (NSPC), are available electronically. Second, The Construction Boards of Appeals process in New Jersey is a practical and efficient process. Mr. DiCristina observed that in his teaching around the country, he has found that other jurisdictions opted for State jurisdiction for appeals. These systems are generally understaffed and, therefore, are very inefficient. New Jersey's system of vesting authority at the local or county levels is a solid, efficient, reliable process. Third, if the Department is considering partnering with Rutgers for licensing education, the Department should be aware that Rutgers University is partnering with community colleges in its degree programs. Therefore, partnering for licensing or certification programs should be possible.

The meeting was adjourned at 11:05 a.m.

G. Executive Session

The Board reconvened at 11:15 for the appointment of members of the Building Subcode, Barrier Free Subcode, Electrical Subcode, and Mechanical/Energy Subcodes Committees.

The meeting was adjourned at 11:25 a.m.

UNIFORM CONSTRUCTION CODE ADVISORY BOARD
Minutes of Meeting, February 8, 2013
Location
101 South Broad Street
Trenton, New Jersey 08625

Attendance

Board Members

Beth Pochtar, Chair
John Fritzen
George Hrin
Jason Kliwinski
Gregory Moten
Michael Seeve
James Sinclair
Alexander Tucciarone
Alan Wilkins

DCA Staff

Edward M. Smith, Director, Division of Codes and Standards
Emily Templeton, Code Development Unit
John Terry, Code Assistance Unit
Michael Baier, Bureau of Code Services
Mitchell Malec, Office of Local Code Enforcement
Louis Mraw, Office of Regulatory Affairs
Robert Austin, Code Assistance Unit
John Delesandro, Bureau of Code Services
Richard Greenberg, Bureau of Construction Project Review
Tom Pitcherello, Code Assistance Unit
Darren Port, Code Assistance Unit
Michael Whalen, Code Assistance Unit

Guests

Sal DiCristina, Rutgers University, Facilities

Ms. Beth Pochtar, Chair of the Uniform Construction Code Advisory Board (CAB), called the meeting to order at 9:30 a.m.

Ms. Pochtar welcomed four new Board members: John Fritzen (licensed professional engineer/mechanical); Jason Kliwinski, AIA, LEED (architect); Michael Seeve (public); and Alan Wilkins (licensed electrical inspector). Board members were invited to introduce themselves and identify the designated seat they hold.

Dr. James Sinclair provided a brief history of the Uniform Construction Code. There were two primary purposes underlying the adoption of the Uniform Construction Code: (1) To increase housing production; and (2) To strengthen the profession of code enforcement and to correct the perception of corruption. The Code Advisory Board shaped the development of the

Uniform Construction Code and, in doing so, set the standard by which the Board continues to operate to this day. As a Board of diverse interests, Board members listen to each other's perspectives. Each Board member is a leader with a great deal to add to the discussion. With that in mind, each Board member can learn from the others. The goal of the Board is to make the Uniform Construction Code strong, clear, reasonable, and efficient. When political concerns and self-interest arise, it is wise to focus on the technical interests that underlie the Board recommendations.

A. Approval of Minutes of the Code Advisory Board Meeting of October 12, 2012
Dr. James Sinclair made a motion, which was seconded by Mr. Jason Kliwinski, to approve the minutes without change. The motion carried unanimously.

B. Subcode Committee Reports
Barrier Free Subcode Committee: In Mr. John DelColle's absence, Emily Templeton reported that the Barrier Free Subcode Committee did not meet, but that Mr. John DelColle, Chair, submitted a comment on an agenda item.

Building Subcode Committee: In Mr. John Scialla's absence, Mr. John Terry reported that the Building Subcode Committee held an electronic discussion of agenda items.

Electrical Subcode Committee: Mr. Alan Wilkins reported that, although a committee meeting was not held, there was an electronic discussion about one agenda item.

Elevator Subcode Committee: Mr. George Hrin, Chair, reported that the Elevator Subcode Committee did not meet.

Fire Protection Subcode Committee: Mr. Arthur Londensky, Chair, reported that the Fire Protection Subcode Committee held a meeting on November 15 in which agenda items were discussed.

Mechanical/Energy Subcodes Committee: Mr. John Fritzen, Chair, reported that the Mechanical/Energy Subcodes Committee did not meet.

Plumbing Subcode Committee: Mr. Alex Tucciarone, Chair, reported that the Plumbing Subcode Committee did not meet.

C. Old Business
1. Draft Rule: Casinos (N.J.A.C. 5:23-9.6)

Mr. David Uhaze, Chief, Bureau of Construction Project Review, explained that this rule codifies changes in technology in the casino industry. The revisions would delete the requirement for slot stool rotation, delete the dimensional limitations between the face of the slot machine and the slot stool, revise the width of a slot aisle from the current 48 inches to 42 inches, which is the width of a double loaded aisle in the International Building Code (IBC)/2012, increase the maximum height for slot machines, increase the unlimited height of slot machines around the perimeter of the gaming floor, increase the restriction on unlimited height slot machines around columns on the gaming floor, and reduce the catchment area.

This rule was sent to the Barrier Free Subcode, Building Subcode, Electrical Subcode, and Fire Protection Subcode Committees for comment.

In the December Code Advisory Board meeting, there was discussion about the amendment in the draft rule that would no longer require that television screens turn off in an emergency condition. It was explained to the Board that the industry contends that turning off these high definition screens causes equipment damage. Staff explained that there are two feeds to the television: one feed is from the casino's marketing system; the second is from the cable company. In an emergency, the marketing feed shuts off and the marketing on the screen goes blank; the casino cannot shut off the cable signal. One Board member was skeptical and recommended that the Department should require the industry to prove that assertion. Another Board member posited that this could be a surge issue. The Board referred this issue to the Electrical Subcode Committee for review and discussion.

Mr. Alan Wilkins, Chair, Electrical Subcode Committee, reported that he had discussed this issue with several electrical contractors who work in the casino industry. The contractors were not aware that this had been a problem. One staff member pointed out that the casino industry had stated that older televisions, which do not have surge protection, are susceptible to this problem. It was agreed that the television sets would work if protected from surge. One Board member recommended that the rule be amended to require the television sets and video display terminals be shunted to protect them from a surge. In addition, the rule should specify that, in an alarm event, the screen should go blank.

In Mr. John DelColle's absence, Ms. Emily Templeton read a statement that Mr. DelColle had sent objecting to the requirement for fixed stools at slot machines. Although the stools are required to be removable, in fact, frequently, the members of the casino staff do not know where to get the key to remove the fixed stool; when the members of the casino staff do know where to get the key, retrieving it and removing the stool is time-consuming. This denies wheelchair users equal access to the games that are served by the fixed stools. One Board member observed that, if the stools provided were not fixed, they could be easily moved. In response to a question, one staff member replied that casinos in other gaming jurisdictions do not require fixed stools. It was observed that the stools that used to be provided were like the "flip up" seats provided in stadiums. But the stools that are provided now are more comfortable—and cannot be flipped up by an individual. One Board member commented that the Barrier Free Subcode requires that 5% of fixed seats in assembly occupancies be accessible; this standard could be applied to casinos. There was a brief discussion about the unique characteristics of casinos. Choosing one's seat and choosing a specific slot machine is an integral part of the casino experience; one Board member observed that the experience is supposed to be the same for able-bodied and disabled customers. One Board member pointed out that the United States Department of Justice has been investigating an allegation of noncompliance in New Jersey's casinos. Another Board member recommended that the rule be approved now with the discussion of accessibility tabled. It is possible that the Department of Justice will resolve the issue and, in the meantime, the Board can continue to discuss it.

Mr. Alex Tucciarone made a motion, which was seconded by Dr. James Sinclair, to approve the rule, with amendments to require that the television signal be shunted. The motion carried unanimously.

D. New Business

1. Draft Revision: Bulletin 95-1B, Underground Storage Tanks

Mr. Tom Pitcherello, Code Assistance Unit, summarized the four major amendments to the draft revised bulletin. First, the bulletin is updated to reference the latest code sections. Second, a new "Example B – Aboveground Tank Removal – Cut and Cleaned Off-Site" has been added to detail the requirements for cutting and cleaning an above ground tank off site. Third, N.J.A.C. 7:26A (rules promulgated by the Department of Environmental Protection) have been added to reference the recycling rules for oil tank waste. Fourth, the "Contamination" paragraph has been revised to inform the code official of the proper procedure for closing out the permit when contamination has been encountered.

The draft revised bulletin was referred to the Building Subcode, Plumbing Subcode, Elevator Subcode, Fire Protection Subcode, and Mechanical/Energy Subcodes Committee.

2. Draft Revision: Bulletin 03-3, Public Access to Building Plans

Ms. Emily Templeton explained that the bulletin that provides guidance on responding to request through the Open Public Records Act (OPRA) is substantially revised to reflect changes in the law and in the governing regulations since the bulletin was first published following 9/11.

The draft revised bulletin was referred to all Committees.

3. Draft Bulletin 13-XX: Elevation of Existing Houses

Mr. John Terry explained that the draft bulletin is intended to provide direction for elevating houses in the aftermath of Superstorm Sandy. Elevating an existing house creates an addition in keeping with the definition of "addition" in the Rehabilitation Subcode. It is not reasonable to expect that an existing house being elevated can meet all the code requirements that would apply to a newly constructed elevated house or that would apply to a change of construction type. The intent of the bulletin is to provide a reasonable solution by which the existing house can be elevated while protecting the safety of the residents.

Mr. Terry further explained that this guidance is being posted on the Division's website so that there will be some clear guidance available. However, the Division is seeking the Board's advice and will replace the guidance with the bulletin once the bulletin includes the Board's recommended changes.

The draft bulletin addresses two problems: (1) The height of an existing structure that could exceed the mean roof height allowed by code once it is elevated to meet the Federal Emergency Management Agency's (FEMA) Advisory Base Flood Elevation (ABFE); (2) The increase in loads, especially wind loads, once the building has been elevated.

The Board held a brief discussion about the need for guidance. Several Board members who are code enforcement officials gave examples of the damage that they have encountered in their municipalities and the challenge in obtaining clear direction for the homeowners who are struggling to make decisions. There were several expressions of appreciation for the Division's willingness to provide unambiguous direction.

The draft bulletin was referred to all Committees.

E. Information

1. CAB Log: The updated activity log was included in the meeting packets.

2. List of Pending Legislation: A list of pending legislation on issues that impact construction and the Uniform Construction Code was included in the meeting packets.

F. Public Comments

There were no comments from the public.

The meeting was adjourned at 11:10 a.m.

UNIFORM CONSTRUCTION CODE ADVISORY BOARD
Minutes of Meeting, October 12, 2012

Location
101 South Broad Street
Trenton, New Jersey 08625

Attendance

Board Members

Beth Pochtar, Chair
John Scialla, Vice Chair
John DelColle
Arthur Doran
George Hrin
Arthur Londensky
Robert McCullough
Gregory Moten
Leonard Sendelsky
James Sinclair
Alexander Tucciarone
Valerie Waricka

DCA Staff

Edward M. Smith, Director, Division of Codes and Standards
Emily Templeton, Code Development Unit
John Terry, Code Assistance Unit
Michael Baier, Bureau of Code Services
Mitchell Malec, Office of Local Code Enforcement
Louis Mraw, Office of Regulatory Affairs
David Uhaze, Bureau of Construction Project Review
Robert Austin, Code Assistance Unit
Paulina Caploon, Elevator Safety Unit, Bureau of Code Services
Marcel Iglesias, Code Assistance Unit
Thomas Pitcherello, Code Assistance Unit
Michael Whalen, Code Assistance Unit

Guests

Vera Bacwyn-Holowinsky, Architect
Robert Spellman, Electrical Contractor
David Waricka

Ms. Beth Pochtar, Chair of the Uniform Construction Code Advisory Board (CAB), called the meeting to order at 9:30 a.m.

A. Approval of Minutes of the Code Advisory Board Meeting of August 10, 2012
Mr. Leonard Sendelsky made a motion, which was seconded by Dr. James Sinclair, to approve the minutes as presented. The motion carried unanimously.

B. Subcode Committee Reports
Barrier Free Subcode Committee: Mr. John Del Colle, Chair, reported that the Barrier Free Subcode Committee did not meet.

Building Subcode Committee: Mr. John Scialla, Chair, reported that the Building Subcode Committee conducted its discussions of agenda items electronically.

Electrical Subcode Committee: Mr. Robert McCullough, Chair, reported that the Electrical Subcode Committee met on September 20; agenda items were discussed. In addition to the agenda items, the Committee raised several issues for discussion: TVs in shower areas; spa/hot tub listings—the Committee discussed whether three listings (UL, ANSI, and FS) are required; 1000 V DC solar installations-the Committee noted that UL lists systems only up to 600 V.

Elevator Subcode Committee: Mr. George Hrin, Chair, reported that the Elevator Subcode Committee did not meet.

Fire Protection Subcode Committee: Mr. Arthur Londensky, Chair, reported that the Fire Protection Subcode Committee conducted its discussions of agenda items electronically.

Mechanical/Energy Subcodes Committee: Mr. Arthur Doran reported that the Mechanical/Energy Subcodes Committee did not meet.

Plumbing Subcode Committee: Mr. Alex Tucciarone, Chair, reported that the Plumbing Subcode Committee discussed agenda items electronically.

C. **Old Business**

1. Draft Bulletin: Site Work Jurisdiction

The site work jurisdiction bulletin provides direction on the jurisdiction that applies to site work on "campus style" settings, such as college campuses, hospital complexes, corporate campuses, and industrial complexes.
The draft bulletin was sent to the Building, Fire Protection, Electrical, and Plumbing Subcode Committees for review and comment.

Mr. John Scialla, Chair, Building Subcode Committee, reported that an electronic discussion of the draft bulletin was held. The Building Subcode Committee recommended approval of the bulletin as drafted.

Mr. Robert McCullough, Chair, Electrical Subcode Committee, reported that the Electrical Subcode Committee met and recommended that this bulletin not be approved as drafted. The Committee recommended that the bulletin be re-drafted and compartmentalized into plumbing, drainage, and electrical. The National Electrical Code (NEC) has a clear definition detailing where electrical jurisdiction begins and ends. Some of the installers have had problems because they are not licensed and have not become familiar with when permits are required. As drafted,

this bulletin would allow a dominant water line to be installed from one building to another building without a permit. The reference to "or another building" should be clarified—or eliminated. There was a brief discussion about Bulletin 88-1, Electric Utility Company Installations, and Bulletin 98-4, Site Lighting Installations by Utilities. One Board member commented that, as drafted, the site work jurisdiction bulletin is clear; another Board member requested further clarification, particularly of the building-to-building issue.

Mr. Arthur Londensky, Chair, Fire Protection Subcode Committee, reported that the Fire Protection Subcode Committee noted that it should be made clear that a fire pump house connection is under the jurisdiction of the Uniform Construction Code (UCC) and a permit is required. The Fire Protection Subcode Committee also recommended that the bulletin also apply to shopping centers and office building sites; staff responded that the bulletin is intended to apply to all campus-style settings, including shopping centers and office complexes.

Mr. Alex Tucciarone, Chair, Plumbing Subcode Committee, agreed with the comment of the Electrical Subcode Committee that the reference to the "building-to-building" should be clarified. Building-to-building plumbing systems are under the jurisdiction of the plumbing subcode. The Plumbing Subcode Committee recommended that "building-to-building" be deleted.

One Board member asked when a permit is required and was informed that a permit is required when the branch is not shared. As an example, a college campus may have a system that rings the entire campus; a branch off that system to an individual building is covered.

One Board member asked about feeder lines. Specifically, the Board member observed that the volume and pressure are required for one building; if the line is then extended to another building, the volume and pressure are impacted. One Board member commented that the calculations should account for the entire design. There was a brief discussion of sizing as a design issue. Permits are not issued for the main because the sizing of the main is not in the code.

One Board member recommended that Bulletin 88-1, Electric Utility Company Installations, be updated. It was recommended that be undertaken in the near future.

Mr. Robert McCullough made a motion, which was seconded by Mr. Leonard Sendelsky, to approve the site work jurisdiction bulletin with the clarifications discussed by the Board, including deleting the reference to "or another building." The motion carried with one member opposed.

2. Draft Rule: Ordinary Maintenance—Communication Wiring Within a Dwelling Unit (N.J.A.C. 5:23-2.7)

The draft rule on ordinary maintenance would allow communication that is wholly within a dwelling unit to be ordinary maintenance. Work that is in common areas or outside the dwelling unit would continue to be regulated as minor work.

This draft rule was sent to the Building, Electrical, and Fire Protection Subcode Committees for review and comment.

Mr. John Scialla, Chair, Building Subcode Committee, reported that the Building Subcode Committee recommended approval of this draft rule.

Mr. Robert McCullough, Chair, Electrical Subcode Committee, reported that the Electrical Subcode Committee had concerns about this rule and recommended that it not be approved. Electrical Subcode Committee members had anecdotal examples of multiple violations of the prohibitions against penetrating firewalls. The Electrical Subcode Committee

had discussed that, although Verizon has training in place for its contractors, there is no indication that other companies have a similar program. In response to a comment that this draft rule is limited to installations within the dwelling unit, one Board member asked whether all installations inside a dwelling unit are run on the surface so that the firewall is never compromised. One Board member pointed out that although interior partitions might be penetrated, firewalls would not be penetrated because they are common building elements that are outside this rule. There is no change to the requirements for work outside the dwelling unit, which is minor work.

Mr. Arthur Londensky, Chair, Fire Protection Subcode Committee, reported that the Fire Protection Subcode Committee recommended that language be added to make it clear that the installation of communications wiring would be ordinary maintenance in a Class 3 structure or within a dwelling unit in a Class 1 or Class 2 building. The Fire Protection Subcode Committee members thought that this change would emphasize that work outside the dwelling requires—and would continue to require—a permit.

Upon further discussion, one Board member recommended that the recommendation of the Fire Protection Subcode Committee that the rule be unambiguous and emphasize that it is limited to work within a dwelling unit be accepted. In addition, the difference between minor work and ordinary maintenance should be made clear. That could be done in the summary statements that precede the published rule proposal; it could also be done in a *Construction Code Communicator* article. Finally, one Board member recommended that the provision in the existing language that "the rearrangement does not involve penetration of a fire-rated assembly *and* is not in a hazardous location" (emphasis added) be amended to provide that "the rearrangement does not involve penetration of a fire-rated assembly *or* is not in a hazardous location."

Dr. James Sinclair made a motion, which was seconded by Mr. Leonard Sendelsky, to approve the rule as amended by discussion. The motion carried with one member opposed.

D. New Business

1. Draft Rule: Enforcement Responsibilities (N.J.A.C. 5:23-3.4)

Mr. John Terry informed the Board that this draft rule would ensure that the assignment of enforcement responsibilities is amended to reflect all section changes in the adoption of the 2012 editions of the national model codes.

The draft rule was referred to all Committees.

2. Draft Rule: Update References in Uniform Construction Code to 2012 national Model Codes (N.J.A.C. 5:23)

Mr. John Terry explained that this draft rule would ensure that references to the national model codes are appropriately updated throughout the Uniform Construction Code.

The draft rule was referred to all Committees.

E. Information

1. CAB Log: The updated activity log was included in the meeting packets.

2. List of Pending Legislation: A list of pending legislation on issues that impact construction and the Uniform Construction Code was included in the meeting packets.

3. The Board was informed that the adoption of Plan Release with Conditions would be published in the *New Jersey Register* as an adoption on November 5, 2012. There was a brief discussion about the expected impact and the innovation of this rule initiative.

4. The Board was informed that Governor Chris Christie signed the Permit Extension Act 2012. Guidance will be provided on the revised dates through which permits remain active.

F. Public Comments
There were no comments from the public.

The meeting was adjourned at 10:15 a.m.

UNIFORM CONSTRUCTION CODE ADVISORY BOARD
Minutes of Meeting, August 10, 2012
Location
101 South Broad Street
Trenton, New Jersey 08625

Attendance
Board Members
- Beth Pochtar, Chair
- John Scialla, Vice Chair
- John DelColle
- George Hrin
- Arthur Londensky
- Robert McCullough
- Gregory Moten
- Leonard Sendelsky
- James Sinclair
- Alexander Tucciarone

DCA Staff
- Edward M. Smith, Director, Division of Codes and Standards
- Emily Templeton, Code Development Unit
- Mitchell Malec, Office of Local Code Enforcement
- Louis Mraw, Office of Regulatory Affairs
- Robert Austin, Code Assistance Unit
- Paulina Caploon, Elevator Safety Unit, Bureau of Code Services
- Marcel Iglesias, Code Assistance Unit
- Thomas Pitcherello, Code Assistance Unit
- Darren Port, Code Assistance Unit
- Michael Whalen, Code Assistance Unit

Guests
- David Blackwell, New Jersey Builders Association
- Stephen Jones, BOANJ and ICC
- Joe Valeri, West Windsor Township
- Cynthia Wilk

Ms. Beth Pochtar, Chair of the Uniform Construction Code Advisory Board (CAB), called the meeting to order at 9:30 a.m.

Discussion on Code Change Proposals from Public Hearing, June 8, 2012, Rehabilitation Subcode:

Proposal 1: Submitted by Jared Blum, President, Polyisocyanurate Insulation Manufacturers Association (PIMA). At the June 8, 2012 public hearing, Jeff Mang, Esq., Hogan Lovells, spoke

on behalf of the code change proposal submitted by Polyisocyanurate Insulation Manufacturers Association (PIMA) to require insulation when a low-sloped roof is replaced. The proposed rule amendment would specify that when the membrane is removed, insulation would be required to be added to meet the required R value. At the June 8 Code Advisory Board meeting, Mr. Mang was asked to provide cost estimates for the proposed code change. The cost estimates were provided, as requested, and were sent to the Subcode Committees in advance of their meetings.

Mr. John Scialla, Chair, Building Subcode Committee, reported that the Building Subcode Committee recommended that the code change proposal be denied as not cost effective. The members of the Building Subcode Committee commented that it would be particularly difficult for a small business owner.

Mr. Robert McCullough, Vice Chair, Mechanical/Energy Subcodes Committee, reported that the members of the Mechanical/Energy Subcodes Committee reached the same conclusion and recommended that the proposal be denied as not cost effective.

Proposal 2: Submitted by Lawrence Scorzelli, New Jersey Meadowlands Commission. This proposal would address "high pile storage" by referencing the requirements of the International Fire Code (IFC)/2009.

Mr. Arthur Londensky, Chair, Fire Protection Subcode Committee, reported that the Committee approved this proposal as a much-needed change; it will result in protection for fire fighters.

Dr. James Sinclair made a motion, which was seconded by Mr. Arthur Londensky, to deny the first proposal, which would require the installation of insulation when a low-sloped roof is replaced, and to approve the second, which would establish standards for high pile storage. The motion passed unanimously.

A. Approval of Minutes of the Code Advisory Board Meeting of June 8, 2012

Mr. Art Londensky made a motion, which was seconded by Dr. James Sinclair, to approve the minutes as presented. The motion carried unanimously.

B. Subcode Committee Reports

Barrier Free Subcode Committee: Mr. John Del Colle, Chair, reported on three meetings of the Barrier Free Subcode Committee—June 1, July 13, and August 3—in which agenda items were discussed.

Building Subcode Committee: Mr. John Scialla, Chair, reported on three meetings, which were held on May 18, June 15, and July 27, in which agenda items were discussed.

Elevator Subcode Committee: Mr. George Hrin, Chair, reported on one meeting of the Elevator Subcode Committee, which was held on July 19, in which agenda items were discussed.

Fire Protection Subcode Committee: Mr. Arthur Londensky, Chair, reported on two meetings, which were held on May 17 and July 12, in which agenda items were discussed.

Mechanical/Energy Subcodes Committee: Mr. Robert McCullough, Vice Chair, reported on two meetings, which were held on May 17 and July 17, in which agenda items were discussed.

Plumbing Subcode Committee: Mr. Alex Tucciarone, Chair, reported on two meetings, which were held on June 1 and July 27, in which agenda items were discussed.

C. **Old Business**

1. Draft Rules: 2012 National Model Codes (N.J.A.C. 5:23-3.14, 3.15, 3.17, 3.18, 3.20, 3.21, 3.22, 7)

Mr. John Scialla, Chair, reported on the meetings of the Building Subcode Committee beginning with its discussions of the 2012 editions of the International Fuel Gas Code, International Mechanical Code, International Residential Code, and continuing through the International Building Code. There was a brief discussion as to whether the Board wished to conduct the discussion "code-by-code," as has been the traditional practice, or "committee-by-committee," as the discussion had begun. The Board decided to continue with the "committee-by-committee" discussion format. A summary of each Committee's presentations to the Board follow.

Building Subcode Committee:

- International Fuel Gas Code/2012: John Scialla, Chair, reported that the Building Subcode Committee recommended that the IFGC/2012 be proposed for adoption.

- International Mechanical Code/2012: John Scialla, Chair, reported that the Building Subcode Committee recommended that the IMC/2012 be proposed for adoption.

- International Residential Code/2012: John Scialla, Chair, reported that the Building Subcode Committee discussed IRC/2012 and recommended its adoption with several amendments. IRC/2012, Section R501.3, Fire protection of floors, would require that basement floors constructed of engineered wood products in buildings that are not provided with fire sprinklers be protected with a ½ inch gypsum wallboard or 5/8 inch wood structural panels.

  The Building Subcode Committee held a lengthy discussion on this requirement. Committee members expressed concern with the ability of the builder to install gypsum wallboard on the underside of engineered lumber in crawl spaces. A question was asked about the penetrations of this membrane by ductwork, piping and wiring, and whether dampers or protected penetrations would be required. In response to that question, staff explained that the membrane was intended to protect the structural element, not to provide a fire resistance rating, so dampers and protected openings would not be required. Staff further explained that this text was proposed by the International Association of Fire Fighters; it is a fire fighter safety issue. Additional discussion ensued. The threshold of 2" by 10" members was questioned. Concern about the difficulty of enforcing this requirement and the possibility of the need for an additional mandatory inspection was expressed. The Committee discussed the sprinkler option. Staff explained that in order to meet the exemption only the basement or crawl space, not the entire dwelling unit, would be required to be provided with a sprinkler system. The Committee voted to recommend that the requirements in Section R501.3 be deleted from the proposal.

- International Energy Conservation Code/2012: The Building Subcode Committee recommended that most, but not all, of the IECC/2012 be proposed for adoption. The committee discussed RES 5 at great length. The differences between the requirements of the IECC/2009 and IECC/2012 dealing with insulation and fenestration were debated. Discussion revolved around the increase in cost for the higher R-values mandated by the IECC/2012 and the estimated payback time frame. Following the discussion, the Building Subcode Committee recommended that the following amendments be made to Table 402.1.1:

  In Zone 4:

  Ceiling R-value - revert to the 2009 code requirement for R-38 from the 2012 requirement of R-49.

  Wood Wall R- value - revert to the 2009 code requirement for R-13 from the 2012 requirement of R-20 or 13+5.

  In Zone 5:

  Ceiling R-value - revert to the 2009 code requirement for R-38 from the 2012 requirement of R-49.

  Basement wall R-value – revert to the 2009 code requirement for R-10/13 from the 2012 requirement of R-15/19.

  Crawl space wall R-value – revert to the 2009 code requirement for R-10/13 from the 2012 requirement of R-15/19.

  - Next, the Building Subcode Committee discussed RES 7 regarding the acceptance test for the thermal envelope and the allowable air leakage rate (Section R402.4.1.2). This allowable rate has been reduced from 7 air changes to 3 air changes per hour to 3 air changes. Mr. Scialla reported that several Building Subcode Committee members expressed concern because, in their experience, typical results today range from 4 to 5 air changes per hour. Their experience led them to conclude that that a reduction of the acceptance test to 3 air changes per hour would result in undue expense and hardship without a demonstrated payback. The Building Subcode Committee, therefore, recommended that the IECC/2009 requirement of 7 air changes per hour be retained.

In discussion, one Board member advised that the Board be attentive to the on-going economic problems in the building industry. This Board member emphasized that now is not the time to add costs to construction, particularly costs for which there is no clear payback time for the homeowner. The Board held a brief discussion on the need to balance increased energy efficiency with the cost of construction and demonstrated value to the homeowner and concluded that a slow economy, particularly in the absence of a demonstrable benefit to the homeowner, is not the time to increase the cost of construction.

- International Building Code/2012: The Building Subcode Committee recommended the adoption of the IBC/2012, with a few additional amendments:
  - The committee held a lengthy discussion of the IBC/2012 requirement for automatic sprinkler systems in Group F-1, M and S-1 that manufacture, display, sell, or store upholstered furniture or mattresses (Sections 903.2.4, 903.2.7, and 903.2.9). Members of the Building Subcode Committee expressed concern about the inclusion of mattresses in these sections, since mattresses have flammability protection. Committee members also noted that the IBC/2009 requirement applied

to Group M occupancies, furniture only, with no area threshold. One committee member thought that the IBC/2009 requirement was a reaction to the furniture store fire in North Carolina. Another member stated that there is no reason for smaller buildings (that exceed the area threshold for sprinklers in the IBC/2012) to be required to be suppressed and that the standard limit of 12,000 square feet for these occupancies provides adequate protection. The Building Subcode Committee recommended that this code proposal revert to the IBC/2006 requirement, in which there was no suppression requirement for these occupancies based solely on the presence of upholstered furniture or mattresses.

- In IBC/2012, Section 911.1.5, Required features (Fire Command Center), the required list of items inside the Fire Command Center has been expanded to require a "Building Information Card" (BIC), which must contain the following information: building construction type, emergency contacts, emergency protection equipment, and hazardous materials. The Building Subcode Committee recommended that enforcement responsibility be assigned to the fire protection subcode official.
- IBC/2012, contains a new Section 1011.2, Floor-level exit signs in Group R-1, in hotels and motels with more than one exit, which specifies that, in addition to the already required signs, signs will also be required to be installed 10 to 12 inches above the floor level. The Building Subcode Committee asked that staff publish a *Construction Code Communicator* article making it clear that the requirement contained in the code section mandating the installation of the low-level exit signs within 4 inches of a door applies only to the entrance to the exit.
- In IBC/2012, Section 1013.8 provides the scoping requirement for the installation of window guards. The current code requirement (in Section 1405.13.2) requires the installation of window guards when the window sill height is 24 inches or less. The IBC/2012 expands the scope of this requirement to windows with a sill height of 36 inches or less. One Building Subcode Committee member stated that the IBC/2012 would result in the installation of window guards on all windows. It was noted that the IRC/2012 retained the 24-inch threshold. The Building Subcode Committee recommended that the 24-inch threshold from the IBC/2009, be retained.

Plumbing Subcode Committee

- National Standard Plumbing Code/2012: Alex Tucciarone, Chair, reported that the Plumbing Subcode Committee recommended adoption of the NSPC/2012 as provided in the draft rule proposal, without change.

Mechanical/Energy Subcodes Committee:

- International Energy Conservation Code/2012: In the absence of Arthur Doran, Chair, staff liaison, Robert Austin, presented a summary of the Mechanical/Energy Subcodes Committee's discussion of the IECC/2012. The Committee recommended adoption of the IECC/2012 proposal, with one amendment.
  - The Mechanical/Energy Subcodes Committee recommended that the air barrier compliance methods (Section R402.4.1) should continue to allow either an inspection or a blower door test. The Mechanical/Energy Subcodes Committee

thought that maintaining the option would give the Heating, Ventilation, Air-conditioning, and Refrigeration (HVACR) licensing program time to be implemented.

- The Mechanical/Energy Subcodes Committee noted that the definition of low voltage lighting in the exception to IECC/2012, Section R404.1, Lighting equipment, does not match the definition of low voltage lighting in National Electrical Code (N1104.1). There was a recommendation that staff review the two definitions to ensure that they do not conflict. If there are no conflicts, the IECC/2012 definition would be amended to include a cross-reference to the electrical subcode.

- International Residential Code/2012 and International Fuel Gas Code/2012: Mr. Robert McCullough, Vice Chair of the Mechanical/Energy Subcodes Committee, presented the Committee's discussion on these codes.
  - The Mechanical/Energy Subcodes Committee recommended adoption of the International Residential Code/2012 without change from the draft rule proposal.
  - The Mechanical/Energy Subcodes Committee noted that information in the cover memo for the Corrugated Stainless Steel Tubing (CSST) piping bond was not stated properly. In all cases, the bond has to connect to the electrical service grounding electrode; it is the bonding location for the CSST that has been altered. The Committee asked that staff ensure that the presentation of this item be corrected in the rule summary. Staff concurred.
  - The Mechanical/Energy Subcodes Committee held a brief discussion on the requirement for high-efficacy lighting. Even though this requirement has been in the code since 2006 (25% then, 50% for 2009 and now 75% for 2012), one committee member expressed concern about how Section R404.1, Lighting equipment, will be enforced.

Barrier Free Subcode Committee

- Barrier Free Subcode (N.J.A.C. 5:23-7) and IBC/2012, Chapter 11: Mr. John Del Colle, Chair, presented a summary of the recommendations presented in the minutes for the three Barrier Free Subcode Committee meetings in which lengthy discussions were held above the proposed move to delete most of Subchapter 7 and replace it with Chapter 11, Accessibility of the IBC/2012. Mr. DelColle commented that the State's policy, which has been in effect since Governor Whitman's administration, not to exceed Federal law unless allowed by State law, is not good public policy. Mr. DelColle thanked John Terry, Division of Codes and Standards, for attending the Barrier Free Subcode Committee meetings in which this change was discussed; his leadership and participation were greatly appreciated. The Barrier Free Subcode Committee made multiple recommendations, which are contain in the meeting minutes; a summary of some of the Barrier Free Subcode Committee's recommendations follow:
  - N.J.A.C. 5:23-7.1: There was a brief discussion about whether the second sentence -- "This subchapter shall be interpreted to require access for people with disabilities, including, but not limited to, occupants, employees, consumers, students, spectators, participants, or visitors" – should be included in the scoping of Chapter 11, which simply states "The provisions of this chapter shall control the design and construction

of facilities for accessibility for physically disabled persons." The Committee recommended that it be included; it is inclusive and provides a critical understanding of the purpose of the accessibility requirements.

- N.J.A.C. 5:23-7.2(b)32: As amended in the Barrier Free Subcode, ICC/ANSI A117.1, Section 1003.11.9, Shower, allows the use of an adaptable threshold in a shower in a dwelling unit. The Department had proposed this section for deletion thinking that no such shower threshold exists, but has since learned that there are adaptable thresholds on the market. The Barrier Free Subcode Committee recommended that an adaptable threshold continue to be allowed.
- N.J.A.C. 5:23-7.3(b)1i: In the definition of "townhouse," there was a brief discussion of the meaning of "independent entrance serving one dwelling unit only." There was a question as to whether a shared stoop constitutes a shared entrance. The Barrier Free Subcode Committee asked that guidance be provided on this question.
- N.J.A.C. 5:23-7.5(a)6: There was a brief discussion as to the terminology that would be used for the low and moderate income housing, which is characterized in the regulations and in the enabling legislation as " Council of Affordable Housing (COAH) housing." At this time, there will be no change in the terms used. In addition, the exception at N.J.A.C. 5:23-7.5(c)2i, which requires compliance with the accessibility "COAH requirements" for multistory dwelling units needs to be added into the rule proposal in the amendments to the International Building Code (IBC)/2012-Chapter 11.
- N.J.A.C. 5:23-7.8(a): The Barrier Free Subcode Committee recommended that attention be drawn to the change in the number of required accessible entrances from 50% to 60% in compliance with the Americans with Disabilities Act (ADA)/2010.
- N.J.A.C. 5:23-7.9: The charging text is "An interior accessible route shall connect all portions of buildings required by this subchapter to be accessible." There was a brief discussion about whether this language, which does not appear so plainly in the IBC/2012-Chapter 11, should be included in the rule proposal. The Barrier Free Subcode Committee recommended that it be included.
- N.J.A.C. 5:23-9(b)-Page 24: This section establishes exceptions from the prohibition on the use of a platform lift to bridge a level differential in new construction. The limited list of exceptions in the Barrier Free Subcode is greatly expanded in specificity, but not in impact, in Chapter 11. The discussion on the list in IBC/2012, Chapter 11 follows.
- The Committee discussed the list in Chapter 11, Section 1109.8, Platform lifts in the IBC/2012-Chapter 11. The Committee recommended that two exceptions be deleted from Chapter: Section 1109.8.4 would allow a platform lift to bridge a level differential in an accessible or adaptable dwelling unit. The Barrier Free Subcode requires an accessible route "into and throughout" an adaptable/accessible dwelling unit and does not allow a change of elevation, such as a sunken living room, so there is no need to retain this exception.
    - Section 1109.8.7 would allow a platform lift to be used to serve a loading and unloading area at an amusement ride. Since ride design standards are not enforced by UCC-licensed officials, the Department should decide whether this requirement would remain here or whether it should be included in the carnival

and amusement ride regulations. It is from the Americans with Disabilities Act (ADA), so it should be included where it can best be enforced.

- Section 1109.8.10 would allow the use of a platform lift on an exterior site where "site constraints make use of a ramp or elevator infeasible." Neither "site constraints" nor "infeasible" is defined—and "infeasible" is not limited to "technically infeasible." The Committee regarded this as a broad loophole and recommended that it not be included.
- The Committee had a lengthy discussion about whether platform lifts should be allowed to serve altars in newly constructed churches. In the past, some code officials have allowed the use of a platform lift, rather than a ramp, based on the exception for access to a "performing area." Some code officials have required that the clear floor space and outlet for the platform lift be provided at the time of construction and have allowed the lift itself to be provided when needed. Other code officials have required an accessible route at the time of construction. There was discussion of the recent ADA rule that allows the judge's bench and other generally non-public areas of a courtroom to be accessed by a platform lift, which may be installed when needed. The ADA does not apply to religious facilities, so there is no exact requirement to use as a comparison. Failure to provide the accessible route at the time of construction may mean that congregants are not able to enjoy full access to the altar area during services. Several Committee members commented that the church is unlikely to be able to provide an accessible route when needed (for example, for weddings or baptisms) if it has not been provided at the time of construction. The Committee discussed this at length and did not find consensus.

- N.J.A.C. 5:23-7.10(a)2, Accessible Parking: The Barrier Free Subcode Committee recommended that attention be called to the change in the required number of accessible parking spaces from one of every eight to one of every six parking spaces; the change is made to ensure that the Barrier Free Subcode remains consistent with the ADA. In addition, at N.J.A.C. 5:23-7.10(a)3, Accessible Parking, the reference to R7-8P sign must be changed. That designation was chosen by the New Jersey Department of Transportation for New Jersey's penalty sign, but the national Manual of Uniform Traffic Control devices has designated its "Van Accessible" sign as R7-8P, so the New Jersey designation needs to be changed to avoid confusion.
- N.J.A.C. 5:23-(a)4: There was discussion about the current Barrier Free Subcode requirement (for theaters with fixed seats) that accessible seating be provided on more than one viewing level and that accessible seating be required "throughout all classes of seats" and the IBC/2012, Chapter 11 requirement that "more than one level" is required only when the threshold of providing six or more accessible seats has been reached (theaters with an occupancy of more than 300). There was discussion about the difference in theaters in which plays are performed, concert theaters, and movie theaters. The first rows have very different values (or "classes") depending on the type of show. Movie theaters are particularly problematic because there is one price for all tickets, but the quality of the seating varies significantly. The Committee recommended retaining the language in the Barrier Free Subcode concerning dispersal requirements.

Elevator Subcode Committee

Elevator Safety Subcode (N.J.A.C. 5:23-12): Mr. George Hrin, Chair, presented the recommendations of the Elevator Subcode Committee regarding the requirements in the IBC/2012, Chapter 30, Elevators.

- Fire Service Keys: The Elevator Subcode requires the use of the Yale key for fire service. Chapter 30 does not specify the use of a Yale key. For consistency and uniformity, the key requirement should be revised to retain the requirement for a Yale key as the standardized fire service elevator key in New Jersey.
- IBC/2012, Section 3007, Fire Service Access Elevator: The Elevator Subcode Committee called attention to an apparent conflict in the IBC/2012 and ASME A17.1, the adopted technical standard for elevators. ASME A17.1, Safety Code for Elevators and Escalators, requires that power to elevators must be disconnected prior to application of water from sprinklers installed in the elevator machine rooms, elevator machine spaces, elevator control rooms, elevator control spaces, and elevator hoistways. In the IBC/2012, Section 3007.3.1 prohibits the installation of automatic sprinklers in elevator machine rooms, elevator machine spaces, and elevator hoistways, but does not prohibit their installation in elevator control rooms and elevator control spaces of fire service access elevators. The Elevator Subcode Committee recommended that, to avoid the disconnect of power to fire service access elevators prior to application of water from sprinklers located in elevator control rooms or elevator control spaces, the installation of automatic sprinklers in the elevator control rooms or elevator control spaces of fire service access elevators be prohibited.
- IBC/2012, Section 3008, Occupant Evacuation Elevators: In the IBC/2012, Section 3008.2.2 item 2 stipulates that "*smoke detectors required by another provision of the code*" shall activate occupant evacuation elevator systems. According to ASME A17.1, which references National Fire Protection Association (NFPA) 72, the activation of smoke detectors located at elevator lobbies on each floor served by an elevator and smoke detectors located at the elevator's equipment rooms *shall automatically activate Phase I Emergency Recall of this elevator*. The Elevator Subcode Committee recommended clarifying that "smoke detectors required by another provision of the code" to activate occupant evacuation elevator systems exclude smoke detectors that are installed to initiate automatic emergency recall of elevators.

There was a brief Board discussion about the definitions of "fire service elevators" and "occupant evacuation elevators." In responding, a staff member commented that the definition of "occupant evacuation elevator" should be clarified to state when these elevators are required. Also, in response to another question, a staff member commented that part of the confusion about the sprinkler requirements results from including "elevator equipment room," but not "control room" in the list of spaces that are not required to be provided with sprinklers. The Board recommended that Division staff look into this and resolve any confusion in advance of the publication of the rule proposal. Staff agreed.

Fire Protection Subcode Committee: Mr. Arthur Londensky, Chair, summarized the comments of the Fire Protection Subcode Committee, which are contained in its meeting minutes.

- **International Residential Code/2012**:

- In IRC/2012, Section R501.3, Fire protection of floors, would require that basement floors constructed of engineered wood products in buildings that are not provided with fire sprinklers be protected with a ½ inch gypsum wallboard or 5/8 inch wood structural panels. The Fire Protection Subcode expressed strong support for this provision, which will not only give occupants additional time to evacuate the dwelling, but will also give fire fighters additional time to enter a house when there is a fire in the basement before the floor is compromised. The Fire Protection Subcode Committee members discussed fire incidents in which occupants could not get out and those in which fire fighters had fallen through the floor into the basement fire after entering the front door.
- IRC/2012, Section R-315.2: The Fire Protection Subcode Committee recommends that current requirement for the location of carbon monoxide alarms be retained. In R-315.1, Carbon Monoxide Alarms, requires alarms to be installed only outside each separate sleeping area in the immediate vicinity of the bedrooms. Section R-315.2 requires detectors to be installed per NFPA 720, which would require them on each level of the dwelling. The Fire Protection Subcode Committee recommends that R-315.2 be modified to maintain the current requirement for the location of carbon monoxide detectors either by inserting the current language, "installed outside of each separate sleeping area in the immediate vicinity of the bedrooms," or the text that is being added to Section 908.7 of the IBC/2012.

International Building Code/ 2012

- IBC/2012, Sections 903.2.4, 903.2.7, 903.2.9: Sprinkler requirements in Groups F-1, M, S-1 that contain upholstered furniture or mattresses. The Fire Protection Subcode Committee recommends proposing the 5,000 square foot threshold for the sprinkler requirement.
- IBC/2012, Section 906.1: The Fire Protection Subcode Committee agrees with retaining the fire extinguisher exception. Fire Protection Subcode Committee members commented that this exception prevents untrained persons from trying to use a fire extinguisher in an emergency and eliminates the need for additional maintenance requirements. This modification still allows quick response sprinkler heads to be installed that will react quicker to a fire condition.
- IBC/2012, Section 905, Standpipe requirements: It is proposed to retain the exception for fire extinguishers in the building subcode (IBC/2009) for buildings of Group A, B and E occupancies that are equipped with quick response sprinklers because the level of protection provided by the sprinklers far exceeds that of fire extinguishers. The Fire Protection Subcode Committee members thought that retaining the current fire protection subcode (IBC/2009) text was still the most reasonable.
- IBC/2012, Section 913.4.1: A Fire Protection Subcode Committee member commented that deleting this text would again prohibit the main control valve for the test header from being supervised. Several Fire Protection Subcode Committee members disagreed and commented that, as written, the text does not make sense; the Committee recommended that it should continue to be deleted.
- IBC/2012, Chapter 2 definitions, "Custodial Care:" The Fire Protection Subcode Committee held a discussion as to whether this terms conflicts with the current

modifications that have been made with regard to prompt, slow and impractical self-evacuation. Following the discussion, the Fire Protection Subcode Committee recommended deleting the last sentence of the definition to resolve the concern. The Fire Protection Subcode Committee also recommended that, if the last sentence cannot be deleted, the definition and all references to "custodial care" in the code be deleted.

- IBC/2012, Section 903.2.6, Group I- Automatic Sprinklers: After a very lengthy discussion, the Fire Protection Subcode Committee agreed that exception number two should remain. This exception allows NFPA 13D sprinkler systems to be installed in Group I-1 occupancies. The systems must be a standalone type, with electronic monitoring. A hydraulic data plate would also be required; the plate must be maintained for the life of the system in accordance with the fire code.
- IBC/2012, Section 1008.1.9.9, Electromagnetically locked egress doors: One Fire Protection Subcode Committee member commented that this section should not be deleted because it deals with doors other than entrance doors that can be secured. If the section were to be deleted, there would be no rules to address this type of locking arrangement, which are being installed in many buildings. It was discussed that item 4 and 5 (provided below for information) from Section 1008.1.9.8 be added as items 6 and 7 of Section 1008.1.9.9 to address electromagnetically locked doors in tenant spaces and doors in the means of egress in buildings with an occupancy in Group A, B, E, M, R-1 or R-2. If this section is deleted, as proposed, electromagnetically locked doors would not be allowed at all; whereas, if the recommended text were added, the current installation requirements would be retained. They have been allowed under IBC/2009, Section 1008.1.9.8 before New Section 1009.1.9.9 was added to the code.
    - Below are the conditions that the Fire Protection Subcode Committee recommended be added to ensure that doors are unlocked while the fire alarm is active:
      4. Activation of the building fire alarm system, if provided, shall automatically unlock the doors, and the doors shall remain unlocked until the fire alarm system has been reset.
      5. Activation of the building automatic sprinkler or fire detection system, if provided, shall automatically unlock the doors. The doors shall remain unlocked until the fire alarm system has been reset.
- IBC/2012, Section 1009.3: The allowance for unenclosed exit stairs at IBC/2009, Section 708.2 has been moved to IBC/2012, Section 1009.3, Exception #4, Section. The amendment continues to disallow an unenclosed stair in Group B and Group M occupancies. The Fire Protection Subcode Committee recommended that this exception be retained. It would allow up to a four-story opening in other than Group B and M occupancies when a NFPA 13 sprinkler system is installed. This condition is only for "exit access stairways," which, by definition, cannot be a required means of egress. The Fire Protection Subcode Committee commented that at least two separate means of egress would be required per floor.

Mr. Bob McCullough made a motion to adopt the 2012 editions of these national model codes, as amended by Committee discussion. Before the motion was seconded, Mr. Gregory Moten commented that there were conflicts within the Committees' recommendations: specifically, (1) there were conflicts in the recommendations of the Building Subcode Committee and the Mechanical/Energy Subcodes Committee for the energy subcode proposal; (2) there were conflicts in the recommendations of the Building Subcode Committee and the Fire Protection Subcode Committee regarding the protection of the underside of engineered lumber in crawl spaces in the one- and two-family dwelling subcode; and (3) there was a conflict between the recommendation of the Building Subcode Committee to revert to the IBC/2006, which had no sprinkler requirements for Groups F-1, M, and S-1 that contain upholstered furniture and mattresses and the Fire Protection Subcode Committee, which endorsed a threshold of 5,000 square feet for a sprinkler requirement for such occupancies. Discussion of the conflicting items began.

1. IRC/2012--Protection of underside of engineered lumber in crawl spaces: In IRC/2012, Section R501.3, Fire protection of floors, would require that basement floors constructed of engineered wood products in buildings that are not provided with fire sprinklers be protected with a ½ inch gypsum wallboard or 5/8 inch wood structural panels.

   Mr. John Scialla, Chair, summarized the Building Subcode Committee's position. The Building Subcode Committee thought that the extra protection was not warranted. It is too costly; in addition, finishing an otherwise unfinished basement would be more difficult with this protection in place.

   Mr. Arthur Londensky, Chair, summarized the Fire Protection Subcode Committee's position. The Fire Protection Subcode Committee reported that it would give occupants more time to get out in a fire condition. Old construction used to provide as much as 12-15 minutes to get out; with engineered lumber and longer spans, the time is down to four minutes. There was a fire recently in which a fire fighter was killed when he stepped into a home and the floor collapsed. This is a life safety issue for occupants and fire fighters alike. The small increased cost is justified.

Board discussion ensued. One Board member asked whether this requirement would apply only to new construction or would it also apply to existing buildings. Staff responded that it would apply to new construction only. One Board member asked John Scialla, Chair of the Building Subcode Committee, how the members had decided that it was too costly. Mr. Scialla responded that there was a lot of work involved; working in crawl spaces, it is not possible just to install some sheetrock.

One Board member commented that when the Uniform Construction Code Act was passed, one of the major arguments in favor of adopting national model codes was that the national model codes would ensure life safety. Issues would be decided through the national code consensus process. Balancing cost and life safety was part of the Uniform Construction Code's premise. This is not simply a cost issue; it is also a life safety issue.

Another Board member commented that the reason that builders use TJI is because it is cheaper and can span further. So, maybe the cost to protect it is justified. Homeowners do not know what they are buying when they purchase a home. They see open interior space and they think it is beautiful, but they have no knowledge of the way the spans will respond in a fire. It does not even occur to homeowners to ask; they assume that, with code enforcement, they are protected.

Another Board member said that there comes a time when either the regulatory agencies have to say "enough is enough" or someone has to say "enough is enough' to the regulatory agencies. The economic situation is dire; home building has not yet returned with strength. Adding costs at a time when costs are already high and building is slow is not supportable.

Mr. Bob McCullough withdrew his earlier motion.

A brief discussion of possible actions by the Board ensued: Section R501.3, Fire protection of floors, could be proposed for adoption or it could be removed from the proposal through the jurisdiction to retain the provisions of an earlier adopted national model code. This provision is not in the IBC/2009, which is the currently adopted building subcode, so the provision could be removed.

Dr. James Sinclair made a motion, which was seconded by Mr. Arthur Londensky, to propose Section R501.3 of the International Residential Code/2012. In the proposal, a request for comments should be specifically requested. The positions of both the Building Subcode Committee and the Fire Protection Subcode Committee should be spelled out. The Code Advisory Board's request for public comments should also be included. Finally, data on the cost-benefit should be included and detailed in the Economic Impact Statement. The motion carried unanimously.

The Board decided to discuss the third unresolved item on the informal list provided above, sprinklers in Groups F-1, M, and S-1 that contain upholstered furniture or mattresses.

2. <u>IBC/2012--Sprinklers in Buildings of Group F-1, M, or S-1 with upholstered furniture or mattresses:</u> In sum, the IBC/2012 would require automatic sprinkler systems in Group F-1, M and S-1 that manufacture, display, sell, or store upholstered furniture or mattresses (Sections 903.2.4, 903.2.7, and 903.2.9). The IBC/2009 required sprinklers in these occupancies with no area threshold. The IBC/2006 did not require sprinklers in these occupancies; the standard 12,000 square foot threshold that applied to all occupancies applied to these occupancies also.

   Mr. John Scialla, Chair, Building Subcode Committee explained the Committee's recommendation. The committee held a lengthy discussion of the IBC/2012 requirement for automatic sprinkler systems in Group F-1, M and S-1 that manufacture, display, sell, or store upholstered furniture or mattresses (Sections 903.2.4, 903,2,7 and 903.2.9). As was discussed earlier, members of the Building Subcode Committee thought that the requirement was poorly scoped, that mattresses should not be included, since mattresses have flammability protection. The protection is supposedly needed because furniture does not have flammability protection and, therefore, constitutes a hazard. One member had recommended that the standard limit of 12,000 square feet (unsprinklered) for these occupancies provides adequate protection. The Building Subcode Committee recommended that this code proposal revert to the IBC/2006 requirement, in which there was no suppression requirement for these occupancies based solely on the presence of upholstered furniture or mattresses.

   Mr. Arthur Londensky, Chair, Fire Protection Subcode Committee, presented his Committee's position. The Fire Protection Subcode Committee agreed that

requiring suppression with no threshold at all was not reasonable. This IBC/2009 requirement has meant that when there is one piece of upholstered furniture in these occupancies, sprinklers are required. That might not make sense, but protection is necessary. Although it can be tempting to dismiss the North Carolina fire as a single event or an event with inadequate response, fire fighters died in that event. The Fire Protection Subcode Committee endorses a middle ground of requiring sprinklers at a threshold of 5,000 square feet for occupancies of Group F-1, M, or S-1 with upholstered furniture or mattresses. Although the Committee agrees that mattresses do not present the same hazard, there does not seem to be a way to remove only mattresses from the code requirement. If the code requirement could apply only to these occupancies with upholstered furniture, the Fire Protection Subcode Committee would support it.

Board discussion ensued. One Board member commented that the middle ground, in which sprinklers would be required in Groups F-1, M, or S-1 that are 5,000 square feet or greater, seems to be a reasonable requirement. There was consensus that the current requirement, from the IBC/2009, which has no threshold for the sprinkler requirement, is excessive. Reverting to the IBC/2006, which contains no differentiating threshold for these occupancies, which would result in a 12,000 square foot threshold seems not to take the hazard presented by the upholstered furniture, which has no flame protection, into account.

Dr. James Sinclair made a motion, which was seconded by Mr. Bob McCullough, to propose the 5,000 square foot threshold and to include in the summary statements for the rule proposal a summary of the Board's discussion with the options identified and the recommendation made. The motion carried, with eight members in favor and two members opposed.

3. International Energy Conservation Code/ 2012: Insulation, Air Sealing, and Diagnostic Testing

Insulation:

John Scialla, Chair of the Building Subcode Committee reported that the Committee members were very concerned about the increase in insulation requirements, which were regarded as too excessive without demonstrated paybacks. (See summary of Building Subcode Committee on page 4 of these minutes.) In addition, the Building Subcode Committee members thought it would be difficult to install R38.

Robert McCullough, Vice Chair, Mechanical/Energy Subcodes Committee, reported that members of the Mechanical/Energy Subcodes Committee had asked whether retaining the requirements of the IECC/2009 would result in noncompliance with Federal rules.

Staff responded that the Federal American Recovery and Reinvestment Act/2009 (ARRA) funds required the adoption of the IECC/2009; the US Department of Energy (DOE) has said that the IECC/2012 should be used, but has also allowed eight years to effect the adoption of IECC/2009. It is not known for certain at this time whether retaining the IECC/2009 would negatively impact opportunities for Federal funding prospectively; it would not have such an effect currently. The State of New Jersey's Energy Master Plan calls for a 15% upgrade in efficiency from the IECC/2009; if the IECC/2012 were not to be adopted, the energy subcode would not meet that goal.

The Board held a lengthy discussion. The IECC/2012 is a comprehensive performance code that is designed to improve energy efficiency. When designing a building with a cathedral ceiling, for example, there are trade-offs in the design of the walls and windows. One Board member asked whether DOE had evaluated the cost impact and published its findings. The estimates from DOE are life cycle costs based on a seven-year payback. Several Board members expressed concern about the cost involved and the lack of demonstrable benefits. Estimates regarding the costs and the benefits vary widely. One Board member expressed apprehension about increasing energy requirements while the economy is still so troubled. This Board member reminded fellow Board members that there is no way to predict when the construction industry, especially the home building industry, will turn around. To increase costs that are not directly tied to safety when the industry is struggling seems unsupportable. In response to a question for additional information, staff informed the Board that the payback estimates are difficult to compare because they rely on underlying assumptions, including estimates of the cost of fuel. Staff also commented that the National Association of Home Builders (NAHB) has endorsed the IECC/2012.

Dr. James Sinclair made a motion, which was seconded by Mr. Leonard Sendelsky, to retain the insulation requirements of the IECC/2009, as they are described in the minutes of the Building Subcode Committee. The motion carried unanimously.

Air Testing:

Mr. John Scialla, Chair of the Building Subcode Committee, reported that the Committee members were concerned about the increase in the air changes from 7 to 3 per hour. In the experience of the Committee members, typical test results now are 4 to 5 changes per hour. The Committee members expressed great concern (summarized in these minutes on page 4) that tightening that requirement would add to the cost of construction with no demonstrable benefit for the homeowner.

A brief discussion ensued. The Board again expressed concern about adding to the cost of construction in a time of reduced construction. One Board member pointed out that it is the responsibility of the Board to evaluate cost and benefit and to provide a recommendation. Another Board member commented that there are changes in code requirements that are made to increase safety; although those code requirements might increase cost, they are warranted by the increased safety. These requirements, on the other hand, are made in response to a policy and do not impact safety. It is difficult to justify them in such a serious construction downturn.

Mr. Leonard Sendelsky made a motion, which was seconded by Dr. James Sinclair, to retain the requirements for air changes from the IECC/2009. The motion carried unanimously.

Diagnostic Testing:

Mr. John Scialla, Chair of the Building Subcode Committee, reported on a discussion held regarding the acceptance test for ductwork and the allowable air leakage rates (IECC/2012, Section R403.2.2). Because the "duct blaster test," which is the test used to determine the air leakage rates of duct work, is not mandatory in New Jersey until January 1, 2013, a motion was made and seconded to retain the status quo for the allowable leakage rates.

In addition, the Building Subcode Committee discussed IECC/2012, Section R403.2.2.3, which addresses the use of building framing for supply and

return ducts. Several Committee members observed that the new requirement is rooted in the reduced air leakage rates of Section R403.2.2. Because of the action recommended by the subcode committee on R403.2.2, the Building Subcode Committee recommended that the requirements of the IECC/2009 be retained to continue to allow building framing to be used as return duct.

The Board held s brief discussion of the impact that increased energy code requirements can have on the cost of construction. One Board member emphasized that, as with the earlier Board recommendations, increasing the cost of construction for other than life safety improvements is not advisable. The construction industry generally and the home building industry, in particular, need stable, predictable code requirements, so that they have a chance to recover from this unprecedented downturn.

Dr. James Sinclair made a motion, which was seconded by Mr. Leonard Sendelsky, to retain the diagnostic testing requirements of the IECC/2009, as summarized in the minutes of the Building Subcode Committee and reflected in Board discussion. The motion carried unanimously.

Having voted on some of the individual code requirements, the Board held a vote on the comprehensive draft rule to propose the 2012 editions of the national model codes.

Dr. James Sinclair made a motion, which was seconded by Mr. John Scialla, to propose the 2012 editions of the national model codes for adoption, as amended by Board discussion and action and as reflected in Subcode Committee minutes. The motion carried unanimously.

C. New Business (continued)

2. Draft Amendments N.J.A.C. 5:23-4A, Industrialized/Modular Buildings

The draft amendments to update the rule governing industrialized/modular buildings to make them consistent with the Interstate Compact on Industrialized/Modular Buildings (IBC) were sent to the Building Subcode Committee for review and comment.

Mr. John Scialla, Chair, Building Subcode Committee, reported that the Committee recommended approval of the rules as presented.

Mr. Robert McCullough made a motion, which was seconded by Dr. James Sinclair, to approve the rules without change. The motion carried unanimously.

3. Formal Technical Opinion (FTO) 15-Commercial Kitchen Exhaust Hoods

The proposal to withdraw FTO-15 as no longer necessary because the International Mechanical Code/2009 and 2012 has established requirements that provide clear direction on when a commercial kitchen hood is required have been adopted. This proposal was sent to the Building Subcode, Fire Protection Subcode, and Mechanical/Energy Subcodes Committee for review and comment.

Mr. John Scialla, Chair, Building Subcode Committee, reported that the Committee recommended that FTO-15 be withdrawn, as proposed.

Mr. Arthur Londensky, Chair, Fire Protection Subcode Committee, reported that the Committee recommended that FTO-15 be withdrawn, as proposed.

Mr. Robert McCullough, Vice Chair, Mechanical/Energy Subcodes Committee, reported that the Committee recommended that FTO-15 be withdrawn, as proposed. In addition, the Committee recommended that a *Construction Code Communicator* article be written to

underscore that light duty appliances require a Type II, not Type I, hood. The differences should be clearly explained to give all code users a quick reference.
Mr. Robert McCullough made a motion, which was seconded by Mr. John Scialla, to approve the withdrawal of FTO-15, as proposed. The motion carried unanimously.

D. New Business

1. Draft Bulletin: Site Work Jurisdiction

The site work jurisdiction bulletin provides direction on the jurisdiction that applies to site work on "campus style" settings, such as college campuses, hospital complexes, corporate campuses, and industrial complexes.
The draft bulletin will be sent to the Building, Fire Protection, Electrical, and Plumbing Subcode Committees for review and comment.

2. Draft Rule: Ordinary Maintenance—Communication Wiring Within a Dwelling Unit (N.J.A.C. 5:23-2.7)

The draft rule on ordinary maintenance would allow communication that is wholly within a dwelling unit to be ordinary maintenance. Work that is in common areas or outside the dwelling unit would continue to be regulated as minor work.
This draft rule will be sent to the Building, Electrical, and Fire Protection Subcode Committees for review and comment.

E. Information

1. CAB Log: The updated activity log was included in the meeting packets.

2. List of Pending Legislation: A list of pending legislation on issues that impact construction and the Uniform Construction Code was included in the meeting packets.

F. Public Comments

There were no comments from the public.

The meeting was adjourned at 12:10 p.m.

UNIFORM CONSTRUCTION CODE ADVISORY BOARD
Minutes of Meeting, June 8, 2012

Location
101 South Broad Street
Trenton, New Jersey 08625

Attendance

Board Members

Beth Pochtar, Chair
John Scialla, Vice Chair
William Connolly
John DelColle
Arthur Doran
George Hrin
Arthur Londensky
Robert McCullough
Gregory Moten
James Sinclair
Alexander Tucciarone
Valerie Waricka

DCA Staff

Edward M. Smith, Director, Division of Codes and Standards
Emily Templeton, Code Development Unit
John Terry, Code Assistance Unit
Michael Baier, Bureau of Code Services
Mitchell Malec, Office of Local Code Enforcement
Louis Mraw, Office of Regulatory Affairs
Richard Greenberg for Dave Uhaze, Bureau of Construction Project Review
Robert Austin, Code Assistance Unit
Paulina Caploon, Elevator Safety Unit, Bureau of Code Services
Marcel Iglesias, Code Assistance Unit
Thomas Pitcherello, Code Assistance Unit
Darren Port, Code Assistance Unit
Drake Rizzo, Director's Office
Michael Whalen, Code Assistance Unit

Guests

David Blackwell, New Jersey Builders Association
Rachel Cyzner, Cyzner Properties
Donna Goldberg, East Brunswick Township
Edward Grobelny, East Brunswick Township
Ruth Hall, West Windsor Township
Bob LaCosta, Township of Scotch Plains
Jeff Mang, Hogan Lovells
Susan Mealey, West Windsor Township

Brenda Sirkis, West Windsor Township
George Spais
Robert Spellman, NJ International Electrical Contractors
Theodore C. Yasson, West Windsor Township

Ms. Beth Pochtar, Chair of the Uniform Construction Code Advisory Board (CAB), called the meeting to order at 9:30 a.m. and adjourned the meeting for the Public Hearing on code change proposals for the Rehabilitation Subcode.

Mr. John Terry, Division of Codes and Standards, opened the public hearing. Two code change proposals had been submitted to the Department for consideration. The first proposal would amend the categories of work; the second would amend the section on change of use.

Categories of Work--Insulation: Jeff Mang, Esq., Hogan Lovells, spoke on behalf of the code change proposal submitted by Polyisocyanurate Insulation Manufacturers Association (PIMA) to require insulation when a low-sloped roof is replaced. The proposed rule amendment would clarify that when the membrane is removed, insulation would be required to be added to meet the required R value. One Board member asked about the typical cost of removing the old roof. Mr. Mang replied that, generally speaking, the roof materials are put on top of the old materials unless the old materials have been damaged. In that case, the labor costs would not be significant. This code change proposal would require one extra layer of insulation.

One Board member commented that the Rehabilitation Subcode does have a provision, recently added, to require insulation in wall cavities when the wall is open. One of the premises of the Rehabilitation Subcode is that extra costs should not be imposed on a project without need. The cost that would be added through this insulation requirement, therefore, is determinative. Mr. Mang informed the Board that the American Society of Heating, Refrigerating, Air-conditioning Engineers (ASHRAE) 90.1 has required insulation to be added when the membrane is removed since publication of its 1999 edition. The International Energy Conservation Code (IECC) specifies when the "insulation is exposed;" the International Building Code (IBC) says "roof replacement" or "roof recovering."

The Board asked Mr. Mang to gather some independent information on the costs associated with this change. One Board member asked if other products were available and was told yes, the proposed code change is generic and refers to R value, not to a specific product.

One Board member commented that the owner of the property makes the economic decision based on the cost return. Therefore, any code changes that are made must be for another goal. It is critical that the Board understand what impact this requirement would have.

Mr. Mang agreed to obtain the cost data and to provide it to the Department so that it can be provided to subcode committees in advance of their discussions.

This code change proposal and all accompanying reports and data were referred to the Building Subcode Committee and the Mechanical/Energy Subcodes Committee.

Change of Use: Mr. Lawrence Scorzelli, New Jersey Meadowlands Commission, submitted a code change proposal to address "high pile storage" by including a reference to Section 413 of the International Building Code (IBC) at N.J.A.C. 5:23-6.31(g)5.

There was brief discussion about the problems associated with high pile storage. This code change proposal was referred to the Building Subcode Committee and the Fire Protection Subcode Committee for discussion.

There being no other code change proposals to consider, the Rehabilitation Subcode hearing was closed at 9:50 a.m.

The Code Advisory Board meeting resumed.

A. Approval of Minutes of the Code Advisory Board Meeting of February 10, 2012
Dr. James Sinclair made a motion, which was seconded by Mr. Alex Tucciarone, to approve the minutes as presented. The motion carried unanimously.

B. Subcode Committee Reports

Fire Protection Subcode Committee
Mr. Arthur Londensky, Chair, reported that the Fire Protection Subcode Committee met on May 17, 2012. The Fire Protection Subcode Committee began its review of the national model code proposal; agenda items were also discussed.

Mechanical/Energy Subcodes Committee
Mr. Art Doran, Chair, reported that the Mechanical/Energy Subcodes Committee met on May 17 and began its review of the national model code proposal.

The Barrier Free, Building, Electrical, Elevator, and Plumbing Subcode Committees also began their reviews of the national model code proposal.

C. Old Business

1. Draft Rule: Flood-resistant Construction (N.J.A.C. 5:23-6.2A)

In an on-going effort to work with the Department of Environmental Protection (DEP) to provide consistency with the Uniform Construction Code (UCC) and Federal Emergency Management Agency (FEMA) regulations, the draft rule proposal would add the appropriate subcode section references to the Rehabilitation Subcode regarding flood-resistant construction. These requirements would apply only when the local floodplain administrator determines that an existing building is undergoing a "substantial improvement." This would be a prior approval. The draft rule was referred to all Committees.

One Board member reminded the Board that the Department had been asked to report to the Board on whether the cost of the flood-resistant construction would be borne by the federal government or by an entity other than the building owner. Division staff informed the Board that there are two categories of projects that are part of the FEMA regulations: substantial damage and substantial improvement. Damage is assessed at the time of a disaster; if the damage is deemed to be substantial in accordance with FEMA standards, the Federal government has funds to assist the building owner. In the absence of a determination of "substantial damage," there is no funding available. This rule, however, does not address "substantial damage." It deals with

"substantial improvement." By definition, a substantial improvement is a project voluntarily undertaken by the owner. If an owner decides to undertake a project, flood-resistant construction would be required. The project itself is voluntary.

Mr. John Scialla, Chair, reported that the Building Subcode Committee held an electronic discussion and recommended that the draft rule be approved.

Mr. Robert McCullough, Chair, reported that the Electrical Subcode Committee recommended approval. Mr. McCullough reported that earlier Committee minutes contained some recommended language changes. Staff agreed to locate the minutes and to review the recommendations before taking action on the draft rule.

The Barrier Free Subcode Committee, Fire Protection Subcode Committee, Mechanical/Energy Subcodes Committee, and Plumbing Subcode Committee reported that no concerns or objections were expressed.

Mr. William Connolly made a motion, which was seconded by Dr. James Sinclair, to approve the rule. The motion passed unanimously.

Minor Work/Plan Release with Conditions: Mr. Robert McCullough informed the Board that, upon a closer review of the proposed rule, plan release with conditions, which is scheduled for publication in the *New Jersey Register* as a proposal on June 17, he has become concerned that the rule states that "Minor work shall mean and include *repair and/or renovation* work in a Group B, Group F, Group M or Group S occupancy performed in accordance with N.J.A.C. 5:23-6" (Emphasis added). Mr. McCullough expressed concern that "repair" is included in this reference. Repair work is more closely identified with "ordinary maintenance" and including "repair" could cause minor work provisions to be applied to work that should be ordinary maintenance. Staff thanked Mr. McCullough for identifying this potential conflict and committed to resolving it upon adoption.

D. New Business

1. Draft Rule: 2012 National Model Codes (N.J.A.C. 5:23-3.14, 3.15, 3.17, 3.18, 3.20, 3.21, 3.22, 7)

    a. Building Subcode (N.J.A.C. 5:23-3.14)
        i. Barrier Free Subcode (N.J.A.C. 5:23-7)
        ii. Elevator Subcode (N.J.A.C. 5:23-12)

    b. Plumbing Subcode (N.J.A.C. 5:23-3.15)

    c. Fire Protection Subcode (N.J.A.C. 5:23-3.17)

    d. Energy Subcode, Mechanical Subcode, Fuel Gas Subcode (N.J.A.C. 5:23-3.18, 3.20, 3.22)

    e. One- and Two-family Dwelling Subcode (N.J.A.C. 5:23-3.21)

Mr. John Terry explained the memoranda attached to the draft rule proposals for each of the subcodes. Those items that begin with the New Jersey Administrative Code (N.J.A.C.) citation

signify a change in the Uniform Construction Code (UCC) language itself. Those items that begin with a model code section number signify a change in the model code provisions. Each of the model code provisions recommended for change is included. Also included is every significant change in the model code requirements that are not being amended, but that constitute a change in code requirements. Changes in the model codes that are editorial or that do not result in a change in requirements are not identified.

The Subcode Committees are meeting and reviewing these draft rule proposals. Action by the Board is expected at the August 10 meeting.

2. Draft Rule: Administrative Search Warrant (N.J.A.C. 5:23-2.18)

Mr. Lou Mraw framed the discussion of the draft rule on the administrative search warrant. The need to make such an amendment to the Uniform Construction Code (UCC) came to light through a recent Appellate Division decision. In the case of *State v. Heine*, decided January 31, 2012, the Appellate Division held that the municipality could not enforce a violation notice issued under a local ordinance because of the failure of the local code official to obtain an administrative search warrant after being denied entry. The court pointed out approvingly that the requirement for an administrative search warrant when entry is denied is set forth in Hotel and Multiple Dwelling, Rooming and Boarding House, and Uniform Fire Code rules. Denial of entry has not been an issue under the UCC rules because, the unsafe structure provisions or work without a permit aside, inspections are generally conducted at the request of the property owner. The existence of an open permit enables code officials to make inspections and denial of access is the basis for issuance of a Notice of Violation. In light of the *Heine* case, however, the Department thinks that it would be appropriate to have the UCC rules reflect the requirement for code officials to secure administrative search warrants in any case in which entry may be denied for any reason.

In a brief discussion, one Board member recommended that, in addition to putting the provision in the "inspection" section, it should also be put in the section that deals with "entry." Another Board member recommended that the Department provide a *Construction Code Communicator* article to explain the issue.

Upon further discussion, one Board member recommended that the rule specify that an administrative search warrant is not required for work for which a permit has been issued. A Board member also mentioned that a code enforcement official can go anywhere the public can go. There was a discussion of the need to be careful on residential property where access is not granted to the public.

Mr. Alex Tucciarone made a motion, which was seconded by Mr. Bob McCullough, to approve the draft rule as amended by discussion. The motion carried unanimously.

3. Draft Rule: Special Inspector Sanctions (N.J.A.C. 5:23-5.2, 5.3, 5.4, 5.5, 5.21)

Mr. Lou Mraw explained the need for this rule amendment. Special inspectors are certified, not licensed. Currently, the rules apply only to licensed inspectors, so, in order to be able to take action with regard to special inspectors, references to "certifications" need to be added where references to "licenses" exist. In addition to this change, the draft rule would also change the maximum penalty to reflect the statutory amount and would allow that possible sanctions include additional training. As the Peer Review system has developed, one of the preferred sanctions is to require additional training, rather than suspension or revocation of the official's license. This reasonable approach would be codified.

One Board member cautioned against using the title of the agenda item, "Special Inspection Sanctions," when the rule is submitted to the *New Jersey Register* as a proposal. The rule is not limited to "special inspector sanctions" and such a title could be misleading in a rule proposal. Similarly, "sanctions" should not be incorporated into the rule text. Staff agreed that a broader identifier will be used in the rule proposal and that references to "sanctions" will be avoided in the rule text.

Mr. Art Londensky made a motion, which was seconded by Dr. James Sinclair, to approve the draft rule. The motion carried unanimously.

4. Draft Bulletin 12-XX: Informational Notes (National Electrical Code)

Mr. Robert Austin framed the issue for the Board. "Informational Notes" is the new reference for "Fine Print Notes," those informational items in the National Electrical Code (NEC)/2011 that are enforceable as code.

Mr. Robert McCullough commented that some of the references are titled "Guidance" and others are called "Recommended Practices." He asked if guidance documents or recommended practices are written clearly enough to be enforced as code.

The Board held a brief discussion of the use and application of the Informational Notes. In the past, there were documents entitled "recommended practices" or "guidance" that were included in the Fine Print Notes bulletin and enforced as code. One Board member pointed out that the title might be a misnomer—it is the requirement within that is important. If a "recommended practice" contains a provision that addresses a life safety issue and is enforceable, it should be listed and enforced as code.

One Board member recommended that the draft bulletin be re-titled to include "Recommended Practices" and revised to list the "codes and standards" and "recommended practices and guidelines" in two separate parts. The introduction to the bulletin should specify that these "Informational Notes" are to be regarded as part of the electrical subcode.

Mr. Robert McCullough made a motion, which was seconded by Mr. William Connolly, to approve the draft bulletin as revised by discussion.

5. Draft Rule: Industrialized Modular Buildings (N.J.A.C. 5:23-4A)

Mr. Michael Baier explained to the Board that this rule reflects changes in the Industrialized Modular Buildings rules that were revised nationally in 2007. These changes put New Jersey back in step with national standards.

One Board member asked whether this draft rule intends to change what can be appealed; Mr. Baier said that he would check.

The draft rule was referred to the Building Subcode Committee.

6. FTO-15-Commercial Kitchen Exhaust Hoods: Withdrawal

Mr. John Terry explained that, in response to confusion about what constitutes a commercial kitchen, the Department developed FTO-15, Commercial Kitchen Exhaust Hoods, to provide direction, guidance, and clarity. The International Mechanical Code (IMC) now contains code requirements that address the distinction effectively. Therefore, FTO-15 is no longer necessary.

One Board member commented that there was confusion in the past about the installation of commercial appliances in residential occupancies. Boarding homes posed a particular problem—some inspectors required a commercial hood in the kitchen of a boarding home while others did not. There was similar confusion about small day care centers.

This proposal to withdraw FTO-15 was referred to the Building Subcode Committee, Fire Protection Subcode Committee, and Mechanical/Energy Subcodes Committee for discussion.

E. Information

1. CAB Log: The updated activity log was included in the meeting packets.

2. List of Pending Legislation: A list of pending legislation on issues that impact construction and the Uniform Construction Code was included in the meeting packets.

F. Public Comments

Mr. Robert Spellman, electrical contractor, commented that the Board should not approve a change to the Rehabilitation Subcode that is designed to serve a manufacturer and that would add cost to a building owner who is contracting for a roof replacement.

The meeting was adjourned at 11:00 a.m.

UNIFORM CONSTRUCTION CODE ADVISORY BOARD
Minutes of Meeting, February 10, 2012
Location

101 South Broad Street
Trenton, New Jersey 08625

Attendance

Board Members

Beth Pochtar, Chair
John Scialla, Vice Chair
William Connolly
John DelColle
Arthur Doran
George Hrin
Arthur Londensky
Robert McCullough
Michael Mills
Gregory Moten
James Sinclair
Joseph Surowiec
Alexander Tucciarone
Valerie Waricka

DCA Staff

Edward M. Smith, Director, Division of Codes and Standards
Emily Templeton, Code Development Unit
John Terry, Code Assistance Unit
Michael Baier, Bureau of Code Services
Mitchell Malec, Office of Local Code Enforcement
Louis Mraw, Office of Regulatory Affairs
Dave Uhaze, Bureau of Construction Project Review
Robert Austin, Code Assistance Unit
Paulina Caploon, Elevator Safety Unit, Bureau of Code Services
Marcel Iglesias, Code Assistance Unit
Thomas Pitcherello, Code Assistance Unit
Darren Port, Code Assistance Unit
Drake Rizzo, Director's Office

Guests

Tom Boyd, Plainsboro Township
Sal DiCristina, Rutgers University
Jerry Eger, Millburn Township
John Fielder, Hillsborough Township and Municipal Construction Officials (MUNCO)
Steve Jones, Building Officials Association of New Jersey (BOANJ)
Bob LaCosta, Township of Scotch Plains
Robert Spellman, Electrical Contractors of New Jersey

Albert Zaccone, Architect

Ms. Beth Pochtar, Chair of the Uniform Construction Code Advisory Board (CAB), called the meeting to order at 9:30 a.m.

A. Approval of Minutes of the Code Advisory Board Meeting of December 9, 2011
Dr. James Sinclair made a motion, which was seconded by Mr. Bob McCullough, to approve the minutes. The motion carried unanimously.

B. Subcode Committee Reports
Barrier Free Subcode Committee
Mr. John DelColle, Chair, reported that the Barrier Free Subcode Committee met on February 3 and continued its comparison of the International Code Council/American National Standards Institute (ICC/ANSI) A117.1-2003 with the Americans with Disabilities Act Accessibility Guidelines (ADAAG)/2010

Elevator Subcode Committee
Mr. George Hrin, Chair, reported that the Elevator Subcode Committee held a meeting on January 27, 2012. Agenda items were discussed.

Fire Protection Subcode Committee
Mr. Arthur Londensky, Chair, reported that the Fire Protection Subcode Committee met on January 12, 2012. Agenda items were discussed.

The Building, Electrical, Mechanical/Energy, and Plumbing Subcode Committees did not meet; some held electronic discussions on agenda items.

B. Old Business

6. Minor Work: Small Working Group and Alternate Approach

Noting that several members of the public had come to the Code Advisory Board meeting to hear, and possibly to participate in, the discussion of the alternate solution to the minor work rule proposal, Ms. Beth Pochtar, Chair, announced that the last item of Old Business would be discussed first. Dr. James Sinclair and Mr. Gregory Moten, Board members who participated in a small working group on the issue, presented a summary of the process and framed the discussion.

The small working group that was formed to tackle this issue consisted of stakeholders, including property managers and business owners, design professionals, and code enforcement officials. The small working group discussed the problems that led to the development of the minor work proposal and then developed an alternate approach, plan release with conditions, to resolve those problems. The administrative system of the Uniform Construction Code (UCC) encourages a review of administrative provisions with improvement in mind. Once the problem had been narrowed down to the lack of predictability in repeated plan revisions to achieve code compliance, the small working group discussed several alternatives. Considering that all code enforcement officials are licensed by the State, there was a brief discussion of allowing

appropriately licensed State employees to perform the plan review on a project-by-project basis when a municipality's code enforcement resources were stretched. A regional approach-- code enforcement at the county level--was also discussed. A third idea was that if the "home" municipality was over-worked or under-staffed and could not handle a project in a timely manner, the permit applicant could have the option of taking the plans to another municipality for review.

Finally, one solution grabbed the attention of each working group member: plans could be released with a list of deficiencies upon the condition that the deficiencies would be corrected at the time of inspection. This solution, which was refined with further discussion, would be called "plan release with conditions." The refinements included the following provisions: if the plans were so deficient that code compliance could not be determined by inspection, the plans would not be eligible for plan release with conditions; the permit applicant would agree to the conditions and (as long as prior approvals were met), the permit could be issued based on that agreement; in addition to providing a copy of the conditions to the permit applicant, the construction official would provide a copy of the list of conditions to the design professional of record; plan release with conditions would apply to alteration or reconstruction projects in Groups B, F, M, or S. Renovation projects in the same Groups would be deemed to be minor work and replacement of carpeting would be moved from minor work to ordinary maintenance, which would mean that the most basic changes of tenancy (re-painting and re-carpeting) would not require a construction permit at all.

It was also pointed out to the Board that the stakeholders' input was invaluable. The value of plan review and of inspections were discussed and upheld; inspections would be retained, which would benefit all code users. All members of the working group agreed that plan review, plan release, and inspections result in code compliance, which benefits all code users. The small working group believed that this process, currently limited to Groups B, F, S, and M, could be expanded in the future to include projects in other groups.

One member of the small working group stated that this concept was a compromise that was reached by the members of the small working group and is a good alternative.

Board discussion ensued. One Board member commented that he had used a similar system, "released as noted" and it had been very effective in his jurisdiction. When one Board member asked why the local code official would be required to give the list of conditions to both the permit applicant and the design professional, another Board member commented that part of the problem over the years has been a lack of effective communication between the building owner and the architect. In the Bureau of Construction Project Review, for example, comments are routinely sent to the architect with a copy to the building owner. This keeps the owner informed about the status of the plan review and also makes the owner responsible for ensuring a timely response by the architect.

With further discussion, one Board member recommended that the rule should clearly state that the code officials could require that the plans be revised.

Mr. Bob McCullough made a motion, which was seconded by Mr. Greg Moten, to approve the draft rule as amended. The motion carried unanimously.

Following the Board discussion, one Board member commented that this rule was a direct result of the engagement of the code officials who were clear and reasoned in their opposition to the original minor work rule proposal. In addition, the Division Director and his staff should be

credited for forming a group that first identified the problem and then found a creative solution. This effort demonstrates the integrity of the UCC system.

The members of the public were asked if they had comments. There were no responses. The Board paused briefly to allow those who had come to hear the discussion of plan release with conditions to exit the room.

1. Draft Rule: Travel Distance (N.J.A.C. 5:23-3.14(b)9)

Staff summarized the issue as follows: In the 2006 edition of the International Building Code (IBC), the travel distance for storage occupancies was allowed to be increased from 250 feet to 400 feet provided the building was only one story in height, equipped with smoke and heat vents, and equipped throughout with a sprinkler system installed in accordance with National Fire Protection Association (NFPA) 13. In the 2009 edition of the IBC, the travel distance for these occupancies is limited to 250 feet. This has been causing problems in very large storage warehouse buildings. Without a 400 feet travel distance, these large storage buildings are required to either have exit passageways, which interrupt operations, or exit stairs to below grade passageways, which increase cost.

This draft rule was referred to the Building and Fire Protection Subcode Committees for review and comment.

Mr. Arthur Londensky reported that the Fire Protection Subcode Committee agrees with the draft rule and also recommend that a *Construction Code Communicator* article be written on this topic.

Mr. John Scialla reported that the Building Subcode Committee also approved the draft rule.

One Board member asked if this problem has been fixed in the International Building Code (IBC)/2012 and was informed that, no, it is not fixed in the IBC/2012, but it will be fixed in the IBC/2015.

Mr. Art Doran made a motion, which was seconded by Mr. Art Londensky, to approve the draft rule. The motion carried unanimously.

2. Draft Rule: Threshold for Requiring Fire Sprinkler System in Group M—Upholstered Furniture (N.J.A.C. 5:23-3.14(b)9)

Staff explained the issue as follows: In the International Building Code (IBC)/2009, Section 903.2.7, item number four requires the installation of a fire sprinkler system in all Group M buildings that contain *a piece* of upholstered furniture for sale or display (emphasis added). The International Code Council (ICC) became aware of the impact of this requirement through the submission of a code change to establish a reasonable threshold for this requirement; the code change has been approved and will be part of the IBC/2012. The draft rule would amend the building subcode to reflect the modified threshold that has been approved as a code change and that will be part of the IBC/2012 for Group M occupancies.

Mr. Arthur Londensky reported that the Fire Protection Subcode Committee agrees with the 5,000 square foot threshold. The Board held a brief discussion on whether the requirement should apply to occupancies that display mattresses as well as those that display furniture. The mattress industry has made mattresses safer and less flammable; the furniture industry has not. One Board member recommended that the draft rule be amended to delete mattresses, so that it would apply to displays of furniture only.

Mr. Art Londensky made a motion, which was seconded by Mr. Michael Mills, to approve the draft rule as amended. The motion carried unanimously.

3. Draft Rule: Periodic Inspections (N.J.A.C. 5:23-2.20, 4.18, 4.20) and Draft Revised Bulletin 99-2, Testing of Backflow Preventers

This draft rule, which would amend the periodic inspections for the testing of backflow preventers, bonding and grounding inspections of swimming pools, and the fees for the associated inspections, was revised and referred to the Electrical Subcode Committee for additional discussion.

The Board had requested that some of the undefined language, such as "in the vicinity" be described with more detail. The rule has been revised to allow the bonding and grounding certificate to cover more than one swimming pool, spa, or hot tub unit.

Mr. Bob McCullough, Chair of the Electrical Subcode Committee, reported that the Committee approved the draft as revised.

Dr. James Sinclair made a motion, which was seconded by Mr. Bob McCullough, to approve the rule as revised. The motion carried unanimously.

4. Draft Rule: Jurisdiction for Electrical Inspections—Carnival and Amusement Rides (N.J.A.C. 5:23-3.11)

This draft rule, which would assign jurisdiction for inspecting generators associated with carnival (portable) rides to the State, was revised in response to a request by the Electrical Subcode Committee for clearer, more limited language.

Mr. Robert McCullough made a motion, which was seconded by Mr. Arthur Londensky, to approve the rule as revised. The motion carried unanimously.

5. Draft Rule: State Ride and Elevator Inspectors—Cross-train (N.J.A.C. 5:23-5.3, 5.5, 5.7)

In response to comments by the Board and by the Elevator Subcode Committee, the draft rule was revised to provide a partial qualification for partial work. The revised draft rule would allow amusement ride subcode officials to perform six-month inspections of elevator devices also to allow elevator inspectors to perform operational inspections of amusement rides. Amusement ride inspectors would be required to take the Uniform Construction Code (UCC) elevator inspector course.

Mr. George Hrin, Chair of the Elevator Subcode Committee, reported that the Committee has discussed this proposal at length and continues to oppose it. The Committee members believe that the six-month inspection should be performed by a licensed elevator inspector. Elevator inspectors are required to have seven years of experience to be eligible for licensure; elevator subcode officials are required to have 10 years of experience. Committee members pointed out that, although it is less extensive than the annual inspection, the six-month inspection is still dangerous and, even with training, there are still accidents. Committee members also asked how the Department would identify a qualified trainer for the course that it plans to use.

One Board member commented that the revised rule does not allow an amusement ride inspector to become an elevator subcode official; the Board member asked whether there would always be a qualified person to sign off and was told that, yes, there will be a qualified person to sign off. One Board member pointed out that this revised rule would not give an amusement ride inspector an elevator inspector license.

A further explanation was provided: The six-month inspection for elevators includes an inspection of the machinery the outside of the elevator car, the inside of the elevator car, and also requires an inspection on top of the car that includes bolt tightness and a visual inspection for wear or mechanical malfunction.

One Board member focused the discussion. The concern of the Board and the Department is evaluating any hazard to the public. One of the problems in setting qualifications is that there is no entry level test to for an inspector who would perform only the six month inspection. Therefore, there must be another kind of evaluation as to whether an inspector is qualified. Training seems to be a reasonable alternative. Although each discipline has entry level experience requirements, experience is actually not as valuable as training. One Board member pointed out that the inspector needs to be familiar with the required closing door forces and asked how an amusement ride inspector who is allowed to perform a six-month inspection would know how to evaluate the closing door forces. The response was that closing door forces would be included in the training.

Mr. William Connolly made a motion, which was seconded by Dr. James Sinclair, to approve the revised draft rule. The motion carried with eight members in favor and six members opposed.

D. New Business

1. Draft Rule: Municipal Fees for Large, Open-Volume Buildings (NJAC 5:23-4.18)

This draft rule amendment would codify the recommendations in Bulletin 79-8, entitled "Permit Fees for Large, Open-Volume Buildings," to resolve the issue of municipalities charging excessive fees for these types of buildings.

Mr. John Scialla made a motion, which was seconded by Mr. Bob McCullough, to approve the draft rule. The motion carried unanimously.

2. Draft Rule: Flood Resistant Construction (NJAC 5:23-6.2A)

In an on-going effort to work with the Department of Environmental Protection (DEP) to provide consistency with the Uniform Construction Code (UCC) and Federal Emergency Management Agency (FEMA) regulations, the draft rule would add the appropriate subcode section references to the rehabilitation subcode regarding flood-resistant construction. These requirements would be a prior approval only when the local floodplain administrator determines that an existing building is undergoing a "substantial improvement."

Reminding Board members that the Department has traditionally not added requirements like this if the cost of the retrofit is not covered, one Board member asked whether FEMA has agreed to pay for the elevation of a structure. For those with flood insurance, the flood insurance covers much of the cost; in addition, FEMA is providing incentives. One Board member pointed out that some buildings cannot be raised. The Brook Theater in Bound Brook is an example of a building that has been repeatedly flooded, but cannot be elevated.

This draft rule was referred to all Committees.

E. Information

1. CAB Log: The updated activity log was included in the meeting packets.

2. List of Pending Legislation: A list of pending legislation on issues that impact construction and the Uniform Construction Code was included in the meeting packets.

F. Public Comments

There were no comments from the public.

The meeting was adjourned at 11:20 a.m.

UNIFORM CONSTRUCTION CODE ADVISORY BOARD
Minutes of Meeting, December 9, 2011
Location
101 South Broad Street
Trenton, New Jersey 08625

Attendance
Board Members

Beth Pochtar, Chair
William Connolly
John DelColle
Arthur Doran
George Hrin
Arthur Londensky
Robert McCullough
Gregory Moten
James Sinclair
Joseph Surowiec
Alexander Tucciarone
Valerie Waricka

DCA Staff

Edward M. Smith, Director, Division of Codes and Standards
Emily Templeton, Code Development Unit
John Terry, Code Assistance Unit
Michael Baier, Bureau of Code Services
Mitchell Malec, Office of Local Code Enforcement
Louis Mraw, Office of Regulatory Affairs
Paulina Caploon, Elevator Safety Unit, Bureau of Code Services
John Delesandro, Education and Licensing Unit, Bureau of Code Services
Marcel Iglesias, Code Assistance Unit
Thomas Pitcherello, Code Assistance Unit
Michael Whalen, Code Assistance Unit

Guests

Walter Dubyna, Electrical Contractors of New Jersey
Robert Spellman, Electrical Contractors of New Jersey

Ms. Beth Pochtar, Chair of the Uniform Construction Code Advisory Board (CAB), called the meeting to order at 9:30 a.m.

A. Approval of Minutes of the Code Advisory Board Meeting of October 14, 2011
One Board member pointed out that in the summary of the discussion of minor work, the analogy that added some humor to that discussion had been omitted from the minutes: "You can call a pig a horse, but you can't enter it in the Kentucky Derby." Amid laughter, it was recommended that the comment be included as an amendment to the minutes.

Mr. Alex Tucciarone made a motion, which was seconded by Mr. Gregory Moten, to approve the minutes as amended. The motion carried unanimously.

B. Subcode Committee Reports

Barrier Free Subcode Committee

Mr. John DelColle, Chair, reported that the Barrier Free Subcode Committee met on November 18. Agenda items were discussed. The comparison of the International Code Council/American National Standards Institute (ICC/ANSI) A117.1-2003 with the Americans with Disabilities Act Accessibility Guidelines (ADAAG)/2010 was continued. Mr. DelColle then reported on an investigation by the United States Department of Justice (DOJ) into issues with accessibility at slot machines at the casinos in New Jersey. The Barrier Free Subcode Committee will continue to watch that investigation.

Building Subcode Committee

Mr. John Scialla, Chair, reported that the Building Subcode Committee met on December 2. Agenda items were discussed.

Electrical Subcode Committee

Mr. Robert McCullough, Chair, reported that the Electrical Subcode Committee met on November 17. Agenda items were discussed.

In addition, in a discussion of corrugated stainless steel tubing (CSST) bonding, the Electrical Subcode Committee asked that the sections of the International Fuel Gas Code (IFGC) regarding gas tubing be sent to them for review. A short discussion of this issue ensued. The electrical inspector should have principal authority for bonding and grounding, but was pushed aside by the IFGC. One Board member commented that this fell between two codes and those codes have not dealt with it well. Another Board member stated that the manufacturer who supported the inclusion of this in the IFGC also submitted a code change proposal to the National Electrical Code (NEC) for lightning protection, but lightning protection is not required by the NEC and the code change proposal would not have solved the pinhole leak problem. The Department has issued guidance on this problem. The new product has built-in bonding, but the bonding is not designed for a direct hit, it is designed for stray current. One solution would be to require lightning protection on a house with gas piping. There was a brief discussion of the standard employed by the Department that was initiated by Chuck Decker (former Assistant Director, Construction Code Element) for the resolution of conflicts between two codes: the code with more expertise would prevail. One Board member reported that for two code change cycles, the NEC has rejected in its code change process the change that the International Code Council (ICC) accepted for the IFGC. Another Board member pointed out that the code change was rejected by the NEC because, as lightning protection, it is outside its scope. However, it is a bonding issue; where the code is silent, manufacturer's instructions prevail. The Board asked staff to look into this issue and provide recommendations.

Elevator Subcode Committee

Mr. George Hrin, Chair, reported that the Elevator Subcode Committee held a meeting on November 21. Agenda items were discussed. The Elevator Subcode Committee also discussed elevator subcode issues.

Fire Protection Subcode Committee
Mr. Arthur Londensky, Chair, reported that the Fire Protection Subcode Committee met on November 10. Agenda items were discussed.

Mechanical/Energy Subcodes Committee
Mr. Arthur Doran, Chair, reported that the Mechanical/Energy Subcodes Committee held an electronic discussion on agenda items. Agenda items were discussed.

Plumbing Subcode Committee
Mr. Alexander Tucciarone, Chair, reported that the Plumbing Subcode Committee met on November 4. Agenda items were discussed. In addition, the Plumbing Subcode Committee asked about any progress on the Heating, Ventilation, Air-conditioning, and Refrigeration (HVACR) contractor's license regulations; committee members were informed that the draft regulations continue under review in the Attorney General's Office. The Plumbing Subcode Committee also discussed what type of backflow preventer is required to the water supply on water-powered sump pumps, which have become popular following the recent floods. Some Committee members thought that a reduced pressure backflow preventer would be required, while other Committee members though that was excessive. The Committee will continue to discuss this question.

C. Old Business

1. Draft Rule: Reorganization of Subchapter 9 (N.J.A.C. 5:23-9)

This reorganization of Subchapter 9 is designed to ensure that the requirements of the Uniform Construction Code (UCC) are in the sections most closely attached to the subject matter. With the exception of N.J.A.C. 5:23-9.3, Recreational park trailers, and N.J.A.C. 5:23-9.6, Construction requirements for new and existing casinos, the requirements in Subchapter 9 are proposed to be moved to the applicable code sections. This draft rule was sent to all committees for review and comment.

At the Code Advisory Board meeting of April 8, this draft rule was held pending further discussion and recommendations by the Building Subcode Committee and the Elevator Subcode Committee for specific items to be considered for inclusion in submittals of plans for a single family home.

At the Code Advisory Board meeting of December 9, Mr. John Scialla, Chair, Building Subcode Committee, reported that the Building Subcode Committee has discussed specific submittals and had concluded that the current language should be retained without change.

Mr. George Hrin, Chair, Elevator Safety Subcode Committee, reported that the Elevator Subcode Committee had not discussed the specific list. Mr. Hrin recommended that the rule be approved. The Elevator Subcode Committee will hold a discussion in the future and will bring any recommendations back to the Board for discussion at that time.

Mr. Alex Tucciarone made a motion, which was seconded by Dr. James Sinclair, to approve the rule. The motion carried with one abstention.

2. Draft Rule: Public School Facility Enhancements (N.J.A.C. 5:23-3.11A) and Draft Revised Bulletin 00-3: Public School Facility Enhancements

This draft rule was referred to the following Subcode Committees: Barrier Free, Building, Electrical, Fire Protection, Mechanical/Energy, and Plumbing.
The Fire Protection Subcode Committee identified two issues that it recommended for change:

- One Fire Protection Subcode Committee member expressed a concern with item 4 on page 2 of Draft Revised Bulletin 00-3. This Committee member thought that the word "should" was added in place of "to" he thought that this conflicts with the last sentence of the last paragraph just before "(address to be entered here)", which states that the "educational adequacy" *must* be performed by the DOE prior to the UCC plan review (emphasis added). The Fire Protection Subcode Committee recommended that "should" be replaced with "must" so the sentence would read as follows. "4. An educational adequacy review **must** be obtained from the DOE before the permit application is submitted for plan review."
- One Fire Protection Subcode Committee member pointed out that on pages 20 and 21, there is an inconsistency between the requirements for pre-manufactured structures and temporary school classrooms. Temporary classrooms are required to have a manual fire alarm, but not an automatic fire alarm system. Pre-Manufactured Temporary Classroom Units are required to have automatic fire alarm systems.

In a brief discussion, it was recognized that, because bulletins are guidance and are not binding, the language used in them is permissive. In addition, although there are some inconsistencies in the requirements of the Department of Education (DOE), the purpose of this draft rule and draft revised bulletin is to make the educational requirements clear and to make them available in one place.

The Plumbing Subcode Committee asked why the electric, solenoid, key-operated, gas shut-off switch was removed from the proposal. Because this is a safety item, the Plumbing Subcode Committee recommended that it be retained.

Staff explained that the changes and inconsistencies in the draft rule exist in the DOE requirements. Upon discussion, Board members recognized that the recommendations for changes made by the Subcode Committees could be made to DOE, but, in the interest of making sure that the UCC includes, but does not exceed, the DOE requirements, those changes should not be made in this rule or in the revised bulletin at this time.
Mr. Robert McCullough made a motion, which was seconded by Dr. James Sinclair, to approve the draft rule and draft revised bulletin without change. The motion carried unanimously.

3. Draft Rule: Periodic Inspections (N.J.A.C. 5:23-2.20, 4.18, 4.20) and Draft Revised Bulletin 99-2, Testing of Backflow Preventers

The draft rule and draft revised bulletin were referred to the following Subcode Committees: Building, Electrical, and Plumbing.
The Building Subcode Committee recommended that the term "vicinity" be more clearly defined. The Committee members thought that pools bonded together at central location or together could be deemed to be the same vicinity. By extension, if the pools were not bonded together, a separate certificate should be issued. In addition, the Building Subcode Committee expressed concern about the language in the draft revised bulletin that allowing an inspector "at his or her discretion…[to] elect to witness the test." It was recommended that the inspector's decision be subject to the approval of the construction official or subcode official.

In response to a Board member's question, another Board member explained that the enforcing agency has the authority to designate responsibilities for the inspector. In this

instance, for example, the enforcing agency (construction official or subcode official) could require an inspector to witness a test, particularly if the municipality has reason to believe that the test might not be performed well. The Board member recommended that the reference to "inspector" be changed to 'enforcing agency." Another Board member pointed out that if there are multiple pools on a single site and they are all on the same permit, if one pool fails, none can be approved.

In further discussion, staff informed the Board that some enforcing agencies are requiring bonding and grounding certificates for four pools in a row; some enforcing agencies are requiring separate permits.

The Board recommended and staff agreed to hold the rule, revise it, and bring the revised rule back for further discussion at a future meeting.

4. Draft Rule: Jurisdiction for Electrical Inspections—Carnival and Amusement Rides (N.J.A.C. 5:23-3.11)

This draft rule was referred to the Electrical Subcode Committee.
The Electrical Subcode Committee accepted the intent of the rule as it was framed and described in the cover memo. However, the rule language itself was not limited to the stated intent. The Electrical Subcode Committee was uneasy approving the rule in concept when the language seemed at odds with the intent.

The Board recommended and staff agreed to hold the rule, revise it, and bring the revised rule back for further discussion at a future meeting.

5. Draft Rule: Classification of Enforcing Agencies and Buildings/Structures; Energy Bulletin Reference Update; Testing and Balancing (N.J.A.C. 5:23-2.15, 2.20, 3.11, 3.14, 4.3A, 4.20, 5.3, 5.20, 9.2)

This draft rule was referred to all Subcode Committees for review and comment.
Each Subcode Committee recommended approval of this rule; the members of several Subcode Committees expressed appreciation that this connection was being made.
Mr. Alex Tucciarone made a motion, which was seconded by Mr. William Connolly, to approve the rule without change. The motion carried unanimously.

6. Draft Rule: Enforcement Responsibility-Spa Pool Cover (N.J.A.C. 5:23-3.4)

Included in the meeting packets was a draft rule that would assign enforcement responsibility for checking for a barrier at a spa or hot tub to the electrical inspector. The electrical inspector is on-site anyway, and it would be more efficient for the inspector on-site to check to see if the barrier is present.
This draft rule was referred to the Electrical Subcode Committee for review.
The Electrical Subcode Committee recommended approval of this rule and also recommended that a *Construction Code Communicator* article be written to call attention to the change.
Mr. Robert McCullough made a motion, which was seconded by Mr. Art Londensky, to approve the rule without change. The motion carried unanimously.

7. Draft Rule: Change of Use and Sprinkler Exception Group R-5 to Group R-3 (N.J.A.C. 5:23-6.31)

This rule had been brought to the Code Advisory Board in December 2010. In June 2010, the Board recommended that staff revise the rule as a sprinkler exception, rather than as an exception

to the requirements for change of use. The recommendation was followed and the revised language was provided for Board review and discussion.
Mr. Arthur Londensky made a motion, which was seconded by Mr. Robert McCullough, to approve the language without further change. The motion carried unanimously.

D. New Business

1. Draft Rule: Travel Distance (N.J.A.C. 5:23-3.14(b)9)

Staff summarized the issue as follows: In the 2006 edition of the IBC, the travel distance for these occupancies was allowed to be increased from 250 feet to 400 feet provided the building was only one story in height, equipped with smoke and heat vents, and equipped throughout with a sprinkler system installed in accordance with NFPA 13. In the 2009 edition of the IBC, the travel distance for these occupancies is limited to 250 feet. This is causing problems in very large storage warehouse buildings. Without a 400 feet travel distance, these large storage buildings are required to either have exit passageways, which interrupt operations, or exit stairs to below grade passageways, which increase cost.

In researching this problem, staff learned that the Code Technology Committee of the International Code Council (ICC) is revisiting the 400 feet travel distance. The Department expects that a code change proposal will be submitted to address this problem. With the current code development process, the earliest this will be addressed in the model building code is the 2015 edition. This proposal would revert to the provisions of the 2006 edition of the IBC.

One Board member recommended that an article be written for the *Construction Code Communicator* informing code users of this problem and recommending that a variation be issued to allow reliance on the IBC/2006, as previously adopted in New Jersey.

This draft rule was referred to the Building and Fire Protection Subcode Committees.

2. Draft Rule: Threshold for Requiring Fire Sprinkler System in Group M—Upholstered Furniture (N.J.A.C. 5:23-3.14(b)9)

Staff explained the issue as follows: At IBC/2009, Section 903.2.7, item number four requires the installation of a fire sprinkler system in all Group M buildings that contain *a piece* of upholstered furniture for sale or display (emphasis added). The International Code Council (ICC) became aware of the impact of this requirement through the submission of a code change to establish a reasonable threshold for this requirement; the code change has been approved and will be part of the IBC/2012.

At this time, the Department proposes to amend the building subcode to reflect the modified threshold that has been approved as a code change and that will be part of the IBC/2012 for Group M occupancies.

The Board held a discussion on the differences between upholstered furniture and mattresses. One Board member commented that there are Federal standards governing the flammability of mattresses; there are no comparable standards for textiles. The Board discussed whether the size of the retail space might be a consideration.

The draft rule was referred to the Fire Protection Subcode Committee for review.

3. Draft Rule: Certification of Building Element, Fabricator Approval (N.J.A.C. 5:23-4.26)

The enclosed draft rule provides a cross reference that could otherwise be missed by code users. In Table 1704.4 of the building subcode, in the IBC/2006, the table had 11 criteria; the IBC/2009

divided one entry into two separate criteria, so there are now 12 criteria. The references would be updated. In addition, at N.J.A.C. 5:23-4.26, the requirements for certifying building elements would be clarified by adding a cross-reference to the IBC/2009 allowing another certification option for Class 1 buildings regarding fabricators. The Board was reminded that currently, if a building element is fabricated off site, a special inspector is required for that building element. This is not a new requirement; it is restated for clarity.
Mr. Robert McCullough made a motion, which was seconded by Mr. Art Doran, to approve the rule without change. The motion carried unanimously.

E. Information

1. Rule: State Ride and Elevator Inspectors—Cross-train (N.J.A.C. 5:23-5.3, 5.5, 5.7)
Included in the Board packet as information was a draft rule that would allow the cross-training and cross-licensing of amusement ride inspectors and elevator inspectors. All employees who would be affected by this rule are State employees and the license would be for State employees only.

In a discussion about the intent and extent of the rule, one Board member recommended that the cross licensing should apply only at the lowest (inspector) level and not for more complex (subcode official) responsibilities. There was a further recommendation that, if there is no inspector level position at this time, one might be created. This would avoid vesting inspection responsibility in those with minimal experience.

With further discussion, the Elevator Subcode Committee asked for an opportunity to review the rule and to be allowed to submit its comments on it. Staff agreed to attend the Elevator Subcode Committee meeting to participate in the discussion.

2. CAB Log: The updated activity log was included in the meeting packets.

3. List of Pending Legislation: A list of pending legislation on issues that impact construction and the Uniform Construction Code was included in the meeting packets.
In response to a question by a Board member, several pending bills were discussed.

- S2771--Exterior Façade: This bill would require that owners of buildings more than 6 stories in height to contract with a design professional for an inspection of the exterior façade. The reports would be submitted to the local enforcing agency. Appeals of the result of the inspection would be handled by County Construction Boards of Appeals. It would impose considerable costs on building owners with no demonstrable benefit. The Department has opposed this bill. If it passes both legislative houses, it is hoped that the Governor will not sign it.
- A3773--Mold Bill: The bill that would require the Department to create standards for mold inspections and mold inspectors and to design a remediation program has been moving. The Department has registered its opposition to this legislation and it is hoped that, if it passes both legislative houses, the Governor will not sign it.

4. CAB Meeting Dates 2012: The meeting dates for the Code Advisory Board 2012 were included in the meeting packet.

F. Public Comments

Walter Dubyna, Electrical Contractors of New Jersey, informed the Board of legislation (A4382) that is moving that would require reciprocity of licenses among states. He spoke in opposition for such a bill, which would require recognition of licensed contractors from other jurisdictions, even those with less stringent standards.

The meeting was adjourned at 11:25 a.m.

G. Executive Session

The Board went into Executive Session at 11:30 a.m.

The meeting was adjourned at 11:35 a.m.

UNIFORM CONSTRUCTION CODE ADVISORY BOARD
Minutes of Meeting, October 14, 2011
Location

101 South Broad Street
Trenton, New Jersey 08625

Attendance

Board Members

John Scialla, Vice Chair
William Connolly
Jack Boekhout for John DelColle
Arthur Doran
George Hrin
Arthur Londensky
Robert McCullough
Michael Mills
Gregory Moten
Leonard Sendelsky
Joseph Surowiec
Alexander Tucciarone
Valerie Waricka

DCA Staff

Betty Lou DeCroce, Deputy Commissioner, Department of Community Affairs
Edward M. Smith, Director, Division of Codes and Standards
Emily Templeton, Code Development Unit
John Terry, Code Assistance Unit
Michael Baier, Bureau of Code Services
Mitchell Malec, Office of Local Code Enforcement
Louis Mraw, Office of Regulatory Affairs
Robert Austin, Code Assistance Unit
John Delesandro, Education and Licensing Unit, Bureau of Code Services
Richard Greenberg, Bureau of Construction Project Review
Marcel Iglesias, Code Assistance Unit
Thomas Pitcherello, Code Assistance Unit
Drake Rizzo, Division of Codes and Standards
Darren Port, Code Assistance Unit
Michael Whalen, Code Assistance Unit

Guests

Vera Bacwyn-Holowinsky, VBH Architect
Alden B. Blackwell, Code Enforcement, Alpine Boro and Tenafly Boro
David DelVecchio, AIA New Jersey
Sal DiCristina, Citizen
John Drucker, NJ FPPA
Bill Doolittle, BOANJ

Jerry Eger, BOANJ, Essex County
John Fiedler, MUNCO
Steven Gluck, MUNCO
Stephen Jones, BOANJ
Bob LaCosta, Township of Scotch Plains
Vincent Lupo, BOANJ and MUNCO
Tom Pinand, BOANJ
Michael Rodgers, Code Enforcement, Lawrence Township
Brenda Sirkis, West Windsor Township
Rich Soltis, Code Enforcement, Lawrence Township
Joseph Valeri, West Windsor Township
James Zaconie, BOANJ

Mr. John Scialla, Vice Chair of the Uniform Construction Code Advisory Board (CAB), called the meeting to order at 9:35 a.m.

Mr. Edward Smith, Director, Division of Codes and Standards, introduced Deputy Commissioner Betty Lou DeCroce. The Deputy Commissioner provided a short summary of her experience and thanked the Board members for their service. Each Board member identified him/herself, the seat each holds, and the constituency represented.

A. Approval of Minutes of the Code Advisory Board Meeting of April 8, 2010
Mr. Robert McCullough made a motion, which was seconded by Mr. Arthur Doran, to approve the minutes as presented. The motion carried unanimously.

B. Subcode Committee Reports
Barrier Free Subcode Committee
In Mr. John DelColle's absence, Mr. Jack Boekhout, Vice Chair, reported that the Barrier Free Subcode Committee met on August 26. Agenda items were discussed.

Building Subcode Committee
Mr. John Scialla, Chair, reported that the Building Subcode Committee met on August 26. Agenda items were discussed.

Electrical Subcode Committee
Mr. Robert McCullough, Chair, reported that the Electrical Subcode Committee held an e-mail discussion of agenda items.

Elevator Safety Subcode Committee
Mr. George Hrin, Chair, reported that the Elevator Subcode Committee held a meeting on met on August 26. Agenda items were discussed.

Fire Protection Subcode Committee
Mr. Arthur Londensky, Chair, reported that the Fire Protection Subcode Committee met on August 16. Agenda items were discussed.

Mechanical/Energy Subcodes Committee

Mr. Arthur Doran, Chair, reported that the Mechanical/Energy Subcodes Committee met on August 9. Agenda items were discussed.

Plumbing Subcode Committee

Mr. Alexander Tucciarone, Chair, reported that the Plumbing Subcode Committee met on August 12. Agenda items were discussed

Mr. John Scialla announced that, in order to accommodate those member of the public who had come to this Board meeting for the discussion of the draft rule proposal on minor work, the item of new business, Draft Rule: Minor Work (N.J.A.C. 5:23-2.17A), would be moved to the first item of business. Mr. Scialla further announced that, in order to allow full public comment on this rule proposal, the Board would first discuss the proposal, then comments from the public would be taken on the rule proposal, then the Board would conclude its discussion and would hold its vote. Following the vote, the meeting would be adjourned briefly to allow those who came only for that discussion to leave.

D. New Business

1. Draft Rule: Minor Work (N.J.A.C. 5:23-2.17A)

Mr. John Scialla, Vice Chair, called the discussion to order beginning with the reports of the discussions held by the Subcode Committees.

Barrier Free Subcode Committee: Mr. Jack Boekhout, Vice Chair, reported that the Barrier Free Subcode Committee identified several questions:

- Prior Approvals: Many municipalities require planning and/or zoning board approval for a change of tenancy, even where there is no change of use. Prior approvals must be obtained before a permit can be issued. This will continue to cause problems for the local code official.
- Large Projects: Some alteration projects are large and complex. These projects benefit from a pre-construction meeting in which all requirements are made known. There are some municipalities that have specific requirements, such as registered contractors, and projects cannot move forward within the municipality without having met the municipal requirements.
- Required Notice: Although this section was not proposed for change, at N.J.A.C. 5:23-2.17A(b)1 and 2, the Uniform Construction Code (UCC) continues to require that *oral* notice be given (emphasis added). This requirement for oral notice should be changed to allow for e-mailed or faxed notice to reflect the use of current technology and to ensure that a record of the request is created.
- Form for Faxed/e-mailed Notice: Following a brief discussion of the preference for the type of faxed or e-mailed notice that would be acceptable, the Barrier Free Subcode Committee recommended that either a form be created for notice of a minor work project, so that the kind of work is identified and acknowledgement is made by the owner that the applicable codes and any prior approvals will be met, or that the current permit application, which includes a check off box for "minor work" be used.
- Original Scope of Minor Work: One Barrier Free Subcode Committee member pointed out that originally the category of minor work was intended to be truly minor. The work

that was included as minor work was work that would be "inspectable" even if the inspection were conducted 30 days after the work was completed. Although some work, for example, some electrical work, would be concealed, the kind and amount of work that could be classified as "minor" was intentionally limited. Expanding the scope of minor work to include alteration work, which is required to comply with the basic requirements of the rehabilitation subcode, anticipates an in-depth knowledge of the UCC that design professionals, contractors, and project managers for large office buildings (and other commercial buildings), especially those from out-of State, are unlikely to have.

- Alteration v. Reconstruction Projects: Several Barrier Free Subcode Committee members discussed the current difficulty identifying the point at which an alteration project becomes a reconstruction project. Concern was expressed about the problems that could exist if a project that the owner thought was alteration actually was reconstruction. There are supplemental requirements in the rehabilitation subcode that apply to a reconstruction project and applying those once construction has advanced is problematic.
- Application/Notice: The Barrier Free Subcode Committee recommended that the rule be identified as two types of minor work: Minor work and commercial minor work. For the commercial minor work, which would include alteration projects, written notice should be required. It was suggested that the Construction Permit Application (F-100) could be used for the notice since it includes a section for identifying minor work. All Barrier Free Subcode Committee members thought that using the F-100 form was a reasonable quid-pro-quo for so greatly expanding the concept of minor work. It was pointed out that use of a standard form would not only provide acknowledgement that the work must comply with the UCC, including prior approvals, but it would also make it clear that all partners in the work—owner, design professionals, and code enforcement officials bear responsibility for compliant work. One of the outcomes of the expansion of the rule as drafted is that disagreements between the permit applicant and the code enforcement officials on how to categorize the work would take place after the work has begun.
- Working Group: Several Barrier Free Subcode Committee members expressed their wish that the Department had formed a working group to discuss the problems that were being experienced by commercial property owners/managers, so that a more detailed and more targeted solution could have been found. One Barrier Free Subcode Committee member said that a different approach to this problem might have been to deal with these "tenant fit-ups" as prototype applications. For example, a working group could have come up with a list of items that are nearly always part of a change of tenancy/tenant fit-up and provided a specific rule, complete with a checklist, to address this specific problem. The Barrier Free Subcode Committee recommended that the Department consider such a solution for future recommendations from interest groups.
- Finally, one Barrier Free Subcode Committee member read the introductory phrase "minor work shall include" as meaning "include, but not be limited to." After discussion, the Committee recommended that the introductory phrase be amended to match the introductory phrases of the other sections, "Minor work shall mean and shall include," so that it is clear that the application of this expansion is limited to the designated use groups.

Building Subcode Committee: Mr. John Scialla, Chair, reported on the following concerns that were discussed:
Staff presented the proposal.

- Understaffing: There was discussion that this rule "lets municipalities off the hook" for understaffing their construction departments.
- Prior Approvals: There were questions as to whether this rule would over-rule municipal prior approvals that are currently required for change of ownership.
- Reason for Proposal: In the absence of a documented reason for this change, there was a brief discussion of the impetus for this proposal, including a discussion of the practice in some municipalities of taking excessive time to perform plan review and inspections.
- Signed and Sealed Plans: The Building Subcode Committee recommended that it be made clear that the specifications and plans required by N.J.A.C. 5:23-2.17A(a)2i are required to be signed and sealed. The signing and sealing of plans is governed by the Building Design Services Act.
- Formatting the Rule within the UCC: There was discussion that because that this proposal expands the concept of minor work, a new section in the UCC be created to address this change.
- Change of Character of Use: There was discussion as to whether the minor work category would apply to an office building being changed to an ambulatory health care facility, which would be a change in the character of use, but not a change of use. The Building Subcode Committee recommended that it be made clear upon adoption that neither change of use nor a change in the character of use is included in minor work.
- Part-time Towns: There was a brief discussion of the impact that this would have, and the difficulties that would be created in towns where the officials work part time.
- Citing Violations: The committee discussed the problems associated with citing code violations once work has been completed. The Building Subcode Committee recommended that it be made clear that the contractors are proceeding "at their own risk."
- Overall Enforcement Problems: There was a discussion about the difficulties inherent is stepping back from enforcement; the Building Subcode Committee recommended that this proposal not move forward.

Electrical Subcode Committee: Mr. Robert McCullough, Chair, reported on an electronic discussion held by the Electrical Subcode Committee.

- Reason for Proposal: The Electrical Subcode Committee held a brief discussion on the absence of demonstrated evidence that the existing regulations are causing difficulties.
- Work without Permits: There is currently a problem with work being done without permits; there was a discussion of the ways in which this rule would exacerbate that problem.
- Character of Use: In discussion, there was concern expressed about the lack of clarity about the application of a "change in the character of use." As an example, when a real estate office is changed to a doctor's office, it is not a change of use group, but it is a change in the character of the use and different wiring is required. This is a safety issue and it should be made clear that the change of the character of use is outside the scope of minor work.

- Inspection of Closed Work: Several Electrical Subcode Committee members who are also code enforcement officials expressed concern about the problems that would result from performing only a visual inspection after the work is done. For example, verifying the proper wiring type for the use would be difficult for the inspector and could be very expensive for the owner. Several Electrical Subcode Committee members expressed concern that unsafe conditions could be created in the ceiling.
- The Electrical Subcode Committee voted not to support the rule as proposed.

Elevator Safety Subcode Committee

Mr. George Hrin, Chair, reported on a discussion that was held by the Elevator Safety Subcode Committee.

Exempt Elevator Safety Subcode: In the elevator subcode, ordinary repair, minor work, and alteration have specific applications. In order to avoid confusion and to maintain elevator safety, the Elevator Safety Subcode Committee recommended that elevator devices be exempted from this broad treatment of minor work.

Fire Protection Subcode Committee:

Mr. Arthur Londensky, Chair, reported on a discussion held by the Fire Protection Subcode Committee.

- Definition: At N.J.A.C. 5:23-1.4, the definition of minor work should be revised to reflect the current rule proposal.
- Relocation of Sprinklers: The Fire Protection Subcode Committee thought that plans and specifications should not be required for the relocation of fire sprinklers, smoke detectors and alarm notification appliances. Some members thought that proposed N.J.A.C. 5:23-2.17A(b)2i should just be deleted. If the section is retained, an exception to exempt hydraulic calculations (which can be considered specifications), plans for sprinkler head relocations, and specifications for the relocation of smoke detectors or alarm notification devices should be added.
- Certified Contractor: There was brief discussion that, if plans are required, a NICET Level III certified contractor should be required to seal the plans. Currently, NICET Level II, which is maintenance and inspection of systems, is all that is required.
- Time for Plan Review: There was a concern about problems that could result from requiring plans to be submitted within five business days of oral notice (N.J.A.C. 5:23-2.17(b)2) for a small project, such as relocating a small number of sprinkler heads, that could be completed before the plans are even submitted. The Fire Protection Subcode Committee discussed, without resolution, what action would be taken if it were determined after the work is completed that the plans that were submitted were noncompliant.
- Limit to Amount of Minor Work: There was a brief discussion about whether there should be a limit to the amount of work that can be done as minor work. The Fire Protection Subcode Committee recommended that when more than 25% of the tenant space is affected, it should not be minor work.
- Large Job: A large alteration project could be completed in fewer than five business days with the proper size crew. Piping and wiring could be concealed before it is tested and inspected. NFPA 13, Section 2.4.2.1.4 requires a 200 psi hydrostatic test when more than 20 sprinkler heads are relocated. When the ceiling is in place and the inspector arrives to

witness the 200 psi test, the system could start leaking causing damage to the new ceiling; it could get costly. Normally, these tests are conducted prior to the ceiling being in place.

- Hydraulic Designs: The Fire Protection Subcode Committee discussed the problems that could result if very long drops were installed on return bends or flexible heads. These could affect the hydraulic design of the sprinkler system. Some Fire Protection Subcode Committee members thought that this would be self-policing through the fire protection contracts.
- Staffing Issues: Many towns have cut back their code enforcement staff, so it could be more difficult for inspectors to get out in a timely manner after inspection calls have been made. Concern was expressed about violations that would be found after the work has been completed.
- Alarms: At N.J.A.C. 5:23-2.17A(c)7, the Fire Protection Subcode Committee recommended that "alarm notification appliances" be added after "smoke detectors" in the last sentence. The Fire Protection Subcode Committee pointed out that, if a wall were installed, the wall could block this device from being properly seen and heard, which would mean that it would have to be relocated. Therefore, it should be included in the list of fire items that would be covered by this proposal.
- Noncompliant Work/Inaccurate Notice: Fire Protection Subcode Committee members expressed concern about situation in which contractors performed substandard work or when contractors are not accurate in the notice about the amount of work being undertaken. The Fire Protection Subcode Committee concluded that this would be covered when the contractor signs the affidavit requesting the certificate of approval stating that all work complies with code.
- Fire Alarm Work: One Fire Protection Subcode Committee member commented that fire alarm work should be inspected when work involves relocating fire alarm equipment. He pointed out that New York's self-certification requires an inspection of this type of work.
- Hard-wired Alarm Systems: One Fire Protection Subcode Committee member asked why hard-wired was added to N.J.A.C. 5:23-2.17A(c)4.iii. The member asked whether this change would now allow wireless systems to be installed just like battery-operated smoke alarms under ordinary maintenance. The Committee member was told yes, this would require hardwired, but not wireless, burglar alarms and security systems to be inspected; wireless fire alarm primary systems would still be covered under NFPA 72.
- Inspections: The Fire Protection Subcode Committee recommended that N.J.A.C. 5:23-2.17A(d)1 should be modified to require an inspection within three (3) days rather than 30 days. The Fire Protection Subcode Committee expressed concern that if there were a violation on the work that was performed and the inspection were performed at the end of the inspection period (29th or 30th day), there would be frustration for all concerned, particularly if the violation were serious enough to require a notice of violation to be issued or, worse yet, an unsafe building order to be issued.

Overall, the Fire Protection Subcode Committee thought that the rule proposal was based on a good concept that would be improved with clarification.

Mechanical/Energy Subcodes Committee:

Mr. Arthur Doran, Chair, reported on a discussion held by the Mechanical/Energy Subcodes Committee.

Mr. Doran commented that the Mechanical/Energy Subcodes Committee agreed with the other Committees' comments and also thought that this rule, as proposed, would be very difficult to apply. The Mechanical/Energy Subcodes Committee's specific comments on the proposed rule follow.

- Clarify Alteration: At N.J.A.C. 5:23- 2.17A(c)7, the term "altered" is used. The Mechanical/Energy Subcodes Committee discussed whether moving an outlet in a fire-rated wall or a light fixture in a fire-rated ceiling would be an alteration. The Mechanical/Energy Subcodes Committee applied the same concern to duct registers in fire-rated wall or ceiling.
- Change in Character of Use: The concept of "change in character of use" is used in the rehabilitation subcode. Mechanical/Energy Subcodes Committee recommended that it be applied to this rule proposal. For example, a realtor's office and a doctor's office are both Group B, but the National Electrical Code (NEC), which is adopted as the electrical subcode, specifies different wiring methods and those methods are referenced in the rehabilitation subcode [see Section 6.31(m) which includes many of the occupancies specified in Article 5 of the NEC].
- Clarification: At N.J.A.C. 5:23- 2.17A(d)1i, the exception specifies "alteration" but does not include "renovation." The Mechanical/Energy Subcodes Committee discussed whether this was intended to apply only to alteration work and recommended that the language be revised to be inclusive of renovation projects.
- Continuing Education: As a result of its discussion, the Mechanical/Energy Subcodes Committee recommended the Department look into a continuing education course in the application of Subchapter 2.

<u>Plumbing Subcode Committee</u>:
Mr. Alex Tucciarone, Chair, reported on the discussion held by the Plumbing Subcode Committee.

- Prior Approvals: The Plumbing Subcode Committee expressed concern about local prior approvals. Many municipalities have zoning requirements. These are prior approvals and a permit cannot be issued until they have been met. But, this rule would allow work, including major alteration projects, to begin without obtaining a permit. This would circumvent the local jurisdiction and would create a problem for code officials.
- Plumbing and HVAC Systems: Plumbing and heating, ventilation, and air conditioning (HVAC) systems are common to a building, not to a tenant space. When a tenant alters a system, the impact is experienced by all other tenants. Work on shared building systems should be required to undergo the normal code enforcement process—plan review and inspection.
- Change in Character of Use: To use the example previously given, when a real estate office is changed to a doctor's office, there is no change of use group, but there is a change in the character of the use. As the electrical subcode has specific requirements for wiring in a medical use, there are also requirements in the plumbing subcode for medical gas piping. Medical gas piping is required to be inspected before it is covered.
- Conflict with Requirements of Utilities: Utilities will not activate a gas meter until there is a documented test and inspection. In addition, insurance companies rely on inspections.

The Plumbing Subcode Committee recommended that this rule be revised.

Following the summaries of the Subcode Committees' discussions, discussion by the Board began.

One Board member expressed an initial concern with safety. Most projects have problems of one kind or another and identifying and correcting the problems early benefits all code users—the architect, the building owner, the contractor, and the code official. Plan review is particularly helpful because the problems can be corrected by amending a design. Similarly, the mid-point inspection is an opportunity to either identify issues that have arisen in the course of the work or to confirm that the work is compliant. The summary statement implies that plans might not be required or might not need to be signed and sealed. Although it is true that the Uniform Construction Code (UCC) determines when plans are required, the Building Design Services Act specifies the requirements for signing and sealing design documents.

Another Board member expressed the opinion that design professionals are needed in alteration projects. The building owner benefits from a compliant design and the plans give clear direction to the contractor.

Another Board member asked about processing the minor work oral notice. At what point is the permit issued? Does the contractor or permit applicant decide the extent of the project and the category into which it falls? What if the permit applicant identifies the project as minor work-alteration, but it is more extensive than that?

One Board member commented that in this rule the definition and application of minor work are changing. In the UCC, minor work has been work that is not covered in the course of construction and, therefore, the timing of the inspection was not critical. There is a problem in defining these tenant fit-outs in terms of the tenancy. There are code requirements that are based on work that involves an entire tenancy and this rule proposal does not draw a clear distinction between work that involves a tenancy that could be alteration/minor work and work in an entire tenancy that would be a reconstruction project. In the rehabilitation subcode, additional code requirements attach to alteration and to reconstruction projects.

One Board member commented that this rule would provide the clarity expected of the UCC if it established clearer thresholds. Could a project encompassing an entire 250,000 square foot Wal-Mart be minor work? Could a project encompassing an entire 250,000 square foot, multi-story office building be minor work? There is no mention of the impact on the means of egress. Any rule adopted should require that the means of egress not be compromised-- either for the tenant for whom the work is undertaken or for other tenants in the building. Similarly, there is no mention of the impact on accessibility. Additional requirements for accessibility that are drawn from the Americans with Disabilities Act (ADA) attach to alteration projects; these must be retained.

Another Board member commented that, at its base, the UCC is a system of accountability. Whenever something is wrong, there is a trail to determine where the problem lies. An inspector cannot be held accountable for work that was not seen or plans that were not reviewed. The MGM fire in Las Vegas was the result of an enforcement system that failed. Work in the ceilings compromised the fire safety protections that should have been in place and their absence was not known until the fire had spread without control. There was no way to determine accountability.

One Board member mentioned an example drawn from experience regarding plans for a project in a Group B building that were submitted to a local code enforcement office. The project included a laboratory. In response to questioning by the code official, it was learned that

highly toxic chemicals would be used in the lab, employees would be required to wear protective suits, and the Group was not Group B (Business), but was Group H (Hazardous).

Board discussion broke for public comment.

One code enforcement official spoke on behalf of himself. Based on his experience with over 20 years in the code enforcement field, he made the following observations: There were procedural irregularities with this rule. The Code Advisory Board's input should have been sought before the rule was proposed. It is clear from the comments of the Subcode Committees that the Department would have benefitted from the expertise of practitioners. If there is a problem with delays in issuing permits in some municipalities, there is a solution already available: The Office of Regulatory Affairs should be informed. If business owners are complaining now about delays in plan review or inspections, much bigger problems are inevitable if work proceeds and is found not to be compliant once it is complete. This code official recommended that a balanced and inter-disciplinary working group be formed, a clear problem statement given, and practitioners be given the opportunity to solve the problem.

Another code official commented on the problems of the three-day inspection requirement for towns that have part-time inspectors. Protection of the means of egress should be included in the rule.

A fire protection subcode official commented that there is a recognition that economic development must be encouraged and assisted, but he cautioned against favoring business interests at the expense of safety, which is not good for anyone's business. Plan review in the field does not work. South Carolina used to have an aggressive fire protection inspection and enforcement system. The enforcement system was gradually reduced and a fire in a furniture warehouse, which resulted in fire fighters' deaths, was the result. There are better ways to solve problems than compromising code enforcement.

Another fire protection subcode official and fire official expressed his agreement with the comments of the Electrical, Building and Fire Protection Subcodes Committees. If delay is the concern, rather than eliminating code enforcement, instituting pre-construction meetings would be a more efficient and effective solution. In the pre-construction meeting, the project would be presented, defined, and evaluated. At the close of the meeting, all requirements are known to all code users. The 1995 study of the New York City (NYC) self-certification system showed that only 20% of the projects were audited; of those, 59% were found to have errors and 50% of the certifications were found to be fraudulent. The official expressed concern about the lack of required inspection for sprinkler piping, the inspection demonstrates that it has been connected correctly. The risk of an improper connection is not worth the benefit of getting into the space a little more quickly. This official concurred in the need to be efficient, but not at the expense of safety. In closing, the official recommended that the Department create a special form for tenant fit outs.

A Board member interjected that late inspections might be the problem, or might be a problem in some towns, but doing away with inspections is not the solution.

A code official commented that the Department should recognize that code officials want buildings occupied. We all pay taxes; we all want the buildings in our towns filled, so there are businesses to pay taxes.

One code official commented that there is outrage in the code enforcement community because this rule has the potential of compromising life safety. Code officials are in the business

of ensuring life safety; businesses also want their buildings to be safe. The official asked that the rule be reconsidered.

An architect asked that the rule be clarified with respect to larger jobs. Plans will be submitted for larger jobs and there should be clear direction with regard to what projects qualify as minor work (alteration) and which do not.

Another architect agreed and expressed concern with regard to compromising safety. This architect commented that there is a "slice business" now of projects that were completed without permits, where there are clear code violations, and before the property can be sold, the violations must be corrected. Solving the problems created by noncompliant work is very challenging and requires compromise on everyone's part. This "slice work" should not be so prevalent. Reducing oversight is not the solution.

Another architect commented that code compliance is a shared responsibility and that all involved, including business owners, design professionals, code officials, and contractors have "skin in the game" and seek code compliance.

In a return to Board discussion, one Board member observed that the organization that requested this change, NAIOP, was not present. There was agreement that NAIOP would have been welcome, and perhaps should have been encouraged, to present its perspective.

Having listened to the discussion, one Board member posed a problem statement and then recommended a solution. The problem seems to be that too many inspectors are late in performing inspections and the delay in inspections causes problems for the business community. However, the Board member commented that the solution should not be to abolish inspections. As an alternate approach, one that would address the problems, of delayed inspections, but would not abolish inspections, followed:

The Board member recommended that first the Department seek stakeholder involvement of interested parties. The stakeholder group would be charged with creating an alternate proposal for alteration projects, an "expedited permit by notice" process, which would include the following elements:

- Plans: Plans would be submitted to the local enforcing agency as soon as possible, but not fewer than five (5) days before the start of work. Work could begin after the five (5) days has run.
- Noncompliance: Nonconforming work would have to be corrected promptly or a stop work order would be issued.
- Inspections: The permit holder would request an inspection three (3) days before the work is expected to be ready. This would give the local enforcing agency time to get out and would ensure that work would not be stopped as long the work complied.
- Alternate Documentation: If the inspector does not inspect within the three (3) days, the work would be required to be documented with photographs and a statement by both the design professional and the contractor that the photographs show the work that was done. There would be no requirement for certification by the design professionals or the contractor. In addition, an inspector's failure to show for an inspection would be reported to the Office of Regulatory Affairs.
- Signed and Sealed Plans: Plans that are submitted are required to be signed and sealed; in the interest of full and complete information, this rule should state that.
- Applicable Use Groups: This process would be applicable to those use groups specified in the proposed rule.

- Means of Egress: The rule should specify that a means of egress for the tenant or any other tenant may not be compromised.
- Final Inspection: Occupancy would be allowed only after the final inspection has been passed. If the local official does not show for the final inspection, the Department would be notified and a State inspector would perform the inspection.
- This could be called "expedited permit by notice." All notices should be required to be submitted electronically. The minor work section as it now exists would be deleted and replaced by this "expedited permit by notice" procedure.

Mr. William Connolly made a motion, which was seconded by Mr. Leonard Sendelsky, to recommend to the Department that the rule proposed in the New Jersey Register amending minor work (N.J.A.C. 5:23-2.17A) not be adopted and that a new draft rule, developed with a balanced stakeholder group and based on the ideas summarized herein, be drafted and presented to the Code Advisory Board for discussion, advice, and action. The motion carried unanimously.

There was brief Board discussion about the heart of the UCC, which provides an administrative process, including plan review and inspections, to ensure building safety. One Board member commented on the national status of the UCC, which is the "gold standard" for rigorous, practical, and efficient code enforcement. Several Board members expressed their pride at having been involved in the continued development of a system that serves so many users so well. While admitting that there are always parts of a system that can be improved, there was general agreement that undoing the system as it currently exists is not the best solution.

The meeting was adjourned for a break at 11:40 a.m.

The meeting reconvened at 11:50 a.m. with a return to the Old Business agenda item.

C. Old Business

1. Draft Rule: Reorganization of Subchapter 9 (N.J.A.C. 5:23-9)

This reorganization of Subchapter 9 is designed to ensure that the requirements of the Uniform Construction Code (UCC) are in the sections most closely attached to the subject matter. With the exception of N.J.A.C. 5:23-9.3, Recreational park trailers, and N.J.A.C. 5:23-9.6, Construction requirements for new and existing casinos, the requirements in Subchapter 9 are proposed to be moved to the applicable code sections. This draft rule was sent to all committees for review and comment.

At the Code Advisory Board meeting of April 8, this draft rule was held pending further discussion and recommendations by the Building Subcode Committee and the Elevator Subcode Committee for specific items to be considered for inclusion in submittals of plans for a single family home.

Mr. John Scialla, Chair, Building Subcode Committee, reported that the Building Subcode Committee has discussed specific submittals and had concluded that the current language should be retained without change.

Mr. George Hrin, Chair, Elevator Safety Subcode Committee, reported that the Elevator Safety Subcode Committee had not discussed the specific list. He indicated that the discussion would be included as an agenda item at the next Elevator Safety Subcode Committee meeting and that recommendations would be presented at the next Code Advisory Board meeting.

D. New Business (continued)

2. Draft Rule: National Electrical Code (NEC) 2011 (N.J.A.C. 5:23-3.16)

Provided in the meeting packet was the draft rule that would adopt the National Electrical Code/ 2011 as the electrical subcode of the Uniform Construction Code (UCC).

Mr. Robert McCullough identified two typographical errors in the draft rule.

Mr. Robert McCullough made a motion, which was seconded by Mr. Michael Mills, to approve the draft rule with the correction of the two typographical errors. The motion carried unanimously.

3. Draft Rule: Availability of Forms (N.J.A.C. 5:23-4.5)

Provided in the meeting packet was a draft rule that provided clearer direction on the responsibility of local enforcing agencies to provide copies of required UCC forms.

Mr. Alexander Tucciarone made a motion, which was seconded by Mr. Leonard Sendelsky, to approve the draft rule. The motion carried unanimously.

4. Draft Rule: Notice from Construction Official to Fire Official (Solar Photovoltaic Power Systems) (N.J.A.C. 5:23-4.5)

Provided in the meeting packet was a draft rule creating a requirement that the Construction Official provide notice to the Fire Official regarding permit applications for the installation of solar photovoltaic power systems.

One Board member asked whether the Department intended to provide direction on the means of transmitting the notices. Could they be provided by hard copy? Could they be provided electronically? Could they be provided in a spread sheet?

One Board member observed that the Department has assumed that the Fire Official is the conduit to the Fire Chief or the Fire Department. Where this is not the case, a copy should be provided to the Fire Department.

In the draft rule, it was recommended that the language changed to be as follows: "Within ten business days of issuance, provide written notice of the issuance of all permits issued for installations of roof-mounted photovoltaic systems."

Mr. Arthur Londensky made a motion, which was seconded by Mr. Robert McCullough, approving the rule as amended by Board discussion. The motion carried unanimously.

5. Draft Rule: Minor Work (N.J.A.C. 5:23-2.17A) and Draft Certificate: Fire Alarm Transmission Means

Provided in the meeting packet was a draft rule that would make the removal of existing telephone lines and the installation of a new transmission means minor work. The rule would also establish a fee for the work associated with this change.

A brief discussion was held regarding the change in transmission means from Plain Old Telephone Service (POTS) to fiber optic or coaxial cable. One Board member recommended that the rule be amended to allow work to proceed as minor work as long as a verification form is submitted. A draft verification form was included for Board review. It was recommended that the form be revised to include a signature line and the date.

Mr. Arthur Londensky made a motion, which was seconded by Mr. William Connolly, to approve the rule as amended by Board discussion. The motion carried unanimously.

6. Draft Rule: Public School Facility Enhancements (N.J.A.C. 5:23-3.11A) and Draft Revised Bulletin 00-3: Public School Facility Enhancements

Included in the packet for review were proposed draft amendments to N.J.A.C. 5:23-3.11A, Educational Enhancements, and Bulletin 00-3, Public School facility Enhancements. The rule amendments would delete two educational enhancements. The first requires an automatic fire detection system in all newly

constructed public schools and the second require the installation of manual pull boxes in specified locations throughout the public school. These are proposed for deletion because the standard for construction has changed significantly since these were adopted in the 1960's. Most school buildings have suppression systems, which provide a high level of protection.

One Board member commented that the Uniform Construction Code (UCC) Act was passed with the agreement that the "school enhancements" would be enforced as part of the code. At the time, there were eight. Once the law was passed that allowed municipal review, the enhancements had to be brought into the UCC to be sure that they were considered in the review.

This draft rule was referred to the following Subcode Committees: Barrier Free, Building, Electrical, Fire Protection, Mechanical/Energy, and Plumbing.

7. Draft Rule: Periodic Inspections (N.J.A.C. 5:23-2.20, 4.18, 4.20) and Draft Revised Bulletin 99-2, Testing of Backflow Preventers

Included in the packet was a draft rule amending periodic inspections with regard to the testing of backflow preventers, bonding and grounding inspections of swimming pools, and the fees for the associated inspections. Also included was a draft revision to Bulletin 99-2, Testing of Backflow Preventers that makes it clear that the testing of backflow preventers is required in one-or two-family dwellings where they are protecting the potable water supply from high hazard contamination. In addition, the draft revision would specify that the inspector may, but is not required to, witness the test.

The draft rule and draft revised bulletin were referred to the following Subcode Committees: Building, Electrical, and Plumbing.

8. Draft Rule: Jurisdiction for Electrical Inspections—Carnival and Amusement Rides (N.J.A.C. 5:23-3.11)

Included in the meeting packets was a draft rule that would assign jurisdiction for inspecting generators associated with carnival (portable) rides to the State. The reason for the reassignment is that the State carnival and amusement ride safety inspectors are on site conducting inspections of the rides, they have the expertise to inspect the generators, and the municipal inspectors find it difficult to conduct the inspection of these devices because the carnival is a temporary attraction and it could have moved on to its next site before the inspector has had a chance to respond.

In a cursory review, Mr. Robert McCullough observed that, although the introductory memorandum limits the application of this change to carnivals, the draft rule does not specify that it applies to the traveling amusement rides. It was agreed that would be corrected before publication as a proposal.

This draft rule was referred to the Electrical Subcode Committee.

9. Draft Rule: Classification of Enforcing Agencies and Buildings/Structures; Energy Bulletin Reference Update; Testing and Balancing (N.J.A.C. 5:23-2.15, 2.20, 3.11, 3.14, 4.3A, 4.20, 5.3, 5.20, 9.2)

Included in the meeting packet was a draft rule reorganizing the classification of enforcing agencies and buildings or structures. In addition, the references for the most recent revision of the energy subcode and compliance bulletin would be added as would language that would allow "equivalent" organizations to provide testing and balancing reports.

In a brief explanation, staff informed the Board that there have been an increasing number of questions about the relationship, which is implied, but not directly stated, between the classification of enforcing agencies and the classification of buildings or structures updated references are always helpful; and allowing an "equivalent" agency to provide testing and balancing reports reflects the fast-moving energy code movement.

This draft rule was referred to all Subcode Committees.

10. Draft Rule: Enforcement Responsibility-Spa Pool Cover (N.J.A.C. 5:23-3.4)

Included in the meeting packets was a draft rule that would assign enforcement responsibility for checking for a barrier at a spa or hot tub to the electrical inspector. The electrical inspector is on-site anyway, and it would be more efficient for the inspector on-site to check to see if the barrier is present.

This draft rule was referred to the Electrical Subcode Committee for review.

E. Information

1. CAB Log: The updated activity log was included in the meeting packets.

2. List of Pending Legislation: A list of pending legislation on issues that impact construction and the Uniform Construction Code was included in the meeting packets.

F. Public Comments

In one additional comment, one member of the public thanked the Board for its lengthy and careful consideration of the minor work rule proposal. The ideas presented were good and practical; it is hoped that they will be respected.

The meeting was adjourned at 12:20 p.m.

G. Executive Session

The Board went into Executive Session at 12:25 p.m.

The meeting stood adjourned at 12:30 p.m.

UNIFORM CONSTRUCTION CODE ADVISORY BOARD
Minutes of Meeting, February 4, 2011
Location

101 South Broad Street
Trenton, New Jersey 08625

Attendance

Board Members

- Beth Pochtar, Chair
- John Scialla, Vice Chair
- William M. Connolly
- John D. DelColle
- Arthur Doran
- George Hrin
- Robert A. McCullough
- Gregory Moten
- Leonard Sendelsky
- James Sinclair
- Joseph Surowiec
- Alexander Tucciarone
- Valerie Waricka

DCA Staff

- Edward M. Smith, Director, Division of Codes and Standards
- Emily Templeton, Code Development Unit
- John Terry, Code Assistance Unit
- Michael Baier, Bureau of Code Services
- Mitchell Malec, Office of Local Code Enforcement
- Louis J. Mraw, Office of Regulatory Affairs
- David Uhaze, Bureau of Construction Project Review
- Robert Austin, Code Assistance Unit
- Paulina Caploon, Elevator Safety Unit, Bureau of Code Services
- John Delesandro, Licensing Unit, Bureau of Code Services
- Marcel Iglesias, Code Assistance Unit
- Thomas Pitcherello, Code Assistance Unit
- Darren Port, Code Assistance Unit
- Michael Whalen, Code Assistance Unit

Guests

- David Blackwell, New Jersey Builders Association
- Sal DiCristina, Rutgers University
- Bruce Helmstetter, Borough of Fanwood
- Bob LaCosta, Township of Scotch Plains
- George Spais, New Jersey Builders Association

Ms. Beth Pochtar, Chair of the Uniform Construction Code Advisory Board (CAB), called the meeting to order at 9:30 a.m.

A. Approval of Minutes of the Code Advisory Board Meeting of December 10, 2010

B. Subcode Committee Reports

Barrier Free Subcode Committee

Mr. John Del Colle, Chair, reported that there were no meetings of the Barrier Free Subcode Committee since the last Code Advisory Board meeting.

Building Subcode Committee

Mr. John Scialla, Chair, reported that the Building Subcode Committee held an electronic discussion of the draft Bulletin on the Energy Subcode, an agenda item.

Electrical Subcode Committee

Mr. Robert McCullough, Chair, reported that there were no meetings of the Electrical Subcode Committee since the last Code Advisory Board meeting.

Elevator Safety Subcode Committee

Mr. George Hrin, Chair, reported that there were no meetings of the Elevator Subcode Committee since the last Code Advisory Board meeting.

Fire Protection Subcode Committee

Mr. Arthur Londensky, Chair, reported that there were no meetings of the Fire Protection Subcode Committee since the last Code Advisory Board meeting.

Mechanical/Energy Subcodes Committee

Mr. Arthur Doran reported on a Mechanical/Energy Subcodes Committee meeting that was held on November 16, 2010 in which the Energy Subcode Bulletin, an agenda item, was discussed.

Plumbing Subcode Committee

Mr. Alexander Tucciarone, Chair, reported on a Plumbing Subcode Committee meeting, which was held on November 5, 2010.

- The committee was reminded that the 2009 codes were adopted on September 7, 2010 with the six (6) month grace period.
- The Committee received an update on the HVACR license. The Committee expressed its support to allow a Licensed HVACR technician to connect electrical wiring from the disconnect box to the replacement mechanical refrigeration equipment for replacement equipment only, and to permit a Licensed HVACR technician to replace a non-testable backflow preventer on residential installations only.
- The Committee was also updated on Senate Bill (S) 478, which would allow landscape irrigation contractors to install backflow prevention devices under certain circumstances. The Committee expressed its opposition to this S-478.
- The Committee was informed that, on September 20, 2010, the Board of Master Plumbers adopted revisions to the "Scope of Work" (N.J.A.C. 13:32-1.4). One of the

changes makes it clear that a licensed master plumber is allowed to install and service closed loop, non-potable water systems, with the exception of geothermal heating and cooling systems that are not connected to plumbing systems.

- The National Standard Plumbing Code (NSPC) code change hearings will be held in Atlantic City in January 2011.

C. Old Business

1. Draft Bulletin: Energy Subcode

The draft Energy Subcode bulletin was referred to the Building Subcode and Mechanical/Energy Subcodes Committees for comment.

The Building Subcode Committee held an electronic discussion in which the following issues were raised and discussed.

- IECC/2009, Section 404.4.2.2, allows the code official to require an "approved party" independent of the installer of the insulation to inspect the air barrier and insulation. Several members questioned who would be an "approved party." The IBC specifies that the term "approved" means "acceptable to the code official or authority having jurisdiction." The Committee did not recommend changes to the Bulletin, but expressed concern that a lack of criteria for approval will cause confusion.
- The Board held a brief discussion on this issue. One Board member pointed out that use of a checklist is practical, particularly because the blower door test is performed at the end of construction. The Board recommended that the Department draw attention to the requirement that the inspector must be independent of the installer of the insulation. Independence is critical and must be emphasized.
- The Building Subcode Committee held a lengthy debate regarding the need to make the checklist mandatory. Following the debate, a vote was taken and the Committee recommended that the checklist not be made mandatory. The Energy Subcode requires an inspection of building thermal envelope tightness and allows for a choice in the type of inspection: either a blower door test or a visual inspection may be performed. If a blower door test is performed, the results of the test become part of the permanent file. If a visual inspection is selected, there should be a comparable document to become part of the permanent file. Following a brief discussion on how to accomplish this, the Board concluded that the checklist should be mandatory; it should be made part of the Uniform Construction Code (UCC) as a standard form, added to the inspection section of the UCC, and added to the Certificate of Occupancy requirements.
- The Building Subcode Committee pointed out that, in the draft bulletin, number 4, table 402.1.1, the column header "Glazed Fenestration SHGC" refers to footnotes "b" and "e." There is no footnote "e." The Committee recommended that the reference to "e" be deleted.
- Finally, the Building Subcode Committee observed that, in the draft bulletin, the last sentence in alternative 4 refers to "equipment efficiencies" … "listed in the chart, " but the chart does not refer to equipment. The Committee recommended that the reference to "equipment efficiencies" be deleted.
- The Mechanical/Energy Subcodes Committee identified editorial changes, which were enumerated in the Committee minutes, to be made to the bulletin for clarity.

Mr. William M. Connolly made a motion, which was seconded by Dr. James Sinclair, to approve the bulletin as amended by Board discussion. The motion carried unanimously.

2. Partial Change of Use of Group R-5 Occupancies—revised (N.J.A.C. 5:23-6.31)
At the Board meeting of June 11, 2010, the Board provided direction on revision to draft rule on this subject. The revised draft rule contained in this meeting packet makes the changes the Board recommended.

Mr. Arthur Londensky, Chair, Fire Protection Subcode Committee, asked whether the Board had discussed the practical and conservative recommendations of the Committee regarding horizontal fire barriers and limiting the change to the first floor. Mr. Londensky was informed that the Board had discussed those issues at its June meeting. Mr. Londensky asked the Board to reconsider the fire barrier issue. Staff agreed to undertake a review of the fire barrier issue and to report back to the Board at an upcoming meeting.

Mr. Alex Tucciarone made a motion, which was seconded by Mr. Robert McCullough, to approve the draft rule. The motion carried unanimously.

D. New Business

1. Draft Rule: Emergency Amendment Regarding Gas Purging to the International Fuel Gas Code (IFGC)/2009 and the International Residential Code (IRC)/2009 (N.J.A.C. 5:23-3.21 and 3.22)

This emergency rule is undertaken pursuant to the UCC Act (NJSA 52:27D-123.b), which authorizes the Commissioner to adopt an amendment to a national model code whenever there is immanent peril to health and safety. The U.S. Chemical Safety Board investigated the natural gas explosion in North Carolina on June 9, 2009 and recommended a code change to address hazard associated with purging gas piping systems. The revised language will be in the 2012 editions of the IFGC and the IRC.

Mr. Alexander Tucciarone reported that he had reviewed the draft rule amendment in advance of this Board meeting and that he recommended its approval.

Mr. Alexander Tucciarone made a motion, which was seconded by Mr. Arthur Doran, to approve the draft rule. The motion carried unanimously.

2. Draft Rule: Elevator Inspection and Test Schedule (N.J.A.C. 5:23-12.3)

This rule would allow enforcing agencies to adjust the inspection cycles of elevators by moving some inspections forward in the cycle. Currently, when an elevator is installed, the inspection cycle is set and cannot be amended. This has resulted in such an uneven work load that efficiencies are not possible. The draft rule would allow enforcing agencies to submit a plan for adjusting the inspections cycles to the Department with an explanation for the changes. No fee would be charged for changing the required inspection.

The draft rule was referred to the Building and Elevator Subcode Committees.

3. Draft Rule: Interlocal Enforcing Agencies (N.J.A.C. 5:23-4.6)
This rule amendment would reflect current statute covering the Uniform Shared Services and Consolidation Act. Outdated references and requirements would be replaced with the current ones.

Mr. Robert McCullough made a motion, which was seconded by Dr. James Sinclair, to approve the draft rule. The motion carried unanimously.

4. Draft Rule and Draft Revised Standard Form: Chimney Certification (N.J.A.C. 5:23-2.8, 2.14, 2.17A, 2.10)

The proposed amendment at 5:23-2.8, Installation of equipment, would provide an exception to allow replacement equipment that has been installed under minor work or emergency repairs to be immediately put into use prior to the issuance of a certificate of approval.

The proposed amendment at 5:23-2:14, Construction permits – when required, would reorganize the section to make clear the need for a construction permit when undertaking a project involving lead abatement for which a lead abatement clearance certificate is required.

The proposed amendment at N.J.A.C. 5:23-2.17A, Minor work, would clarify the lists of plumbing fixtures that are categorized as minor work and would specify that the replacement of existing low pressure boilers, warm air furnaces, air conditioning units and air conditioning condensing units with new appliances of like capacity is classified as minor work.

The proposed amendment at N.J.A.C.5:23-2.20, Tests and special inspections, would change the name of the required Form F-370 from "Chimney Certification for Replacement of Fuel Fired Equipment" to "Chimney Verification for Replacement of Fuel Fired Equipment" in order to avoid any confusion with the certifications issued by chimney sweeps. Sweeps that are members of the Chimney Safety Institute of America or the National Chimney Sweep Guild provide certifications for comprehensive safety inspections as opposed to the visual inspection certification required by the Uniform Construction Code. Additionally, the amendment requires that the Chimney Verification for Replacement of Fuel Fired Equipment (Form F-370) be provided along with the permit application and fee for work involving the replacement of fuel fired equipment.

The draft rule and draft revised standardized form were referred to the Plumbing Subcode, Building Subcode, Fire Protection Subcode, and Mechanical/Energy Subcodes Committees for review and comment.

E. Information

1. Adoption of National Model Codes. The International Code Council (ICC) model codes/2009 and the National Standard Plumbing Code (NSPC)/2009 were adopted on September 7, 2010. The contractor issue with regard to the installation of residential sprinklers must be resolved.

The Board recommended that the Commissioner resolve the conflict between the Board of Master Plumbers and the Sprinkler Contractors. The Board recommended that to the extent that a sprinkler system was designed to be part of the plumbing system, (P2904), plumbers should be able to install. The Uniform Construction Code (UCC) should assign responsibility to the plumbing subcode official, which resolves the issue for the UCC, but not between the licensing boards.

Mr. William M. Connolly made a motion, which was seconded by Mt. Leonard Sendelsky, that the Division to inform the Commissioner of the Board's recommendation regarding the installation of residential sprinkler systems.

2. Report on E-Vote: Memorandum of Understanding (MOU) with Montclair University and Draft Rule on Low Voltage Communication Wiring

The Board was informed that the results of the electronic voting on the MOU was 13 yes, 1 No, 1 Abstention. The Board was further informed that the MOU has been executed and that the next step is for the University to appoint code enforcement officials.

The Board was informed that the results of the voting on the draft rule regarding low voltage communication wiring was 14 Yes, 1 No. The rule was published as a proposal in the *New Jersey Register* on October 18, 2010; the public comment period ends on December 18, 2010. A short discussion ensued.

One Board member expressed concern that installers of low voltage communication wiring do not recognize fire-rated assemblies and do not know when they are compromising the fire-resistance rating required by the Uniform Construction Code (UCC). The Board member predicted that this rule could result in thousands of abuses. In addition to the problem of compromising fire-rated assemblies, there is a problem with abandoned cables, which need to be removed. As minor work, the inspector was able to confirm that the installation of low voltage communication wiring complied with the UCC; as ordinary maintenance, no such confirmation will take place. Several Board members expressed concern and asked whether the Department knows how widespread non-compliance is, with the current designation as minor work.

One Board member expressed concern that all of Chapter 8 of the National Electrical Code (NEC), which includes installations up to 150 volts, would be made not-applicable to the installation of low voltage communication wiring. A short discussion took place on the difference between the need to comply with the UCC and the need to obtain a permit. All work is required to comply with the UCC; not all work requires a permit. When a code enforcement official discovers non-compliant work, corrections can be required. It was acknowledged that, without a permit and the accompanying inspection, non-compliant work is not easily discovered.

The Board discussed the root of the problem and the possibility of a narrower solution. The problem is specific to Group R-2 occupancies where the low voltage communication wiring installer obtains a permit to install the wiring from floor to floor. When a resident wants the service installed in their dwelling unit, an additional permit fee is charged. The permit fees for installations in multiple dwelling units in a multi-family building were of concern to the industry and this solution, which was an extension of the current UCC permit requirement for the same work, was drafted and published as a proposal.

The Board asked the Department to investigate the extent of the problem, evaluate the impact on the NEC, and report back. The Department agreed.

3. Dates for Code Advisory Board Meetings 2011:
February 4
April 8
June 10
August 12
October 14
December 9

4. CAB Log: The updated activity log was included in the meeting packets.

5. List of Pending Legislation: A list of pending legislation on issues that impact construction and the Uniform Construction Code was included in the meeting packets.

F. Public Comments

During the public comment period, Dr. James Sinclair, Code Advisory Board member, commented that the CAB is a powerful forum for people with different interests; by considering and resolving those perspectives, it serves as a protector of the public. When the CAB was first formed, the membership was unknown. Of the 13 members initially recommended, only seven were appointed. Mr. Leonard Sendelsky is the last remaining charter member of the Board. The initial meetings were full of passion and positioning. However, the Board members kept their focus on their charge—to advise the Commissioner on public policy impacting construction and to recommend balanced, rational solutions.

Mr. Leonard Sendelsky welcomed Ms. Beth Pochtar as the newly appointed Chair of the CAB. Ms. Pochtar responded by saying that her participation on the Board has given her insight into the perspective of code enforcement officials and that has enhanced her own engineering practice. She added that she looks forward to working with all Board members.

The public portion of the meeting concluded, the Board broke at 11:15 a.m.

G. Executive Session

The Board meeting resumed at 11:25 a.m.
The membership on the Subcode Committees was reconstituted and the Vice-chairs were appointed, as follows:
Barrier Free Subcode Committee: No change to membership; Jack Boekhout appointed vice-chair.
Building Subcode Committee: No change to membership; Bob LaCosta appointed vice-chair.
Electrical Subcode Committee: No change to membership; Sam Arcadu appointed vice-chair.
Elevator Subcode Committee: No change to membership; George Walker appointed vice-chair.
Fire Protection Subcode Committee: No change to membership; appointment of vice-chair pending.
Mechanical/Energy Subcodes Committee: No change to membership; Bob McCullough appointed vice-chair.
Plumbing Subcode Committee: One member was not reappointed; Louis Rodriguez was appointed vice-chair.

The meeting adjourned at 11:40.

UNIFORM CONSTRUCTION CODE ADVISORY BOARD
Minutes of Meeting, December 10, 2010
Location

101 South Broad Street
Trenton, New Jersey 08625

Attendance

Board Members

- Beth Pochtar, Chair
- John Scialla, Vice Chair
- William M. Connolly
- John D. DelColle
- Arthur Doran
- George Hrin
- Robert A. McCullough
- Gregory Moten
- Leonard Sendelsky
- James Sinclair
- Joseph Surowiec
- Alexander Tucciarone
- Valerie Waricka

DCA Staff

- Edward M. Smith, Director, Division of Codes and Standards
- Emily Templeton, Code Development Unit
- John Terry, Code Assistance Unit
- Michael Baier, Bureau of Code Services
- Mitchell Malec, Office of Local Code Enforcement
- Louis J. Mraw, Office of Regulatory Affairs
- David Uhaze, Bureau of Construction Project Review
- Robert Austin, Code Assistance Unit
- Suzanne Borek, Code Assistance Unit
- Paulina Caploon, Elevator Safety Unit, Bureau of Code Services
- John Delesandro, Licensing Unit, Bureau of Code Services
- Marcel Iglesias, Code Assistance Unit
- Thomas Pitcherello, Code Assistance Unit
- Darren Port, Code Assistance Unit
- Michael Whalen, Code Assistance Unit

Guests

- David Blackwell, New Jersey Builders Association
- Sal DiCristina, Rutgers University
- Bruce Helmstetter, Borough of Fanwood
- Bob LaCosta, Township of Scotch Plains
- George Spais, New Jersey Builders Association

CAB Minutes
December 10, 2010

Ms. Beth Pochtar, Chair of the Uniform Construction Code Advisory Board (CAB), called the meeting to order at 9:30 a.m.

A. Approval of Minutes of the Code Advisory Board Meeting of February 6, 2009
Mr. Alexander Tucciarone made a motion, which was seconded by Dr. James Sinclair, to approve the minutes without amendment. The motion carried with one abstention.

B. Subcode Committee Reports
Barrier Free Subcode Committee
Mr. John Del Colle, Chair, reported that there were no meetings of the Barrier Free Subcode Committee since the last Code Advisory Board meeting.

Building Subcode Committee
Mr. John Scialla, Chair, reported that the Building Subcode Committee held an electronic discussion of the draft Bulletin on the Energy Subcode, an agenda item.

Electrical Subcode Committee
Mr. Robert McCullough, Chair, reported that there were no meetings of the Electrical Subcode Committee since the last Code Advisory Board meeting.

Elevator Safety Subcode Committee
Mr. George Hrin, Chair, reported that there were no meetings of the Elevator Subcode Committee since the last Code Advisory Board meeting.

Fire Protection Subcode Committee
Mr. Arthur Londensky, Chair, reported that there were no meetings of the Fire Protection Subcode Committee since the last Code Advisory Board meeting.

Mechanical/Energy Subcodes Committee
Mr. Arthur Doran reported on a Mechanical/Energy Subcodes Committee meeting that was held on November 16, 2010 in which the Energy Subcode Bulletin, an agenda item, was discussed.

Plumbing Subcode Committee
Mr. Alexander Tucciarone, Chair, reported on a Plumbing Subcode Committee meeting, which was held on November 5, 2010.

- The committee was reminded that the 2009 codes were adopted on September 7, 2010 with the six (6) month grace period.
- The Committee received an update on the HVACR license. The Committee expressed its support to allow a Licensed HVACR technician to connect electrical wiring from the disconnect box to the replacement mechanical refrigeration equipment for replacement equipment only, and to permit a Licensed HVACR technician to replace a non-testable backflow preventer on residential installations only.
- The Committee was also updated on Senate Bill (S) 478, which would allow landscape irrigation contractors to install backflow prevention devices under certain circumstances. The Committee expressed its opposition to this S-478.

- The Committee was informed that, on September 20, 2010, the Board of Master Plumbers adopted revisions to the "Scope of Work" (N.J.A.C. 13:32-1.4). One of the changes makes it clear that a licensed master plumber is allowed to install and service closed loop, non-potable water systems, with the exception of geothermal heating and cooling systems that are not connected to plumbing systems.
- The National Standard Plumbing Code (NSPC) code change hearings will be held in Atlantic City in January 2011.

C. Old Business

1. Draft Bulletin: Energy Subcode

The draft Energy Subcode bulletin was referred to the Building Subcode and Mechanical/Energy Subcodes Committees for comment.

The Building Subcode Committee held an electronic discussion in which the following issues were raised and discussed.

- IECC/2009, Section 404.4.2.2, allows the code official to require an "approved party" independent of the installer of the insulation to inspect the air barrier and insulation. Several members questioned who would be an "approved party." The IBC specifies that the term "approved" means "acceptable to the code official or authority having jurisdiction." The Committee did not recommend changes to the Bulletin, but expressed concern that a lack of criteria for approval will cause confusion.
- The Board held a brief discussion on this issue. One Board member pointed out that use of a checklist is practical, particularly because the blower door test is performed at the end of construction. The Board recommended that the Department draw attention to the requirement that the inspector must be independent of the installer of the insulation. Independence is critical and must be emphasized.
- The Building Subcode Committee held a lengthy debate regarding the need to make the checklist mandatory. Following the debate, a vote was taken and the Committee recommended that the checklist not be made mandatory. The Energy Subcode requires an inspection of building thermal envelope tightness and allows for a choice in the type of inspection: either a blower door test or a visual inspection may be performed. If a blower door test is performed, the results of the test become part of the permanent file. If a visual inspection is selected, there should be a comparable document to become part of the permanent file. Following a brief discussion on how to accomplish this, the Board concluded that the checklist should be mandatory; it should be made part of the Uniform Construction Code (UCC) as a standard form, added to the inspection section of the UCC, and added to the Certificate of Occupancy requirements.
- The Building Subcode Committee pointed out that, in the draft bulletin, number 4, table 402.1.1, the column header "Glazed Fenestration SHGC" refers to footnotes "b" and "e." There is no footnote "e." The Committee recommended that the reference to "e" be deleted.
- Finally, the Building Subcode Committee observed that, in the draft bulletin, the last sentence in alternative 4 refers to "equipment efficiencies" … "listed in the chart, " but the chart does not refer to equipment. The Committee recommended that the reference to "equipment efficiencies" be deleted.
- The Mechanical/Energy Subcodes Committee identified editorial changes, which were enumerated in the Committee minutes, to be made to the bulletin for clarity.

Mr. William M. Connolly made a motion, which was seconded by Dr. James Sinclair, to approve the bulletin as amended by Board discussion. The motion carried unanimously.

2. Partial Change of Use of Group R-5 Occupancies—revised (N.J.A.C. 5:23-6.31)
At the Board meeting of June 11, 2010, the Board provided direction on revision to draft rule on this subject. The revised draft rule contained in this meeting packet makes the changes the Board recommended.

Mr. Arthur Londensky, Chair, Fire Protection Subcode Committee, asked whether the Board had discussed the practical and conservative recommendations of the Committee regarding horizontal fire barriers and limiting the change to the first floor. Mr. Londensky was informed that the Board had discussed those issues at its June meeting. Mr. Londensky asked the Board to reconsider the fire barrier issue. Staff agreed to undertake a review of the fire barrier issue and to report back to the Board at an upcoming meeting.

Mr. Alex Tucciarone made a motion, which was seconded by Mr. Robert McCullough, to approve the draft rule. The motion carried unanimously.

D. New Business

1. Draft Rule: Emergency Amendment Regarding Gas Purging to the International Fuel Gas Code (IFGC)/2009 and the International Residential Code (IRC)/2009 (N.J.A.C. 5:23-3.21 and 3.22)

This emergency rule is undertaken pursuant to the UCC Act (NJSA 52:27D-123.b), which authorizes the Commissioner to adopt an amendment to a national model code whenever there is immanent peril to health and safety. The U.S. Chemical Safety Board investigated the natural gas explosion in North Carolina on June 9, 2009 and recommended a code change to address hazard associated with purging gas piping systems. The revised language will be in the 2012 editions of the IFGC and the IRC.

Mr. Alexander Tucciarone reported that he had reviewed the draft rule amendment in advance of this Board meeting and that he recommended its approval.

Mr. Alexander Tucciarone made a motion, which was seconded by Mr. Arthur Doran, to approve the draft rule. The motion carried unanimously.

2. Draft Rule: Elevator Inspection and Test Schedule (N.J.A.C. 5:23-12.3)

This rule would allow enforcing agencies to adjust the inspection cycles of elevators by moving some inspections forward in the cycle. Currently, when an elevator is installed, the inspection cycle is set and cannot be amended. This has resulted in such an uneven work load that efficiencies are not possible. The draft rule would allow enforcing agencies to submit a plan for adjusting the inspections cycles to the Department with an explanation for the changes. No fee would be charged for changing the required inspection.

The draft rule was referred to the Building and Elevator Subcode Committees.

3. Draft Rule: Interlocal Enforcing Agencies (N.J.A.C. 5:23-4.6)
This rule amendment would reflect current statute covering the Uniform Shared Services and Consolidation Act. Outdated references and requirements would be replaced with the current ones.

Mr. Robert McCullough made a motion, which was seconded by Dr. James Sinclair, to approve the draft rule. The motion carried unanimously.

4. Draft Rule and Draft Revised Standard Form: Chimney Certification (N.J.A.C. 5:23-2.8, 2.14, 2.17A, 2.10)

The proposed amendment at 5:23-2.8, Installation of equipment, would provide an exception to allow replacement equipment that has been installed under minor work or emergency repairs to be immediately put into use prior to the issuance of a certificate of approval.

The proposed amendment at 5:23-2:14, Construction permits – when required, would reorganize the section to make clear the need for a construction permit when undertaking a project involving lead abatement for which a lead abatement clearance certificate is required.

The proposed amendment at N.J.A.C. 5:23-2.17A, Minor work, would clarify the lists of plumbing fixtures that are categorized as minor work and would specify that the replacement of existing low pressure boilers, warm air furnaces, air conditioning units and air conditioning condensing units with new appliances of like capacity is classified as minor work.

The proposed amendment at N.J.A.C.5:23-2.20, Tests and special inspections, would change the name of the required Form F-370 from "Chimney Certification for Replacement of Fuel Fired Equipment" to "Chimney Verification for Replacement of Fuel Fired Equipment" in order to avoid any confusion with the certifications issued by chimney sweeps. Sweeps that are members of the Chimney Safety Institute of America or the National Chimney Sweep Guild provide certifications for comprehensive safety inspections as opposed to the visual inspection certification required by the Uniform Construction Code. Additionally, the amendment requires that the Chimney Verification for Replacement of Fuel Fired Equipment (Form F-370) be provided along with the permit application and fee for work involving the replacement of fuel fired equipment.

The draft rule and draft revised standardized form were referred to the Plumbing Subcode, Building Subcode, Fire Protection Subcode, and Mechanical/Energy Subcodes Committees for review and comment.

E. Information

1. Adoption of National Model Codes. The International Code Council (ICC) model codes/2009 and the National Standard Plumbing Code (NSPC)/2009 were adopted on September 7, 2010. The contractor issue with regard to the installation of residential sprinklers must be resolved.

The Board recommended that the Commissioner resolve the conflict between the Board of Master Plumbers and the Sprinkler Contractors. The Board recommended that to the extent that a sprinkler system was designed to be part of the plumbing system, (P2904), plumbers should be able to install. The Uniform Construction Code (UCC) should assign responsibility to the plumbing subcode official, which resolves the issue for the UCC, but not between the licensing boards.

Mr. William M. Connolly made a motion, which was seconded by Mt. Leonard Sendelsky, that the Division to inform the Commissioner of the Board's recommendation regarding the installation of residential sprinkler systems.

2. Report on E-Vote: Memorandum of Understanding (MOU) with Montclair University and Draft Rule on Low Voltage Communication Wiring
The Board was informed that the results of the electronic voting on the MOU was 13 yes, 1 No, 1 Abstention. The Board was further informed that the MOU has been executed and that the next step is for the University to appoint code enforcement officials.

The Board was informed that the results of the voting on the draft rule regarding low voltage communication wiring was 14 Yes, 1 No. The rule was published as a proposal in the *New Jersey Register* on October 18, 2010; the public comment period ends on December 18, 2010. A short discussion ensued.

One Board member expressed concern that installers of low voltage communication wiring do not recognize fire-rated assemblies and do not know when they are compromising the fire-resistance rating required by the Uniform Construction Code (UCC). The Board member predicted that this rule could result in thousands of abuses. In addition to the problem of compromising fire-rated assemblies, there is a problem with abandoned cables, which need to be removed. As minor work, the inspector was able to confirm that the installation of low voltage communication wiring complied with the UCC; as ordinary maintenance, no such confirmation will take place. Several Board members expressed concern and asked whether the Department knows how widespread non-compliance is, with the current designation as minor work.

One Board member expressed concern that all of Chapter 8 of the National Electrical Code (NEC), which includes installations up to 150 volts, would be made not-applicable to the installation of low voltage communication wiring. A short discussion took place on the difference between the need to comply with the UCC and the need to obtain a permit. All work is required to comply with the UCC; not all work requires a permit. When a code enforcement official discovers non-compliant work, corrections can be required. It was acknowledged that, without a permit and the accompanying inspection, non-compliant work is not easily discovered.

The Board discussed the root of the problem and the possibility of a narrower solution. The problem is specific to Group R-2 occupancies where the low voltage communication wiring installer obtains a permit to install the wiring from floor to floor. When a resident wants the service installed in their dwelling unit, an additional permit fee is charged. The permit fees for installations in multiple dwelling units in a multi-family building were of concern to the industry and this solution, which was an extension of the current UCC permit requirement for the same work, was drafted and published as a proposal.

The Board asked the Department to investigate the extent of the problem, evaluate the impact on the NEC, and report back. The Department agreed.

3. Dates for Code Advisory Board Meetings 2011:
February 4
April 8
June 10
August 12
October 14
December 9

4. CAB Log: The updated activity log was included in the meeting packets.

5. List of Pending Legislation: A list of pending legislation on issues that impact construction and the Uniform Construction Code was included in the meeting packets.

F. Public Comments

During the public comment period, Dr. James Sinclair, Code Advisory Board member, commented that the CAB is a powerful forum for people with different interests; by considering and resolving those perspectives, it serves as a protector of the public. When the CAB was first formed, the membership was unknown. Of the 13 members initially recommended, only seven were appointed. Mr. Leonard Sendelsky is the last remaining charter member of the Board. The initial meetings were full of passion and positioning. However, the Board members kept their focus on their charge—to advise the Commissioner on public policy impacting construction and to recommend balanced, rational solutions.

Mr. Leonard Sendelsky welcomed Ms. Beth Pochtar as the newly appointed Chair of the CAB. Ms. Pochtar responded by saying that her participation on the Board has given her insight into the perspective of code enforcement officials and that has enhanced her own engineering practice. She added that she looks forward to working with all Board members.

The public portion of the meeting concluded, the Board broke at 11:15 a.m.

G. Executive Session

The Board meeting resumed at 11:25 a.m.
The membership on the Subcode Committees was reconstituted and the Vice-chairs were appointed, as follows:
Barrier Free Subcode Committee: No change to membership; Jack Boekhout appointed vice-chair.
Building Subcode Committee: No change to membership; Bob LaCosta appointed vice-chair.
Electrical Subcode Committee: No change to membership; Sam Arcadu appointed vice-chair.
Elevator Subcode Committee: No change to membership; George Walker appointed vice-chair.
Fire Protection Subcode Committee: No change to membership; appointment of vice-chair pending.
Mechanical/Energy Subcodes Committee: No change to membership; Bob McCullough appointed vice-chair.
Plumbing Subcode Committee: One member was not reappointed; Louis Rodriguez was appointed vice-chair.

The meeting adjourned at 11:40.

UNIFORM CONSTRUCTION CODE ADVISORY BOARD
Minutes of Meeting, June 11, 2010
Location
101 South Broad Street
Trenton, New Jersey 08625

Attendance

Board Members

William J. Lynn, Chair
John Scialla, Vice Chair
William M. Connolly
John D. DelColle
Arthur Doran
Robert A. McCullough
Michael Mills
Gregory Moten
Beth Pochtar
Leonard Sendelsky
James Sinclair
Joseph Surowiec
Alexander Tucciarone
Valerie Waricka

DCA Staff

Cynthia A. Wilk, Director, Division of Codes and Standards
Emily Templeton, Code Development Unit
John Terry, Code Assistance Unit
Michael Baier, Bureau of Code Services
David Uhaze, Bureau of Construction Project Review
Robert Austin, Code Assistance Unit
Suzanne Borek, Code Assistance Unit
Paulina Caploon, Elevator Safety Unit, Bureau of Code Services
John Delesandro, Licensing Unit, Bureau of Code Services
Thomas Pitcherello, Code Assistance Unit
Darren Port, Code Assistance Unit
Michael Whalen, Code Assistance Unit

Guests

David Blackwell, New Jersey Builders Association
Sal DiCristina, Rutgers University
Joseph LaBruzza, Marlboro Township
Joseph Valeri, West Windsor Township

Mr. William J. Lynn, Chair of the Uniform Construction Code Advisory Board (CAB), called the meeting to order at 9:30 a.m.

A. Approval of Minutes of the Code Advisory Board Meeting of February 6, 2009
Mr. Leonard Sendelsky made a motion, which was seconded by Mr. Robert McCullough, to approve the minutes without amendment. The motion carried unanimously.

B. Subcode Committee Reports
Barrier Free Subcode Committee
Mr. John Del Colle, Chair, reported on a Barrier Free Subcode meeting, which was held on May 21, 2010, in which its review of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) continued.

Building Subcode Committee
Mr. John Scialla, Chair, reported on a Building Subcode Committee meeting, which was held on May 27, 2010, in which agenda items were discussed.

Electrical Subcode Committee
At the request of Mr. Robert McCullough, Chair, Ms. Suzanne Borek reported on an Electrical Subcode Committee meeting, which was held on May 20, 2010 in which agenda items were discussed. In addition, there was brief discussion on the fact that permits for and inspections of generators for carnivals and fairs are a municipal, not State, jurisdiction.

Elevator Safety Subcode Committee
No Elevator Safety Subcode Committee meeting was held.

Fire Protection Subcode Committee
Mr. William Lynn, Chair, reported on a Fire Protection Subcode Committee meeting, which was held on May 25, 2010, in which agenda items were discussed. In addition, Mr. William Lynn appointed Mr. Arthur Londensky as Vice Chair of the Fire Protection Subcode Committee.

Mechanical/Energy Subcodes Committee
No Mechanical/Energy Subcodes Committee meeting was held.

Plumbing Subcode Committee
No Plumbing Subcode Committee meeting was held.

C. Old Business
There was no Old Business on this agenda.

D. New Business
1. Amending the CAB By-laws: Director Cynthia Wilk informed the Board that, over the years, there have occasionally been delays in making appointments to Boards that advise the Department, including the Code Advisory Board. The CAB has been fortunate that when Board members have resigned, they have also been not only willing, but able, to stay and continue to serve until they are replaced. In the recognition that this will not always be the case, the draft revision to the By-laws on this agenda would allow the Chair of the Subcode Committees to officially designate a Vice-chair. The Vice-chair would run the Subcode Committee meetings in the absence of the Chair and would be able to present the work of the Committee at a CAB

meeting when the Chair is absent. The Vice-chair would not join the Board, but could make a presentation from the public seating.
Mr. Leonard Sendelsky made a motion, which was seconded by Mr. William Connolly, to approve the amendment to the By-laws. The motion carried unanimously.

2. Draft Amendments to the Rehabilitation Subcode (N.J.A.C. 5:23-6)—Partial Change of Use of Group R-5

This draft rule was referred to the Building Subcode Committee and Fire Protection Subcode Committee. The draft rule intended to correct an unintended consequence discovered in the Rehabilitation Subcode due to the scoping limitations of the International Residential Code (IRC). The scoping of the IRC is limited to detached one- and two-family dwellings, which are designated as Group R-5 with no other use allowed in that building. In a block, for example, of townhouses, if the use of one Group R-5 townhouse were to be changed, the Group designation of all other townhouses in that block would also change.

One Board member pointed out that the problem lies with the current language in N.J.A.C. 5:23-6.31, change of use, because the hazard is actually the same. Discussion then focused on the effect of changing the Group designation of one townhouse in a row. If a portion of a single family dwelling is changed, the remainder of the dwelling unit changes to Group R-3 because a Group R-5 dwelling unit may not contain any other use. The draft rule proposal would provide that when change a portion of a dwelling unit or when one dwelling unit in a block is changed, the remaining portion of the dwelling or the other dwelling units on the block will not be deemed to be changed.

There was a discussion as to whether the group designations are administrative or technical. One Board member felt strongly that the Group designations are administrative and are not technical, so moving from Group R-5 to Group R-3 should not actually be an increase in hazard. It was pointed out that Group R-3 and Group R-5 buildings have some different technical requirements; for example, Group R-3 buildings are required to have fire-resistance ratings between uses and are also required to have sprinklers. One Board member commented that perhaps separation should be required in the unit undergoing the actual change, but the entire row of townhouses should not be required to be changed. Some code requirements make sense when the project is being constructed, but do not make sense when an existing structure undergoes a change. This is particularly true once the townhouses have been sold and are not under single ownership. It is not sensible to require a homeowner to undertake a project because his neighbor has opened a small, home-based business.

The Board moved into a discussion of the actual consequence of putting Group R-5 and Group R-3 on the same hazard level. At this time, according to the Rehabilitation Subcode, any change to Group R requires the installation of sprinklers. It could make sense to equate Group R-5 and Group R-3 on the hazard tables, but including other Groups on the same line might not be so sensible. One Board member proposed simply stating that any change from non-residential to residential would require sprinklers, rather than deriving the requirement from the hazard tables.

Discussion moved on to the comments made by the Building Subcode Committee and Fire Protection Subcode Committee.

Mr. John Scialla, Chair, reported on the comments of the Building Subcode Committee. The Building Subcode Committee agreed with the recommendations of the Fire Protection Subcode Committee that the amendment not include changes of use to Group H or S-1 and also

agreed with the Fire Protection Subcode Committee's recommendation that low-voltage alarms be allowed in lieu of the hard-wired interconnected smoke detectors. Ultimately, the Building Subcode Committee recommended the proposal be approved. The building owner would have several code-compliant options: the space may be treated as a Live/Work Unit and would comply with Section 419.0 of the 2009 IBC; it would be treated as an accessory occupancy, with a limit of 10 percent; or it would comply with the Rehab Subcode. The Building Subcode Committee also recommended that any adjoining dwelling units would remain as Group R-5; the separation requirements currently contained in the Rehab Subcode provide the necessary protection. Finally, the committee recommended that N.J.A.C. 5:23- 6.31(e)3i(3) and N.J.A.C. 5:23- 6.31 (i)3 be amended to retain the text "located below" in addition to the new language, so the text of the sections would read "located below or attached to."

Mr. William Lynn, Chair, reported on the comments of the Fire Protection Subcode Committee. At the Fire Protection Subcode Committee meeting, discussion began with an expression of concern about allowing H, M, and S Groups to be attached to R-5 Groups with only a one-hour separation. After a brief discussion, the Fire Protection Subcode Committee agreed that the rule should state that the proposed use of the space could not be a High Hazard (Group H) or Group S-1 classification. A recommendation to limit the change of use to Group B was discussed and determined to be too restrictive. Fire Protection Subcode Committee members thought that other areas of the Rehabilitation Subcode address this restriction, but they also thought that, to avoid confusion, it should be clearly stated in this rule change. In addition, as a possibility, the Fire Protection Subcode Committee had a discussion about whether the new section on Live/Work Units in the International Building Code (IBC)/2009 could present a solution. For example, Fire Protection Subcode Committee members discussed whether the change in use could be limited to 10 percent of the building area before additional requirements were imposed. Then there was discussion of the requirements in the IBC/2009 that ensure safety in buildings with live/work units, such as the installation of a sprinkler system, that would not be present in existing Group R-5 structures. Ultimately, the Fire Protection Subcode Committee proposed increasing requirements as the percentage of the floor area being changed increased. There was brief discussion of the case of an entire townhouse being changed to another use. There was agreement that the fire barrier section (IBC/Section 706.3.9) would apply to the entire use being changed. One Fire Protection Subcode Committee member expressed concern about the means of egress from the changed space and the existing dwelling unit. It was pointed out that exits from residential floors are currently required to be separated. Finally, one Fire Protection Subcode Committee member recommended that language be added to allow the use of a low voltage fire detection system, which would be installed in accordance with the IRC, rather than requiring the installation of smoke alarms. The Fire Protection Subcode Committee agreed.

Board discussion resumed. One Board member recommended that the change be re-drafted as a sprinkler exception. Another Board member commented that a sprinkler requirement would be preferable to requiring a separate entrance and fire barrier. The Board member made an adjustment and recommended that the exception state that the building owner could either install sprinklers or separate the non-residential use. There was brief discussion as to whether the exception should include any of the other limitations, such as those recommended by the Fire Protection Subcode Committee – limiting the change of use to a specific percentage of the building; addressing accessory occupancy; or limiting the change of use to the first floor.

Discussion moved on; one Board member asked whether a National Fire Protection Association (NFPA) 13D sprinkler system would be acceptable. The NFPA 13D is allowed for residential occupancies only and, strictly speaking, would not be allowed for the use that is changed to non-residential; for that, an NFPA13, a more extensive system, would be required.

As discussion waned, one Board member recommended that an exception be created stating that "sprinkler shall not be required in the remainder of the dwelling unit." In response to a request, staff provided the requirements currently in the Rehabilitation Subcode for the change of use of a Group R-5 to a Group B and from a Group R-3 to a Group B; they are the same: Comply with the Basic requirements of the Rehabilitation Subcode; rate the exposed exterior walls; and, install required alarms. It was noted that neither egress nor sprinklers is currently triggered by the change of use of either a Group R-5 or Group R-3 to Group B.

Mr. Robert McCullough made a motion, which was seconded by Mr. Leonard Sendelsky, asking staff to draft an exception to the sprinkler requirement for the remaining space, exclude high hazard uses, storage uses, and factory uses, include the "below or attached to" language recommended by the Fire Protection Subcode Committee, and return the draft to the Board for consideration. The motion carried unanimously.

3. Communications Wiring (N.J.A.C. 5:23-2.7, 2.17A)
This draft rule would make it clear that the installation of communications wiring is minor work, rather ordinary maintenance, whenever it involves the penetration of a fire resistance rated assembly. Currently in the Uniform Construction Code (UCC), the determination of whether the installation is minor work or ordinary maintenance is based on the classification of the building. By focusing on the penetration of a fire resistance rated assembly, the actual issue would be clarified.

The draft rule was referred to the Electrical Subcode, Fire Protection Subcode, and Building Subcode Committees.

E. Information

1. Update on Model Code Rule Proposal (published in the *New Jersey Register* on September 8, 2009)
Director Cynthia Wilk reported that the adoption of the 2009 national model codes continues to be on hold pursuant to Executive Order 1, which was signed by Governor Christie on January 19, 2010.

2. CAB Log: The updated activity log was included in the meeting packets.

3. List of Pending Legislation: A list of pending legislation on issues that impact construction and the Uniform Construction Code was included in the meeting packets.

4. Travel Reimbursement Forms: Board members were informed that forms included in the packet were to be used when submitting for reimbursement for expenses, parking and mileage, associated with attending these meetings. The submittals must be received by the Department by June 25 for timely processing.

F. Public Comments
There were no comments from the public.

The public portion of the meeting concluded; the Board broke at 10:55 a.m.

G. Executive Session
The Board meeting resumed at 11:15 a.m.
Mr. Arthur Doran, Chair, moved the reappointment of Mechanical/Energy Subcodes Committee without change.
Mr. Alexander Tucciarone made a motion, which was seconded by Dr. James Sinclair, to approve the reappointment; the motion carried unanimously.

Mr. John DelColle, Chair, moved the reappointment of the Barrier Free Subcode Committee with one change. The Committee has traditionally included a representative of residential builders; the representative who has served for several years has recently resigned due to an increase in workload. Mr. DelColle asked for recommendations for another residential builder representative.
Mr. Leonard Sendelsky made a motion, which was seconded by Mr. Alexander Tucciarone, to approve the reappointment as presented; the motion carried unanimously.

Mr. William Lynn, Chair, moved the appointment of Mr. John Drucker of Red Bank to the Fire Protection Subcode Committee. Mr. Stanley Sickles, also of Red bank, has served on the Fire Protection Subcode Committee for several years. To avoid representation of one municipality by two members, Mr. Drucker's appointment was proposed to be effective following Mr. Sickels's formal resignation.
Mr. Leonard Sendelsky made a motion, which was seconded by Dr. James Sinclair, to appoint Mr. John Drucker contingent upon Mr. Sickels's resignation. The motion carried unanimously.

Resignation: Mr. William Lynn informed the Board that he would be resigning effective at the end of June 2010. He is retiring and moving out-of-State. Mr. Lynn spoke of the value of his time on the Code Advisory Board. Several Board members spoke of their admiration for his code knowledge and the leadership he has provided. Mr. Lynn replied that participating on the Board made him a better code official; Board members responded by stating that having him on the Board, and having his leadership as Chair, mediating the perspectives of so many represented interests, has improved the quality of the Board's discussion and advice.

H. Adjourn
Mr. William Lynn, Chair, declared the meeting adjourned at 11:30 a.m.

UNIFORM CONSTRUCTION CODE ADVISORY BOARD
Minutes of Meeting, April 9, 2010
Location
101 South Broad Street
Trenton, New Jersey 08625

Attendance

Board Members

William J. Lynn, Chair
John Scialla, Vice Chair
William M. Connolly
George Hrin
Robert A. McCullough
Michael Mills
Gregory Moten
Beth Pochtar
Leonard Sendelsky
James Sinclair
Joseph Surowiec
Alexander Tucciarone

DCA Staff

Cynthia A. Wilk, Director, Division of Codes and Standards
Emily Templeton, Code Development Unit
John Terry, Code Assistance Unit
Louis Mraw, Office of Regulatory Affairs
David Uhaze, Bureau of Construction Project Review
Robert Austin, Code Assistance Unit
Suzanne Borek, Code Assistance Unit
Paulina Caploon, Elevator Safety Unit, Bureau of Code Services
Marcel Iglesias, Code Assistance Unit
Thomas Pitcherello, Code Assistance Unit
Drake Rizzo, Division of Codes and Standards
Michael Whalen, Code Assistance Unit

Guests

David Blackwell, New Jersey Builders Association
Sal DiCristina, Rutgers University
Jeff Heiss, Warren Township
Margaret Iandolo, West Windsor Township
Vann Jones, Technical Assistant, Willingboro Township
Stephanie Kemp, West Windsor Township
Bob LaCosta, Township of Scotch Plains
Helen LaVenia, Willingboro Township
Brenda Sirkis, West Windsor Township
Lean Vazquez, Plainsboro Township

Mr. William J. Lynn, Chair of the Uniform Construction Code Advisory Board (CAB), called the meeting to order at 9:30 a.m.

A. Approval of Minutes of the Code Advisory Board Meeting of October 9, 2009
Mr. Alexander Tucciarone made a motion, which was seconded by Dr. James Sinclair, to approve the minutes without amendment. The motion carried unanimously.

B. Subcode Committee Reports
Barrier Free Subcode Committee
In the absence of Mr. John Del Colle, Chair, Ms. Emily Templeton reported on two Barrier Free Subcode meetings that were held on December 4, 2009 and February 5, 2010 in which agenda items were discussed. In addition, the Barrier Free Subcode Committee began its review of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) to determine whether recommendations should be made to amend the Barrier Free Subcode.

Building Subcode Committee
Mr. John Scialla, Chair, reported on a Building Subcode Committee meeting that was held on March 26, 2010 in which agenda items were discussed.

Electrical Subcode Committee
Mr. Robert McCullough, Chair, reported on two Electrical Subcode Committee meetings that were held on November 19, 2009 and March 18, 2010 in which agenda items were discussed.

Elevator Safety Subcode Committee
Mr. George Hrin, Chair, reported on two Elevator Subcode Committee meetings that were held on February 5, 2010 and March 15, 2010 in which agenda items were discussed and meeting dates were established.

Fire Protection Subcode Committee
Mr. William Lynn, Chair, reported on a Fire Protection Subcode Committee meeting that was held on March 16, 2010 in which agenda items were discussed. In addition, the Fire Protection Subcode Committee discussed whether they should have copies of the "Guidelines for Design and Construction of Health Care Facilities." It was decided that because the Department performs the plan review of licensed healthcare facilities, the Committee members did not need to have copies of those Guidelines.

Mechanical/Energy Subcodes Committee
In the absence of Mr. Arthur Doran, Chair, Mr. Robert Austin reported on a Mechanical/Energy Subcodes Committee meeting that was held on March 9, 2010 in which agenda items were discussed.

Plumbing Subcode Committee
Mr. Alex Tucciarone, Chair, reported on a Plumbing Subcode Committee meeting held March 12, 2010 in which agenda items were discussed. In addition, Mr. Tucciarone reported that the

Heating, Ventilation, Air-conditioning (HVAC) Board has been appointed and has begun writing regulations. It is anticipated that the regulations will be available in approximately one year.

C. Old Business

1. Draft Rule – Barrier Free Subcode: Size of Platform on Platform Lift; Site Impracticality (N.J.A.C. 5:23-7.2, 7.6)

This draft rule was sent to the Barrier Free Subcode Committee, the Building Subcode Committee, and the Elevator Safety Subcode Committee for review and comment. All recommended approval.

Mr. Robert McCullough made a motion, which was seconded by Mr. Gregory Moten, to approve the draft rule. The motion carried unanimously.

2. Draft Rule – Certificate of Occupancy—Required Notice (N.J.A.C. 5:23-4.5, 5.19G, 5.23G)

This draft rule was sent to all committees for review and comment.

The Board held a thorough discussion. Mr. Robert McCullough reported that the Electrical Subcode Committee had asked whether the Fire Official needed—or wanted—to receive copies of every permit. There are several electrical permits, including annual pool permits, that are unlikely to interest the Fire Official. The Electrical Subcode Committee recommended that the rule be revised and narrowed. Similarly, Mr. John Scialla reported that the Building Subcode Committee recommended that the Fire Official receive copies of the Temporary Certificate of Occupancy (TCO) and Certificate of Occupancy (CO). The Building Subcode Committee also thought that a three-day timeframe for providing the certificates was too short. After a brief discussion, the Building Subcode Committee recommended that the timeframe be changed to 10 days. Mr. Alexander Tucciarone reported that the Plumbing Subcode Committee thought this would be burdensome. A brief discussion ensued. One Board member asked whether it would be sufficient to send a monthly computer-generated report, which could be sent either electronically or by hard copy. The Board was informed that this rule was the result of a problem with the Fire Official allowing a building to be occupied for a specific event when neither a TCO nor a CO had been issued. One Board member suggested that providing copies of the TCO and CO might be required only in municipalities where the Fire Subcode Official is not also the Fire Official. There was generalized agreement that limiting the application of the rule to those municipalities where the Fire Subcode Official is not also the Fire Official could be effective. Another Board member commented that some municipalities have multiple fire districts. Pointing out that the Construction Official does not always know the boundaries of the fire districts, the Board member asked whether the copies would have to be sent to each fire district. In sum, the Board reached a basic agreement that copies of only the TCO, CO, and Certificate of Approval (CA) for fire protection systems be required to be provided and that certificates be provided electronically wherever possible.

Mr. Robert McCullough made a motion, which was seconded by Mr. Leonard Sendelsky, to table the discussion and to recommend that the rule be revised and returned to the Board for further discussion at the next meeting. The motion passed unanimously.

D. New Business

1. Draft Rule -- Rehabilitation Subcode/2010 Amendments (N.J.A.C. 5:23-6)

The Board ordered its discussion of the draft amendments to the Rehabilitation Subcode (N.J.A.C. 5:23-6) by referring to the item numbers on the accompanying cover memorandum; committee comments and Board discussion followed by item number.

Item 8, draft amendment to N.J.A.C. 5:23-6.2(c)4: The Fire Protection Subcode Committee identified a possible typographical error in the references to Section 3412. The Fire Protection Subcode Committee believed that the reference should be to Section 3412 .6, the evaluation section only. If the reference were to remain as proposed, the Fire Protection Subcode Committee members thought that all of Section 3412 could be used. In prior adoptions only the evaluation process was referenced. It was explained that Section 3412.6 includes the tables only; if the tables are to be used, however, the text that directs their use must be included. Following a brief discussion, the Board agreed the reference should remain as drafted.

Item 11, draft amendment to N.J.A.C. 5:23-6.4(c) 2, 6.5(c)2, 6.6(c)2 and 6.7(c)2: This draft amendment would allow the removal of an existing fire protection system under specific conditions. The Board held a brief discussion as to whether the removal of the fire protection system should be included in the repair (N.J.A.C. 5:23-6.4) and renovation (N.J.A.C. 5:23-6.5) sections. It was agreed that the removal of a fire protection system would be an alteration (N.J.A.C. 5:23-6.6) or part of a reconstruction project (N.J.A.C. 5:23-6.7). In reviewing the code text, the Board agreed that simply deleting the existing text from the repair and renovation sections might create confusion; it was recommended that the repair (N.J.A.C. 5:23-6.4(c) 2) and renovation (N.J.A.C. 5:23-6.5(c)2) sections contain a cross reference to the alteration (N.J.A.C. 5:23-6.6(c)2) and reconstruction (N.J.A.C. 5:23-6.7(c)2) categories of work.

Next, the Board held a lengthy discussion about the language itself. As drafted, the language mirrors the language in the Uniform Fire Code (UFC). One Board member commented that the phrase "subject to appeal" was in the wrong place. The Board member asserted that it is the denial, not the approval, that can be appealed. In addition, the Board member commented that there should be a standard set according to which the Fire Protection Subcode Official and the Fire Official would make the decision regarding removal. There was discussion as to whether the two conditions in the text, that the special hazard that caused the system to be installed no longer existed and that a suppression system would not be required by the Uniform Construction Code (UCC), constituted a standard for decision-making. Because the text, as drafted, caused such a lengthy discussion, the Board recommended that the text be revised to state unequivocally that a fire protection system could be removed with the written approval of both the Fire Protection Subcode Official and the Fire Official only when (1) the hazard that caused the system to be required no longer exists and (2) the UCC does not require the system in a newly constructed building. The Board also recommended that it should be made clear that if the application for removal is denied, the denial may be appealed.

Item 15, draft amendment to N.J.A.C. 53-6.4(e)8: This draft amendment would require insulation meeting the Energy Subcode to be installed in an existing wall cavity when the work being performed exposes the framing. The Building Subcode Committee discussed this requirement in great detail and expressed concern regarding the proposed deletion of the text: “and there is no insulation in the cavity”. Their concern was centered on the possibility that the wall framing could be exposed to find that, although there is insulation in the wall cavity, the existing insulation is below the R-value required by the new code. The text, as proposed, would require

this insulation to be removed. The Building Subcode Committee proposed replacing the current text: “and there is no insulation in the cavity”, with the following text: “and there are voids in the insulation in the cavity.”

Item 16, draft amendment to N.J.A.C. 5:23-6.4(e)9: This draft amendment would require windows that are being repaired to comply with a minimum U-value. The Building Subcode Committee recommended this amendment be deleted from repair because it would expand the proposed scope of work.

Item 19, draft amendment to N.J.A.C. 5:23-6.5(e)12: The Electrical Subcode Committee requested a clarification of what a total replacement of a lighting system means. The Committee provided an example: If there are 100 lights and 99 are replaced is that a total system? It was explained that this section comes from the American Society of Heating, Refrigeration, and Air-conditioning Engineers (ASHRAE) standard. The total system, as defined in ASHRAE, means the entire system, so if 99 lights were replaced, it would not be a total system. After a brief discussion, it was agreed that "total lighting system" should be qualified "as defined in ASHRAE."

Item 28 – draft amendment to N.J.A.C. 5:23-6.8(d): This draft amendment concerns Arc Fault Circuit-interrupters (AFCI). The Electrical Subcode Committee had previously presented language to be included in New Building Elements, 6.9, requiring newly installed circuits to be AFCI in locations specified in Section 210.12(B) of the National Electrical Code (NEC). The Electrical Subcode Committee recommended that the deletion at NJAC 5:23-6.8(d) be retained and the following language be included in N.J.A.C. 5:23-6.9: "As specified in Section 210.12, Arc-Fault Circuit-Interrupter protection shall be required for all newly installed branch circuits in dwelling units."

Items 37 – 45, proposed amendments to N.J.A.C. 5:23-6.9(a)26-36 regarding the requirements in the Energy Subcode that address newly installed equipment: These proposed amendments would require newly installed equipment to comply with the appropriate section of the Energy Subcode, as specified. The Building Subcode Committee recommended that, where residential applications are provided, the corresponding section of the requirements for commercial buildings be included. One Board member commented that it is reasonable to ensure that the references for both residential and commercial buildings are provided by subject. While recognizing that the residential provisions are prescriptive and the requirements for commercial structures are performance-based, it was suggested that a table of the corresponding sections be provided, if that is possible.

Item 56 – proposed amendments to N.J.A.C. 5:23-6.31(a)5: This draft amendment addresses the creation of Live/Work units and ambulatory health care facilities where the use group of the existing building does not change. The Building Subcode Committee recommended including Section 419, Live/Work Units and Section 422, Ambulatory Health Care Facilities in the list of special use and occupancies that trigger compliance with the International Building Code (IBC) when the character of the use of the space is changed to the listed occupancy. The example provided is when a doctor's office (Group B) is changed to an ambulatory care center (Group B),

depending on the number of patients, the building subcode might require suppression. The Board agreed that these applications would constitute a change in the character of the use.

The Mechanical/Energy Subcodes Committee recommended that N.J.A.C. 5:23-6.5(h), N.J.A.C. 5:23-6.6(h), and N.J.A.C. 5:23-6.7(h) be revised to match each other. These sections refer to materials and methods in NJAC 5:23-6.8, but contain slightly different language conventions. The Mechanical/Energy Subcodes Committee also recommended that the references to the applicable Bulletin on the Energy Subcode and the references to the newly adopted ASHRAE standard be updated at N.J.A.C. 5:23-2.15, Construction permits—application, and N.J.A.C. 5:23-9.2, Interpretation—Construction permit for single-family residence.

There was a brief, continued discussion concerning the draft provisions of N.J.A.C. 5:23-6.6(e)15, which would require insulation meeting the minimum R-values established by the Energy Subcode to be installed when the work being performed "creates or exposes the framing of any wall, ceiling, or roof assembly." This requirement had been discussed at the beginning of the Board meeting in terms of the Building Subcode Committee's recommendation to amend the language. One Board member asked whether in an 18th Century house with brick nogging as insulation, the brick nogging would have to be replaced. He was informed that the brick nogging would not have to be replaced, but, as the Building Subcode Committee recommended in its language revisions, insulation would be required to be installed in any voids.

One Board member asked whether the draft revisions to N.J.A.C. 5:23-6.8(d)2i, Electrical materials and methods, which requires system upgrades, apply only to upgrades of systems over 600 volts. The Board member was informed that the section is scoped to apply only when systems are – or are upgraded to be-- over 600 volts.
Mr. Robert McCullough made a motion, which was seconded by Mr. William Connolly, to approve the draft rule with all the changes and modifications agreed to in the discussion. The motion carried unanimously.

2. Draft Rule – Updating Numbering of UCC Forms (N.J.A.C. 5:23-4.5)
The Board was informed that during a review of the standard forms, including their names and numbers, the Department found that the revision of some, but not all, forms was noted by a letter suffix. So, at this time, some forms have a letter designation, while others do not. In this draft rule amendment, the Department proposes to delete the suffixes and, for consistency and clarity, to have the form be identified by number and name.
Mr. Alexander Tucciarone made a motion, which was seconded by Mr. Robert McCullough, to approve the draft rule without amendment. The motion carried unanimously.

3. Draft Rule – Enforcement Responsibilities: Appendices (N.J.A.C. 5:23-3.4)
The Board was informed that in its review of the draft rule on enforcement responsibilities, which was approved by the Board at the October 9, 2009 Board meeting, the Department found that enforcement responsibilities had not been assigned for the newly adopted appendices in the International Residential Code (IRC)/2009. Because the subject matter of the Appendices (Appendix G, Swimming Pools; Appendix H, Patio Covers; Appendix K, Sound Transmission) affect the charge of the Building Subcode Committee and Plumbing Subcode Committee, the draft rule was sent to those committees and to the entire Board for review and comment in

advance of this meeting. The Building Subcode Committee recommended approval as did the Plumbing Subcode Committee.
Mr. Alexander Tucciarone made a motion, which was seconded by Mr. Leonard Sendelsky, to approve the draft rule without amendment. The motion carried unanimously.

E. Information

1. Update on Model Code Rule Proposal (published in the *New Jersey Register* on September 8, 2009)
Division Director Cynthia Wilk reported that the adoption of the 2009 national model codes continues to be on hold pursuant to Executive Order 1, which was signed by Governor Christie on January 19, 2010. The Red Tape Committee continues its review of all the rules that were held and is also reviewing the process used to develop those rules. It is expected that the findings of the Red Tape Committee will be known on April 19 or April 20, at the conclusion of the 90-day hold.

2. National Standard Plumbing Code (NSPC) Code Change Hearings (March 25, 2010)
Mr. Alexander Tucciarone reported on successful code change hearings for the NSPC/2012, which were held in Atlantic City on March 25. The Code Change Committee members were particularly appreciative that Division Director Cynthia Wilk provided Departmental support by attending the hearings.

3. CAB Log: The updated activity log was included in the meeting packets.

4. List of Pending Legislation: A list of pending legislation on issues that impact construction was included in the meeting packets.

Board Comments: Mr. Robert McCullough reminded that Board that the National Electrical Code/2011 will be ready for approval by the National Fire Protection Association (NFPA) membership in June.

F. Public Comments
There were no comments from the public.

The public portion of the meeting concluded, the Board broke at 11:20 a.m.

G. Executive Session
The Board meeting resumed at 11:32 a.m.
The reappointment of two Subcode Committees was held until the next Board meeting due to the absence of the Chair: Mechanical/Energy Subcodes Committee and Barrier Free Subcode Committee.

The following Subcode Committees were reappointed without change: Building, Electrical, Fire Protection.

Two candidates were recommended by Mr. Alexander Tucciarone, Chair, for membership on the Plumbing Subcode Committee: Richard Falasco and David Condon.
Mr. Leonard Sendelsky made a motion, which was seconded by Mr. Michael Mills, to approve Mr. Richard Falasco and Mr. David Condon for Plumbing Subcode Committee membership. The motion carried unanimously.

One candidate, Sal DiCristina, was recommended by Mr. George Hrin, Chair, for membership on the Elevator Safety Subcode Committee.
Mr. Leonard Sendelsky made a motion, which was seconded by Dr. James Sinclair, to approve Mr. Sal DiCristina for membership on the Elevator Safety Subcode Committee. The motion carried unanimously.

Amending the CAB By-laws: Director Cynthia Wilk informed the Board that, over the years, there have occasionally been delays in making appointments to Boards, including the Code Advisory Board. The CAB has been fortunate that when Board members have resigned, they have also been not only willing, but able, to stay and continue to serve until they are replaced. It is recognized that this will not always be the case, so the Board will receive a draft revision to the By-laws which would allow the Chair of the Subcode Committees to officially designate a Vice-chair. The Vice-chair would run the Subcode Committee meetings in the absence of the Chair and would be able to present the work of the Committee at a CAB meeting when the Chair is absent. The Vice-chair would not join the Board, but could make a presentation from the public seating. A draft amendment to the By-laws will be on the CAB agenda for the June 11 meeting.

Resignation: Mr. William Lynn informed the Board that he would be resigning effective at the end of June 2010. He is retiring and moving out-of-State. Mr. Lynn spoke of the value of his time on the Code Advisory Board. Several Board members spoke of their admiration for his code knowledge and the leadership he has provided.

Mr. Robert McCullough informed the Board that he will not be able to attend the June CAB meeting because he will be at the NFPA Conference and Expo, where the NEC/2011 is expected to be adopted.

H. Adjourn
Mr. William Lynn, Chair, declared the meeting adjourned at 11:50 a.m.

UNIFORM CONSTRUCTION CODE ADVISORY BOARD
Minutes of Meeting, October 9, 2009
Location
101 South Broad Street
Trenton, New Jersey 08625

Attendance

Board Members

William J. Lynn, Chair
William Connolly
Robert McCullough
Michael Mills
Gregory Moten
Beth Pochtar
James Sinclair
Joseph Surowiec
Alexander Tucciarone

DCA Staff

Cynthia A. Wilk, Director, Division of Codes and Standards
Emily Templeton, Code Development Unit
John Terry, Code Assistance Unit
Michael Baier, Bureau of Code Services
Robert Hilzer, Office of Regulatory Affairs
Robert Austin, Code Assistance Unit
Suzanne Borek, Code Assistance Unit
Paulina Caploon, Elevator Safety Unit, Bureau of Code Services
John Delesandro, Licensing Unit, Bureau of Code Services
Darren Port, Code Assistance Unit
Drake Rizzo, Division of Codes and Standards
Michael Whalen, Code Assistance Unit

Guests

Vera Bacwyn-Holowinsky, VBH Architecture
Ron Kissel, West Windsor Township

Mr. William J. Lynn, Chair of the Uniform Construction Code Advisory Board (CAB), called the meeting to order at 9:35 a.m.

A. Approval of Minutes of the Code Advisory Board Meeting of February 6, 2009

Mr. Robert McCullough made a motion, which was seconded by Dr. James Sinclair, to approve the minutes without amendment. The motion carried unanimously.

B. Subcode Committee Reports

Barrier Free Subcode Committee

The Barrier Free Subcode Committee did not meet.

Building Subcode Committee

Mr. John Scialla, Chair, reported on a Building Subcode Committee meeting that was held on July 31, 2009 in which agenda items were discussed.

Electrical Subcode Committee

Mr. Bob McCullough, Chair, reported that the Electrical Subcode Committee did not hold a meeting.

Elevator Safety Subcode Committee

Mr. George Hrin, Chair, reported on an Elevator Subcode Committee meeting that was held on March 30, 2009 in which agenda items were discussed.

Fire Protection Subcode Committee

Mr. William Lynn, Chair, reported on a Fire Protection Subcode Committee meeting on July 21, 2009 in which agenda items were discussed.

Mechanical/Energy Subcodes Committee

The Mechanical/Energy Subcodes Committee did not meet.

Plumbing Subcode Committee

Mr. Alex Tucciarone, Chair, reported on a Plumbing Subcode Committee meeting held on July 10, 2009 in which agenda items were discussed.

C. Old Business

1. Enforcement Responsibilities (N.J.A.C. 5:23-3.4)

The draft revisions to N.J.A.C. 5:23-3.4, Enforcement Responsibilities, were discussed by subcode, as follows.

Building Subcode (International Building Code/2009):

Section 403.4.1 through 403.4.6: The Building Subcode Committee recommended that the plan review responsibility for Section 403.4.1 through 403.4.6 should be assigned exclusively to the Fire Protection Subcode Official. Section 403 deals with high rise buildings and contains references to Chapter 9, which is currently assigned to the Fire Protection Subcode Official. These sections should be assigned to the Fire Protection Subcode Official for consistency. These sections specifically address smoke detection (Section 403.4.1), Fire alarm systems (Section 403.4.2), Emergency voice/alarm communication systems (Section 403.4.3), Emergency responder radio coverage (Section 403.4.4), Fire Command (Section 403.4.5), and Smoke removal (Section 403.4.6).

Section 403.4.7.2, Standby Power Loads—standby equipment: The Fire Protection Subcode Committee recommended that the plan review responsibility for this section be assigned jointly to the Fire Protection Subcode Official and the Electrical Subcode Official because of its

relation to fire command centers, for which the Fire Protection Subcode Official has inspection responsibility.

Section 406, Motor Vehicle-Related Occupancies: The Fire Protection Subcode Committee recommended that the plan review responsibilities for Section 406, Motor Vehicle-Related Occupancies, be assigned jointly to the Building Subcode Official and the Fire Protection Subcode Official. The Fire Protection Subcode Committee also recommended that inspection responsibilities be as follows:

Section 406.3.11-406.4.2, Enclosure of Vertical Openings; Ventilation; Prohibitions; Heights and areas--Building

Section 406.5.1, Construction--Fire Protection

Section 406.5.2 – 406.5.3.1, Vehicle fueling pad; Canopies; Canopies used to support gaseous hydrogen system --Building

Section 406.6.1— General--Fire

Section 406.6.2 – 406.6.4, Mixed uses; ventilation; floor surface-- Building

Section 422.11 – 422.4: The Building Subcode Committee identified a typographical error at Section 422.**11**; it should be 422.**1**.

Energy Subcode (International Energy Conservation Code/2009):

Section 403.9.3, Pool covers: The Building Subcode Committee recommended that Section 403.9.3, Pool covers, be assigned to the Plumbing Subcode Official for plan review and inspection. This section requires an insulated swimming pool cover for those pools that have a heater. The Plumbing Subcode Official has plan review and inspection authority for the heater and, therefore, should also have authority for the cover. The Building Subcode Committee recommended that this provision be included in the Rehabilitation Subcode for pools retrofitted with heaters.

Mechanical Subcode (International Mechanical Code/2009)

Section 1106, Mechanical room, special requirements**:** The Fire Protection Subcode Committee commented that the reference in this section appears to be a typographical error; the inspection responsibility should be the Fire Protection Subcode Official.

Section 1401.2 -**1404:** The Building Subcode Committee commented that one of the section numbers in this reference appears to be a typographical error; it should be 1401.2 - **1401.4**.

Section 1402.2, Protection of Equipment: The Building Subcode Committee commented that Section 1402.2, Protection of Equipment, should be the exclusive responsibility of the Building Subcode Official. This amended assignment would provide consistency with the enforcement responsibility of Section 1101.3, entitled Protection.

Section 1402.6 -**1407:** The Building Subcode Committee appears to be a typographical error; it should be 1402.6 – **1402.7**.

<u>One and Two Family Dwelling Subcode</u> (International Residential Code/2009)

Section R307.2, Bathtub and Shower Spaces: The Building Subcode Committee commented that Section R307.2, Bathtub and Shower Spaces, should be assigned to the Plumbing Subcode Official, not to the Building Subcode Official, for plan review and inspection. This section requires the walls surrounding a tub and shower to be finished with non-absorbent surfaces.

Section R2904.2.3, Multipurpose Sprinkler System--Freezing areas: One Fire Protection Subcode Committee member asked why the Plumbing Subcode Official had sole responsibility for making sure the piping is protected against freezing. It was explained that this section now references the plumbing subcode, which contains the information necessary for the plumbing inspector to perform the inspection regarding the protection of piping. In addition, the Fire Protection Subcode Committee noted that the piping for a combination system would be the responsibility of the Plumbing Subcode Official, but a stand-alone system would be the responsibility of the Fire Protection Subcode Official. The Fire Protection Subcode Committee recommended that plan review for multipurpose systems be jointly assigned to the Fire Protection Subcode and Plumbing Subcode Officials. The Fire Protection Subcode Committee also recommended that when a stand-alone system is installed, the Fire Protection Subcode Official have final inspection responsibilities.

Multipurpose Sprinkler System--Section R2904.3 through R2904.3.3: The Fire Protection Subcode Committee recommended that the plan review be jointly assigned to the Fire Protection Subcode and Plumbing Subcode Officials because these sections deal with the fire sprinkler system piping. Section R2904.3.1 requires listed residential rated fire sprinkler piping. The Fire Protection Subcode Committee recommended that the inspection of the piping for a combination system be the responsibility of the Plumbing Subcode Official, and inspection of a stand-alone system be the responsibility of the Fire Protection Subcode Official.

Fuel Gas Subcode (International Fuel Gas Code/2009)

Section 619, Conversion Burners: The Building Subcode Committee commented that Section 619, Conversion Burners, should be assigned to either the Fire Protection Subcode Official or Plumbing Subcode Official for plan review and inspection. Following a brief discussion, the Board recommended that it be assigned to the Plumbing Subcode Official.

Elevator Safety Subcode: (IBC/2009, Chapter 30, Elevators):

Section 3002.8, Glass in elevator enclosures: The Elevator Subcode Committee recommended that enforcement responsibilities be added for Section 3002.8, Glass in elevator enclosures. The Elevator Subcode Committee recommended that the responsibilities should be the same as those for Sections 3002.5 – 3002.7, which are Building, Fire Protection, Elevator Subcode Officials for plan review and Elevator Subcode Official for inspection.

Section 3003, Standardized fire service keys: The Elevator Subcode Committee recommended that enforcement responsibilities be added for Section 3003.3, Standardized fire service keys, which is a New Jersey-specific code section. The Elevator Subcode Committee recommended that plan review and inspection should be assigned to Elevator Subcode Officials.

Section 3004.4, Plumbing and mechanical systems: The Elevator Subcode Committee recommended that plan review responsibilities for Section 3004.4, Plumbing and mechanical systems, should include the Plumbing Subcode Official along with the Building and Elevator Subcode officials.

Section 3007.3, Hoistway lighting: The Elevator Subcode Committee recommended that plan review responsibilities should include the Elevator Subcode Official (in addition to the proposed Building Subcode Official and Fire Protection Subcode Official.) Inspection responsibilities should be assigned to the Elevator Subcode Official instead of to the Building Subcode Official.

Section 3007.6, Elevator system monitoring: The Elevator Subcode Committee has

recommended that the plan review responsibilities be jointly assigned to the Elevator Subcode Official and the Fire Protection Subcode Official. There was brief discussion about the inconsistency with other "Monitoring" requirements that are exclusively assigned to the Fire Protection Subcode Officials for plan review and inspection. Following the discussion, the Board determined that elevator devices are sufficiently unique that the Elevator Subcode Official should be assigned joint responsibility.

Section 3007.7, Electrical power; Section 3007.1.1, Protection of wiring and cables; and Section 3008.15, Electrical power: The Elevator Subcode Committee has recommended that plan review responsibilities be assigned jointly to the Elevator Subcode Official and Electrical Subcode Official and inspection responsibilities be assigned to the Elevator Subcode Official. It was noted that there appears to be some confusion on this section. This section applies to the line side of the electrical system, not the load side. In the Electrical Subcode, it is made clear that the jurisdiction for the load side of the circuit is in the Elevator Subcode. Following a brief discussion, the Board determined that this change is not necessary.

Mr. Robert McCullough made a motion, which was seconded by Dr. James Sinclair, to approve the draft rule as modified by discussion. The motion passed unanimously.

D. New Business

1. Draft Rule – Electrical Subcode, Tentative Interim Amendment (N.J.A.C. 5:23-3.16)

In the 2005 National Electrical Code (NEC), a proposal was made to Article 645 to limit individual panelboards in Power Distribution Units (PDU) to not more than 42 circuits. This change specifically correlated NEC Article 645 with the limitation of 42 circuits contained in NEC Article 408, which covers panelboards. During the 2008 NEC code change cycle, recommendations were made to eliminate the 42 circuit limitation in panelboards, which effectively deleted NEC 408.36. With this revision, the basis for the requirements of NEC Article 645 was gone. Unfortunately, there were no proposals or comments submitted to NEC Article 645 to make the correlating change. The National Fire Protection Association (NFPA), which publishes the NEC, issued a Tentative Interim Amendment (TIA), to resolve the inconsistency. That TIA is proposed for inclusion in the electrical subcode.

Mr. Robert McCullough, Chair of the Electrical Subcode Committee, made a motion, which was seconded by Mr. William Connolly, to approve the draft rule, as presented. The motion carried unanimously.

2. Draft Rule – Barrier Free Subcode: Size of Platform on Platform Lift; Site Impracticality (N.J.A.C. 5:23-7.2, 7.6)

The draft rule amending the Barrier Free Subcode (BFSC) includes two revisions. One revision would ensure that the platforms of any lift that requires a 90º turn must meet the dimensions for a T-turn in the ICC/ANSI A117.1 technical standard. The current rule specifies vertical wheelchair lifts; the revision will make it clear that the platform size applies to all types of wheel chair lifts, including inclined wheelchair lifts. The second revision would amend the scoping for the site impracticality provisions of the Barrier Free Subcode. This language was taken verbatim from the Federal Fair Housing Amendments Act/1991. Because that law applies to multifamily residential projects, the scoping for this requirement should be clearly limited to multifamily residential projects.

The draft rule will be sent to the Barrier Free Subcode Committee, the Building Subcode

Committee, and the Elevator Safety Subcode Committee for review and comment.

3. Draft Rule – Elevator Subcode: Standardized Fire Service Key Specified (N.J.A.C. 5:23-12.12).

The International Building Code (IBC)/2009 includes a reference to fire service keys that may be used for fire service operation of an elevator. There is one standard fire service key that is used in New Jersey. Having one standard key provides quick access to elevator service in an emergency. Therefore, this rule would include by name and type the fire service key that would be required to be continued to be used in New Jersey.

Seeking assurance that the draft rule would not favor one key maker, but would provide the required information for the key pattern used in New Jersey, the Board held a brief discussion concerning the actual language of the reference to the fire service key.

Mr. Robert McCullough made a motion, which was seconded by Dr. James Sinclair, to approve the rule subject to confirmation by the Department that it references a type of key and not a specific manufacturer. The Board also requested that the information regarding the key pattern be included in the summary statement published in the New Jersey Register. The motion carried unanimously.

4. Draft Rule – Certificate of Occupancy—Required Notice (N.J.A.C. 5:23-4.5, 5.19G, 5.23G)

The draft rule would establish a requirement for the Construction Official to notify the Fire Official of the issuance of a construction permit and any type of Certificate within 3 business days of issuance.

The Board held a brief discussion about whether the Fire Official should receive copies of all permits and certificates or those for a life hazard use under the Uniform Fire Code (UFC).

The draft rule will be sent to all Committees for review and discussion.

E. Information

1. Result of E-Vote: Review of ICC 300/2007, Standard for Bleachers, Telescopic Seating, and Grandstands (N.J.A.C. 5:23-3.14) and Draft Bulletin – Updated References Fine Print Notes (FPN)

First, the result of the electronic vote on the draft rule to adopt the International Code Council (ICC) 300/2007, Standard for Bleachers, Telescopic Seating, and Grandstands was 10 in favor, 0 opposed. Votes were received between August 28 and September 9.

Second, the result of the electronic vote on the draft bulletin, Updated References to Fine Print Notes (FPN) was 10 in favor, 0 opposed. Votes were received between August 28 and September 9.

2. Update on Model Code Rule Proposal (published in the *New Jersey Register* on September 8, 2009)

The public comment period on the proposal to adopt the 2009 national model codes continues through November 7. The Department has received a high volume of comments, most of which are focusing on support for the residential sprinkler provision—1200 comments were received in one day. The Department will keep the Board informed of the status of this major rule initiative.

3. Update on International Code Council (ICC) Hearings

Mr. John Terry, Department of Community Affairs, reported that the code change hearings for the 2012 model codes published by the International Code Council (ICC) will be held in Baltimore from October 24-October 31 and November 4 – November 11. All code changes will be presented and debated. The sprinkler requirement in one- and two-family dwellings is sure to be discussed again. There are approximately 2800 code changes proposals being considered. The Department is well-represented on the code change committees: Rob Austin serves as Vice-Chair of the International Energy Conservation Code (IECC) Committee; Marcel Iglesias serves on the structural subcommittee; Tom Pitcherello serves on the International Fuel Gas Code (IFGC) Committee; and Michael Whalen serves on the Building and Fire Safety Committee.

4. CAB Log: The updated log was included in the meeting packets.

F. Pending Legislation

1. A list of pending legislation on issues that impact construction was included in the meeting packets.

Mr. William Lynn, Board Chair, reminded the Chairs of the Subcode Committee that the December Board meeting is the annual reorganization meeting. Each chair should review the composition of his committee and ensure that it is balanced.

Mr. William Connolly, public member, raised the issue of regulations for ground mounted solar arrays. These installations are becoming common; one with which Mr. Connolly is familiar is a 4 megawatt, 24-acre installation without protection. There was brief discussion as to whether a fence could be required. One DCA staff member responded that if the ground mounted solar arrays are operating at 600 volts, they are operating at the voltage used in buildings, which is a nominal voltage. A fence could be required at an installation that is in excess of 600 volts. Dr. James Sinclair commented that ground mounted solar arrays are not fenced in Germany. There was brief discussion concerning safety issues that can arise with the rise of new technologies. The Department agreed to look into this issue further.

G. Public Comments

There were no comments from the public.

Mr. Robert McCullough, representative of electrical inspectors and Chair of the Electrical Subcode Committee announced his resignation from the Board. Mr. McCullough stated that he is no longer working for an Authority Having Jurisdiction and, therefore, is no longer qualified to hold the seat. Because he does not foresee his status changing in the immediate future, he announced his intent to tender his resignation effective after the December 2009 Code Advisory Board meeting.

Several Board members commented on Mr. McCullough's contributions to the work of the Board. His deep understanding of the electrical subcode and its administrative requirements of the Uniform Construction Code have improved code enforcement throughout New Jersey. His leadership in his field has benefited all New Jersey's citizens. One Board member commented that his careful review of the Board's minutes and his quick sense of humor,

especially his one-liners, will be greatly missed. Mr. McCullough has served on the Code Advisory Board since 1990. All Board members wished Mr. McCullough well.

H. Adjourn

Mr. William Lynn, Chair, declared the meeting adjourned at 10:50 a.m.

UNIFORM CONSTRUCTION CODE ADVISORY BOARD
Minutes of Meeting, April 17, 2009
Location
101 South Broad Street
Trenton, New Jersey 08625

Attendance

Board Members

- William J. Lynn, Chair
- John Scialla, Vice Chair
- William Connolly
- John DelColle
- Arthur Doran
- George Hrin
- Robert McCullough
- Michael Mills
- Gregory Moten
- Beth Pochtar
- Leonard Sendelsky
- James Sinclair
- Joseph Surowiec
- Alexander Tucciarone
- Valerie Waricka

DCA Staff

- Cynthia A. Wilk, Director, Division of Codes and Standards
- Emily Templeton, Code Development Unit
- John Terry, Code Assistance Unit
- Michael Baier, Bureau of Code Services
- Louis Mraw, Office of Regulatory Affairs
- David Uhaze, Bureau of Construction Project Review
- Robert Austin, Code Assistance Unit
- Suzanne Borek, Code Assistance Unit
- Paulina Caploon, Elevator Safety Unit, Bureau of Code Services
- Marcel Iglesias, Code Assistance Unit
- Darren Port, Code Assistance Unit
- Drake Rizzo, Division of Codes and Standards
- Michael Whalen, Code Assistance Unit

Guests

- Nancy Dureya, Department of Children and Families
- Stephen Jones, Building Officials Association of New Jersey
- David Kurasz, New Jersey Fire Safety Advisory Board
- Joseph LaBruzza, Marlboro Township
- Bob LaCosta, Scotch Plains
- Ray Lonabaugh, National Fire Sprinkler Association

Pat Malia, Boardwalk Development
Jane Minnilla, Department of Children and Families
Anthony Scelsa, Plainsboro Township
George Spais, New Jersey Builders Association

Mr. William J. Lynn, Chair of the Uniform Construction Code Advisory Board (CAB), called the meeting to order at 9:30 a.m.

A. Approval of Minutes of the Code Advisory Board Meeting of February 6, 2009

Mr. Leonard Sendelsky made a motion, which was seconded by Mr. William Connolly, to approve the minutes with one amendment: that the list of Board members in attendance be amended to include Mr. Sendelsky. The motion carried unanimously.

B. Subcode Committee Reports

Barrier Free Subcode Committee

Mr. John DelColle, Chair, reported on a Barrier Free Subcode Committee that was held on April 3, 2009. At its last Committee meeting, December 8, 2008, the Committee had briefly discussed the Notice of Proposed Rule Making published by the United States Department of Justice (DOJ) concerning the scoping of the revisions to the Americans with Disabilities Act Accessibility Guidelines (ADAAG) that were published on July 24, 2004. In this meeting, the Committee was asked to review the Federal regulations and to bring to the Committee Chair's and the Department's attention any discrepancies between the Barrier Free Subcode and the revised Federal regulations. Tasks were assigned to Committee members.

In the continuing discussion of accessible slot machines in casinos, Mr. DelColle reported to the Board that fixed seating at slot machines is not required in Puerto Rico.

Building Subcode Committee

Mr. John Scialla, Chair, reported on two Building Subcode Committee meetings that were held on March 20 and March 27; all items discussed were agenda items.

Electrical Subcode Committee

Mr. Bob McCullough, Chair, reported on an Electrical Subcode Committee meeting that was held on March 19, 2009. In addition to agenda items, the Committee continued its discussion of a change to the adopted ASHRAE 90.1 standard regarding voltage drop. The adopted edition of ASHRAE 90.1 requires a design analysis for voltage drop. The Committee recommended that this section should be left to the design professional/building owner and not to the discretion of the electrical subcode official. The committee recommends that Chapter 8 should remain optional.

Elevator Safety Subcode Committee

Mr. George Hrin, Chair, reported on an Elevator Subcode Committee meeting that was held on March 30, 2009 in which agenda items were discussed.

Fire Protection Subcode Committee

Mr. William Lynn, Chair, reported on two Fire Protection Subcode Committee meetings in which agenda items were discussed. In addition, the Fire Protection Subcode Committee continued its discussion of the sidewall sprinkler requirement for the protection of decks and balconies and the relationship of technical standards, listings of equipment, and code requirements.

Mechanical/Energy Subcodes Committee

Mr. Arthur Doran, Chair, reported on a Mechanical/Energy Subcodes Committee on March 24, 2009 in which agenda items were discussed.

Plumbing Subcode Committee

Mr. Alex Tucciarone, Chair, reported on a Plumbing Subcode Committee meeting held on March 20, 2009 in which agenda items were discussed.

C. Old Business

1. Update of Model Codes/2009

a. Plumbing Subcode (N.J.A.C. 5:23-3.15)

Mr. Alexander Tucciarone, Chair of the Plumbing Subcode Committee, reported that the Plumbing Subcode Committee identified three editorial amendments that should be made to the draft proposal to adopt the National Standard Plumbing Code (NSPC)/2009. These editorial changes are delineated in the Plumbing Subcode Committee's minutes.

Mr. Alexander Tucciarone made a motion, which was seconded by Mr. Leonard Sendelsky, to approve the draft proposal for publication with the amendments in the Plumbing Subcode Committee's minutes. The motion carried unanimously.

b. Mechanical Subcode (N.J.A.C. 5:23-3.20)

Mr. Arthur Doran, Chair of the Mechanical/Energy Subcodes Committee, identified a problem with International Mechanical Code (IMC)/2009, Section 504.8, Common exhaust systems for clothes dryers located in multistory structures. This section requires a continuously run exhaust fan to be linked to a standby power system; the Committee recommended that the continuously run fan be required to be linked to a standby power system only when the building is being provided with one.

The Board held a brief discussion about the potential consequences of the code language, which could be interpreted as requiring standby power systems. One Board member pointed out that high rise buildings are required to have standby power systems; but this code provision would apply to multistory buildings, so its impact is broader. Another Board member added that, although a high rise building is required to have a standby power system, the clothes dryer exhaust system with a continually running fan has not previously been required to be linked to it. There was additional discussion that perhaps the code section intended to address concerns with the duct in the shaft because there is no damper where the dryer connects. The continuously running fan would then create a positive draft. One Board member stated that the vertical shaft has a positive draft anyway. One Board member cautioned about using the correct terminology for these systems because emergency systems have requirements from other subcodes; standby power and emergency power can be confused.

Mr. Arthur Doran made a motion, which was seconded by Mr. William Connolly, to approve the draft proposal for publication with the provision that that the continuously run fan be required to be linked to a standby power system only when the building is being provided with one. The motion carried unanimously.

c. Fuel Gas Subcode (N.J.A.C. 5:23-3.22)

Mr. Arthur Doran, Chair, Mechanical/Energy Subcodes Committee, commented that the same issue with common exhaust systems for clothes dryers located in multistory structures that caused a problem in the mechanical subcode exists in the International Fuel Gas Code (IFGC)/2009.

Mr. Arthur Doran made a motion, which was seconded by Mr. Leonard Sendelsky, to approve the draft proposal for publication with the provision that that the continuously run fan be required to be linked to a standby power system only when the building is being provided with one. The motion carried unanimously.

d. Mechanical and Fuel Gas Provisions of the One- and two-Family dwelling Subcode (N.J.A.C. 5:23-3.21)

Mr. Arthur Doran made a motion, which was seconded by Mr. Leonard Sendelsky, to approve the draft proposal for publication without amendment. The motion carried unanimously.

e. Energy Subcode (N.J.A.C. 5:23-3.18)

Mr. Arthur Doran, Chair, Mechanical/Energy Subcodes Committee reported on the Mechanical/Energy Subcodes Committee meeting in which several amendments to the draft proposal to adopt the International Energy Conservation Code (IECC)/2009 were discussed.

In the IECC/2009, Section 403.2.2, Sealing, requires that sealed ductwork outside the thermal envelope be tested for tightness. The Committee thought that the test is justified for large buildings because problems do occur in this area, improper duct installation. Currently, a licensed professional engineer or certified air balancer conducts the test in commercial buildings. However, the Committee expressed concern that this code requirement applies to all buildings, the test would be required of residential, as well as non-residential, buildings. There is no certification for residential, or for Class III, buildings, so tests in Class III buildings are conducted by the contractor. The Board was informed of the new Federal requirement that a State receiving stimulus funds certify that within eight years it will adopt the IECC/2009 for residential buildings and ASHRAE 90.1-2007 standard for commercial buildings. A discussion regarding the effective date followed. One Board member observed that a Board that will license heating, ventilation, Air-conditioning (HVAC) contractors should be appointed in response to the Heating, Ventilation, Air-conditioning, and Refrigeration Contractors Licensing Act (PL 2007, c. 211). One Board member recommended that the testing requirement be delayed until January 1, 2013 to give ample opportunity for the HVACR Board to be appointed, rules adopted, and a licensing program to be established.

One Board member asked whether ASHRAE, Chapter 8, Power, would remain optional and was told that it will. This Board member also asked whether the provision in ASHRAE 90.1, at section 9.4.1.4(c) requiring that <u>all</u> guest lighting and receptacles in hotels and motels be controlled by a single switch means that bathrooms and other rooms in a suite must all be controlled by a single switch is included in the rule proposal. Staff informed the Board member

that when the ASHRAE 90.1-04 was adopted, the same language presented the same problem. It was fixed then and the fix remains in the current code adoption.
Mr. Robert McCullough made a motion, which was seconded by Mr. Michael Mills, to approve the draft proposal for publication with an effective date of January 1, 2013 for the testing required in IECC/2009, Section 403.2.2, Sealing. The motion carried unanimously.

Before the discussion of the building subcode began, Mr. William Lynn, Chair of the Board, commended the staff for its tremendous work in a short time.

f. Building Subcode (N.J.A.C. 5:23-3.14)

Mr. John Scialla, Chair, Building Subcode Committee, and Mr. William Lynn, Chair, Fire Protection Subcode Committee, reported on amendments from the Building Subcode Committee to the draft proposal for the building subcode. The numbers in the references refer to the numbers on the cover memo distributed with the rule proposal.

- Item B14: The Building Subcode Committee recommended adding "or less" to follow "to an exit in three minutes" in the text at N.J.A.C. 5:23-3.14(b)3xi.
- Item B27: The Building Subcode Committee wanted to be sure that the enforcement responsibility for Section 406.1.5, Automatic garage door openers, will be assigned to the electrical subcode official.
- Item B32: The Building Subcode Committee reviewed the new code requirements for Live/Work Units in Section 419 and recommended adoption.
- Item B34: The Building Subcode Committee reviewed the new code requirements for Ambulatory Health Care Facilities in Section 422 and recommended adoption. The Board held a brief discussion concerning ambulatory health care facilities and how to determine the number of non-ambulatory patients. These facilities are same-day surgery centers, so, due to anaesthetic, the patients are not able to self-egress. The Board agreed that it was reasonable to conclude that the number of patient rooms (surgical areas) is the same as the number of patients.
- Item B44: The Building Subcode Committee reviewed the rewritten provisions in Section 508, Mixed Use and Occupancy and recommended adoption. The Fire Protection Subcode Committee recommended that the provisions of the IBC/2006, which are the current building subcode requirements, be retained. The Board held a brief discussion. It was explained that the IBC/2006 and earlier code editions had required that storage uses over 100 square feet be separated or sprinklered. The IBC/2009 requires that storage areas be treated as any other mixed use—it would be treated as an accessory use when it is less than 10% of the occupancy. Thus, the impact occurs when the storage area exceeds 10% of the occupancy. The Fire Protection Subcode Committee expressed concern that this code provision is a reduction in safety.

Mr. John Scialla made a motion, which was seconded by Mr. Gregory Moten, to propose the IBC/2009 text unamended. The motion carried; all were in favor with the exception of Mr. William Lynn who was in opposition.

- Item B53: The Building Subcode Committee reviewed the provisions of Section 704, Fire Resistance Rating of Structural Members, and recommended adoption. The Board held a brief discussion concerning the language in the model code regarding the definition of structural members. In reading the language, it was unclear whether lintels were to be considered secondary structural members. One Board member observed that,

although lintels have a structural purpose, they are not secondary structural members. It was recommended that the Department contact the ICC to confirm that the language was not intended to categorize lintels as secondary structural members.

- Item B55: The Building Subcode Committee reviewed the new provisions is Section 705.5, Fire resistance Rating (of exterior walls), that require exterior walls with a fire separation distance of 10 feet or less to be protected from exposure from both sides. FS16-07/08, the code change proposal that caused this change, was studied. The concerns of the proponent were discussed and after a lengthy debate, the committee determined there was a lack of technical justification for the code change. Therefore, the committee recommended retaining the requirements of the IBC/2006 code and amending the "10 feet" to "5 feet". The Fire Protection Subcode Committee recommended adopting the 10-foot provision of the IBC/2009. The Board held a brief discussion concerning the measurements to the centerline.

Mr. John Scialla made a motion, which was seconded by Mr. Leonard Sendelsky, to retain the current requirements of the building subcode (5 feet). The motion carried; all were in favor with the exception of Mr. William Lynn who was in opposition.

- Item B76: The Fire Protection Subcode Committee recommended that the text of the IBC/2009, Section 903.2.11.1, which limits the need for protection of windowless spaces to areas in excess of 1500 square feet, be amended and the current provisions of the building subcode be retained.. By doing so, the level of protection afforded in the BOCA National Building Code/1996 would be retained, and all windowless spaces would be required to be protected.

Mr. William Lynn made a motion, which was seconded by Mr. John Scialla, to approve the recommended change. The motion carried unanimously.

- Item B89: The Building Subcode Committee recommended changing "building subcode official" to "fire protection subcode official" in Section 909.20.6.3, Acceptance and testing**.**
- Item B91: The Building Subcode Committee reviewed the deletion of Table 1005.1, Egress width per occupant. By deleting the Table, the egress width per occupant would be based on requirements of IBC/2006 for a non-sprinklered building. E19-07/08, the code change proposal for this change, was studied. The Building Subcode Committee had held a lengthy debate regarding this issue. One Building Subcode Committee member thought that this code change would have a huge impact on large assembly buildings. Another Building Subcode Committee member asked if there was any history of problems with the table as it was published in the IBC/2006. He commented that the concept has been in the building code since 1987 and there was no technical justification for the code change. Therefore, the Building Subcode Committee recommended that the text of the IBC/2006 be retained and Table 1005.1 reinserted. The Fire Protection Subcode Committee had also discussed this code provision and recommended that the new text requiring the egress width to be calculated as a non-sprinklered building be adopted. The Fire Protection Subcode Committee observed that there are emergencies other than fire that require the prompt evacuation of buildings and the additional width would be helpful in those situations.

Mr. John Scialla made a motion, which was seconded by Mr. Gregory Moten, to retain the requirements of the current building subcode, the IBC/2006. The motion failed.

The Board continued its discussion. In response to a question regarding the impact of this code provision, one staff member provided a brief analysis. The minimum stairway width is 44 inches; the minimum door with is 32 inches clear; two means of egress are required. With two stairs and two egress doors, a maximum of 320 occupants per floor when the building has no sprinkler; when there is a sprinkler, the maximum occupancy per floor is 426. The number of required means of egress is increased when the occupancy is 12,000 per floor. At that point, the number of required doors jumps from 43 to 68. This would impact very large buildings, including arenas.

Mr. William Lynn made a motion, which was seconded by Mr. William Connolly, to adopt the IBC/2009 language. The motion passed with six in favor and three opposed.

- Item B93: The Building Subcode Committee discussed the Area of Refuge exemptions in Sections 1007.3 and 1007.4 based on the installation of an automatic sprinkler system. The Building Subcode Committee agreed with the Department's proposed amendment to retain the IBC/2006 requirement, which did not exempt sprinklered buildings from having an area of refuge. One Board member observed that there are circumstances when a building is evacuated in other than a fire condition. The stair tower is used as the area of refuge for non-ambulatory people with disabilities. When an area of refuge is constructed, there is a designated place for people with disabilities to await rescue. When there is no area of refuge, people with disabilities wait in the stairways; this can obstruct evacuation and delay rescue assistance.

Mr. John Scialla made a motion, which was seconded by Mr. William Connolly, to retain the requirement for an area of refuge in sprinklered buildings. The motion carried unanimously.

- Item B94: The Building Subcode Committee reviewed the amendment to Exception #9 of 1008.1.2, Door Swing, which would allow a sliding door for spaces with 10 or fewer occupants. The Building Subcode Committee recommended adoption. This section would allow the use of a sliding door for interior spaces, such as conference rooms. Concern was expressed regarding accessibility. Staff found that there are sliding door products that are fully accessible. The Fire Protection Subcode Committee recommended that these doors not be allowed. One Board member observed that a sliding door is currently allowed to be used as part of a means of egress in very limited circumstances.

Mr. John Scialla made a motion, which was seconded by Mr. Robert McCullough, to adopt the language of the IBC/2009. The motion carried unanimously.

- Item B98: The Fire Protection Subcode Committee recommended that new section 1008.1.9.8 be deleted. Adopting this new section as written, would no longer require that electromagnetically locked egress doors automatically unlock when the fire alarm activates and would no longer require the main entrance door to be open from the egress side when the building is open to the general public in Group A, B, E or M occupancies.

Mr. William Lynn made a motion, which was seconded by Mr. Michael Mills, to delete this section and retain the current requirements of the building subcode. The motion carried unanimously.

- Item B99: The Fire Protection Subcode Committee recommended that he new text that requires “at least one of the following” for Group I-3 be adopted. The alarm would still be required to be activated manually by the guard service. The Fire Protection Subcode Committee did not think that it is necessary to require that all three conditions be present to activate the alarm system.

Mr. William Lynn made a motion, which was seconded by Mr. Leonard Sendelsky, to adopt the language in the IBC/2009. The motion carried unanimously.

- Item B105: The Board held a brief discussion about the provisions for ship's ladders, which are commonly used in industrial buildings. The IBC/2009 limits its section to alternating tread stairs. Following a brief discussion regarding the similarity between alternating tread stairs and ship's ladders, one Board member recommended that both options be permitted and held to the same standard. Another Board member recommended that handrail provisions be captured; the Board agreed.

Mr. William Lynn made a motion, which was seconded by Mr. Leonard Sendelsky, to propose that alternating tread stairs and ship's ladders be scoped to have the same requirements. The motion carried unanimously.

- Item B107: The Building Subcode Committee reviewed the amendments to Section 1012.3, Handrail Graspability, and recommended adoption.
- Item B113: The Building Subcode Committee reviewed the amendments to Section 1014.2, Egress through Adjoining Space, and recommended adoption.
- Item B115: The Fire Protection Subcode Committee recommended that existing IBC/2006 text that requires a second exit at 10 occupants in buildings of Group R-2 be retained. The Fire Protection Subcode Committee members thought that expanding the requirement for a second means of egress to 20 occupants is excessive for Group R-2. The Board held a brief discussion about at what point the change in text would have an impact. In the IBC/2006, the requirement that a second means of egress be provided for 10 occupants means that the second means of egress would be triggered for a 2,000 square foot dwelling unit; the IBC/2009 threshold of 20 occupants would trigger the second means of egress in a 4,000 square foot dwelling unit.

Mr. William Lynn made a motion, which was seconded by Mr. William Connolly, to retain the current requirements of the building subcode. The motion carried unanimously.

- Item B119: The Fire Protection Subcode Committee recommended that the new text in Section 1021.1.1, Exits maintained, be retained as written. The Fire Protection Subcode Committee regards this provision not as a maintenance issue, but, rather, as a clear explanation that requires the path to continue to the exit.
- Item B126: In the draft proposal, the reference to the bleacher standard, ICC 300, was proposed to be deleted. In further review, the Department found that, in fact, this standard contains provisions for bleachers that are not otherwise included in the IBC/2009 and that are necessary to ensure the construction of safe bleachers. Therefore, the Department would like to propose the adoption of ICC 300. The Department would then request that the Building Subcode Committee and Fire Protection Subcode Committee review ICC 300 concurrent with the public comment period for the rule proposal.

Mr. John Scialla made a motion, which was seconded by Mr. Leonard Sendelsky, to propose ICC 300 for adoption. The motion carried unanimously.

- Egress Window: The Fire Protection Subcode Committee expressed concern that in the proposal existing text regarding egress windows would be amended to delete the words "Basement and" and delete some exceptions. The Fire Protection Subcode Committee strongly believes that providing an egress window on every story, including basements, regardless of the existence of a sleeping room, is a firefighter and an occupant safety

issue for emergency escape. The Fire Protection Subcode Committee recommends that the new text be adopted as written and that the exceptions be retained. The Board held a brief discussion regarding the added expense for ensuring that basements have an egress window, which is openable and is five square feet. There was general agreement that this would be a costly requirement without a demonstrated benefit. The building subcode has never required an egress window in a basement without a sleeping room and there has been no known problem associated with that provision.

Mr. John Scialla made a motion, which was seconded by Dr. James Sinclair, to adopt the draft language as proposed. The motion carried unanimously.

Mr. George Hrin, Chair of the Elevator Subcode Committee, recommended that the draft proposal for the elevator safety standards in the IBC/2009 be proposed for adoption without change. There were several changes to the draft proposal for N.J.A.C. 5:23-12.2, Referenced standards. There are several additional sections of ASME A17.1 that should be deleted because they deal with issues that are more appropriately addressed through the Occupational Safety and Health Act (OSHA). Those sections are specified in the minutes of the Elevator Subcode Committee.

Mr. George Hrin made a motion, which was seconded by Mr. William Connolly, to approve the adoption of the IBC/2009 with regard to elevator requirements and to approve the amendments to N.J.A.C. 5:23-12.2, as modified by the Elevator Subcode Committee. The motion carried unanimously.

Mr. William Connolly made a motion, which was seconded by Dr. James Sinclair, to propose the adoption of the IBC/2009 as modified by Board discussion. The motion carried unanimously.

g. One- and Two-Family Dwelling Subcode (N.J.A.C. 5:23-3.21)

Prior to an item-by-item discussion of the International Residential Code, the Building Subcode Committee discussed the possible deletion of Section R300, New Jersey's amendment retaining the BOCA National Building Code/1996 height and area limitations in the IRC. The Building Subcode Committee recommended that the height and area limitations in the IBC/2009, Section R300, be adopted with one amendment—that, in addition to a 13 or 13R fire sprinkler system, a 13D fire sprinkler system be allowed to qualify for a height or area increase. A brief discussion ensued.

Mr. John Scialla made a motion, which was seconded by Mr. Robert McCullough, to adopt Section R300 and to allow the height and area trade-offs to be triggered by a 13D fire sprinkler system. The motion carried unanimously.

- Item R3: The Building Subcode Committee recommends taking the definition of "Attic, habitable" as it exists in Section R300 and insert the definition into Section R202. Following a brief discussion, the Board recommended that the definition be left where it is without change.
- Item R7: The Building Subcode Committee discussed the amendments to Table R301.5, Minimum Uniformly Distributed Live Loads. One Building Subcode Committee member expressed concern over the reduction of the minimum live load for balconies (from 60 lbs/sf to 40 lbs/sf). His concern was rooted in the fact that balconies only have one means of failure. If the structural support of a balcony were to fail, there is catastrophic failure, unlike a deck, where failure of a structural support would cause a redistribution of

the load. The Building Subcode Committee recommended reverting to the requirements of the IRC/2006 and retaining the minimum live load for a balcony of 60 lbs/sf.

Mr. John Scialla made a motion, which was seconded by Mr. Robert McCullough, to retain the 60 lbs./sf live load requirement for balconies. The motion carried unanimously.

- Item R-11: Egress windows. The Fire Protection Subcode Committee recommended that egress windows be required on every story, including basements. The Board discussion was brief and followed the same points raised during the discussion of the same issue in the IBC/2009, above.

Mr. John Scialla made a motion, which was seconded by Mr. William Connolly, to adopt the language in draft proposal, without amendment. The motion carried unanimously.

- Items R17, R18 and R19: The Building Subcode Committee discussed the new requirements in Section R313, Automatic Fire Sprinkler Systems. The Building Subcode Committee held a broad discussion on the need for fire sprinklers in one-and two- family dwellings and attached single family townhouses, the impact of this new code section in light of the current economic downturn, the impact on the affordability of the residential building stock in New Jersey, and, finally, problems that could arise in areas without public water supplies. In light of these complicating factors, with emphasis on adding costs in this difficult economy, the Building Subcode Committee recommended not adopting the requirement for sprinklers in one- and two-family dwellings. The Fire Protection Subcode Committee strongly supported requiring sprinklers in one- and two-family dwellings. The life safety implications are too strong to ignore any longer. The IRC/2009 allows sprinkler heads to be added to the basic plumbing system, which will control costs. The Fire Protection Subcode Committee also supported the delay in the effective date for the sprinkler requirement for one- and two-family dwellings other than townhouses because the delay would ensure that there is adequate time to provide training for contractors and code enforcement officials.

  Board discussion followed. One Board member expressed agreement with the concerns of the Building Subcode Committee. This Board member believed that the cost would present an extra burden on the homeowner. This Board member recommended that New Jersey delay action for one code change cycle (until after the publication of the next edition of the model codes in 2012). Delay would be prudent because it would enable any problems with the new requirements to be identified and corrected and it would give the economy time to recover from its current slump. New Jersey has the highest housing costs in the country; adding code requirements would make housing even more costly. There was brief discussion about the delayed effective date of 2011 for one- and two family dwellings other than townhouses. Several Board members thought the delay was reasonable, but others thought it would not be sufficient and that an additional year, through the next code change cycle, would be required.

  One Board member observed that sprinklers save property, not people. Another Board member countered that observation with a statement that the data are persuasive that sprinklers actually save lives and do not specifically save property. A larger discussion ensued concerning fire safety statistics. One Board member stated that statistics demonstrate that most fire deaths occur in houses and also show that new houses are no longer safer than old houses. Because of the increase in lightweight construction, the time for a house to be fully engaged in fire has decreased dramatically—a traditional house required 24 minutes from ignition to collapse; a new home requires 8 minutes.

The Board turned to a discussion of changing construction practices. The use of trusses has increased. One Board member observed that truss construction is cheaper; its use saves time, not necessarily materials. Another Board member pointed out that people want bigger spans for increased light and bigger rooms. But, one Board member pointed out that not every type of truss construction uses wood trusses; steel joists are also commonly used.

In the discussion of cost, one Board member pointed out that the additional cost for a P2904 (plumbing/sprinkler system) is modest. One Board member stated that homeowners would appreciate the increased life safety at the modest increase in cost. In response to a question about estimates of the cost, staff informed the Board that at an estimate of $1.66/square foot, the system would cost approximately $5,000 for a 3,000 square foot home and approximately $3,000 for a 2,000 square foot home. It was pointed out that there are estimates that are lower, particularly for the P2904 system, which is part of the plumbing system. This estimate is an average cost of a standard sprinkler system, NFPA 13R; it represents approximately 1% - 2% increase.

One Board member asked about water issues. Staff commented that because the required system operates off the plumbing system, water issues are not significant. In fact, there have been observations that a well is actually better for the contractor because the pressure coming into the house is known. Another Board member observed that the amount of water for the plumbing-based sprinkler system is small. In a house where two people can shower at the same time, there is enough water for the sprinkler.

Board discussion then focused on implementation. To clarify, one Board member summarized the draft proposal as follows: The draft proposal includes the IRC/2009 sprinkler requirements, which requires sprinklers in townhouses immediately and requires sprinklers in other one- and two- family dwellings in 2011.

One Board member suggested that the effective date could be adjusted. Given the current economic slump, an effective date three years in the future could be established. That would add a year to the effective date in the IRC/2009 and it could be applied to all one- and two-family dwellings, including townhouses. One Board member pointed out that, in that case, the entire provision could be held until the next code adoption. In response, it was pointed out that, where there is an effective date, people get ready for the implementation. Training is developed and held and builders, contractors, and code enforcement officials alike prepare to provide and enforce the new requirement. In contrast, where the code change is implemented without a definite effective date in the future, people do not get ready for implementation and enforcement. Then the code requirement is adopted and the construction industry is not prepared. Providing an effective date ensures smoother, more predictable, and more uniform enforcement. A date of January 2012 was then proposed. Following a brief discussion, one Board member observed that there appeared to be a consensus that there would be an effective date of January 1, 2012 for the sprinkler requirement for townhouses and one- and two-family dwellings. In response to a question, it was noted that the six-month grace period that applies to the adoption of model codes would also apply. Finally, it was noted that if the economy does not rebound, the effective date could be discussed again.

Mr. Robert McCullough made a motion, which was seconded by Mr. Leonard Sendelsky, to propose the IRC/2009 sprinkler requirements with an effective date of January 1, 2012 for townhouses and one- and two-family dwellings. The motion carried unanimously.

- Item R21: The Building Subcode Committee reviewed the new code requirement in Section R315, Carbon Monoxide Alarms and recommended the deletion of Section R315.2, Where required in existing dwellings, because this is covered by the New Jersey Rehabilitation Subcode (N.J.A.C. 5:23-6).

Mr. John Scialla made a motion, which was seconded by Mr. Michael Mills, to propose the draft language without change. The motion carried unanimously.

- Item R24: The Building Subcode Committee discussed the new code requirement in Section R322.2.1, Elevation requirements. After a lengthy debate, the Building Subcode Committee voted 8-3 to recommend proposing the text of the 2009 IRC as published.
- Item R26: The Building Subcode Committee discussed the changes to Section R402.3.1, Precast concrete foundations and recommend adoption. The Building Subcode Committee recommended that "Precast" be deleted from the title of Table R403.1, Minimum Width of Concrete, Precast or Masonry Footings, because the foundation is not precast, the foundation wall is precast, and the Building Subcode Committee thought that the title could cause confusion.

Mr. William Connolly made a motion, which was seconded by Mr. Leonard Sendelsky, to propose the adoption of the IRC/2009 as modified by Board discussion. The motion carried unanimously.

D. New Business

1. Removal on Non-required Fire Suppression Systems (NJAC 5:23-6.4 through 6.7, 6.31)

This rule proposal would amend the Rehabilitation Subcode to match the requirements of the Uniform Fire Code (UFC). The rule would allow the removal of existing partial or redundant protection systems with the written approval of the fire official and fire protection subcode official as long as the system is not required by the current edition of the Uniform Construction Code (UCC) and the special hazard that existed when the system was installed no longer exists. When both officials approve the removal of the system, all system components must be removed.

One Board member asked whether this approval can be appealed and was told that appeal is part of the UCC process, so, yes, the decision can be appeals. The Board member asked that the rule include that information. Another Board member suggested that the rule be amended to state, "subject to appeal."

Mr. Robert McCullough made a motion, which was seconded by Mr. William Connolly, to approve the draft rule, as amended. The motion carried unanimously.

2. Form 380--Fire Sprinkler Hydraulic Plate

Standard Form 380, Fire Sprinkler Hydraulic Plate, was updated to reflect the current technical requirements dealing with hydraulic data.

Mr. Robert McCullough made a motion, which was seconded by Mr. Leonard Sendelsky, to approve the form as presented. The motion carried unanimously.

3. Form 100 – Construction Permit

Two items on Standard Form 100, Construction permit, were revised. Item 7 was revised to include "standpipes." Item 12 added for "fire alarms."

Mr. Leonard Sendelsky made a motion, which was seconded by Mr. John Scialla, to approve the form as presented. The motion carried unanimously.

E. Information

1. CAB Log: The updated log was included in the meeting packets.

F. Pending Legislation

1. A list of pending legislation on issues that impact construction was included in the meeting packets.

One Board member commented that the list provided includes all legislation that references construction even where the bill has nothing to do with the UCC. That Board member recommended that a list be provided that presents only the bills that impact the UCC. The Department agreed to review the request.

G. Public Comments

There were no comments from the public.

H. Adjourn

Mr. William Lynn, Chair, declared the meeting adjourned at 12:50 p.m.

UNIFORM CONSTRUCTION CODE ADVISORY BOARD
Minutes of Meeting, February 6, 2009
Location
101 South Broad Street
Trenton, New Jersey 08625

Attendance

Board Members

William J. Lynn, Chair
John Scialla, Vice Chair
William Connolly
John DelColle
Arthur Doran
Robert McCullough
Michael Mills
Gregory Moten
Beth Pochtar
Leonard Sendelsky
Joseph Surowiec
Alexander Tucciarone
Valerie Waricka

DCA Staff

Cynthia A. Wilk, Director, Division of Codes and Standards
Emily Templeton, Code Development Unit
John Terry, Code Assistance Unit
Michael Baier, Bureau of Code Services
Louis Mraw, Office of Regulatory Affairs
David Uhaze, Bureau of Construction Project Review
Robert Austin, Code Assistance Unit
Suzanne Borek, Code Assistance Unit
Paulina Caploon, Elevator Safety Unit, Bureau of Code Services
John Delesandro, Licensing Unit, Bureau of Code Services
Marcel Iglesias, Code Assistance Unit
Thomas Pitcherello, Code Assistance Unit
Darren Port, Code Assistance Unit
Michael Whalen, Code Assistance Unit

Guests

Vera Bacwyn-Holowinsky, VB-H Architecture
Sal DiCristina, Rutgers University
Jeffrey Heiss, Warren Township
Bruce Helmstetter, Fanwood Borough
Stephen Jones, Building Officials Association of New Jersey (BOANJ)
Joseph LaBruzza, Township of Marlboro
Bob LaCosta, Scotch Plains

George Spais, New Jersey Builders Association
Joseph Valeri, West Windsor Township

Mr. William J. Lynn, Chair of the Uniform Construction Code Advisory Board (CAB), called the meeting to order at 9:30 a.m.

A. Approval of Minutes of the Code Advisory Board Meeting of December 12, 2008
Mr. Robert McCullough made a motion, which was seconded by Mr. William Connolly, to approve the minutes with two amendments. On page 2, in the summary of motion to approve the minutes of the October 10, 2008 meeting, two typographical errors were noted as requiring correction; in addition, on page 3, a conclusion to the discussion on replacement of a transformer was requested . The motion carried unanimously.

B. Subcode Committee Reports

Barrier Free Subcode Committee

The Barrier Free Subcode Committee did not meet.

Following up on an on-going Board discussion regarding the accessibility of slot machines, one Board member suggested consideration could be given to leaving a percentage of slot machines without any chairs, so that they could be more easily accessed by wheelchair users. There was brief discussion about whether casinos are likely to agree to have some slot machines without any available seating; it was agreed to continue to discuss this issue.

Building Subcode Committee

Mr. John Scialla, Chair of the Building Subcode Committee, reported on a Building Subcode Committee meeting on January 30; all items discussed were agenda items.

Electrical Subcode Committee

Mr. Bob McCullough, Chair of the Electrical Subcode Committee, reported on a meeting that was held on January 30, 2009. In addition to agenda items, the Committee discussed a change to the adopted ASHRAE 90.1 standard regarding voltage drop. The adopted edition of ASHRAE 90.1 requires a design analysis for voltage drop; the Committee believes this is a costly requirement. The Committee will review this issue again and will make a recommendation to the Department. In addition, the Committee discussed the need to update the references in the Rehabilitation Subcode to accord with the adoption of the National Electrical Code (NEC)/2008. In response to a question about the publication of the NEC/2008 adoption, staff informed the Board that the adoption document has been completed and is undergoing review, so an adoption date is not yet known.

Elevator Safety Subcode Committee

The Elevator Subcode Committee did not hold a meeting.

Fire Protection Subcode Committee

Mr. William Lynn, Chair of the Fire Protection Subcode Committee, reported on a meeting that was held on January 27, 2009 in which agenda items were discussed. In addition, there was discussion of the upcoming review of the 2009 national model codes, which will

require additional meetings. The Committee also had a discussion about the provisions of the building subcode that apply to public schools. There has been discussion about establishing to same requirements for public and for private schools. The Chair was informed that the Department has been reviewing the educational requirements and has a meeting set to discuss them with the Department of Education. Finally, the Fire Subcode Committee discussed the new provision of the Uniform Fire Code (UFC) that, with the agreement of the fire prevention and fire protection code officials, allows for the removal of an existing fire suppression system where the hazard no longer exists and there is no requirement for a fire suppression system for the same use in the building subcode; the Committee recommends that the Rehabilitation Subcode of the Uniform Construction Code be amended to include this provision.

Mechanical/Energy Subcode Committee

Mr. Arthur Doran, Chair of the Mechanical Subcode Committee, reported Mechanical/Energy Subcode Committee on January 13, 2009. In addition to agenda items, the Committee continued its discussion of auxiliary exhaust.

Plumbing Subcode Committee

Mr. Alex Tucciarone, Chair of the Plumbing Subcode Committee, reported on a Plumbing Subcode Committee meeting held on January 9, 2009. In addition to agenda items, the Committee discussed the heating, Ventilation, Air Conditioning, and Refrigeration (HVACR) law and appointment of a licensing Board. There appears to have been little progress with regard to the Board appointments and the law has no effect until the Board is appointed and sets licensing standards. The Committee also discussed the new rule that requires certification for those working on, installing, or servicing liquefied petroleum (LP) gas facilities top be certified. The Committee observed that licensed master plumbers would also need to obtain the certification. The Chair informed the Committee that review of the 2009 national model codes will require additional meetings.

C. Old Business

1. Draft Revisions – Formal Technical Opinion (FTO) - 13 – Separations Between Dwelling Units and Attached Private Garages.

The draft revisions to Formal Technical Opinion (FTO) - 13 were sent to the Building, Fire Protection, and Electrical Subcode Committees for review.

The Building Subcode Committee discussed these revisions and recommended that, to protect against over-enforcement, "nominal" modify each dimension. The Electrical Subcode Committee discussed whether this FTO would apply equally to metallic and nonmetallic panelboards. The Committee concluded that because "metallic" is not specified, it would, but that the 1/8-inch gap would still apply. One Board member recommended that the FTO specify "metallic." The point of the FTOP is to provide direction on maintaining a fire rating when electrical panelboards penetrate the wall assembly. Allowing metallic panelboards makes sense, but, unless they have obtained a fire resistance rating, nonmetallic panelboards would not ensure fire resistance. Nonmetallic panelboards might be acceptable from an electrical perspective, bit not from a building perspective. One Board member recommended adding "nonmetallic panelboard or rated equivalent" to allow for other materials that might obtain the required rating. The Board discussion moved on to the 1/8-inch gap that is allowed around the panelboard. One

Board member asked why the gap is allowed. It was explained that the gap is around the panelboard; it is not around the face of the panelboard.

Mr. Robert McCullough made a motion, which was seconded by Mr. William M. Connolly, to approve the revisions to FTO-13 with two amendments: "metallic panelboard or rated equivalent" and clarification of the gap. The motion carried unanimously.

2. Draft Rule – Department Plan Review of Larger Assembly Buildings (N.J.A.C. 5:23-3.11)

This rule proposes to reserve to the Department the plan review of larger stadiums and theaters, defined as those with 5,000 occupants or greater. This draft rule was sent to all committees with a specific request to discuss and make recommendations about the threshold of 5,000 occupants.

The Fire Protection Subcode Committee discussed the threshold of 5,000 occupants and decided that it is a realistic and effective threshold. The Building Subcode Committee also agreed that the threshold of 5,000 occupants is effective and recommended that, to ensure that it is not applied to multiplex, subdivided movie theaters, the draft rule clarify that it applies to an occupant load of 5,000 in a single seating area and not to the entire building. The Electrical Subcode Committee held a discussion on whether there was a code requirement to which the threshold could be attached. In the National Electrical Code (NEC), unique electrical requirements are triggered in Article 700, Emergency Systems, for an occupant load of 1,000. The Committee agreed that a threshold of 1,000 seats is too low. After additional discussion, the Committee recommended that the draft rule not be approved. There was brief Board discussion about whether the threshold would apply to seats or to occupants. It was agreed that the threshold applies to the occupant load. One Board member asked whether the language modification (5,000 in a single seating area) moves away from the multiplex movie theater. Another Board member asked whether it is intended to apply to convention centers. It was agreed that, as written, the rule does not apply to convention centers because they are not stadiums or theaters. One Board member asked why, if local code enforcement offices are competent, this rule is necessary. It was explained that when projects of this size are undertaken in a municipality there is significant political pressure on the local enforcing agency to facilitate the project. This rule would remove that pressure from the local enforcing agency and would direct it toward the Department.

Mr. Alex Tucciarone made a motion, which was seconded by Mr. Arthur Doran, to approve the draft rule with clarification that the threshold applies to a single or an individual seating area. The motion carried unanimously.

3. Draft Bulletin – Permit Requirements for Liquefied Petroleum (LP) Gas Systems.

The Liquefied Petroleum (LP) Gas Education and Safety Board recommended that a bulletin be prepared that clearly spells out all enforcement responsibilities with regard to LP Gas facilities. The LP Gas Board has approved this bulletin. This draft bulletin was referred to the Fire Protection, Plumbing, and Mechanical/Energy Subcodes Committees for review.

The Fire Protection Subcode Committee recommended that the responsibilities for Section 803 of the International Mechanical Code (IMC) be changed to Fire Protection for plan review and inspection of metal chimneys. The Mechanical/Energy Subcodes Committee recommended that "should" be changed to "shall" to ensure that the readers know what is required. The Plumbing Subcode Committee recommended approval. One Board member

recommended that "outside the scope of the UCC" be changed to "outside the authority of the LEA" to ensure that it is understood that it is not enforced by the local enforcing agency and not that it could never be covered by the UCC, which has broad statutory authority. One reference to "outside the scope of the UCC", number 16, does not require change.

Mr. Leonard Sendelsky made a motion, which was seconded by Mr. Greg Moten, to approve the draft bulletin as modified by Board discussion. The motion carried unanimously.

4. Draft Rule – Conflict of Interest (N.J.A.C. 5:23-4.5, 4.14, 5.25)

This rule, which ensures that conflict of interest standards that apply to State or municipally employed code officials also apply to code officials employed by third party agencies, was referred to all committees for review.

The Mechanical/Energy Subcodes Committee asked for a change in the cover memo for clarity. The Building Subcode Committee recommended that the references in the existing text to "alteration" be changed to "rehabilitation" because "alteration" is a defined term in the rehabilitation subcode. The Electrical Subcode Committee recommended approval.

Mr. Art Doran made a motion, which was seconded by Mr. Robert McCullough, to approve the rule as modified by Board discussion. The motion carried unanimously.

5. New Standardized Form: Smoke Alarms and Carbon Monoxide.

This new standard form was created to assist Construction Officials in verifying compliance with the requirements for smoke alarms and carbon monoxide alarms when a repair, renovation or alteration is undertaken.

This draft standard form was referred to the Building, Fire Protection, and Mechanical/Energy Subcode Committees for review.

The Building Subcode Committee recommended that, instead of another form, notice be provided on the permit jacket. The Committee members thought that the form would be cumbersome and delaying. In addition, the Committee members thought that homeowners would use the form as a reason to delay payment of their contractors. The Plumbing Subcode Committee approved the form and commented that it would be helpful to have a common form in use throughout the State. The Board discussed whether having such a form was practical. One Board member commented that it would be difficult to track the form at the end of a project and that, if required, it would be preferable to get it at the beginning. One Board member commented that a homeowner would not understand the form as presented and recommended that, to ensure that the homeowner understands the certification, the form be revised and put in plain language. The Board member recommended that the citations be removed and that the subject matter be provided. Another Board member commented that the requirement that smoke alarms and carbon monoxide alarms be installed when a repair, renovation or alteration project is undertaken is in the rehabilitation subcode. The form is a means of ensuring that the code provision is enforced and that the homeowner is informed that smoke alarms and carbon monoxide alarms are required to be installed as a part of their planned rehabilitation project. Because the installation of smoke alarms and carbon monoxide alarms is ordinary maintenance, a permit is not required. The intent of this form was to provide notice of the code requirement to the homeowner.

The Board held a brief discussion about the need to inform the homeowner of the requirement without necessarily requiring an additional standard form. One Board member recommended that a standardized letter, provided by the Department to all local enforcing

agencies, explaining the requirement be mailed to homeowners when a permit is taken out. Then, if the project being undertaken requires an interior inspection, compliance with the smoke alarms and carbon monoxide alarms requirement could be inspected at that time. If the project does not require an interior inspection, no interior inspection would be conducted.

Mr. Robert McCullough made a motion, which was seconded by Mr. William Connolly, to table this agenda item for further discussion. The motion carried unanimously.

D. New Business

1. Update of Model Codes/2009 (N.J.A.C. 5:23-3.14, 3.15, 3.17, 3.18, 3.20, 3.21, 3.22)

The Board was informed that as the 2009 editions of the national model codes are received from the International Code Council (ICC), they will be provided to the Board. DCA staff will work to provide each Subcode Committee with the draft rule proposal to adopt the 2009 code editions at the end of February or the beginning of March. Committees will be asked to review the drafts and to provide comments at the next Code Advisory Board (CAB) meeting, April 17, 2009.

E. Information

1. CAB Log: The updated log was included in the meeting packets.

2. Wood-fired Boilers

Cynthia Wilk, Director of the Division of Codes and Standards, explained to the Board that there has been controversy about the construction of wood-fired boilers that are being built outside. When they are constructed, they comply with the Uniform Construction Code, but when they are used, they are in violation of the Clean Air Act and the owners are fined by the Department of Environmental Protection (DEP) for producing air pollutants. The Department is working with the DEP to identify an enforceable standard. In the meantime, the Department has sent a letter to all construction officials alerting them of the conflict.

3. Uniform Construction Code Training: Course Content.

Cynthia Wilk, Director of the Division of Codes and Standards, informed the Board that the Department is undertaking a review of the course content of the continuing education program. To effect participation from code officials, the Department will form a committee to identify course topics and subject matter. Once the Committee's recommendations are complete, the Department will specify those courses in its contract with Rutgers.

E. Pending Legislation

1. A list of pending legislation on issues that impact construction was included in the meeting packets.

Visit from Commissioner Joseph V. Doria, Jr.

Commissioner Joseph V. Doria, Jr. joined the Code Advisory Board meeting. He thanked the Board members for their hard work and public service. The Commissioner thanked Director Wilk for her leadership and expressed confidence in the Uniform Construction Code. The Commissioner and several Board members reminisced about the work required when the UCC legislation was passed in 1975. Director Wilk thanked the Commissioner for taking the time to meet the Board.

F. Public Comments
There were no comments from the public.

G. Adjourn
Mr. William Lynn, Chair, declared the meeting adjourned at 11:00 a.m.

H. Executive Session – Closed
1. Appointments to Building Subcode Committee

Mr. William Lynn, Chair, called to closed session to order at 11:05 a.m. The meeting was adjourned at 11:10 a.m.

UNIFORM CONSTRUCTION CODE ADVISORY BOARD
Minutes of Meeting, December 12, 2008
Location
101 South Broad Street
Trenton, New Jersey 08625

Attendance

Board Members

William J. Lynn, Chair
John Scialla, Vice Chair
William Connolly
John DelColle
Arthur Doran
George Hrin
Robert McCullough
Michael Mills
Gregory Moten
Beth Pochtar
Joseph Surowiec
Alexander Tucciarone
Valerie Waricka

DCA Staff

Cynthia A. Wilk, Director, Division of Codes and Standards
Emily Templeton, Code Development Unit
John Terry, Code Assistance Unit
Michael Baier, Bureau of Code Services
Robert Hilzer, Office of Regulatory Affairs
David Uhaze, Bureau of Construction Project Review
Robert Austin, Code Assistance Unit
Suzanne Borek, Code Assistance Unit
Paulina Caploon, Elevator Safety Unit, Bureau of Code Services
John Delesandro, Licensing Unit, Bureau of Code Services
Marcel Iglesias, Code Assistance Unit
Thomas Pitcherello, Code Assistance Unit
Darren Port, Code Assistance Unit
Michael Whalen, Code Assistance Unit

Guests

Jack Boekhout, Jack Boekhout Consulting LLC.
Jeffrey Heiss, Warren Township
Joseph LaBruzza, Township of Marlboro
Bob LaCosta, Scotch Plains
Pat Malia, Friedmutter Group
George Spais, New Jersey Builders Association
Joseph Valeri, West Windsor Township

Mr. William J. Lynn, Chair of the Uniform Construction Code Advisory Board (CAB), called the meeting to order at 9:30 a.m.

A. Approval of Minutes of the Code Advisory Board Meeting of October 10, 2008
Mr. Robert McCullough made a motion, which was seconded by Mr. Alexander Tucciarone, to approve the minutes with one change. On page 5, in the summary of the comments of the Electrical Subcode Committee, "panels" should be changed to "panelboards". The motion carried unanimously.

B. Subcode Committee Reports

Barrier Free Subcode Committee

Mr. John Del Colle, Chair, reported on a meeting that was held on December 5, 2008 at Rutgers University. The Committee was asked to comment on areas on improvement in code requirements or in enforcement of the Barrier Free Subcode for discussion and resolution in the coming year. The following items were discussed.

- Bathrooms: The installation of toilet paper dispensers, particularly the oversized dispensers, often compromise accessibility. The positioning of some of the dispensers put the toilet paper out of reach; the positioning of others makes the grab bars unusable. Because these dispensers are often installed – or changed – after the certificate of occupancy has been issued, the problem is not always caught on final inspection. The Committee will consider whether to recommend specific standards for Board and Departmental consideration.
- Access to Slot Machines: The accessibility of slot machines continues to be a problem. One Committee member was unable to gain access to several machines on a recent visit to Atlantic City. When the employees were asked to get the key and remove the fixed seats, the Committee member was told that the key could not be located. This continues to be an issue and the committee will continue to review to see if code language could be changed to provide additional access.
- ADAAG: The US Department of Justice (DOJ) has published a Notice of Proposed Rule making signaling its intent to scope and adopt the Americans with Disabilities Act Accessibility Guidelines (ADAAG)/2004. Committee members were asked to bring any conflicts with the Barrier Free Subcode to the liaison's attention.
- Affordable Housing: One Committee member was interested in learning how well the Barrier Free/COAH (Council on Affordable Housing) law and rules are being implemented and enforced. There was a brief discussion as to whether the law had been in effect long enough to have a valid data, particularly with the slow-down in construction. The issue will be raised again in the future.
- Site Accessibility: One Committee member raised the on-going problems with accessible sites, including accessible parking and accessible routes of travel. Because the major problem seems to be with the approval of inaccessible sites by local planning boards and the resulting need for code officials to enforce the Barrier Free Subcode on inadequately planned sites, the Committee agreed that, although it could raise the issue, resolving this problem is not within its charge. It was recommended that the Committee member work

with municipal engineers to try to encourage an awareness of the importance of requiring accessible routes early in the planning approval process.

- Public Rights of Way: One Committee member recommended that the Committee discuss problems with accessible routes and public rights of way. The Committee agreed that, as with site accessibility, this is an issue that needs to be directed to municipal engineers or, perhaps, to the Department of Transportation.
- Parking: All Committee members commented on the problems with accessible parking. Those issues, however, appeared to enforcement-based and a misuse of the accessible parking spaces provided rather than a failure to provide code-compliant spaces.

Building Subcode Committee

Mr. John Scialla, Chair of the Building Subcode Committee, reported that the Building Subcode Committee held no formal meeting and that comments on agenda items were submitted to the Chair.

Electrical Subcode Committee

Mr. Bob McCullough, Chair of the Electrical Subcode Committee, reported on a meeting that was held on November 6, 2008. In addition to agenda items, the Committee discussed a problem that is being encountered with Articles 700 and 701 in the National Electrical Code (NEC) concerning selective coordination.

Problems Resulting from Replacement of a Transformer: When a service panel is replaced, transformers may be changed, which can affect the code compliance of existing equipment due to changes in the fault current experienced by the panel. Even if the existing panel has the bracing to handle the fault current, there is still an issue because the panel itself may not be rated for the fault current and can be subject to overheating or arcing. One Board member commented that he Board of Public Utilities (BPU) should require the utility company to provide notice when a transformer is replaced and the conditions change. One Board member asked why the transformer is replaced. The response was to achieve efficiency and to conserve energy. For example, the service could be increased to handle a new building constructed beside an existing building where the two buildings share a transformer. The Department agreed to follow up with the Board of Public Utilities.

Selective Coordination: In a further discussion, it was observed that the electrical subcode requires that an overcurrent device be selectively coordinated so that the overcurrent device closest to the equipment trips first so that it is easier to identify where the fault occurred. This used to apply only to elevator devices. However, the language in the National Electrical Code (NEC) has been expanded to apply to "legally required" systems, so that it now includes emergency systems. The impact of this language change is considerable. When an overcurrent device is changed in an existing building, determining the impact on selective coordination could result in an engineering study. This requirement made sense with elevators, but there is a problem with its extension. Education and training for inspectors will be required so that clear direction is provided on how to enforce this. One Board member accurately summed up the problem as follows: When replacing a transformer, no one checks the power of the transformer for its downstream impact. One Board member recommended that the Department alert the licensing boards for architects and engineers about this issue.

Elevator Safety Subcode Committee

Mr. George Hrin, Chair of the Elevator Safety Subcode Committee, reported that the Elevator Subcode Committee did not hold a meeting.

Fire Protection Subcode Committee

Mr. William Lynn, Chair of the Fire Protection Subcode Committee, reported that the Fire Protection Subcode Committee did not hold a meeting.

Mechanical/Energy Subcode Committee

Mr. Arthur Doran, Chair of the Mechanical Subcode Committee, reported that the Mechanical/Energy Subcode Committee did not hold a meeting.

Plumbing Subcode Committee

Mr. Alex Tucciarone, Chair of the Plumbing Subcode Committee, reported that the Plumbing Subcode Committee did not hold a meeting.

C. New Business

1. Draft Revisions – FTO-13 – Separations Between Dwelling Units and Attached Private Garages.

The revisions to FTO-13 are two-fold: First, they address electrical panelboard penetrations; and, secondly, they address the use of other girders that meet the 6x10 inch dimensions.

Electrical Panelboards: Currently, the FTO requires penetrations to comply with Section 712 of the International Building Code/2006. This section allows for limited amounts of electrical boxes to penetrate the wall assembly, more specifically, receptacle outlets and light switches. Panelboards, however, are too large to meet these exceptions. When looking at the construction of an outlet box versus a panelboard, an outlet box can be covered with a plastic cover and a panelboard comes pre-assembled with a metal cover. Since metal resists heat and fire for a much longer time than a plastic cover (even though the box itself may be rated), it is proposed that panelboards be permitted to penetrate the wall assembly even though they are larger than the size restrictions for outlet boxes. Language from Section 314.21 of the National Electrical Code/2005 is proposed to be added to ensure there are minimal gaps/openings around the panelboard to maintain the integrity of the wall assembly's rating.

Girders: The FTO specifies that girders that are smaller than "three 2-inch by 10-inch members, of engineered lumber or of steel construction" be encased in a minimum of two layers of 1/2-inch thick, Type X gypsum wallboard. However, reading that literally, it appears to say engineered lumber and steel construction of any size must be protected. This does not seem logical for engineered lumber because lumber with an equivalent dimension 6 inches or greater will char for about an hour and not lose its structural properties. There is not an appropriate size to specify for steel because deformation varies due to extreme temperatures. Therefore, a revision that permits engineered lumber girders larger or equivalent dimensions of three 2-inch by 10-inch members to remain unprotected is being proposed.

These draft revisions to FTO-13 were referred to the Building, Electrical, and Fire Protection Subcode Committees for review.

2. New Standardized Form: Smoke Alarms and Carbon Monoxide.

This new standard form was created to assist Construction Officials in verifying compliance with the requirements for smoke alarms and carbon monoxide alarms when a repair, renovation or alteration is undertaken.

This draft standard form was referred to the Building and Fire Protection Subcode Committees for review. The Mechanical/Energy Subcode Committee had reviewed a draft prior to this meeting.

3. Draft Rule – Maintenance of Elevator Devices (N.J.A.C. 5:23-3.14, 12.2)

This rule was requested by the Board at the October 10, 2008 Board meeting. The amendments return maintenance requirements for elevators and escalators to those of ASME A17.1/1996-1998, the requirements prior to adoption of the ASME A17.1/2004 – 2005 standard.

ASME A17.1/2004 – 2005, which was adopted by reference with the 2006 International Building Code (IBC/2006), contains expanded maintenance requirements (retrofit provisions and some maintenance planning provisions) that were not included in prior ASME A17.1 standards. Compliance with these new provisions could be very costly to the building owners and, in time, these costs could be passed down to the public. Furthermore, some of the new maintenance provisions conflict with long standing policies of the Uniform Construction Code (UCC).

Mr. George Hrin made a motion, which was seconded by Mr. Robert McCullough, to approve the draft rule. The motion carried unanimously.

4. Draft Rule – Department Plan Review of Larger Assembly Buildings (N.J.A.C. 5:23-3.11)

This rule proposes to reserve to the Department the plan review of larger stadiums and theaters, defined as those with 5,000 occupants or greater. One Board member asked whether there should be different thresholds for theaters and stadiums. The Board members pointed out that there are no theaters that exceed 5,000 occupants in New Jersey, whereas there are stadiums that exceed that occupancy.

This rule was referred to all committees for review.

5. Draft Bulletin – Permit Requirements for Liquefied Petroleum Gas Systems.

The Liquefied Petroleum (LP) Gas Education and Safety Board recommended that a bulletin be prepared that clearly spells out all enforcement responsibilities with regard to LP Gas facilities. The LP Gas Board has approved this bulletin.

This bulletin was referred to the Fire Protection Subcode Committee for review. The Plumbing Subcode and Mechanical/Energy Subcodes Committees had reviewed a draft copy and recommended approval.

6. Draft Rule – Conflict of Interest (NJAC 5:23-4.5, 4.14, 5.25)

In order to clarify, and make more precise, rules concerning conflict of interest for code officials and inspectors, the Department is proposing the following amendments to the rules governing conflict of interest:

- The proposed amendment to N.J.A.C. 5:23-4.5(j)2 would make it clear that the prohibition on code officials' and inspectors' ownership, employment or contracting to provide

goods and services with any business furnishing labor, materials, products or services for construction, alteration or demolition of structures within the municipality in which he is employed or in any adjacent municipality is also applicable to any maintenance of equipment or building components the maintenance of which is subject to the Uniform Construction Code.

- The proposed amendment to N.J.A.C. 5:23-4.14(f) would conform the conflict of interest requirements for code officials and inspectors employed by private on-site inspection agencies to those applicable to municipal employees.
- The proposed amendment at N.J.A.C. 5:23-5.25 would make it clear that a determination by the Department that a licensee has engaged in conduct constituting a conflict of interest under N.J.A.C. 5:23-4.14(f), as well as under N.J.A.C. 5:23-4.5(j)2, shall constitute grounds for revocation of a license, and that suspension is not an adequate sanction either in any such case, or in any case in which a licensee is convicted either of a crime or of an offense in connection with performance as a code official or inspector. This change would make it clear that N.J.A.C. 5:23-5.25 applies equally to code officials and inspectors employed by private on-site inspection agencies and to those employed by municipalities.

This rule was referred to all committees for review.

Before moving on to the Information provided, one Board member recommended that the Department consider adopting in the park model regulations the Housing and Urban Development (HUD) limitations on formaldehyde in modular structures.

D. Information

1. CAB Log: The updated log was included in the meeting packets.

2. CAB Meeting Dates 2009: The dates for the 2009 Code Advisory Board meetings were included in the meeting packets.

3. Model Codes 2009: The Department plans to adopt the 2009 model codes in the year 2009. To that end, code books will be provided as soon as they are available from the International Code Council. If the books can be obtained in March, they will be provided to the Committees. The review will take place in March with Code Advisory Board action required at the April 17, 20089 meeting. The proposal could then be published in June 2009 and comments due by September 2009. All comments and the responses would have to be completed by November for a December 7 adoption date. This draft schedule has approximately two weeks of "wiggle room."

One Board member asked whether there is resistance to the sprinkler requirement in the International Residential Code (IRC). The response was that there is. The Board member observed that the argument will probably be made that additional requirements are not recommended, and can be regarded as poor policy, in an economic downturn. However, when the building economy is in decline housing prices are also lower, which means that the cost increase is less noticeable.

E. Pending Legislation

1. A list of pending legislation was included in the meeting packets.

F. Public Comments

There were no comments from the public.

G. Adjourn

Mr. William Lynn, Chair, declared the meeting adjourned at 10:30 a.m.

H. Executive Session – Closed

1. Reappointment of Subcode Committees

Mr. William Lynn, Chair, called to closed session to order at 10:40 a.m. The meeting was adjourned at 10:45 a.m.

UNIFORM CONSTRUCTION CODE ADVISORY BOARD
Minutes of Meeting, October 10, 2008

Location
101 South Broad Street
Trenton, New Jersey 08625

Attendance
Board Members

William J. Lynn, Chair
John Scialla, Vice Chair
Arthur Doran
George Hrin
Robert McCullough
Gregory Moten
Beth Pochtar
Leonard Sendelsky
Joseph Surowiec
Alexander Tucciarone
Valerie Waricka

DCA Staff

Cynthia A. Wilk, Director, Division of Codes and Standards
Emily Templeton, Code Development Unit
Michael Baier, Bureau of Code Services
Louis Mraw, Office of Regulatory Affairs
Robert Austin, Code Assistance Unit
Suzanne Borek, Code Assistance Unit
Paulina Caploon, Elevator Safety Unit, Bureau of Code Services
John Delesandro, Licensing Unit, Bureau of Code Services
Marcel Iglesias, Code Assistance Unit
Thomas Pitcherello, Code Assistance Unit
Michael Whalen, Code Assistance Unit

Guests

Jack Boekhout, Jack Boekhout Consulting LLC.
Jeffrey Heiss, Warren Township
Ron Kissel, West Windsor Township
Joseph LaBruzza, Township of Marlboro
Bob LaCosta, Scotch Plains
Anthony Scelsa, Plainsboro Township
George Spais, New Jersey Builders Association
Joseph Valeri, West Windsor Township

Mr. William J. Lynn, Chair of the Uniform Construction Code Advisory Board (CAB), called the meeting to order at 9:30 a.m.

A. Approval of Minutes of the Code Advisory Board Meeting of June 13, 2008

Mr. Robert McCullough made a motion, which was seconded by Mr. George Hrin, to approve the minutes. The motion carried unanimously.

B. Subcode Committee Reports

Barrier Free Subcode Committee

In the absence of Mr. John Del Colle, Chair of the Barrier Free Subcode Committee, Ms. Emily Templeton reported on an October 3 meeting in which agenda items were discussed. In addition, there was a brief Committee discussion about several other issues.

There was brief discussion on several non-agenda items:

1. Site Accessibility: The three Committee members with experience as working code officials had a discussion about the on-going difficulty with the jurisdictional line between the site engineering and the Uniform Construction Code (UCC). There has long been a significant problem with sites where accessibility is not specified in plans, the plans are approved by the local planning board, and the code official is in the difficult position of returning the plans for re-design, which often means another review by the planning board. One former code official reported on two meetings within the past few months where the representatives of two of New Jersey's large engineering firms did not have a copy of the International Code Council/American National Standards Institute (ICC/ANSI) A117.1-2003 and, in each case, the engineers at the meeting reported getting their specifications for an accessible route and accessible parking off a web site that provides design samples.

One former code official recommended that the Department of Community Affairs initiate a project with the Board of Architects and the Board of Licensed Professional Engineers to coordinate the provision of information on accessible building sites. One code official described the work of site construction as a three-legged stool—design professional (architects and engineers), contractors, and code enforcement officials. If any "leg" fails to meets standards, the stool falls. It was suggested that the Department initiate and facilitate discussion on this important issue. One Committee member recommended that the Department initiate coordination through the Residential Site Standards.

2. DCA Attendance at ICC Code Change Hearings: The Committee members with experience as working code officials (two are retired) recommended that the Department consider a larger presence at the ICC Code Change Hearings. Municipalities send officials and the municipal officials believe that the State's presence should be more extensive. This is particularly important for the meeting in Baltimore.

3. Accessible Route to Accessible Means of Egress: The Committee again discussed stairs as a component of an accessible means of egress and whether that provision of the International Building Code/2006 (IBC/2006) conflicts with the Americans with Disabilities Act Accessibility Guidelines (ADAAG). It was pointed out that there is no conflict. Both the IBC and ADAAG require that an area of rescue assistance be provided; they do not require that an accessible means of egress provide access out of the building.

4. Accessible Showers in Nursing Homes: One Committee member asked whether there could be consideration about the possibility of allowing an accessible shower that accommodates an assistant in addition to the person under care. This shower would be larger than the 36" X 36" accessible shower. The Committee member was told that the Department would look into this and respond.

Building Subcode Committee

Mr. John Scialla, Chair of the Building Subcode Committee, reported that the Building Subcode Committee held no formal meeting and that comments on agenda items were submitted to the Chair.

Electrical Subcode Committee

Mr. Bob McCullough, Chair of the Electrical Subcode Committee, reported on a June 17 meeting in which agenda items were discussed. Because the minutes were absent from this meeting packet, Mr. McCullough reported that the Committee recommended approval of FTO-13, Attached garages, with one change -- that references to "electrical panels" be changed to "panelboards."

Mr. McCullough then summarized the minutes of a meeting held on August 28, 2008. In addition to agenda items, the Committee discussed the following:

In response to a question from the Building Officials Association of New Jersey (BOANJ), the Committee held a discussion on requirements for clips for wiring for light fixtures in buildings subject to seismic requirements. It was determined that the National Electrical Code (NEC) does not contain requirements for installation for wiring and fixtures seismic areas. The building subcode designates the seismic areas and, through the adoption by reference of American Society of Civil Engineers (ASCE)-7, Minimum Design Loads for Buildings and Other Structures, sets the standards for earthquake-resistant construction. ASCE-7 contains the requirements for securing wiring in a building subject to the seismic requirements of the building subcode.

Tentative Interim Amendments (TIA) for the National Electrical Code/2008 – There is a TIA recently published by the National Fire Protection Association (NFPA) removes the 42 circuit limit in Article 645.17, Power Distribution Units. The effect of this change is to allow more than 42 circuits for power distribution units for information technology equipment as long as the multiple panelboards are housed within a single cabinet and the power distribution unit is listed for an information technology application. The Committee recommended that this language change be added to the electrical subcode once the National Electrical Code/2008, which was published as a proposal in the *New Jersey Register* on October 20, 2008, has been adopted.

The Electrical Subcode Committee received comments on the pending proposal of the national Electrical Code (NEC)/2008. The commenter was informed that the draft rule had been reviewed and recommended for approval by the Committee and also by the Code Advisory Board. The commenter was further informed that the rule is scheduled for publication in the *New Jersey Register* as a proposal on October 20, 2008. Comments on the pending rule proposal could be submitted to the Department of Community Affairs through the public comment period for the rule.

Accessible Operable Parts: With respect to the recently published article in the *Construction Code Communicator* stating that measurements of operable parts, including light switches, may be taken at the centerline, which could result in the toggle switch being as much

as 1/8 inch above the maximum height of 48 inches when it is measured in the up position, the Committee recommended that Section 104.2, Dimensions, of the International Code Council/American National Standards Institute (ICC/ANSI) A117.1-2003, which specifies that "all dimensions are subject to conventional industry tolerances" be further defined. The Committee further requested that the Department provide details of cases where the minimum and maximum heights could be modified due to "conventional industry tolerances."

Elevator Safety Subcode Committee

Mr. George Hrin, Chair of the Elevator Safety Subcode Committee, reported on a meeting held on June 26 in which an unintended consequence of the adoption of the American National Standards Institute (ANSI) A17.1/2004-2005 has become known. This edition of the ANSI A17.1 expands the requirement for maintenance contracts for elevators, both new and existing. The Elevator Subcode Committee discussed the following provisions:
In the committee's opinion, requiring that all existing elevator devices comply with many of the new maintenance requirements of ASME A17.1 (2004 -2005) may not be feasible or enforceable; in addition, these requirements conflict with the long standing policies of the Uniform Construction Code (UCC).

- Under the UCC, the owners can seek services of elevator companies on as-needed bases or they may have any level maintenance contract with an elevator company ranging from an "Oil and Grease" contract to a "24/7 Full Maintenance" contract. Section 8.6 of ASME A17.1 (2004 -2005) eliminates the option of seeking services of elevator companies on an as-needed basis, and mandates a higher level of maintenance contract.
- The UCC has also limited retrofit requirements because the UCC is not a retrofit code. Some of the new maintenance requirements, directly or indirectly, call for retrofitting of existing elevators/escalators even though the devices are in full compliance with the ASME A17.1 standard of installation or alteration. Furthermore, compliance with some new maintenance requirements could be very costly to the building owners and, in time, could be passed down to the public.

At the conclusion of a long discussion, the Elevator Subcode Committee voted to recommend the following:
To return the maintenance requirements for elevators and escalators to the level that was in existence prior to adoption of the ASME A17.1 2004 – 2005 standard i.e. to keep the maintenance requirements of ASME A17.1-(1996-1998), the elevator standard in effect prior to adoption of the A17.1 2004 – 2005 standard.

Mr. Leonard Sendelsky made a motion, which was seconded by Mr. George Hrin, to direct the Department to review this issue and, if warranted, to prepare a rule proposal to revert to the language in ANSI A17.1/1996-1998. The motion carried unanimously.

Fire Protection Subcode Committee

Mr. William Lynn, Chair of the Fire Protection Subcode Committee, reported that the Fire Protection Subcode Committee did not hold a formal meeting, but comments on agenda items were submitted to the chair by e-mail.

Mechanical/Energy Subcode Committee

Mr. Arthur Doran, Chair of the Mechanical Subcode Committee, reported that the Mechanical/Energy Subcode Committee did not hold a meeting.

Plumbing Subcode Committee

Mr. Alex Tucciarone, Chair of the Plumbing Subcode Committee, reported that the Plumbing Subcode Committee did not hold a meeting. Mr. Tucciarone commended Mr. Thomas Pitcherello for his hard work at organizing a very successful annual meeting of the National Standard Plumbing Code. Mr. Tucciarone thanked Director Cynthia A. Wilk for attending the meeting and commented that the officials appreciated her attendance and participation.

C. Old Business

1. Draft Rule – Electrical Panels in Accessible Dwelling Units (N.J.A.C. 5:23-7.2)

This draft rule would require that the electrical panel within an accessible dwelling unit be installed within the required reach ranges with the required clear floor space.

This rule was referred to the Barrier Free, Building, and Electrical Subcode Committees with direction to review the rule and its impact on the Rehabilitation Subcode.

Electrical Subcode Committee: Mr. McCullough reported that the Committee recommended that references to "panels" be changed to “panelboards” because "panelboards" is used in the National Electrical Code and "panels" is not. If electrical panelboards are to be covered by the reach range requirements and clear floor space provisions of the Barrier Free Subcode, the rule should clarify, or the Department should provide guidance on, what to do when panelboards exceed the reach ranges. With regard to existing buildings, the Committee recommended that N.J.A.C. 5:23- 6.8(g) should have the same language as N.J.A.C. 5:23-6.8(d)10 to ensure that when a panelboard is removed and replaced, it will be allowed to be put back in the same location. The Committee further recommended that the 20% rule regarding disproportionate cost should apply to newly installed panelboards in existing buildings.

Building Subcode Committee: Mr. John Scialla reported that the Building Subcode Committee supported this rule.

Barrier Free Subcode Committee: In the absence of Mr. John DelColle, Chair, Ms. Emily Templeton reported that the Committee recommended that this rule be approved. The Committee further recommended that the measurement be specified as follows: "To ensure that the installation does not exceed the maximum height, the measurement shall be taken at the center of the highest operable part." There was brief discussion about the requirement in the electrical subcode for a 36-inch wide work area. The clear floor space provisions of the Barrier Free Subcode specify an unobstructed space that is 30-inches by 48-inches. It was recommended that the potential conflict be resolved in advance of proposing the rule. The Board agreed that the work area should be 36-inches by 48-inches. Finally, the Committee discussed whether this requirement should be included in the Rehabilitation Subcode. It was recommended that the requirement should be added only to newly installed (not replaced) electrical panels (N.J.A.C. 5:23-6.9, New Building Elements).

Mr. Robert McCullough made a motion, which was seconded by Mr. John Scialla, recommending approval of the rule with the changes to "panelboard" proposed by the Electrical Subcode Committee, the restriction to newly installed panelboards proposed by the Barrier Free Subcode Committee, and the designation of the clear space as 36-inches by 48-inches. The motion carried unanimously.

2. Draft Bulletin 03-5—Special Inspections

This draft bulletin is a companion to the rule on special inspectors, which will be effective in the near future. The bulletin explains the requirements for special inspectors, special inspection agencies, and special inspections. It was referred to the Building and Fire Protection Subcode Committees.

Building Subcode Committee: Mr. John Scialla reported that the Building Subcode Committee recommended approval of the draft bulletin as submitted.

Fire Protection Subcode Committee: Mr. William Lynn reported that the Fire Protection Subcode Committee recommended approval of the draft bulletin as submitted.

Mr. John Scialla made a motion, which was seconded by Mr. Robert McCullough, to approve the bulletin without change. The motion carried unanimously.

D. New Business

1. Draft Rule – Temporary Certificates of Occupancy (N.J.A.C. 5:23-2.23)

Ms. Cynthia A. Wilk, Director, Division of Codes and Standards, explained that the draft rule included in the meeting packets differed from the rule that was sent to the Board and all Subcode Committees for comment. The Board was asked to comment on the revised draft rule, which Ms. Wilk summarized as follows. Following the enactment of the Statewide Non-residential Development Fee Act (known by its bill number, A-500), it was recognized that requiring the payment of the fee before the issuance of a Certificate of Occupancy allowed the fee to remain unpaid if the building were granted a Temporary Certificate of Occupancy (TCO). That inconsistency creates a difficult situation for the construction official. Therefore, the draft rule, which would delete the requirement that a TCO be issued for a minimum of 60 days, was amended to include the provision that the Statewide Non-residential Development Fee would be due prior to the issuance of a TCO.

The Board held a brief discussion on the length of time for which a TCO is granted. Ultimately, Board members agreed that setting a minimum length of time for a TCO resulted in difficulties for code officials. It was agreed that the 60-day minimum be deleted from the rule to allow for reasonableness, on a case-by-case basis, when establishing a TCO time-frame. One Board member recommended that a maximum, rather than a minimum, time-frame be established for a TCO.

One Board member recommended that the Department provide guidance through a *Construction Code Communicator* article once the rule has been adopted.

One Board member recommended that the Department ensure that the references to "building, structure, or part thereof…" be consistent throughout the rule.

Mr. Robert McCullough made a motion, which was seconded by Mr. Gregory Moten, to approve the draft rule with the one change for consistency of language. The motion carried unanimously.

2. Draft Rule – Casinos: Special Locking Arrangements (N.J.A.C. 5:23-9.6)

Mr. Robert McCullough asked whether the language specifying that the "egress control devices which shall unlock manually and by <u>all</u> of the following means" (emphasis added) should be by "<u>any</u> of the following means." There was brief discussion. The Board agreed that the language should be changed to "any."

Mr. Leonard Sendelsky made a motion, which was seconded by Mr. Robert McCullough, to approve the rule as modified. The motion passed unanimously.

E. Information

1. CAB Log: The updated log was included in the meeting packets.

2. A-500 Update: A packet of the guidance provided by the Department to construction officials on A-500, the Statewide Non-residential Development Fee Act, was included in the meeting packets as information.

3. Permit Extension Act Update: A packet of the guidance provided by the Department to construction officials on the Permit Extension Act was included in the meeting packets as information.

F. Pending Legislation

1. A list of pending legislation was included in the meeting packets.

G. Public Comments

Mr. George Spais, New Jersey Builders Association, suggested that the TCO rule be revised to state that "a TCO shall be valid for 60 days unless otherwise specified by the construction official." Mr. Spais commented that such a change would provide guidance and also allow flexibility.

Mr. Marcel Iglesias reported on the results of the September 2008 ICC Code Change Hearings for the 2009 ICC model codes, as follows:

- RB 64: Requires sprinklers in detached one- and two-family dwellings and townhouses with an effective date of January 1, 2011. The system may be installed in accordance with P2904 of the IRC or NFPA 13D.

- RB 71: Requires carbon monoxide alarms in dwelling units constructed in accordance with the IRC. This change incorporates the NJ requirements into the International Codes.

- RB 72: Amends the smoke detector requirements in the IRC. The change will allow the use of low-voltage household fire warning systems, provided the system is a permanent fixture of the occupancy, is owned by the homeowner, is monitored by an approved supervising station and is maintained in accordance with NFPA 72.

- F 133: Lowers the sprinkler threshold for Group E buildings from 20,000 square feet to 12,000 square feet.

- F 135: Requires Group M occupancies used for the sale and display of furniture to be sprinklered.

- F 87/G 53: Establishes requirements in both the IBC and the IFC for Emergency Responder Radio Communication Systems.

- G 61: Requires stair enclosures in high-rise buildings to be a minimum of 30 feet apart or ¼ of the maximum diagonal dimension of the building whichever is less. This

distance is measured in a straight line between the nearest points of the stairway enclosure.

- G 65: Establishes a structural integrity standard for stairways and elevator shaft enclosures in buildings greater than 420 feet in height.

- S 101: Provides for structural integrity for high-rise buildings in Occupancy Category III and IV. This requirement is rooted in the "Disproportionate Collapse" proposal that was drafted by Marcel Iglesias, Code Assistance Unit.

In closing, Ms. Cynthia A. Wilk, Director, Division of Codes and Standards, commended the work of Mr. Gary Lewis, Construction Official, City of Summit, and Chair, Ad-Hoc Committee of Terrorism-resistant Buildings. Mr. Lewis was instrumental in ensuring that the most effective terrorism-resistant code change proposals were adopted.

H. Adjourn

Mr. William Lynn, Chair, declared the meeting adjourned at 10:35 a.m.

UNIFORM CONSTRUCTION CODE ADVISORY BOARD
Minutes of Meeting, June 13, 2008

Location
101 South Broad Street
Trenton, New Jersey 08625

Attendance
Board Members

William J. Lynn, Chair
John Scialla, Vice Chair
William M. Connolly
John Del Colle
Arthur Doran
Robert McCullough
Gregory Moten
James Sinclair
Joseph Surowiec
Alexander Tucciarone
Valerie Waricka

DCA Staff

Cynthia A. Wilk, Director, Division of Codes and Standards
Emily Templeton, Code Development Unit
John Terry, Code Assistance Unit
Michael Baier, Bureau of Code Services
Louis Mraw, Office of Regulatory Affairs
Robert Austin, Code Assistance Unit
Suzanne Borek, Code Assistance Unit
Paulina Caploon, Elevator Safety Unit, Bureau of Code Services
John Delesandro, Licensing Unit, Bureau of Code Services
Marcel Iglesias, Code Assistance Unit
Susan McLaughlin, Education Unit, Bureau of Code Services
Drake Rizzo, Division of Codes and Standards
Michael Whalen, Code Assistance Unit

Guests

Robert Davidson, Davidson Code Concepts, Inc.
Frank Golon, The Kleiner Group
Jeffrey Heiss, Warren Township
Bruce Helmstetter, Borough of Fanwood
Stephen Jones, Building Officials Association of New Jersey (BOANJ)
Ron Kissel, West Windsor Township
Joseph LaBruzza, Township of Marlboro
Bob LaCosta, Scotch Plains
Anthony Scelsa, Plainsboro Township
George Spais, New Jersey Builders Association

A. Approval of Minutes of the Code Advisory Board Meeting of April 11, 2008

*Dr. James Sinclair made a motion, which was seconded by Mr. Robert McCullough, to approve the minutes with one amendment. On page 4, in the bottom paragraph, the minutes were amended to read "The use of **type** AC **cable** is allowed…" The motion carried unanimously.*

B. Subcode Committee Reports

Barrier Free Subcode Committee

Mr. John Del Colle, Chair of the Barrier Free Subcode Committee, reported on a June 6 meeting in which agenda items were discussed. In addition, there was a brief Committee discussion about stairs as a component of an accessible means of egress and whether that provision of the International Building Code/2006 (IBC/2006) conflicts with the Americans with Disabilities Act Accessibility Guidelines (ADAAG). It was decided that there is no conflict. ADAAG requires that an area of rescue assistance be provided; it does not require that an accessible means of egress necessarily include an accessible exit doorway.

Building Subcode Committee

Mr. John Scialla, Chair of the Building Subcode Committee, reported on a May 30 meeting in which agenda items were discussed.

Electrical Subcode Committee

Mr. Bob McCullough, Chair of the Electrical Subcode Committee, reported on a May 22 meeting in which agenda items were discussed. In addition, the Committee discussed voltage drop (Article 210.19(a)) and determined that the fine print note (FPN) cannot be enforced because Section 8.4.1 of ASHRAE 90.1/2004 has been made optional, which leaves the rating of equipment to the design professional. However, Section 110.3 states that equipment must be operated at the listed value. This could result in a conflict. For example, 208 volts cannot be connected to a 240 volt circuit. The Committee is concerned that some inspectors are trying to enforce the FPNs from the National Electrical Code (NEC) and recommends that a *Construction Code Communicator* article be published focusing on voltage drop and the issue with the listing of equipment.

Elevator Safety Subcode Committee

In the absence of Mr. George Hrin, Chair of the Elevator Safety Subcode Committee, Mr. Michael Baier, Chief of the Bureau of Code Services, reported on a meeting held on May 22 in which agenda items were discussed.

Fire Protection Subcode Committee

Mr. William Lynn, Chair of the Fire Protection Subcode Committee, reported on a meeting held on May 27 in which agenda items were discussed.

In addition, the Committee held the following discussions:

- Hydraulic Data Plate—Form 380: The Committee recommended that its revisions to this form be adopted. There was brief Committee discussion concerning additional information, including main drain pressure reading, but it was decided that this

information was not related to the system hydraulics and, therefore, would not be added to form F-380.

- Update to Backflow Preventers—The rule revision to N.J.A.C. 5:23-3.15(b) will be proceeding through the *New Jersey Register* proposal and adoption process; FTO-7 will also be updated. The change, which will revert to the National Standard Plumbing Code (NSPC)/2003 language, which allows the installation of a double check valve assembly (including a Siamese connection) on a fire protection system where the system is supplied by a potable water system and is more than 1700 feet from a non-potable water supply. It will also require a reduced pressure zone (RPZ) backflow preventer on a system where a potable water supply is within 1700 feet of a non-potable water supply.
- Combined Service Backflow Protection – The Committee asked if a *Construction Code Communicator* article could be written to reinforce the requirements for backflow preventers. Some water companies have been requiring reduced pressure zone (RPZ) back flow preventers even though the NSPC and the National Fire Protection Association (NFPA) allow double check valves.
- Balcony and Deck Fire Sprinkler Requirements—IBC/2006, Section 903.3.1.2.1 -- The Committee discussed the action of the Department and the recommendation of the Code Advisory Board regarding the use of sprinkler heads outside the listing. The Committee was reminded of the hierarchy of enforcement. One Committee member continued to oppose the action of requiring that sprinkler heads be installed outside their listing.
- Form F-100 – One Committee member asked that the Department representative look into the revision of Form F-100 and report back to the Committee as to the status of the recommended revision.
- Signal Boosting Systems -- One Committee member continues to research these systems. There are no recognized standards for these systems. NFPA is considering proposals for its upcoming code change cycles. The Fire Safety Commission would like to require these systems for high-rise buildings, but there needs first to be a reliable standard. The Committee will continue its research into this area.
- Installation of 13D Sprinkler System – One Committee member reported that the International Code Council intends to introduce new tables and charts that are intended to simplify the design of a 13D system.
- High-rise Retrofit Update – One Committee member reported that the nearly 860 letters received in opposition to the high-rise sprinkler retrofit requirement came from the residents of five high-rise buildings in only two or three towns.

Mechanical/Energy Subcode Committee

Mr. Arthur Doran, Chair of the Mechanical Subcode Committee, reported on a May 13 meeting in which agenda items were discussed. In addition, the Committee discussed two other items.

- Exhaust Systems -- The Committee discussed how and when exhaust systems should be tied together, especially in a tenant fit-out. The Departmental representative will research this issue and report back to the Committee, which will make a recommendation to the Department.
- Auxiliary and Secondary Drain Systems -- The Committee discussed the meaning of "any building component" for the purposes of assessing damage in the International Mechanical Code (IMC)/2006, Section 307.2.3, regarding auxiliary and secondary drain

systems for mechanical equipment, particularly above a drop ceiling. The Committee will continue its discussion of this issue and the extent to which damage from condensate might be an issue.

Plumbing Subcode Committee

Mr. Alex Tucciarone, Chair of the Plumbing Subcode Committee, reported on a May 9 meeting in which agenda items were discussed. In addition, the Committee discussed several other items:

- One Committee member asked about the status of his recommendation that Form F-180 be revised to include space for the licensed contractor's license number. The Department liaison agreed to report back on the status.
- The Committee was informed that there will be a rule proposal in the June 2 *New Jersey Register* that will eliminate the requirement for a bottom drain in pools on one- or two-family lots.
- The Committee held a brief discussion on waterless urinals and air admittance valves.
- The committee was informed that there is one open seat, a public seat, on the Board of Master Plumbers.
- Committee members were reminded that the National Standard Plumbing Code (NSPC) will hold its code change hearings at the Sheraton Hotel in Atlantic City on August 21, 2008.
- The Heating, Ventilation, Air Conditioning, and Refrigeration (HVACR) license law was signed December 20, 2007. The next step is to appoint a Board; that has not been accomplished to date.
- There was brief Committee discussion on the need for code officials to cite the applicable code section that has been violated. It was observed that some code officials are neglecting to do this.
- The Committee asked that a Construction Code Communicator article be written reminding code officials that sanitary piping or water piping that runs from one building to another must be installed by a Licensed Master Plumber.

Before commencing the discussion of Old Business, in response to a question, the Division director informed the Board that the Department received 860 letters from approximately five high rise buildings in two-three towns. The adoption of the Uniform fire Code (UFC) is moving forward without the high rise retrofit provision. The retrofit requirement is being held for a Departmental study on the cost of retrofit.

C. Old Business

1. Draft Rule: Framing Checklist Amendment Update (N.J.A.C. 5:23-2.18(b))

At the last Board meeting, there was a debate regarding the part of the proposed rule amendment that appeared to change the section on inspections for which work must cease. In response to that discussion, the department reviewed N.J.A.C. 5:23-2.18 and has withdrawn that part of this rule amendment. The Department intends to review and revise N.J.A.C. 5:23-2.18 to eliminate ambiguities in the future.

At this time, the rule amendment presented for action would require that the framing checklist be required for all residential buildings of wood framed (Type V) construction.

Mr. Alexander Tucciarone made a motion, which was seconded by Mr. Robert McCullough, to approve the draft amendment. The motion carried unanimously.

2. Draft Rule -- Adopted Model Code Update (N.J.A.C. 5:23-3.5, 3.14, 3.15, 3.18, 3.21, 4.20, 5.20)

This draft rule, which corrects references as a result of the 2006 model code adoptions, was referred to the Building, Elevator, Fire Protection, Mechanical/Energy, and Plumbing Subcode Committees for review.

Mr. John Scialla, Chair of the Building Subcode Committee, reported on a recommended change to the draft rule proposal. At N.J.A.C. 5:2303.14(b10ix, Section 1007.6.2, Separation, of the International Building Code (IBC) is proposed for deletion and Section 1022 is proposed to replace it. This has been identified as errata by the International Code Council (ICC) and has been corrected, so no change is required in the New Jersey edition. Mr. William Lynn recommended that the language be included in the rule proposal to ensure that those who purchased the first edition of the New Jersey IBC would have the information.

Mr. William Lynn, Chair of the Fire Protection Subcode Committee, reported on a lengthy discussion after which the Committee voted to approve the draft.

The Elevator, Mechanical/Energy, and Plumbing Subcodes Committees also recommended approval of the draft rule.

Mr. William Lynn made a motion, which was seconded by Mr. Gregory Moten, to approve the rule. The motion carried unanimously.

3. Draft Rule -- Rehabilitation Subcode Code Changes (N.J.A.C. 5:23-6)

This draft rule, which includes three code changes submitted by the public and three Agency-initiated code changes, was referred to the Building, Electrical, Fire Protection, and Mechanical/ Energy Subcode Committees for review.

To ensure that there are clear records of the actions taken by the Board, Mr. William Lynn, Board Chair, recommended that each proposal be discussed and voted on separately.

- John Drucker, Fire Protection Subcode Official, Borough of Red Bank: To ensure that the code terminology is current, references to "smoke detectors" should be changed to "smoke alarms" in the following places: N.J.A.C. 5:23-6.4, 6.5, 6.6(r)9, 6.6(f), 6.25, 6.25A.

The Building and Fire Protection Subcode Committees recommended approval.

Mr. Alexander Tucciarone made a motion, which was seconded by Mr. Robert McCullough, to approve this code change proposal. The motion carried unanimously.

- John Drucker, Fire Protection Subcode Official, Borough of Red Bank: To ensure that the code terminology is current and that the correct standard is referenced, the references to "multiple station smoke detectors" should be changed to "a fire alarm system consisting of smoke detectors shall be installed in the non-residential portion and notification appliances shall be installed in the residential portions in accordance with NFPA 72/2002."

There was brief discussion about the intent of the Rehabilitation Subcode and whether this code change proposal could have an unintended consequence of requiring smoke alarms in non-residential buildings. When the Rehabilitation Subcode was developed, the building subcode did not require smoke alarms in nonresidential occupancies. The Rehabilitation Subcode working group discussed whether there was a time when the Rehabilitation Subcode

should require additional protection. It was determined that an alarm system would be required to provide an early warning to residents of a fire in an attached nonresidential occupancy. Following a brief Board discussion, it was determined that because an early warning is required, this change is not necessary.

Mr. William M. Connolly made a motion, which was seconded by Dr. James Sinclair, to deny this code change proposal. The motion carried unanimously.

- James E. Kohl: The Rehabilitation Subcode should require minimum levels of safety. Therefore, the deletion of National Electrical Code (NEC) Section 110.26, Spaces about Electrical Equipment (600 volts nominal or less), from Materials and Methods, N.J.A.C. 5:23-6.8(d)2, should be reversed. NEC Section 110.26, Spaces about Electrical Equipment (600 volts nominal or less), should be included in Materials and Methods and should apply.

The Electrical Subcode Committee reviewed this code change proposal in detail. The Committee agrees that something needs to be done, but the code section referenced in this proposal would require all elements of work space, including headroom. In an existing building, this is unlikely to be possible; in addition, that kind of requirement in not in concert with the intent of the Rehabilitation Subcode.

Mr. Alexander Tucciarone made a motion, which was seconded by Dr. James Sinclair, to deny this code change proposal. The motion carried unanimously.

Agency-initiated Changes:

1. When the energy conservation changes were originally proposed for adoption, the intent was to include all framed areas that are part of the thermal envelope. The changes in the alteration, reconstruction and basic requirements would include newly constructed framing that is part of the thermal envelope (i.e. framing new walls in an existing porch). Because the language for the energy provisions was modeled on the fireblocking requirements, similar changes are made throughout.

The Fire Protection and Building Subcode Committees recommended approval.

Mr. Alexander Tucciarone made a motion, which was seconded by Mr. John Scialla, to deny this code change proposal. The motion carried unanimously

2. Alteration and reconstruction: At N.J.A.C. 5:23-6.6(e)19 and 6.7(e)15, the draft amendments would prohibit the use of an existing exit enclosure for purposes other than a means of egress.

The Building Subcode Committee discussed this draft change, which would prohibit the use of an existing exit enclosure for purposes other than means of egress. Ultimately, the Committee voted unanimously to approve the amendment provided that a reference to Section 1020.1.2 is included in the text. This referenced code section would allow openings into the exit enclosure for required exit doors, equipment and ductwork necessary for independent pressurization, sprinkler piping, standpipes, electrical raceway for fire department communication systems and electrical raceway serving the exit enclosure.

Mr. John Scialla made a motion, which was seconded by Mr. Robert McCullough, to approve this code change proposal with the change recommended by the Building Subcode Committee. The motion carried unanimously.

3. Additions: At N.J.A.C. 5:23-6.32(e), an amendment is proposed to update the fire separation assembly link (fire barrier) and the text is revised to correspond with the intent of the International Building Code (IBC)/2006 for separation purposes.

There was brief discussion about whether the references to "fire separation assembly" should be changed to "fire barrier." One Board member stated that the term "fire barrier" means something other than "fire separation assembly." For example, the door at the top of the stairs is considered a fire barrier, but not a fire separation assembly. There was discussion of the use of the term "fire barrier" in the model codes and the use of the same term to describe something different in the Uniform Fire Code. It was agreed that if this code change proposal is approved, the Department should issue an explanation of the differences and should ensure that the language in the rule proposal is sufficiently clear as to avoid confusion.

Mr. John Scialla made a motion, which was seconded by Mr. Robert McCullough, to approve this code change proposal. The motion carried unanimously.

4. Draft Rule -- Revocation of Licenses and Alternative Sanctions (N.J.A.C. 5:23-5.25)

At the end of the Code Advisory Board meeting of April 11, 2008, following a lengthy discussion of this draft rule, which would eliminate the maximum license suspension of 60-days and would create a period of limitation of 10-years for which actions can be taken against code officials, the Department was asked to review the actions taking by licensing boards of other professions.

The Department contacted the Board of Master Plumbers, the Board of Examiners of Electrical Contractors, the Board of Architects, and the Board of Licensed Professional Engineers. The Department reported that the Board of Master Plumbers and the Board of Examiners of Electrical Contractors have no minimum or maximum timeframes for suspensions. Whenever possible, these Boards fine rather than suspend. The maximum fine for a first offense is $10,000; the maximum fine for a subsequent offense is $20,000. If there is a suspension, the individual must apply for reinstatement if the suspension extends past the licensing cycle. If there is a revocation, the individual must apply for reinstatement. The Board of Architects and the Board of Licensed Professional Engineers have no minimum or maximum timeframes for suspensions. Whenever possible, the Boards fine rather than suspend. There are no revocations. Suspensions are issued for a particularly egregious failure, such as a building collapse. Fines range from $500 - $10,000 for a first offense and up to $20,000 for a subsequent offense. If a suspension extends past a licensing cycle, the individual must apply for reinstatement.

Board discussion ensued. The Subcode Committees that reviewed this rule reported that they were all in favor of its proposal. The Plumbing Subcode Committee recommended that the 10-year limitation be changed to seven years to accord with the records retention schedule. The 10-year provision was based on the statute of repose; it was agreed that the 10-year limitation should remain. Several Board members who serve on the Peer review Committees commented that this change would provide the peer review system with a wider range of punitive options, which these Committees have been seeking and which they believe they need.

One Board member pointed out that the reason for the 60-day maximum suspension was that as the sole disciplinary authority for issues impacting code officials licensing, the 60-days provided protection to the officials. The correlation between the 60-day suspension and the 60-day term for a temporary appointment meant that the municipality could replace a suspended official without resorting to removal. The Department has been the sole adjudicator for issues

that impact the license of the officials that enforce that code. Municipalities could not remove a code official for license-related transgressions.

There was discussion as to whether a suspended official could be fired by the employer. There was agreement that municipalities can terminate the employment of officials who cannot work due to a suspension of their license.

In an extended discussion, one Board member pointed out that if this rule were to be approved, it must be correlated with the 60-day temporary appointment provision. The section should be changed to allow replacement of an official for the term of a suspension. The rule should not leave it to the Department to approve or reapprove an appointment because that would give the Department a second opportunity to effect a punishment for the same offense. In addition, there was a brief discussion about the need for a municipality to retain an official who is on leave due to military commitments.

A staff member reported that the Department has never weighed in when an employee has been terminated following a punitive action taken by the Department. There was discussion as to whether the Department's actions impact the job or the license of the official, recognizing that an official whose license has been suspended cannot perform the required job duties.

Cynthia A. Wilk, Division Director, agreed that the Department would review the 60-day temporary appointment regulation to ensure that a longer suspension would not compel the termination of an official.

Mr. Robert McCullough made a motion, which was seconded by Mr. John Scialla, to approve the rule and to recommend that the Department review the current 60-day language making a change in the proposed rule if necessary. The motion carried with one nay.

5. Draft Bulletin – Hard-wired Interconnected Smoke Alarms vs. Low-voltage Smoke Detection Systems

This draft bulletin, which was requested at the February 8, 2008 Code Advisory Board meeting, and which explains the Department's position on the installation of smoke alarms and low voltage household fire alarms, was referred to the Building, Electrical, and Fire Protection Subcode Committees.

The Building Subcode Committee recommended approval. The Electrical Subcode Committee recommended approval and also recommended that National Fire Protection Association (NFPA) 72 be reviewed to confirm that it prohibits more than 12 detectors on a single system. The Fire protection Subcode Committee recommended that "in accordance with R313.3 of the International Residential Code (IRC)" be added to the last paragraph.

Mr. Robert McCullough made a motion, which was seconded by Mr. John Scialla, to approve the rule as modified. The motion carried unanimously.

D. New Business

1. Draft Rule – Electrical Panels in Accessible Dwelling Units (N.J.A.C. 5:23-7.2)

This draft rule would require that the electrical panel within an accessible dwelling unit be installed within the required reach ranges with the required clear floor space.

One Board member pointed out that this requirement could have an impact on the Rehabilitation Subcode because the way the Barrier Free Subcode is referenced in the Rehabilitation Subcode.

This rule was referred to the Barrier Free, Building, and Electrical Subcode Committees with direction to review the rule and its impact on the Rehabilitation Subcode.

2. Draft Revisions to Bulletin 03-5: Special Inspections

This draft bulletin is a companion to the rule on special inspectors, which will be effective in the near future. The bulletin explains the requirements for special inspectors, special inspection agencies, and special inspections.

There was brief discussion about the minimal response to this required certification. One Board member recalled the crane operator program that had the ability to issue a license to a crane operator on the spot. With the minimal response, it might be a good idea to allow a special inspector found working without the certification to obtain a temporary certification, one that would allow the job to be completed. No other job could be undertaken by that inspector until the certification has been obtained.

One Board member informed the Department that Section 1912.1 of the International Building Code/2006 (IBC/2006), anchors for cast-in-place concrete are not reflected in the chart provided. They are included in the code text, but need to be added to the chart. The Department agreed to review this issue and to provide a response at the next Board meeting.

The revised draft bulletin 03-5 was referred to the Building and Fire Protection subcode Committees.

3. Draft Revision to Bulletin 93-3, Cathodic Protection of Gas Piping

Bulletin 93-3, Cathodic Protection of Gas Piping, was revised to reflect changes in the National Transportation Safety Board Office of Public Safety's current regulations. This draft bulletin was reviewed by the Mechanical/Energy Subcode Committee at its May 13, 2008 meeting.

Mr. Alexander Tucciarone made a motion, which was seconded by Mr. Arthur Doran, to approve the draft bulletin as revised. The motion carried unanimously.

E. Information

1. CAB Log: The updated log was included in the meeting packets.

2. Travel Reimbursements: The forms required to submit for reimbursement for travel were included in the meeting packets for Board members. Receipts are required for tolls and parking. Reimbursements must be submitted by June 27.

F. Pending Legislation:

1. A list of pending legislation was included in the meeting packets.

Cynthia Wilk, Division Director, informed the Board that A-500, a revision to affordable housing initiatives, includes a requirement that an affordable housing fee will be a prior approval on non-residential projects and will require that the local enforcing agency collects the fee for to issuing a permit. There was brief discussion about the current fees for affordable housing. One Board member stated that some municipalities have fees already. Another Board member commented that the Council of Affordable Housing (COAH) has required that half the required

fee be paid at the issuance of the permit and the other half at the time of the issuance of the certificate of occupancy. If it is passed and signed into law, this legislation will signify a change.

Board Member Comment: Referring to the discussion on revocation of licenses and alternative sanctions, one Board member thanked the Department's staff for providing information on the way that other organizations issue penalties to their members. He commented on the strides that have been made since the beginning of the Uniform Construction Code (UCC) enforcement system to eliminate corruption and to support professionalism. He believes that accomplishment, which is on-going, should be publicized.

G. Public Comment

George Spais, New Jersey Builders Association: Mr. George Spais asked the committees that are reviewing the draft rule on accessible electrical panels in accessible dwelling units to consider whether the garage serving the accessible dwelling unit, but not served by an accessible route, would be required to be served by an accessible route if the electrical panel were put in the garage.

Bob Davidson, Davidson Code Concepts, LLC: Mr. Davidson informed the Board that the Uniform Fire Code definition of "fire barrier" has been discussed by the Fire Codes Council and changes in the language to accord with the definition in the International Building Code (IBC) have been recommended.

Mr. Davidson also thanked the Department's staff for its work in the bulletin on hard-wired inter-connected smoke alarms. As the representative of the fire and burglar alarm association, Mr. Davidson believes the bulletin will be very helpful. He asked that a variation be allowed for solutions other than meeting the three conditions listed in the draft bulletin.

H. Adjourn

Mr. William Lynn, Chair, declared the meeting adjourned at 11:25 a.m.

UNIFORM CONSTRUCTION CODE ADVISORY BOARD
Minutes of Meeting, April 11, 2008

Location
101 South Broad Street
Trenton, New Jersey 08625

Attendance
Board Members

William J. Lynn, Chair
John Scialla, Vice Chair
William M. Connolly
John Del Colle
Arthur Doran
George Hrin
Robert McCullough
Michael Mills
Gregory Moten
Beth Pochtar
Leonard Sendelsky
James Sinclair
Joseph Surowiec
Alexander Tucciarone
Valerie Waricka

DCA Staff

Cynthia A. Wilk, Director, Division of Codes and Standards
Emily Templeton, Code Development Unit
John Terry, Code Assistance Unit
Michael Baier, Bureau of Code Services
Louis Mraw, Office of Regulatory Affairs
Robert Austin, Code Assistance Unit
Suzanne Borek, Code Assistance Unit
Paulina Caploon, Bureau of Code Services
Megan Czyz, Code Development Unit
John Delesandro, Bureau of Code Services
Marcel Iglesias, Code Assistance Unit
Susan McLaughlin, Education Unit
Darren Port, Code Assistance Unit
Drake Rizzo, Division of Codes and Standards
Michael Whalen, Code Assistance Unit

Guests

Jack Boekhout, Citizen
Robert Davidson, Davidson Code Concepts, Inc.
Sal DiCristina, Rutgers University
Gerald Grayce, Citizen

Jeffrey Heiss, Warren Township
Bruce Helmstetter, Borough of Fanwood
Stephen Jones, Building Officials Association of New Jersey (BOANJ)
Ron Kissel, West Windsor Township
Joseph LaBruzza, Township of Marlboro
Bob LaCosta, Scotch Plains
Bob Mahan, Inspector
Stanley Sickels, Borough of Red Bank
George Spais, New Jersey Builders Association

Mr. William J. Lynn, Chairman, called the Code Advisory Board (CAB) meeting to order at 9:32 a.m.

Public Hearing on the Rehabilitation Subcode Code Changes
At 9:33 a.m., Mr. John N. Terry, Division of Codes and Standards, opened the public hearing on the Rehabilitation Subcode code changes that were submitted to the Department. Mr. Terry asked if any proponents were present. There was no response. The public hearing was adjourned at 9:34 a.m.

The Code Advisory Board meeting resumed.

A. Approval of Minutes of the Code Advisory Board Meeting of December 14, 2007

Mr. Leonard Sendelsky made a motion, which was seconded by Mr. James Sinclair, to approve the minutes. The motion carried unanimously.

B. Subcode Committee Reports

Electrical Subcode Committee

Mr. Bob McCullough, Chair of the Electrical Subcode Committee, reported on two meetings, March 13 and March 27, in which agenda items were discussed.

Elevator Safety Subcode Committee

Mr. George Hrin, Chair of the Elevator Safety Subcode Committee, reported on a meeting held March 13, 2008 in which agenda items were discussed. In addition, the Elevator Subcode Committee discussed several elevator-related items, including the location of stop switches, handrail monitoring devices, restrictors, and the replacement of a governor in its entirety.

Fire Protection Subcode Committee

Mr. William Lynn, Chair of the Fire Protection Subcode Committee, reported on a meeting held April 1, 2008 in which agenda items were discussed.

In addition, the Committee held the following discussions:

Hydraulic Data Plate—Form 380: The Committee is reviewing draft revisions to this form. Once the Committee is in agreement, the draft will be provided to the Department for review and possible action. The Committee will review and continue to discuss these recommendations at its next Committee meeting.

IBC Section 910.4.4: One Committee member commented on an enforcement problem in connection with this section. Responsibility for plan review and inspection is assigned only to the Fire Protection Subcode Official, but this section includes electrical items. In order to ensure that the electrical items are inspected, the Committee recommends that inspection responsibility be assigned to the Fire Protection and Electrical Subcode Officials. The Board agreed. The Department will make this change, specifying the subsection to be assigned to Electrical Subcode Officials.

Increase in Occupant Load in Assembly (A) Building: One Committee member questioned whether a Construction Official could allow the occupant load of a Group A (Assembly) building to be increased after the Certificate of Occupancy (CO) has been issued. The occupancy load of the building was limited by the municipal zoning board because of a lack of adequate parking. At least one Construction Official has issued such an approval.

The following Committees did not meet: Barrier Free Subcode Committee, Building Subcode Committee, Mechanical/Energy Subcodes Committee, and Plumbing Subcode Committee.

C. Old Business

1. Draft Rule: National Electrical Code/2008 (N.J.A.C. 5:23-3.16)

This draft rule was referred to the Electrical and Elevator Subcode Committees for review. The Elevator Subcode Committee recommended approval of the rule as drafted. The Electrical Subcode Committee presented the following recommendations:

- Article 800.156 – requirements for communication outlet in dwelling unit: The NEC/2008 would require that a phone jack be installed in all dwelling units. This is not a reasonable requirement. There is no permit or inspection in a Class 3 building where no fire rated assembly is penetrated; a permit and inspection are required for installations in a Class 1 or Class 2 buildings. In addition, there is a general move toward wireless installations. A phone jack might not be needed and, therefore, should not be required. The Committee identifies this as a design issue and recommends that this section be deleted.
- Article 342.30 & (C); 352.30 & (C); 355.30 & (C); 358.30 & (C) – unsupported raceways. The over-riding question is how far from boxes the raceways must be supported. The NEC/2008 has changed the requirement to 18 inches, but the change was not adequately supported and did not include a logical explanation. The Committee recommends that "or permitted" in .30 of each of the above sections be deleted and that (C) also be deleted from all of the above sections. The Committee further recommends that the requirement remain as in NEC/2005.
- Critical Operations Power Source (COPS) -- This section deals with operability of power sources in an emergency. It does not specify who makes the determinations. It works the way that an emergency system works—the electrical subcode does not determine whether it is required, but if it is installed, the electrical subcode official is responsible for inspecting it to be sure that it is right. The Committee recommends accepting this article

and asks the Department to publish an article in the *Construction Code Communicator* explaining that this is not a requirement unless and until the State decides to scope it, but if the owner decides to install this system, the electrical subcode official must inspect it to be sure that it is installed according to code.

- Article 210.8(A)(2) & (5) – Ground Fault Circuit Interrupters in dwelling units: The NEC/2005 had exceptions from this requirement for garages; receptacles in the ceiling that are not readily accessible; dedicated receptacles, such as those behind refrigerators; receptacles in unfinished basements. The NEC/2008 deleted the exceptions because, although the receptacle might not be accessible, the appliance is accessible. There is no substantiation that anyone has been harmed by opening their freezer or by their garage door opener. The Committee recommends that the exception in the NEC/2005 for 210.8 (A) (2) & (5) be retained.
- Article 680.26 – Equipotential Bonding Grid: The Committee recommends that the NEC/2008 language be accepted. The NEC/2008 extends the requirement to create an equipotential bonding grid for any kind of walking surface, but accepts a single copper wire circling the pool. Therefore, although the requirement is extended, it is also made easier and more cost effective. One Board member asked if this applied even where there is no walking surface. It applies where there is sod, wood chips, or gravel. The Committee further recommended a *Construction Code Communicator* article to (1) explain the equipotential bonding grid will be required not just under paved walking surfaces but in dirt as well, (2) explain requirements for decks where surface is in contact with the earth; and (3) explain the ways that the requirement can be met. The Committee recommends this provision of the NEC/2008 be accepted.
- Article 406.8(A) & (B) – Weather-resistant Receptacles: The NEC/2008 requires weather-resistant receptacles to be marked. Supplies of properly marked weather-resistant receptacles are available. The cost is minimal for the benefit it provides. The receptacle should be labeled as "weather-resistant" or "WR" visible on the receptacle with the face plate on. In the next rehabilitation subcode code change cycle (2009), this question should be discussed and considered as a State-sponsored code change for the rehabilitation subcode. The Committee recommends this provision of the NEC/2008 be accepted.
- Article 406.11 – Tamper-resistant Receptacles: The NEC/2008 requires tamper-resistant receptacles. The receptacle must be marked "TR", which must remain visible after installation. Consumer Product Safety Commission (CPSC) data show that approximately 24,000 children are taken to Emergency Room for shock/burns annually. In addition, studies show that the caps can be removed too easily—a three-year old can remove the caps within 15 seconds, the Insertion force is less than that required for a spec grade receptacle, no problem using these receptacles was found for senior citizens for whom increased force could have been a problem. The receptacle requires that parallel blades must be inserted at the same time. In the next rehabilitation subcode code change cycle (2009), this question should be discussed and considered as a State-sponsored code change for the rehabilitation subcode. The Committee recommends this provision of the NEC/2008 be accepted.
- Article 518.4 – Wiring Methods- The NEC/2008 removed the additional equipment grounding requirement. The use of AC is allowed and no insulated ground is required by 250.118. The Committee recommends this provision of the NEC/2008 be accepted.

- Article 210.12 – Arc Fault Circuit Interrupters (AFCI): The NEC/2008 expands the areas where AFCIs would be required. They would be required everywhere except kitchens, bathrooms, and garages. The old arguments -- that there are not many manufacturers, that AFCI are not generally available, and that they increase cost without a concomitant increase in safety -- are obsolete. AFCI are available and no longer add to the overall cost of the house. The Committee recommends this provision of the NEC/2008 be accepted.

Mr. Robert McCullough made a motion, which was seconded by Mr. William Connolly, to approve the draft rule as recommended by the Electrical Subcode Committee. The motion carried unanimously.

2. Draft Rule: Framing Checklist Amendment Update (N.J.A.C. 5:23-2.18(b))

At the last Code Advisory Board meeting, February 8, 2008, the Board recommended approval of a change to require the use of the framing checklist for residential buildings of wood frame construction up to three stories in height. This draft rule would extend that requirement to all residential buildings of wood framed (Type V) construction. The effect of this change would be to include four-story residential buildings.

The Board engaged in lengthy discussion about the current requirements of the Uniform Construction Code (UCC) regarding the inspections for which work must cease. One Board member believed that any inspections that may be specified by the Construction Official are inspections for which construction must cease. There was discussion as to whether these additional, specified inspections require notice to the enforcing agency to provide an opportunity to conduct and inspection, but do not require construction to cease. Ultimately, the Department was directed to review these differing views and make a recommendation to the Board at the next Board meeting, June 13, 2008.

Mr. Leonard Sendelsky made a motion, which was seconded by Mr. Robert McCullough, to table this agenda item until the next Board meeting. The motion carried unanimously.

3. Fire Sprinklers on Balconies and Decks

In response to public comment on the proposed adoption of the 2006 International Building Code (IBC), the Department published a rule proposal to reinstate the section of the IBC that requires the installation of sprinklers on balconies and decks. This rule was published as a proposal in the *New Jersey Register* on June 4, 2007. The Department received a comment on the rule proposal asserting that there were no sprinkler heads that are listed for sidewall use. This assertion was researched and found to be accurate. To obtain their additional guidance, information was provided to the Building Subcode Committee and Fire Protection Subcode Committee and to the Code Advisory Board. Discussion ensued.

When the code change proposal was submitted to the International Code Council (ICC), the proponent knew that there were no sprinkler heads that were listed for this application. However, it was recognized that, in fact, sprinkler heads have been installed in this way and have operated effectively. Given the limitations of the testing for the listing, the ICC membership determined that the protection offered outweighed the other concerns. Such a determination is within the scope of authority for a model code organization and the model code change process is the proper venue for that decision. One Board member reminded the Board that there is an established hierarchy of authority for the promulgation, adoption, and enforcement of codes. At the top of the hierarchy is a statute, next are regulations, next is the model code itself, following

that is a technical standard, and after that is the listing. Listings are limited to specific aspects of a device -- to those that have been tested. Tests are conducted in response to specific requests and contracts. Because the listing does not extend to all aspects or applications of a device does not necessarily mean that the device would not perform well in the additional applications; it may mean that the tests that would demonstrate effectiveness have not been requested or conducted. In this case, the ICC membership knew that the listing had not been approved for the sidewall installation, discussed this in the public forum, and concluded that the protection provided outweighed the limitations of the documented listing.

The Board held a brief discussion concerning liability, proper installation of these sprinklers heads, and the limitations of their listing. Ultimately, it was recommended that the Department provide clear guidance and that guidance include a discussion of the hierarchy of regulations, model code provisions, technical standards, and listing and labeling.

Mr. William M. Connolly made a motion, which was seconded by Mr. Leonard Sendelsky, to adopt the proposal as published in the New Jersey Register and to provide guidance to officials on compliance. The motion carried with one abstention.

4. Special Inspectors

Following approval by the Code Advisory Board on December 14, 2007 of the draft rule on special inspector licensing, to ensure that the draft rule would achieve the intended result, the Department asked for review of the draft by special inspectors and several special inspector firms. They requested three changes to the rule for clarity and for consistency with standard practice. The Department brought those changes to the Board for additional discussion. First, an experience requirement of one year in the field in which the special inspector certification is sought has been added for an applicant with a bachelor's degree. Second, an experience requirement of one year in the field in which the special inspector certification is sought has been added for an applicant who is licensed as a professional engineer. Third, the examination requirements include a caveat, "or equivalent as determined by the Department of Community Affairs," to ensure that should additional exams become known, they may be evaluated for equivalency.

The Board held a brief discussion. One Board member confirmed that to be certified in welding, the applicant would have to have experience in welding. One Board member commented on the language for "skilled trade" and commented that term generally refers to Union workers. It was agreed that term would be changed to "professional experience directly related to the specific specialty."

Mr. Robert McCullough made a motion, which was seconded by Dr. James Sinclair, to approve the rule as amended by Board discussion. The motion carried unanimously.

D. New Business

1. Draft Rule -- Adopted Model Code Update (N.J.A.C. 5:23-3.5, 3.14, 3.15, 3.18, 3.21, 4.20, 5.20)

This draft rule, which corrects references as a result of the 2006 model code adoptions, was referred to the Building, Elevator, Fire Protection, Mechanical/Energy, and Plumbing Subcode Committees for review.

2. Draft Rule -- Rehabilitation Subcode Code Changes (N.J.A.C. 5:23-6)

This draft rule, which includes three code changes submitted by the public and three Agency-initiated code changes, was referred to the Building, Electrical, Fire Protection, and Mechanical/ Energy Subcode Committees for review.

3. Draft Rule – Cross-reference Corrections in Commercial Farm Buildings (N.J.A.C. 5:23-3.2(d)) and Responsibilities Update in Barrier Free Subcode (N.J.A.C. 5:23-7)

Mr. John DelColle made a motion, which was seconded by Mr. Robert McCullough, to approve the draft rule. The motion carried unanimously.

4. Draft Rule -- Revocation of Licenses and Alternative Sanctions (N.J.A.C. 5:23-5.25)

This draft rule would make two changes: First, it would eliminate the 60-day limitation of license suspension, which would allow longer suspensions and would expand the disciplinary options; second, it would establish a statute of limitations for the Department to take action against a code official for misconduct to 10 years.

Currently, the Department is limited by rule as to the sanctions that it can impose upon a person who is licensed as a construction official, subcode official, or an inspector, because there is no intermediate penalty between 60-day suspension and revocation. This proposed amendment would eliminate the 60-day maximum for a license suspension and would thus allow for progressive discipline.

It would also require that any conduct for which the Department seeks to impose sanctions must have occurred within the past ten years. Such a 10-year limitation would be consistent with the 10-year limitation on civil actions brought by the State that is set forth in N.J.S.A. 2A:14-1.2. It would also be consistent with the 10-year limitation on civil actions for damages for injury from an unsafe condition of real property that is set forth in N.J.S.A. 2A:14-1.1. As is the case with these statutes, the 10-year period starts when the conduct occurs, not when the Department becomes aware of it.

The Board held a lengthy discussion about the history of this regulatory provision and the possible impact of its elimination. One Board member pointed out that the provision was included in the Uniform Construction Code (UCC) to prevent unnecessary problems that could occur for municipalities when the State issues sanctions against their employees. With lengthy license suspensions, this is an issue that the State could create, but could not answer. Would the municipality have to hold the sanctioned official's job open if the suspension were to be for six months? Would the municipality have to hire a temporary employee for the duration of a six-month suspension? The 60-day license suspension provision required the Department to make a decision. If the offense were sufficient to require revocation, the Department would move to revoke the license. If it were not sufficient to require revocation, the 60-day suspension would be an adequate penalty. This two-pronged approach was adopted because it simplified the issue as a matter of law.

On the other hand, it was pointed out that the Department now has Peer Review Committees that recommend sanctions to the Department. Peer Review Committee members have been asking for a progressive disciplinary system by which they could recommend something more than a 60-day suspension without resorting to license revocation. Several Board members commented on the development of progressive discipline in the work place. Such a large gap between available sanctions has caused problems.

There was brief discussion about the employment problems that the municipality would face with a longer suspension. It was pointed out that whether a municipality retains an official whose license has been suspended is a municipal, not a State, issue.

One Board member asked approximately how many sanctions are issued in a year. There are approximately 60 actions taken in a year. In response to a question about what makes 90-days or 120-days a better suspension, the Board was informed that members of Peer Review Committees have requested increased options. In their opinions, the available sanctions are insufficient. Several Board members who also serve on Peer Review Committees commented on the struggle in deciding whether to recommend suspension for 60-days, which is not sufficiently punitive for some infractions, or to move to revocations, which deprives the official of his livelihood and which seems unduly harsh for those same infractions.

The draft rule was sent to all committees; in addition, the Department was asked to determine how other licensing organizations handle this problem and to report back to the Board at the June 13, 2008 meeting.

5. Draft Bulletin – Hard-wired Inter-connected Smoke Alarms vs. Low-voltage Smoke Detection Systems

This draft bulletin, which was requested at the February 8, 2008 Code Advisory Board meeting, and which explains the Department's position on the installation of smoke alarms and low voltage household fire alarms, was referred to the Building, Electrical, and Fire Protection Subcode Committees.

E. Information

1. CAB Log: The updated log was included in the meeting packets.

F. Pending Legislation:

A list of pending legislation was included in the meeting packets.

G. Public Comment

Mr. Sal DiCristina, Rutgers University, commented on the discussion regarding the relative importance of listing and labeling in the hierarchy of code requirements. He reminded the Board that their action to accept the provision of the model code as carrying more weight than the listing and labeling of equipment has precedent in the requirement of inter-connected alarms outside their listing. He added that it is critical that, to ensure uniform enforcement and protection for code users, the Department provide guidance on this issue.

H. Adjourn

Mr. William Lynn, Chair, adjourned the meeting at 11:05 a.m.

I. Executive Session

Mr. William Lynn, Chair, called the Executive Session to order at 11:10 a.m. The Executive Session was adjourned at 11:15 a.m.

UNIFORM CONSTRUCTION CODE ADVISORY BOARD
Minutes of Meeting, February 8, 2008

Location
101 South Broad Street
Trenton, New Jersey 08625

Attendance
Board Members

William J. Lynn, Chair
William Connolly
John Del Colle
Art Doran
George Hrin
Robert McCullough
Beth Pochtar
John Scialla
Leonard Sendelsky
James Sinclair
Joseph Surowiec
Alexander Tucciarone
Valerie Waricka

DCA Staff

Cynthia A. Wilk, Director, Division of Codes and Standards
Emily Templeton, Code Development Unit
John Terry, Code Assistance Unit
Michael Baier, Bureau of Code Services
Louis Mraw, Office of Regulatory Affairs
Robert Austin, Code Assistance Unit
Suzanne Borek, Code Assistance Unit
Paulina Caploon, Bureau of Code Services
Megan Czyz, Code Development Unit
John Delesandro, Bureau of Code Services
Thomas Pitcherello, Code Assistance Unit
Darren Port, Code Assistance Unit
Drake Rizzo, Division of Codes and Standards
Michael Whalen, Code Assistance Unit

Guests

Sal DiCristina, Rutgers University
George Spais, New Jersey Builders Association
Brenda Sirkis, West Windsor Township
Jeffrey Heiss, Warren Township
Joe Valeri, West Windsor Township
Anthony Scozza, Plainsboro

CAB Minutes
February 8, 2008

Mr. William J. Lynn, Chairman, called the Code Advisory Board (CAB) meeting to order at 9:30 a.m.

A. Approval of Minutes of the Code Advisory Board Meeting of December 14, 2007

Mr. Leonard Sendelsky made a motion, which was seconded by Mr. Robert McCullough, to approve the minutes. The motion carried unanimously.

B. Subcode Committee Reports

Barrier Free Subcode Committee

Mr. John DelColle, Chair of the Barrier Free Subcode Committee, reported that there was no meeting held.

Building Subcode Committee

Mr. John Scialla, Chair of the Building Subcode Committee, reported on the January 27, 2008 meeting in which agenda items were discussed.

Electrical Subcode Committee

Mr. Bob McCullough, Chair of the Electrical Subcode Committee, reported on the December 20, 2007 and January 24, 2008 meetings in which agenda items were discussed.

In addition, the Committee discussed some changes in the 2008 National Electrical Code (NEC) and some electrical issues in construction trailers.

Elevator Safety Subcode Committee

Mr. George Hrin, Chair of the Elevator Safety Subcode Committee, reported on a meeting held January 17, 2008 in which agenda items were discussed.

Fire Protection Subcode Committee

Mr. William Lynn, Chair of the Fire Protection Subcode Committee, reported on a meeting held January 29, 2008 in which agenda items were discussed.

In addition, the Committee held the following discussions:

Hydraulic Data Plate—Form 380: the Committee was presented with changes recommended to Form F-380, Hydraulic Data Plate. The proponent recommended that "Main Drain Test" be added under "Fire Pump Rating" and that "Static (space) PSI" and "Residual (space) PSI" be added beside "Main Drain Test." The Committee will review and discuss these recommendations at its next Committee meeting.

UCC Permit Application Jacket, page 1: the Committee received a recommendation that Section IV of the Uniform Construction Code (UCC) application jacket be revised to include

"Standpipes" next to "Sprinkler." In addition, it was recommended that a new item 12, "Fire Alarms" be included.

IBC Section 905, Standpipe System: One Committee member noted that there is a typographical error in Section 905.2.1.1, Exception 3 in the International Building Code (IBC). The error is in the cross reference to Section 906.2.1, which is an old citation from the Building Officials and Code Administrators (BOCA) National Building Code. The reference should be Section 903.3.1.1. The reference is for an automatic sprinkler system installed per National Fire Protection Association (NFPA) 13.

Rehabilitation Subcode Code Changes: One Committee member distributed Rehabilitation Subcode code changes. The Chair informed the member that Rehabilitation Subcode code changes must be submitted to the Division of Codes and Standards and not through the Committee or the Code Advisory Board.

Sprinkler Protection of Balconies and Decks: The information provided by the code change proponent was not satisfactory, so the Committee has asked the Department to obtain additional information from the International Code Council (ICC).

Mechanical/Energy Subcodes Committee

Mr. Arthur Doran, Chair of the Mechanical/Energy Subcodes Committee, reported that there was no meeting held.

Plumbing Subcode Committee

Mr. Alex Tucciarone, Chair of the Plumbing Subcode Committee, reported on a meeting held on January 11, 2008 in which agenda items were discussed.

In addition, the Committee discussed the following issues:

On January 11, 2008, the Governor signed into law the creation of the Heating, Ventilation, Air Conditioning, and Refrigeration Licensing Board. The next step is to appoint the Board members.

The Committee held a brief discussion on waterless urinals and air admittance valves.

One Committee member recommended that permit form F-180 include space for the number of the licensed contractor.

In December, the Board of Master Plumbers issued a statement that all site utility piping that is run from one building to another must be laid by a licensed master plumber. There was brief discussion that this goes counter to practice. One Board member commented that site utilities could be installed by the utility company. The Department agreed to look into this.

C. Old Business

1. Draft Rule – Garden-type Utility Sheds (N.J.A.C. 5:23-2.14)

This draft rule, which would establish when a permit is required on agricultural sites and would move the provisions for sheds on residential sites to the building and one-and two-family subcodes, was referred to the Building, Electrical and Plumbing Subcode Committees for review.

The Building Subcode Committee recommended that several amendments be considered. First, the requirement that sheds that are 100 square feet or less be of "sufficient weight to

remain in place" could be deleted and the requirement that sheds that are between 100 square feet and 200 square feet could have gravel and be of sufficient weight to remain in place could be deleted. The reasoning is that frost heaves are not much of a problem with a building this size as long as there are no utility connections. If there are utility connections, a foundation should be required.

The Electrical Subcode Committee recommended that it be made clear that a permit is not required only when there are no utility connections. If there is an electrical connection, an electrical permit is required.

A brief discussion ensued. The Board recommended that the rule make it clear that a permit is required for electrical connections and that a permit is not required for sheds of less than 200 square feet with no water, sewer, or gas connections and no foundation.

Dr. James Sinclair made a motion, which was seconded by Mr. Robert McCullough, to approve the draft rule as amended. The motion carried unanimously.

2. Bulletin/FTO Update: Revisions to Bulletin 90-7 (Churches and Houses of Worship) and 94-1 (Size of Gas Piping)

These Bulletins were recommended for revision at the Code Advisory Board meeting of December 14, 2007.

Bulletin 90-7 (Churches and Houses of Worship): *Mr. Alexander Tucciarone made a motion, which was seconded by Mr. Arthur Doran, to approve Bulletin 90-7 as revised. The motion carried unanimously.*

Bulletin 94-1 (Size of Gas Piping): There was a brief discussion about whether the bulletin should be renamed "Liquefied Petroleum (LP) Gas Piping."

Mr. Robert McCullough made a motion, which was seconded by Dr. James Sinclair, to approve the revised bulletin with the revised name. The motion carried unanimously.

3. Draft Rule – Elevator Safety Subcode Amendments (N.J.A.C. 5:23-12)

This draft rule, which contains improvements in the Elevator Safety Subcode due to changes in the referenced technical standards, was referred to the Elevator Safety Subcode Committee, Fire Protection Subcode Committee, and Building Subcode Committees for review.

The Fire Protection Subcode Committee held a discussion as to whether there is a conflict between the draft rule and the Uniform Fire Code (UFC) and, consequently, whether the rule should require a new controller to activate fire service. The UFC requires that a controller be installed in all elevators in high-rise buildings. There was brief discussion in the Fire Protection Subcode Committee as to whether the installation of a controller should be required in all elevators that travel more than 25 feet even though the UFC requires the installation of a controller only in elevators in a high-rise building. It was admitted that installing Phase I/II fire service expands the scope of work. Phase I/II fire service is required in the Rehabilitation Subcode in the supplemental requirements that apply to reconstruction projects.

One Board member pointed out that the creation of the list as to which work requires a permit (minor work) and which does not (ordinary maintenance) was a painstaking process in which each recommendation was made mindfully. Controllers were included as ordinary maintenance based on the Rehabilitation Subcode standard of allowing the replacement of "like with like" without requiring an upgrade. If the controller is equipped with Phase I/II fire service, the Phase I/II fire service must function. No new (replacement) controllers are without the Phase I/II fire service. The code has wavered over the years on whether to require Phase I or Phase II fire service.

One Board member commented that one of the precepts of the Rehabilitation Subcode is "now is not the perfect time." The time that a building owner is replacing the controller is not the perfect time to require an upgrade.

Mr. George Hrin made a motion, which was seconded by Mr. Robert McCullough, to approve the rule without amendments. The motion carried unanimously.

4.. Draft Rule—Smoke Alarm Requirements of the International Residential Code (IRC)/2006 (N.J.A.C. 5:23-3.21)

The Building Subcode Committee recommended that the language in the International Residential Code (IRC) be retained and a variation be granted where the code requirements cannot be met with a hardwired system. In addition, the Building Subcode Committee recommended that the Department publish a Bulletin regarding the issuing of variations in these circumstances.

The Electrical Subcode Committee approved the concept. There was brief Committee discussion about the enforcement.

There was brief discussion about whether a low voltage system should not be allowed when it cannot operate without the panel removed. Once direction is given by the Board, the Department can provide a Bulletin.

The Fire Protection Subcode Committee commented that the language clearly refers to smoke alarms not smoke detectors. The Fire Protection Subcode Committee also recommended that a bulletin be provided to ensure consistent guidance. There was also discussion about the ability of a monitoring company to shut off the system in a home entirely. A maximum of 12 smoke alarms are allowed on a circuit; when more than 12 are needed, a smoke detection system is needed. Houses with more than seven bedrooms would exhaust the 12 alarm maximum.

One Board member commented that this situation is ripe for a variation. The variation should be granted when the size of the building requires more than 12 alarms and not when the owner choosesto install more than 12 alarms.

Another Board member observed that smoke detector maintenance is generally superior to maintenance of smoke alarms. It was agreed that maintenance, which is critical, is hard to enforce. The national model code process has made a decision, which is that hard wired smoke alarms are required. In response to a comment that heat detectors are commonly installed throughout homes, one Board member stated that homeowners may have a dual system installed—smoke alarms and heat detectors; parallel systems are not prohibited.

One Board member asked whether the variation would be required when a house is too big to allow the installation of the code-required alarm system. In that case, at a minimum, there was discussion as to whether the variation fee should be waived since the code, as adopted, cannot be met. The point was raised that if the code enforcement agency had to perform additional work, it should be able to charge the fee.

There was brief discussion of the advent of wireless systems. At this time, they are not allowed by the code, so they cannot be the required system. Hard-wired, interconnected alarms are required by code. One Board member asked that wireless systems be addressed in the Bulletin and that it be made clear that a wireless system cannot count as the required system. Another Board member asked whether there should be a requirement that the monitoring companies that can disable a system be required to notify the homeowner before a system is made inactive.

Mr. Robert McCullough made a motion, which was seconded by Mr. George Hrin, that the language from the International Residential Code (IRC) be retained and a Bulletin be written to provide direction to code officials. The motion carried unanimously.

D. New Business

1. Draft Rule: Framing Checklist Amendment (NJAC 5:23-2.18(b))

Mr. John Scialla made a motion, which was seconded by Mr. Leonard Sendelsky, to approve the draft rule. The motion carried unanimously.

2. Draft Rule: National Electrical Code/2008 (NJAC 5:23-3.16)

This draft rule was referred to the Electrical and Elevator Subcode Committees for review.

E. Information

1. CAB Log: The updated log was included in the meeting packets.

F. Pending Legislation: A list of pending legislation was included in the meeting packets.

G. Public Comment

Mr. Sal DiCristina, Rutgers University, commented that consideration should be given to waiving the variation fee where the building owner cannot comply with the requirements of the IRC for smoke alarms.

Mr. Jeffrey Heiss, Warren Township asked that the Bulletin that is to be written on smoke alarm systems discuss whether it is acceptable to extend existing systems.

H. Adjourn

Mr. William Lynn, Chair, adjourned the meeting at 10:55 a.m.

I. Executive Session

Mr. William Lynn, Chair, called the Executive Session to order at 11:00 a.m. It was adjourned at 11:05 a.m.