

**UNIFORM CONSTRUCTION CODE ADVISORY BOARD**  
**Minutes of Meeting, December 11, 2020 @ 9:30am**  
**(held electronically via MS Teams)**

**Attendance**

Board Members

John Scialla (Vice Chair)  
Doug Boydston  
Kathy Herity  
Henry Kelly  
Art Londensky  
Greg Moten  
Bob Mellohusky  
Tony Neibert  
Steve Rodzinak  
Valerie Waricka

Members absent: Beth Pochtar (Chair), Andy Cattano, Mark Caputo, Michael Seeve

DCA staff

Edward Smith, Director, Division of Codes and Standards  
Robert Austin  
Marie Daniels  
John Delesandro  
Keith Makai  
Adam Matthews  
Erin Mifka  
Thomas Pitcherello  
Dan Tober  
Chrystene Wyluda

Mr. Robert Austin called the meeting to order at 9:30 a.m. Roll call was performed.

**A. Approval of Minutes of the Code Advisory Board Meeting June 12, 2020**

*Mr. Art Londensky made a motion, which was seconded by Mr. Tony Neibert, to approve the minutes without change. The motion carried unanimously.*

**B. Subcode Committee Reports**

**Electrical Subcode Committee:** Mr. Tony Neibert reported that the committee met twice to discuss old business items. The minutes have been included with the materials for this meeting, and there are no action items to report.

**Elevator Subcode Committee:** Mr. Doug Boydston reported that the committee met once virtually to discuss an issue with a certificate of inspection. No action items resulted from the meeting, and Mr. Boydston confirmed he would provide a brief summary of the meeting.

**C. Old Business**

CAB MINUTES  
December 11, 2020

1. Draft Rule: Update to Reconstruction Sections of the Rehabilitation Subcode for R Uses, N.J.A.C. 5:23-6.26 and 6.27. *This item was referred to the Electrical Subcode Committee.*

Mr. Tony Neibert provided background for this dilemma. The largest issue is that buyers purchase old housing to gut it, which is classified as a reconstruction. In this event, approximately 95 percent of electrical contractors bring the homes up to the most recent edition of the code, but it is currently not required to do so, and code officials cannot compel contractors to make these updates. This draft rule would allow code officials the ability to enforce the most recent edition of the code in reconstruction by requiring compliance with everything included in Sections 210.70 and 210.52 of the electrical subcode. This change makes sense because reconstruction projects already entail a larger cost than other rehabilitation projects, so updating the receptacles and switches at this time is practical without being a burdensome and unnecessary cost. This change also eliminates the safety issues associated with using extension cords throughout the home.

Mr. Art Londensky agreed with Mr. Neibert's description of the issue and the language of the draft rule.

Mr. Gregory Moten asked if certain projects would be covered, specifically a scenario where a warehouse is converted into an R-2 residential use. Mr. Robert Austin explained that because a change of use of that nature would constitute a reconstruction, it would be covered. *Mr. Steve Rodzinak made a motion, which was seconded by Mr. Art Londensky, to approve the draft rule. The motion carried unanimously.*

2. Draft Rule: Countertop Extensions, Receptacles – Rehabilitation Subcode, N.J.A.C. 5:23-6.8. *This item was referred to the Electrical Subcode Committee.*

Mr. Robert Austin explained that based on the action to move the above item, this draft rule would not be needed; it would be covered by the changes described above.

*Mr. Tony Neibert made a motion, which was seconded by Mr. Art Londensky, to deny the draft rule based on item C.1. The motion carried unanimously.*

#### **D. New Business**

1. Bulletin 99-1 Update

Mr. Tony Neibert explained that this relates to the annual inspection of pools. The current wording of the Bulletin is being used to have owners remove perfectly good materials and replace items with new, code-compliant items. The Bulletin would thus be amended to state that unless an item is deteriorating, it can remain in place.

*Mr. Steve Rodzinak made a motion, which was seconded by Mr. John Scialla, to approve the updated Bulletin. The motion carried unanimously.*

2. Form F120, Electrical Subcode Technical Section Update

Mr. Tony Neibert explained that the Electrical Subcode Technical Section would be updated to match all other forms at the signature line for the contractor exempt applicant to remove the reference to Landscape Irrigation Contractors. This line is not included on any other form. One Board member noted that the electrical subcode official in his municipality wanted the change, and another agreed that it was unnecessary, since Landscape Irrigation Contractors mostly do plumbing work, and the Plumbing Subcode Technical Section does not include them on the form.

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Mr. Robert Austin reminded the Board that municipalities should utilize the forms they currently have printed until they run out.

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

**E. Information**

1. CAB Tentative Meeting Dates for 2021: Tentative meeting dates for 2021 were provided as follows: Feb 12; Apr 9; Jun 11; Aug 13; Oct 8; Dec 10
2. The Code Advisory Board Log was provided electronically.
3. The List of Pending Legislation was provided electronically.

Mr. Steve Rodzinak informed the board that Plumbing Subcode Committee member Charles Johnson has passed away, and another member has retired. He confirmed that he will be looking to fill these two open positions.

**F. Public Comments**

There were no public comments.

**G. Adjourn**

With no need for an executive session, the meeting was adjourned at 10:15 a.m.

**CAB MINUTES**  
**June 12, 2020**

**UNIFORM CONSTRUCTION CODE ADVISORY BOARD**  
**Minutes of Meeting, June 12, 2020**  
Held virtually via Microsoft Teams

**Attendance**

Board Members

Beth Pochtar (Chair)  
John Scialla  
Doug Boydston  
Kathy Herity  
Henry Kelly  
Arthur Londensky  
Gregory Moten  
Tony Neibert  
Stephen Rodzinak  
Valerie Waricka  
Bob Mellohusky  
Mark Caputo

Members Absent: Andy Cattano, John DelColle, and Michael Seeve

DCA Staff

Edward Smith  
Robert Austin  
Marie Daniels  
John Delesandro  
Bob Hilzer  
Keith Makai  
Adam Matthews  
Erin Mifka  
Tom Pitcherello  
Dan Tobler  
Michael Whalen  
Chrys Wyluda

Guests:

John Drucker

Ms. Beth Pochtar, Chair of the Uniform Construction Code Advisory Board, called the meeting to order at 9:30am. Given the virtual format of the meeting, it was agreed that DCA Staff would guide conversation to the greatest extent possible.

**A. Approval of Minutes of the Code Advisory Board Meeting of December 13, 2019**

## **CAB MINUTES**

**June 12, 2020**

Ms. Beth Pochtar noted that portions of the minutes discussing fiber reinforcement strips did not accurately capture the discussion; she clarified the discussion and asked that the minutes be amended accordingly. Staff agreed to the amendment.

*A motion was made, which was seconded, to approve the minutes without change. The motion carried unanimously.*

### **B. Subcode Committee Reports**

No subcode committee meetings were held prior to this meeting.

### **C. Old Business**

C.1. Draft Rule: Update to Reconstruction sections of the Rehabilitation Subcode for R-uses, N.J.A.C. 5:23-6.26 & 6.27

Mr. Robert Austin explained to the Board that this item, upon review by the Electrical Subcode Committee, needed further review. The electrical subcode committee requested the discussion be tabled until such review is taken in the event of further changes. Board members agreed, stating a need to carefully consider how updating the rehabilitation subcode could impact the cost of work, as well as whether further updates would be needed.

*This item was referred back to the electrical subcode committee for further review.*

### **D. New Business**

D.1. Draft Rule: Responsibilities, solar update, N.J.A.C. 5:23-3.4

Mr. Robert Austin introduced this item to the Board, explaining that upon the adoption of the 2018 model codes, the Department proposed amendments to N.J.A.C. 5:23-3.4, Enforcement responsibilities, to align the content of the section with the model codes. In reviewing these amendments, certain oversights and inconsistencies have been identified that the Department now seeks to remedy. The changes in this proposal pertain to IBC Section 3111, Solar energy systems, IBC Section 3112, Greenhouses, and IRC Section 324, Solar thermal systems. Formerly, Section 3111 contained blanket designations wherein responsibility for plan reviews resided with building and fire protection subcode officials and responsibility for inspections resided with fire protection subcode officials. The proposed amendments will specify plan review and inspection responsibilities by subsection so as to mirror the responsibility breakdown assigned in IRC Section 324. Plan review and inspection responsibilities will also be assigned for Section 3112, Greenhouses.

This was initially referred to the building, fire protection, and electrical subcode committees. However, after the meeting was held, the chairs of these committees came to a consensus and stated that this item could be moved via email, and that the regular comment period entailed in rule proposals would be sufficient feedback on the draft rule.

*In a vote held via email, twelve board members voted, and one did not reply, to approve the draft rule.*

D.2. Draft Rule – Countertop Extensions, Receptacles – Rehab, N.J.A.C. 5:23-6.8

## **CAB MINUTES**

**June 12, 2020**

Mr. Robert Austin introduced this draft rule and explained that the draft would require extended countertop spaces (e.g. peninsulas) to be provided with the appropriate receptacle installation/placement. This modification would not apply to countertops that are being replaced in-kind. This item was directly related to the Old Business item C.1, above. In keeping with Old Business C.1, above, the Board tabled this item pending further review and potential changes from the electrical subcode committee.

*This item was referred to the electrical subcode committee.*

D.3. Draft Rule: Accessible Means of Egress and Rehab, N.J.A.C. 5:23-6.9

Mr. Robert Austin introduced this draft rule and explained that the 2015 International Building Code (IBC) contained a provision that accessible means of egress are not required to be provided in existing buildings per exception 1 of Section 1009.1. With the adoption of the 2018 IBC, this exception was removed and likely placed in the International Existing Building Code. Because the Department follows its own existing building code, the Rehabilitation Subcode should be updated to reflect the same.

This was initially referred to the building subcode committee. However, after the meeting was held, the chair of the committee stated that this item could be moved via email, and that the regular comment period entailed in rule proposals would be sufficient feedback on the draft rule.

*In a vote held via email, twelve board members voted, and one did not reply, to approve the draft rule.*

### **E. Information**

1. CAB Tentative Meeting Dates 2020 – Aug 14; Oct 9; Dec 11
2. CAB Log  
The CAB Log was provided to the Board via email.
3. List of Pending Legislation (provided electronically)

### **F. Public Comments**

There were no public comments

### **G. Adjourn**

The public portion of the meeting was adjourned at 10:00 AM

### **H. Executive Session**

The Executive Session was called to order at 10:10 a.m.

### **I. Adjourn**

The meeting was adjourned at 10:20 a.m.

**CAB MINUTES**  
**December 13, 2019**

**UNIFORM CONSTRUCTION CODE ADVISORY BOARD**  
**Minutes of Meeting, December 13, 2019**

Location  
101 South Broad Street  
Trenton, New Jersey 08625

**Attendance**

Board Members

Beth Pochtar (Chair)  
Michelle Wood (for John Scialla, Vice Chair) Doug Boydston  
John D. DelColle  
Kathy Herity  
Henry Kelly  
Arthur Londensky  
Gregory Moten  
Tony Neibert  
Stephen Rodzinak  
Valerie Waricka  
Bob Mellohusky

DCA Staff

Edward Smith, Director, Division of Codes and Standards Robert Austin, Code Assistance and Code Development Units Scott Borsos, Bureau of Construction Project Review  
Marie Daniels, Code Development Unit  
John Delesandro, Education and Licensing Unit  
Bob Hilzer, Office of Regulatory Affairs  
Keith Makai, Code Development Unit  
Adam Matthews, Code Development Unit  
Erin Mifka, Bureau of Construction Project Review  
Tom Pitcherello, Bureau of Construction Project Review  
Dan Tober, Bureau of Construction Project Review  
Michael Whalen, Code Assistance Unit  
Chrystene Wyluda, Director's Office

Guests:

John Fiedler, NJBOA, MUNCO, and Hillsborough Township Steven Gluck, Mountain Lakes, MUNCO  
Bob LaCosta, NJBOA  
Brian K. Miller, Plainsboro Township, MUNCO  
Larry Scorzelli, NJBOA

**CAB MINUTES  
December 13, 2019**

Ms. Beth Pochtar, Chair of the Uniform Construction Code Advisory Board, called the meeting to order at 9:30am.

**A. Approval of Minutes of the Code Advisory Board Meeting of October 11, 2019**

*Mr. Art Londensky made a motion, which was seconded by Mr. Henry Kelly, to approve the minutes without change. The motion carried unanimously.*

**B. Subcode Committee Reports**

**Barrier-Free Subcode Committee:** Ms. Marie Daniels reported on a meeting from October 25, 2019 in which agenda items were discussed.

**Building Subcode Committee:** Ms. Michelle Wood reported on a meeting held November 15, 2019 in which agenda items were discussed.

**Electrical Subcode Committee:** Mr. Tony Neibert reported that the committee met November 21, 2019 and discussed agenda items.

**Elevator Subcode Committee:** Mr. Doug Boydston reported that the committee met November 21, 2019 and discussed agenda items. The committee discussed private residency elevators, and Mr. Boydston explained the issue to the Board. The Department does not register or inspect private residency elevators, and as a result, said elevators might not meet installation or even state-recognized standards. A consumer protection letter that was issued to all fifty states dictated that these private residency elevators should be fully up to code, which the committee found unrealistic. It would be more realistic to inspect those elevators based on the code to which they were built. Deliberations followed on the topic of registration, with committee members pointing out that there are not enough elevator inspectors in the state to accomplish such a task. The board discussed how to redress violations; mitigating can be fairly inexpensive, whereas complete overhauls would pose a huge expense. The board agreed that educational outreach by consumer protection would be ideal.

**Fire Protection Subcode Committee:** Mr. Art Londensky reported that the committee met November 14, 2019 and discussed agenda items.

**Mechanical Subcode Committee:** Mr. Bob Mellohusky reported that the committee met November 21, 2019 and discussed agenda items.

**C. Old Business**

1. Draft Rule: Ordinary Maintenance/Minor Work (N.J.A.C. 5:23-2.7)  
Mr. Robert Austin introduced this item, and a page-by-page review of the drafted amendments commenced.



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N.J.A.C. 5:23-2.7(c)1vi. Non-loadbearing partition

A committee member inquired how the proposed changes would impact a tenant fit-out. It was determined that a tenant could take out non-loadbearing partitions, and code officials would not be alerted; the board was reminded that the proposed rule would only affect one and two-family dwellings.

*Mr. Art Londensky made a motion, which was seconded by Mr. Stephen Rodzinak, to approve this section of the draft rule without change. The motion carried unanimously.*

N.J.A.C. 5:23-2.7(c)1vii. Non-structural elements

It was clarified that the change proposed here would add to the existing list of elements that fall into the category of “ordinary maintenance.” A committee member inquired about the status of elements such as shower seats and railings, as they are technically “loadbearing.” A committee member responded that the draft rule explicitly states that an element must be nonstructural in another section. Another committee member raised various exceptions that pose a safety issue, but it was determined that such instances are outside the jurisdiction of the UCC.

*Mr. Art Londensky made a motion, which was seconded by Mr. Gregory Moten, to approve this section of the draft rule without change. The motion carried unanimously.*

N.J.A.C. 5:23-2.7(c)1xiii. Decks, porches, and stoopes

After a discussion as to what is or is not considered ‘structural’ in working on a deck, the committee agreed to add “with like or similar materials” and “like structural capacity” to the draft rule language.

*Mr. Stephen Rodzinak made a motion, which was seconded by Mr. Gregory Moten, to approve this section of the draft rule as amended by the discussion. The motion carried unanimously.*

N.J.A.C. 5:23-2.7(c)3i. Ordinary electrical maintenance, replacement of fixtures

In discussing this draft amendment, which would establish a limit on replacement of receptacles, switches, and fixtures of a certain voltage, one Board member explained that the number used in the draft amendment was arbitrary, as even voltages as low as 50 can be dangerous at times. The board member expressed that the rule as proposed is not useful and would be burdensome to those replacing fixtures that do not currently require permits. The committee agreed to leave language as currently adopted.

*Mr. Art Londensky made a motion, seconded by Mr. Tony Neibert, to disapprove the draft amendment. The motion carried unanimously.*

N.J.A.C. 5:23-2.7(c)3v, 5vi, 5ix. Kitchen range hoods and bathroom exhaust fans

It was expressed that the Electrical Subcode Committee was in favor of the proposed amendment. One board member asked for clarity on whether a fan can vent independently if it has two units. Mr. Robert Austin explained that the intent of this change was to ensure that one dwelling unit does not affect another. The committee considered how to proceed if an exhaust does or does not vent independently. A committee member explained that current policy does not require a permit for bathroom exhaust fan work.

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*Mr. Art Londensky made a motion, seconded by Mr. Bob Mellohusky, to approve this section of the draft rule without change. The motion carried unanimously.*

N.J.A.C. 5:23-2.17A(b)1 Notice including summary of work

The committee agreed to remove the word ‘application’ from the draft rule, as it is the permit that constitutes consent rather than the application.

*Mr. Stephen Rodzinak made a motion, seconded by Ms. Valerie Waricka, to approve this section of the draft rule as amended by discussion. The motion carried unanimously.*

N.J.A.C. 5:23-2.17A(c)3. Low-pressure boilers

One board member asked what the definition of a low-pressure boiler was. Mr. Thomas Pitcherello explained that the Department of Labor regulates high-pressure boilers; low-pressure is anything not regulated by the Department of Labor. One board member stated that a clear definition, if available, would be helpful.

*Mr. Tony Neibert made a motion, which was seconded by Mr. Art Londensky, to approve this section of the draft rule without change. The motion carried unanimously.*

N.J.A.C. 5:23-2.17A(c)5ii. Radon mitigation systems.

*Mr. Henry Kelly made a motion, seconded by Mr. Tony Neibert, to approve this section of the draft rule without change. The motion carried unanimously.*

2. Draft Rule: Temporary Structures and Utility Connections – N.J.A.C. 5:23-2.14

After review by the building and electrical subcode committees, all agreed that a permit should be necessary to outfit a temporary structure with utilities.

*Mr. Tony Neibert made a motion, seconded by Mr. Art Londensky, to approve the draft rule without change. The motion carried unanimously.*

3. Draft Rule: Blower Door Exception Deletion – N.J.A.C. 5:23-3.18 and 3.21

The committee discussed the draft rule, which would require a blower door test in lieu of the test being optional. Upon review by the Building Subcode Committee, the change elicited mixed feelings; some committee members felt it was too expensive, while others regarded the change positively. The Mechanical Subcode Committee, which also reviewed the draft rule, was wholly in favor of the change and did not regard the test as being cost-prohibitive. The point was made that it is not so much the cost of the test that is cost-prohibitive, but the cost of remediation if the structure fails the test. Mr. Robert Austin emphasized that the change would align with the New Jersey Energy Master Plan.

*Mr. Henry Kelly made a motion, seconded by Mr. Tony Neibert, to disapprove the draft rule change. The motion carried unanimously.*

4. Draft Rule: Barrier Free Subcode Recreation Complaints – N.J.A.C. 5:23-2.38

Ms. Marie Daniels explained that this draft rule was approved at the Code Advisory Board meeting held on October 11, 2019; however, the rule was provided to the Barrier Free Subcode Committee to ensure that there were no concerns with the impact of forwarding barrier

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free subcode recreation complaints to the Office of Administrative Law. The Barrier Free Subcode Committee approved the draft rule.

5. Draft Rule: Radon for Educational Buildings – N.J.A.C. 5:23-10.4

Previously, the draft rule was referred to the Building Subcode Committee. Mr. Robert Austin addressed the question raised last meeting, whether daycare centers are within the scope of the draft rule, explaining that while the statute specifies “educational facility,” it would apply to daycares that are categorized as Group E buildings; those that are not categorized as Group E are outside the scope of this rule.

*Mr. Tony Neibert made a motion, seconded by Mr. Henry Kelly, to approve the draft rule without change. The motion carried unanimously.*

6. Draft Revision: Oxford House Bulletin – Bulletin 04-2

Previously, the draft rule was referred to the Building Subcode Committee and the Barrier Free Subcode Committee. The former determined that terminology should be updated and matched with the Uniform Fire Code. The latter had no changes to recommend.

*Mr. Art Londensky made a motion, which was seconded by Mr. Gregory Moten, to approve the draft revision as amended by discussion. The motion carried unanimously.*

**D. New Business**

1. Draft Rule: Update to Reconstruction Sections of the Rehabilitation Subcode for R-Uses – N.J.A.C. 5:23-6.26 and 6.27

Mr. Robert Austin introduced the draft rule which would address reconstruction issues and require outlets and switches to be updated to the current electrical subcode (N.J.A.C. 5:23-3.16). Mr. Austin noted that there would be an exception for buildings which cannot feasibly be updated. One board member noted that many rehabilitation projects are already updating outlets and switches to the most recent codes.

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

2. Draft Rule: Guards for Equipment on Elevated Surfaces in Rehabilitation Projects – N.J.A.C. 5:23- 6.8

Mr. Robert Austin explained that this change ensures that Section 306.6 of the International Fuel Gas Code is excluded from the exceptions at N.J.A.C. 5:23-6.8(f)1. This is consistent with the International Mechanical Code section dealing with the same topic, and the inclusion of this section of the IFGC was mistakenly overlooked.

*Mr. Art Londensky made a motion, which was seconded by Mr. Stephen Rodzinak, to approve the draft rule without change. The motion carried unanimously.*

**E. Information**

1. CAB Tentative Meeting Dates 2020

The following dates were provided to the Board for 2020:

- February 14, 2020

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- April 10, 2020
- June 12, 2020
- August 14, 2020
- October 9, 2020
- December 11, 2020

2. CAB Log  
The updated Code Advisory Board activity log was included in the meeting packets.
3. List of Pending Legislation (provided electronically)  
The list of pending legislation was provided to the Board electronically.

**F. Public Comments**

Mr. Bob LaCosta expressed appreciation for the time and effort of the Code Advisory Board when reviewing regulations. He stated that he was last present for the Minor Work hearing, where he found that issues with the proposal were never addressed. Mr. LaCosta felt that a flat fee for roofing and siding would discourage dishonest contractors. He expressed that good contractors want to have permits and read from a letter sent by the League of Municipalities to Director Edward Smith from August 13, 2018. Finally, Mr. LaCosta thanked the Board for its continued efforts to look into the ordinary maintenance and minor work provisions.

Ms. Beth Pochtar mentioned an ongoing issue with fiber reinforcement strips being sold to homeowners to repair basement foundation walls. Ms. Pochtar noted that there are certain products that can be used which require engineer design and would require a permit. The Department agreed to look into the issue and see whether a communicator article may be appropriate to address the use of such strips.

**G. Adjourn**

The public portion of the meeting was adjourned at 11:30 a.m.

**H. Executive Session**

The Executive Session was called to order at 11:40 a.m.

**I. Adjourn**

The meeting was adjourned at 11:45 a.m.

**CAB Minutes**  
**October 11, 2019**

**UNIFORM CONSTRUCTION CODE ADVISORY BOARD**  
**Minutes of Meeting, October 11, 2019**

Location  
101 South Broad Street  
Trenton, New Jersey 08625

**Attendance**

Board Members

Beth Pochtar, Chair  
John Scialla, Vice Chair  
Douglas Boydston  
Andy Cattano  
Kathy Herity  
Henry Kelly  
Arthur Londensky  
Bob Mellohusky  
Gregory Moten  
Tony Neibert  
Stephen Rodzinak  
Valerie Waricka

DCA Staff

Edward Smith, Director, Division of Codes and Standards  
John Terry, Assistant Director, Division of Code and Standards  
Marie Daniels, Code Development Unit  
John Delesandro, Education and Licensing Units  
Robert Hilzer, Office of Regulatory Affairs  
Paul Lamberti, Office of State and Local Code Inspections  
Keith Makai, Code Assistance Unit  
Adam Matthews, Code Assistance Unit  
Anthony Menafro, Bureau of Construction Project Review  
Erin Mifka, Chief, Bureau of Construction Project Review  
Tom Pitcherello, Code Assistance Unit  
Daniel Tober, Bureau of Construction Project Review  
Michael Whalen, Code Assistance Unit  
Chrystene Wyluda, Director's Office

Guests

Bill Connolly, Member of the Public  
Frank Marshall, Staff Attorney, League of Municipalities  
Brian K. Miller, Plainsboro Township/MUNCO  
Cynthia Wilk, Member of the Public

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

**CAB Minutes**  
**October 11, 2019**

Director Edward Smith began the meeting by announcing Assistant Director John Terry's retirement effective November 30, 2019. Director Smith and the Board applauded Mr. Terry for his dedication to his work during his 33 years with the Department.

**A. Approval of Minutes of the Code Advisory Board Meeting of February 8, 2019**

*Mr. Art Londensky made a motion, which was seconded by Mr. Gregory Moten, to approve the minutes without change. The motion carried unanimously.*

**B. Subcode Committee Reports**

**Electrical Subcode Committee:** Mr. Tony Neibert, Chair, reported on meetings that were held on May 23 and July 25, 2019 in which agenda items and other topics were discussed.

**C. Old Business**

There were no Old Business agenda items.

**D. New Business**

1. Draft Rule: In Response to Ordinary Maintenance/Minor Work Petition (N.J.A.C. 5:23-2.7 and 2.17A)

Mr. Robert Austin explained that this draft rule was in response to a petition received by the Department regarding changes to the Ordinary Maintenance and Minor Work requirements. Mr. Austin explained the deadlines and decisions required when a petition is received and explained that it is the responsibility of the Commissioner to respond to a petition. As such, the response is outside the scope of the Code Advisory Board's review. As stated on the cover memo for the draft rulemaking, the response to the petition was to be published in the November 4, 2019 edition of the *New Jersey Register*. Mr. Austin noted that the response was included in the meeting packets as item D.1.c. for the Board's information.

Mr. Austin then briefly addressed the draft rule, which contains all items which resulted in a rulemaking as a result of the Commissioner's decision on the petition. One board member questioned how decks would be handled. Mr. Austin explained that a recent *Construction Code Communicator* article has been updated to reflect the fact that structural work requires a permit, and language addressing the same has been included in the draft rule.

*The draft rule was referred to all Subcode Committees.*

2. Draft Rule: Temporary Structures and Utility Connections (N.J.A.C. 5:23-2.14)

Mr. Robert Austin explained that this draft rule would specify that a permit is required when a temporary structure installs electrical and other equipment. It had never been envisioned that such structures, which are less than 120 square feet and which remains in place for fewer than 180 days, would have electrical equipment.

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

3. Draft Rule: Single-Family Detached Home Plans (N.J.A.C. 5:23-2.15A)

Mr. Robert Austin explained that this draft rule is a housekeeping item which would ensure that N.J.A.C. 5:23-2.15A mimics the requirements of N.J.A.C. 5:23-2.15.

*Mr. Art Londensky made a motion, which was seconded by Mr. Bob Mellohusky, to approve the draft rule without change. The motion carried unanimously.*

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4. Draft Rule: Subcode Cleanup (N.J.A.C. 5:23-3.14, 3.16, 3.18, 3.21, and 6.1)

Mr. Robert Austin explained that this draft rule is comprised of editorial changes to the adopted subcodes to comport with the latest editions of the model codes. One board member questioned whether sections regarding the term “common path” still exist. Mr. John Terry explained that the 2018 International Building Code erroneously refers to common path as “common path of travel,” but New Jersey edition adopted the term as it was intended to be written.

*Mr. Tony Neibert made a motion, which was seconded by Mr. John Scialla, to approve the draft rule without change. The motion carried unanimously.*

5. Draft Rule: Blower Door Exception Deletion (N.J.A.C. 5:23-3.18 and 3.21)

Mr. Robert Austin introduced the draft rule, which would require a blower door test in lieu of the test being optional. Mr. Austin then explained the history of the blower door exception. In the 2009 International Energy Conservation Code, the blower door test was introduced as an option; by 2015, the IECC required the test (per the never-adopted 2012 edition), but the State retained the optional language. Since its introduction, the price of the blower door test has greatly decreased, costing approximately \$350-500 on average. Requiring the test would also be in line with the New Jersey Energy Master Plan. One board member asked how the test was performed, and Mr. Robert Austin explained the process via the code section that addresses the testing criteria.

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

6. Draft Rule: Barrier Free Subcode Recreation Complaints (N.J.A.C. 5:23-2.38)

Ms. Marie Daniels explained this draft rule, which would require Barrier Free Subcode Recreation Complaints to be handled through the Office of Administrative Law. The OAL is the authority in complaints and has the appropriate staff to research these issues. Additionally, because playgrounds are self-certified, the Department’s involvement in such issues is minimal.

*Mr. Art Londensky made a motion, which was seconded by Mr. John Scialla, to approve the draft rule without change. The motion carried unanimously.*

7. Draft Rule: Radon for Educational Buildings (N.J.A.C. 5:23-10.4)

Mr. Robert Austin explained the draft rule, which would establish construction techniques for radon hazard protective features in Group E buildings. One board member asked whether there was any consideration for including daycare centers (Group I-4) within these requirements. It was explained that only Group E is addressed within the rulemaking.

*The draft rule was referred to the Building Subcode Committee.*

8. Draft Revision: Oxford House Bulletin (Bulletin 04-2)

Ms. Marie Daniels explained that the revisions to the Bulletin are intended to include an explanatory paragraph which should eliminate confusion regarding application of this bulletin, which addresses the designation of a use group for Oxford Houses under the Uniform Construction Code.

*The draft revision was referred to the Barrier Free and Building Subcode Committees.*

**E. Information**

1. CAB Meeting Dates 2019

**CAB Minutes**  
**October 11, 2019**

- The next Code Advisory Board meeting is scheduled for December 13, 2019.
2. CAB Log  
The updated Code Advisory Board activity log was included in the meeting packets.
  3. List of Pending Legislation  
There was no pending legislation to provide to the Board.

**F. Public Comments**

Mr. William Connolly spoke about the Ordinary Maintenance and Minor Work petition. Mr. Connolly stated that the petition was filed by the New Jersey League of Municipalities as well as the State Inspector Associations as a result of the March 5, 2018 adoption. Mr. Connolly further stated that the petition sought to amend 25 items within the Uniform Construction Code; the response to the petition agreed with nine items. Mr. Connolly stated his opinion that there were six items which needed to be addressed by the Department, and added that all of these issues could have been addressed through discussions between the Department and the Associations.

Mr. Frank Marshall, Staff Attorney, League of Municipalities, agreed with Mr. Connolly and stated he would be happy to answer any questions pertaining to the petition.

Mr. Brian Miller agreed that conversation could have resolved a number of the issues brought forth by the petition.

**G. Adjourn**

The public portion of the meeting was adjourned at 10:22 a.m.

**H. Executive Session**

The Executive Session was called to order at 10:25 a.m.

**I. Adjourn**

The meeting was adjourned at 10:30 a.m.



**CAB Minutes**  
**February 8, 2019**

**UNIFORM CONSTRUCTION CODE ADVISORY BOARD**  
**Minutes of Meeting, February 8, 2019**

Location  
101 South Broad Street  
Trenton, New Jersey 08625

**Attendance**

Board Members

Beth Pochtar, Chair  
John Scialla, Vice Chair  
Douglas Boydston  
Mark Caputo  
Andy Cattano  
Kathy Herity  
Henry Kelly  
Arthur Londensky  
Bob Mellohusky  
Gregory Moten  
Tony Neibert  
Stephen Rodzinak  
Michael Seeve  
Valerie Waricka

DCA Staff

Edward Smith, Director, Division of Codes and Standards  
Michael Baier, Supervisor, Code Assistance Unit  
John Terry, Assistant Director, Division of Code and Standards  
Marie Daniels, Code Development Unit  
John Delesandro, Education and Licensing Units  
Robert Hilzer, Office of Regulatory Affairs  
Keith Makai, Code Assistance Unit  
Anthony Menafro, Bureau of Construction Project Review  
Neil Nagy, Bureau of Construction Project Review  
Tom Pitcherello, Code Assistance Unit  
Emily Templeton, Code Development Unit  
Daniel Tober, Bureau of Construction Project Review  
Michael Whalen, Code Assistance Unit  
Chrystene Wyluda, Director's Office

Guests

John Drucker, Municipal Construction Official, Red Bank and Oceanport  
David Kurasz, New Jersey Fire Sprinkler Advisory Board  
Jack Lyons, National Electrical Manufacturers Association (NEMA)

**CAB Minutes**  
**February 8, 2019**

Mr. John Scialla, Vice 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 14, 2018**

*Mr. Art Londensky made a motion, which was seconded by Mr. Stephen Rodzinak, to approve the minutes without change. The motion carried unanimously.*

**B. Subcode Committee Reports**

**Building Subcode Committee:** Mr. John Scialla, Chair, reported that agenda items were discussed electronically.

**Electrical Subcode Committee:** Mr. Tony Neibert, Chair, reported on a meeting that was held on January 24, 2019 in which agenda items were discussed.

**Elevator Subcode Committee:** Mr. Doug Boydston, Chair, reported on a meeting that was held in which agenda items were discussed.

**Fire Protection Subcode Committee:** Mr. Arthur Londensky, Chair, reported on a meeting that was held on January 10, 2019 in which agenda items were discussed.

**Plumbing Subcode Committee:** Mr. Steve Rodzinak, Chair, reported that agenda items were discussed electronically.

**C. Old Business**

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

Mr. Michael Baier explained that this revised draft rule incorporated the Board's recommendations from the meeting held December 14, 2018. Only those subcodes with further changes – the building subcode, the mechanical subcode, the one- and two-family dwelling subcode, and the fuel gas subcode – were included in the meeting packet.

This draft rule was referred to the Building, Electrical, Elevator, Fire Protection, Mechanical, and Plumbing Subcode Committees.

In the interest of efficiency and clarity, the Board decided to discuss the draft rule for enforcement responsibilities page-by-page, section-by-section. Only changes from the December 14, 2018 draft rule would be discussed. Changes in the draft rule that are not discussed individually by the Board are to be deemed to have been accepted. The meeting packet contained the revised responsibilities document with the pages hand numbered at the bottom of each page. This combined document consisted of four separate Word documents. In these minutes, the hand numbered page from the combined document is given first followed by the page from each individual document.

N.J.A.C. 5:23-3.4(a)1 Building Subcode

Page 3 In the draft rule, at Section 407.4.5, enforcement responsibilities were assigned to Building and Fire (plan review) and Building (inspection). Because this section involves the installation of an NFPA 72 automatic fire alarm system, the Board recommended that the assignment be Fire (inspection).

Page 7 In the draft rule, at Sections 904.3.2-907.2.10.5, enforcement responsibilities were assigned to Fire (plan review) and Fire (inspection). The Board recommended that the assignment be Electrical and Fire (plan review).

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**February 8, 2019**

Page 8 In the draft rule, at Section 1008, enforcement responsibilities were assigned to Building, Electrical, and Fire (plan review), and Electrical for wiring, Building for placement (inspection). One member recommended removing Building from the inspection responsibility, and stated that electrical officials can inspect exit signs. Other board members disagreed, stating that electrical officials do not know the placement of exit signs. The Board recommended keeping Section 1008 as currently drafted.

Page 8 In the draft rule, at Section 1013, enforcement responsibilities were assigned to Electrical and Fire (plan review) and Electrical (inspection). Following the discussion on Section 1008 above, the Board recommended that the assignment for inspection be Electrical for wiring, Fire for placement, to match the assignments made to Section 1008.

Page 11 In the draft rule, enforcement responsibilities for Chapter 15 were assigned to Building (plan review) and Building (inspection). One Board member stated Section 1512.1, Photovoltaic Panels and Modules, should be added to the table because the Section references the International Fire Code. The Board recommended that the assignment be Building and Fire (plan review) and Building for installation, Fire for roof access and pathways (inspection).

Page 13 In the draft rule, at Section 3005.1-3005.3, enforcement responsibilities were assigned to Building, Fire, and Elevator (plan review) and Elevator (inspection); at 3005.4, enforcement responsibilities were assigned to Building, Fire, and Elevator (plan review) and Building (inspection). One board member recommended that all of Section 3005 be broken down and assigned individually. A brief discussion ensued regarding the inspection assignment for Section 3005.2, ventilation or air conditioning of machine rooms. It was determined that Building officials usually do not go into machine rooms, and elevator officials would be able to appropriately carry out the inspections. The board recommended assignments as follows:

Section 3005.1 be assigned to Building and Elevator (plan review) and Building (inspection);

Section 3005.2 be assigned to Building and Elevator (plan review) and Elevator (inspection)

Section 3005.3 be assigned to Fire and Elevator (plan review) and Elevator (inspection); and

Section 3005.4 be assigned to Building and Elevator (plan review) and Building (inspection).

Page 13 In the draft rule, at Section 3007.3, enforcement responsibilities were assigned to Elevator and Fire (plan review) and Fire (inspection). This Section deals with water protection when a fire sprinkler discharges. The Board recommended that the assignment be Building (plan review) and Building (inspection).

Page 14 In the draft rule, at Section 3008.3, enforcement responsibilities were assigned to Elevator and Fire (plan review) and Fire (inspection). This Section deals with water protection when a fire sprinkler discharges. The Board recommended that the assignment be Building (plan review) and Building (inspection).

**N.J.A.C. 5:23-3.4(a)5 Mechanical Subcode**

Page 18 (Page 2) In the draft rule, at Section 602.2.1.7, which deals with plastic pipe and tubing in plenums, enforcement responsibility was assigned to Building and Plumbing (plan review) and Building (inspection). One board member suggested Fire be added to plan review and Plumbing be assigned to inspection instead of Building. Another board member expressed concern if plumbing were assigned; the board member described an issue where work was done in an existing building where piping was already in plenums, and the ceiling was removed. The board

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member noted that there was no plumbing inspector on site during that time. One board member responded that a plumbing official would be able to recognize any problems during an inspection. Other members agreed. The Board recommended that enforcement responsibility be assigned to Building, Fire, and Plumbing (plan review) and Plumbing (inspection).

Page 19 (Page 3) In the draft rule, at Sections 911-914, enforcement responsibility was assigned to Fire (plan review) and Fire (inspection). The Board recommended the existing text of the Uniform Construction Code be retained and enforcement responsibility be assigned Building and Fire (plan review) and Building (inspection).

Page 20 (Page 4) In the draft rule, at Section 920, unit heaters, enforcement responsibility was assigned to Building and Fire (plan review) and Fire (inspection). At Sections 921-924, enforcement responsibility was assigned to Fire (plan review) and Fire (inspection). The Board recommended that Sections 920-923 be assigned to Building and Fire (plan review) and Building (inspection).

*Mr. Art Londensky made a motion, which was seconded by Mr. John Scialla, to approve this change. The motion carried unanimously.*

Page 20 (Page 4) In the draft rule, at Section 929, enforcement responsibility was assigned to Electrical (plan review) and Electrical (inspection). This section deals with the listing and labeling of high volume large diameter fans. Because NFPA 13 has shunt requirements for large fans when the sprinkler flow switch is activated, the Board recommended that the assignment be Electrical/Fire (plan review).

*Mr. Arthur Londensky made a motion, which was seconded by Mr. Stephen Rodzinak, to approve this change. The motion carried unanimously.*

**N.J.A.C. 5:23-3.4(a)6, One- and Two-Family Dwelling Subcode**

Page 23 (Page 1) In the draft rule, at Section R322.1.6, enforcement responsibility was assigned As Applicable (plan review) and As Applicable (inspection). This section applies to protection of mechanical, plumbing, and electrical systems in flood zones. One board member suggested that the existing text of the Uniform Construction Code be retained and assigned as Building (plan review) and Building (inspection). Mr. Michael Baier explained that retaining existing text would mean that the Building official would be reviewing and inspecting work that should be inspected by other officials. The Board recommended that enforcement responsibility be assigned As Applicable based on equipment (plan review) and As Applicable based on equipment (inspection).

Page 27 (Page 7) In the draft rule, at Section M1902, enforcement responsibility was assigned to Fire (plan review) and Fire (inspection). One board member suggested Section M1902 be broken down into smaller subsections for consistency with sections in the mechanical subcode. Another board member agreed that changes for consistency were appropriate. The Board recommended assignments as follows:

Section M1902.1-M1902.2 be assigned to Building (plan review) and Building (inspection)

Section M1902.3 be assigned to Fire (plan review) and Fire (inspection)

Section M1902.4 be assigned to Building (plan review) and Building (inspection)

*Mr. Arthur Londensky made a motion, which was seconded by Mr. Stephen Rodzinak, to approve this change. The motion carried unanimously.*

**N.J.A.C. 5:23-3.4(a)7 Fuel Gas Subcode**

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Page 36 (Page 2) In the draft rule, various assignments were made throughout Chapter 6 as follows: At Sections 608 and 609, enforcement responsibility was assigned to Building and Fire (plan review) and Fire (inspection). At Section 610, enforcement responsibility was assigned to Fire (plan review) and Fire (inspection). At Sections 611-612, enforcement responsibility was assigned to Building and Fire (plan review) and Fire (inspection). At Sections 613-615, enforcement responsibility was assigned to Fire (plan review) and Fire (inspection). At Section 618, enforcement responsibility was assigned to Building and Fire (plan review) and Fire (inspection). At Section 620, enforcement responsibility was assigned to Building and Fire (plan review) and Fire (inspection). At Section 621, enforcement responsibility was assigned to Building and Fire (plan review) and Building (inspection). At Sections 622-623, enforcement responsibility was assigned to Fire (plan review) and Fire (inspection). At Sections 629-630, enforcement responsibility was assigned to Fire (plan review) and Fire (inspection).

The Board noted that one of the goals of this draft was to align the fuel gas, mechanical, and one- and two-family dwelling subcode. In order to make assignments at Chapter 6 align with assignments across other subcodes, the Board recommended assignments as follows:

Sections 608-615 be assigned to Building and Fire (plan review) and Fire (inspection)

Section 618 be assigned to Building and Fire (plan review) and Fire (inspection)

Sections 620-622 be assigned to Building and Fire (plan review) and Fire (inspection)

Sections 629-630 be assigned to Building and Fire (plan review) and Fire (inspection)

*Mr. Arthur Londensky made a motion, which was seconded by Mr. Stephen Rodzinak, to approve this change. The motion carried unanimously.*

With no additional recommendations, Mr. John Scialla confirmed there was no further discussion on the draft rule.

*Mr. Arthur Londensky made a motion, which was seconded by Mr. Tony Neibert, to approve the draft rule, N.J.A.C. 5:23-3.4, as amended by discussion. The motion carried unanimously.*

**D. New Business**

1. Draft Rule: Hospitality Rooms (N.J.A.C. 5:23-2.6)

Mr. Michael Baier explained that this draft rule would coordinate the Uniform Construction Code (UCC) with the Uniform Fire Code (UFC). The draft allows religious facilities to take in homeless people overnight and establishes that this would not be considered a change of use. Mr. Michael Whalen further explained that when the Division of Fire Safety adopted the 2015 edition of the International Fire Code, religious facilities were allowed to take in 14 people for not more than 49 days.

One Board member stated that the rule text should be more specific and include a reference to the use of the building; religious facilities are categorized as A-3.

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

2. Draft Rule: Engineering Plans for Class 3 Structures (N.J.A.C. 5:23-2.15)

Mr. Michael Baier explained that this draft rule would consolidate all licensed trades and allow them to design and submit plans for Class 3 buildings. For example, in addition

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**February 8, 2019**

to plumbing, electrical, and HVACR trades, the draft rule would allow certified fire protection equipment contractors to design and submit plans for Class 3 buildings. One Board member confirmed that this would only apply to the trade for which the individual is licensed or certified.

*Mr. Stephen Rodzinak made a motion, which was seconded by Mr. Henry Kelly, to approve the draft rule without change. The motion carried unanimously.*

**E. Information**

1. CAB Meeting Dates 2019

A list of the Code Advisory Board meeting dates for 2019 was included in the meeting packets.

2. CAB Log

The updated Code Advisory Board activity log was included in the meeting packets. Ms. Emily Templeton notified the Board that proposal to adopt the 2018 model codes would appear in the *New Jersey Register* on March 4, 2019.

3. List of Pending Legislation

A list of pending legislation on issues that impact construction and the Uniform Construction Code was provided to the members of the Board electronically.

**F. Public Comments**

Mr. David Kurasz, New Jersey Fire Sprinkler Advisory Board, recommended that the Draft Rule, Engineering Plans for Class 3 Structures, be sent to subcode committees for further comment.

**G. Adjourn**

The public portion of the meeting was adjourned at 10:35 a.m.

**H. Executive Session**

The Executive Session was called to order at 10:40 a.m.

**I. Adjourn**

The meeting was adjourned at 10:45 a.m.

**CAB Minutes**  
**December 14, 2018**

**UNIFORM CONSTRUCTION CODE ADVISORY BOARD**  
**Minutes of Meeting, December 14, 2018**

Location  
101 South Broad Street  
Trenton, New Jersey 08625

**Attendance**

Board Members

Beth Pochtar, Chair  
John Scialla, Vice Chair  
Douglas Boydston  
Andy Cattano  
Mark Caputo  
Henry Kelly  
Arthur Londensky  
Bob Mellohusky  
Gregory Moten  
Tony Neibert  
Stephen Rodzinak  
Valerie Waricka

DCA Staff

Michael Baier, Supervisor, Code Assistance Unit  
John Terry, Assistant Director, Division of Code and Standards  
Robert Austin, Code Assistance Unit  
Paulina Caploon, Elevator Safety Unit  
John Delesandro, Education and Licensing Units  
Keith Makai, Code Assistance Unit  
Tom Pitcherello, Code Assistance Unit  
Emily Templeton, Code Development Unit  
Michael Whalen, Code Assistance Unit  
Chrystene Wyluda, Director's Office

Ms. Beth Pochtar Chair of the Uniform Construction Code Advisory Board (CAB), called the meeting to order at 9:33 a.m.

Mr. Michael Baier informed the Board that Ms. Paulina Caploon, who has been the liaison to the Elevator Subcode Committee for two decades, is retiring and this is her final Code Advisory Board meeting. Mr. Baier commented that Ms. Caploon's knowledge of elevators and of the Uniform Construction Code's administrative process was both broad and deep. In making decisions and forming opinions about issues related to the Elevator Subcode, her heart was always in the right place. She cared about getting to the right response and to protecting people through elevator safety.

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Mr. Doug Boydston, Chair, Elevator Subcode Committee, added that in his years as a member of the Elevator Subcode Committee he saw that the Committee members leaned on Ms. Caploon's professionalism and depth of knowledge. Her leadership not only led to collaboration between the local code enforcing agencies and contractors, but she was also able to communicate with manufacturers. Mr. Boydston acknowledged that even when there was disagreement, those who dealt with Ms. Caploon always felt that had been given a fair hearing. In addition, Ms. Caploon served on the American National Standards Institute (ANSI) A18 main committee. Her service on that national standards-setting committee was invaluable. New Jersey should participate on the national technical committees that need the expertise of practitioners in their work to put safety first.

Mr. Greg Moten publicly thanked Ms. Caploon for the manner in which she responded in detail to questions. Mr. Moten acknowledged and expressed appreciation for the depth of her knowledge and her willingness to answer questions and discuss issues.

**A. Approval of Minutes of the Code Advisory Board Meeting of June 8, 2018**

*Mr. Art Londensky made a motion, which was seconded by Mr. Greg Moten, to approve the minutes without change. The motion carried unanimously.*

**B. Subcode Committee Reports**

**Barrier Free Subcode Committee:** In Mr. John Del Colle's absence, Ms. Emily Templeton reported on a meeting that was held on December 7, 2018 in which agenda items were discussed.

**Building Subcode Committee:** Mr. John Scialla, Chair, reported on a meeting that was held on November 9, 2018 in which agenda items were discussed.

**Electrical Subcode Committee:** Mr. Tony Neibert, Chair, reported on a meeting that was held on November 29, 2018 in which agenda items were discussed.

**Elevator Subcode Committee:** Mr. Doug Boydston, Chair, reported on a meeting that was held on November 15, 2018 in which agenda items were discussed.

**Fire Protection Subcode Committee:** Mr. Arthur Londensky, Chair, reported on a meeting that was held on November 8, 2018 in which agenda items were discussed.

**Mechanical/Energy Subcodes Committee:** Mr. Bob Mellohusky, Chair, reported on a meeting that was held on November 15, 2018 in which agenda items were discussed.

**Plumbing Subcode Committee:** Mr. Steve Rodzinak, Chair, reported on a meeting that was held on November 9, 2018 in which agenda items were discussed

**C. Old Business**

1. Draft Rule: Carnival and Fair Electrical Systems (N.J.A.C. 5:23-2.14, 2.18, 2.20; N.J.A.C. 5:14A-9.2, 9.7)

Mr. Michael Baier explained the draft amendments to the Uniform Construction Code and the Carnival-Amusement Ride regulations. The draft rule would regulate temporary electrical systems for carnivals and fairs, including requirements that the systems be certified. Mr. Baier explained that this draft rule is not so different from annual permits. Mr. John Terry further explained that this rule would ensure that someone qualified certifies the systems. While the carnival-amusement ride inspection staff has been expanded to include electrical work, staff



**CAB Minutes**  
**December 14, 2018**

is not able to get to every show. This rule would ensure that the set-up and products are code compliant.

This draft rule was referred to the Electrical Subcode Committee.

Mr. Tony Neibert reported that the Electrical Subcode Committee had a very good discussion of this item. All agreed that, to ensure safety, the installation must be right. The Committee recommended that code officials be informed about the hotline at DCA for reporting ride problems.

Mr. John Terry informed the Board that the goal is to have every show inspected. Mr. Neibert responded that the Electrical Subcode Committee recommended approval of this draft rule.

*Mr. Tony Neibert made a motion, which was seconded by Mr. Arthur Londensky, to approve the rule without change. The motion carried unanimously.*

2. Draft Rule: Elevator Subcode (N.J.A.C. 5:23-12.2)

Mr. Michael Baier explained that the draft amendments to the Elevator Subcode clarify that there are no periodic inspections of elevators in single-family homes.

This draft rule was referred to the Elevator Subcode Committee.

Mr. Doug Boydston reported that the Elevator Subcode Committee recommended approval of this draft rule.

*Mr. Doug Boydston made a motion, which was seconded by Mr. Tony Neibert, to approve the rule without change. The motion carried unanimously*

3. Draft Rule: Rehabilitation Subcode Update to Model Codes 2018/2017 (N.J.A.C. 5:23-6)

Mr. Michael Baier explained that the draft rule primarily updates section numbers and titles to incorporate the 2018 I-Codes.

This draft rule was referred to the Building, Fire Protection, Electrical, Elevator, Mechanical, and Plumbing Subcode Committees.

Mr. John Scialla, Chair, reported on a Building Subcode Committee meeting that was held on November 9, 2018. This draft rule was approved without change.

Mr. Tony Neibert, Chair, reported on an Electrical Subcode Committee meeting that was held on November 29, 2018. This draft rule was approved without change.

Mr. Doug Boydston, Chair, reported on an Elevator Subcode Committee meeting that was held on November 15, 2018. There were three items recommended for amendment at N.J.A.C. 5:23-6.8i1. First, the Elevator Subcode Committee recommended that the phrase “as adopted,” be inserted after the word “Alterations.” This change would make it clear that only those requirements of ASME A17.1 Section 8.7 titled “Alteration” that have been adopted in New Jersey are applicable. Second, the Committee recommended that “Table N-1” be inserted after the phrase “Code Data Plate.” This would bring in line the requirements in N.J.A.C. 5:23-6.8(i)1 with those listed in N.J.A.C. 5:23-12.3(a)1. Third, the Committee recommended that “J” be deleted from the phrase “... and Appendices except for E ...”. Appendix J provides pictorial information relevant to the specific requirements of ASME A17.1 – 2016 that is proposed for adoption.

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**December 14, 2018**

Mr. Arthur Londensky, Chair, reported on a Fire Protection Subcode Committee meeting that was held on November 8, 2018. This draft rule was approved without change.

Mr. Bob Mellohusky, Chair, reported on a meeting that was held on November 15, 2018. The Mechanical/Energy Subcodes Committee discussed N.J.A.C. 5:23-6.8(e)1, which states that “Section 312 [IMC] shall apply when appliance/equipment input ratings are increased/decreased,” and N.J.A.C. 5:23-6.8(h)10i, which states that “Section M1401.3 [IRC] shall apply when appliance/equipment input ratings are increased/decreased.” Because Manual J, as referenced by the IRC, requires the sizing to be within 15% and equipment is now readily available with increased efficiencies, it may be time to consider an exception for IRC buildings. The Committee also discussed N.J.A.C. 5:23-6.31 and recommended that vestibules be added to to change of use projects unless they meet the exceptions of ASHRAE 90.1.

Mr. Steve Rodzinak, Chair, reported on a Plumbing Subcode Committee meeting that was held on November 9, 2018. This draft rule was approved without change.

*Mr. Steve Rodzinak made a motion, which was seconded by Mr. Arthur Londensky, to approve the draft rule as amended by discussion. The motion carried unanimously.*

4. Draft Rule: Update Uniform Construction Code to Model Codes 2018/2017 (N.J.A.C. 5:23)

Mr. Michael Baier explained that the draft rule updates the sections of the UCC that have not otherwise been modified to incorporate the 2018 I-Codes.

The draft rule was referred to the Building, Fire Protection, Electrical, Elevator, Mechanical, and Plumbing Subcode Committees

Mr. John Scialla, Chair, reported on a meeting that was held on November 9, 2018. The Committee recommended that this draft rule be approved without change.

Mr. Tony Neibert, Chair, reported on a meeting that was held on November 29, 2018. The Committee recommended that this draft rule be approved without change.

Mr. Doug Boydston, Chair, reported on a meeting that was held on November 15, 2018. The Committee recommended that this draft rule be approved without change.

Mr. Arthur Londensky, Chair, reported on a meeting that was held on November 8, 2018. The Committee recommended that this draft rule be approved without change.

Mr. Bob Mellohusky, Chair, reported on a meeting that was held on November 15, 2018. The Committee recommended that this draft rule be approved without change.

Mr. Steve Rodzinak, Chair, reported on a meeting that was held on November 9, 2018. The Committee recommended that this draft rule be approved without change.

*Mr. Henry Kelly made a motion, which was seconded by Mr. Tony Neibert, to approve the rule without change. The motion carried unanimously.*

5. Draft Rule: Responsibilities (N.J.A.C. 5:23-4)

Mr. Michael Baier explained that this draft rule is primarily housekeeping, but there are updates and revisions to create consistency throughout the subcodes. Mr. Baier pointed out that upon review many of the mechanical and fuel gas section responsibilities in the International Residential Code did not align with the assignments in similar sections of the International Mechanical Code and the International Fuel Gas Code. Changes are made throughout to remove these inconsistencies; in doing so, certain responsibilities have been reassigned to other subcode officials.

**CAB Minutes**  
**December 14, 2018**

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

In the interest of efficiency and clarity, the Board decided to discuss the draft rule for enforcement responsibilities page-by-page, section-by-section. Only changes from the draft rule would be discussed. Changes included in the draft rule that are not discussed individually by the Board are to be deemed to have been accepted. The meeting packet contained one comprehensive enforcement responsibilities document with the pages hand numbered at the bottom of each page. This combined document consisted of separate Word documents. In these minutes, the hand numbered page from the combined document is given first followed by the page from each individual document.

**N.J.A.C. 5:23-3.4(a)1 Building Subcode**

Page 2 In the draft rule, at Section 403.6, enforcement responsibilities were assigned to Elevator (plan review) and Elevator (inspection). Because these are elevators in high rise buildings, the Board recommended adding Building and Fire to plan review.

Page 2 In the draft rule, at Section 403.6.1-403.6.2, enforcement responsibilities were assigned to Fire/Elevator (plan review) and Elevator (inspection). Because these are elevators in high rise buildings, the Board recommended adding Building to plan review.

Page 3 In the draft rule, at Section 407.3–407.6, enforcement responsibilities were assigned to Building/Fire (plan review) and Fire (inspection). Section 407.3 is corridor wall construction, Section 407.4 is means of egress, Section 407.5 is smoke barriers, and Section 407.6 is automatic closing doors. The Board recommended that, for consistency, assignments be changed to Building (inspection).

Page 5 In the draft rule, at Section 412.6 – 412.7.4, enforcement responsibilities were assigned to Building/Fire (plan review) and Building (inspection). Section 412.7.4 requires that rooftop heliports comply with NFPA 418 “standard for heliports.” Although inspection was assigned to Building, the Board recommended that inspection responsibilities be changed to Fire.

Page 7 Section 422.6, Electrical systems in health care facilities, was inadvertently omitted from the draft rule. The Board recommended that it be assigned to Electrical (plan review and inspection).

Page 8 In the draft rule, at Section 428.3.6, Standby and emergency power in laboratories in higher education facilities, assigned inspection responsibilities to Fire. The Board recommended that the assignment be Electrical (inspection).

Page 9 In the draft rule, at Section 907.2.10.5, Interconnection of smoke detectors, enforcement responsibilities were assigned to Electrical/Fire (plan review) and Electrical (inspection). The Board recommended that the enforcement responsibilities be changed to Fire (plan review) and Fire (inspection). Section 907.2.10.6 would remain with Fire/Electrical (plan review) and Electrical (inspection).

Page 10 The draft rule did not make changes in the enforcement responsibilities for Chapter 10, Means of Egress. There were two recommended changes. At Section 1008, illumination of means of egress, the Board recommended that responsibility be assigned to Building/Electrical/Fire (plan review); the Board further recommended that inspection responsibility be assigned by function - Electrical would be assigned inspection responsibility for wiring and Building would be assigned inspection responsibility for placement. At Section 1013, exit signs, the responsibilities would be Electrical/Fire (plan review) and Electrical (inspection).

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**December 14, 2018**

Page 10 In the draft rule, at Chapter 11, Accessibility, the general designation of responsibility as Building (plan review) and Building (inspection) would be modified to state that there would be an exception for Section 1109.13, Controls, which would be the responsibility of the person responsible for the control in the general sections of the code.

Page 11 In the draft rule, at Section 606.1–606.2, enforcement responsibilities were assigned to Building/Plumbing (plan review) and Building (inspection). The Board recommended that the inspection responsibility be assigned by function, so Plumbing would inspect for fixture height and Building would inspect for clear floor space.

Page 11 In the draft rule, at Section 608.1–608.2, enforcement responsibilities were assigned to Building/Plumbing (plan review) and Building (inspection). The Board recommended that the inspection responsibility be assigned by function, so that Plumbing would inspect for fixture height and Building would inspect for clear floor space.

Page 13 In the draft rule, at Section 3001.3, enforcement responsibilities were assigned to Building (plan review and inspection). The Board recommended that Building should be assigned plan review and inspection for those elevator devices that are not subject to the Elevator Subcode; Elevator should be assigned plan review for those devices that are subject to the Elevator Subcode. Devices such as automotive lifts are not inspected by the Elevator Subcode Official; they are the responsibility of the Building Subcode Official.

Page 13 Section 3001.5, which deals with changing a passenger elevator to a freight elevator, was inadvertently omitted from the draft rule. The Board recommended that enforcement responsibilities be assigned to Building/Elevator (plan review) and Elevator (inspection).

Page 14 In the draft rule, at Section 3002.9, Sump pumps in elevator pits, the Board recommended assigning the inspection responsibility for the piping and discharge from the pit drain to Plumbing and assigning the inspection responsibility for verifying the location and presence of the drain to Elevator.

Page 14 In the draft rule, at Section 3004.1, Conveyors, enforcement responsibilities were assigned to Building/Fire/Elevator (plan review) and Elevator (inspection). Some conveyors are under the Elevator Subcode; others are not. The Board recommended that for those conveyors that are under the Elevator Subcode, plan review and inspection be assigned to Elevator; for those conveyors that are not within the Elevator Subcode, plan review be assigned to Building and Fire; inspection be assigned to Building.

Page 14 In the draft rule, at Section 3004.2.2, width of escalator, enforcement responsibilities were assigned to Building (plan review and inspection); the Board recommended that enforcement responsibility be assigned to Elevator (plan review and inspection).

Page In the draft rule, at Section 3005.1-3005.3, Machine rooms-access, venting, and pressurization, enforcement responsibilities were assigned to Building/Fire/Elevator (plan review) and Building (inspection). The Board recommended that inspection be assigned to Elevator.

Page 14 In the draft rule, at Section 3005.4, Machine rooms, control rooms, machinery spaces, control spaces, enforcement responsibilities were assigned to Building/Fire/Elevator (plan review) and Building (inspection); the Board concurred.

Page 14 In the draft rule, at Section 3007.1, Fire Service Access, enforcement responsibilities were assigned to Elevator (plan review). The Board recommended that responsibility be assigned to Elevator/Fire (plan review). Inspection authority would remain with Elevator.

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Page 14 In the draft rule, at Section 3007.3, Water protection when sprinklers discharge, enforcement responsibilities were assigned to Building (plan review and inspection); the Board recommended that enforcement be assigned to Elevator/Fire (plan review) and Fire (inspection).

Page 14 In the draft rule, at Section 3007.4, Shunt trip, which shuts off power to the elevator just before sprinklers are activated, enforcement responsibilities were assigned to Elevator (plan review); the Board recommended that enforcement responsibility be assigned to Elevator/ Fire (plan review). Inspection would remain with Elevator.

Page 14 In the draft rule, at Section 3007.5.2, Hoistway lighting, enforcement responsibilities were assigned to Building/Fire/Elevator (plan review); the Board recommended that the assignment be to Building/Electrical/Elevator (plan review). Inspection would remain with Elevator.

Page 14 In the draft rule, at Section 3008.1.4, Occupant evacuation elevators, enforcement responsibility was assigned to Elevator (plan review); the Board recommended that, because a Fire Safety Plan is required, enforcement responsibility assigned to Elevator/Fire (plan review).

Page 14 In the draft rule, at Section 3008.3, Water protection when sprinklers discharge, enforcement responsibility was assigned to Building (plan review and inspection); the Board recommended that enforcement responsibility be assigned to Elevator/Fire (plan review) and Fire (inspection).

Page 15 In the draft rule, at Section 3008.4, Shunt trip, which shuts off power to the elevator just before sprinklers are activated, enforcement responsibility was assigned to Elevator (plan review); the Board recommended that enforcement responsibility be assigned to Elevator/Fire (plan review). Inspection would remain with Elevator.

Page 15 In the draft rule, at Section 3008.7, Monitoring occupant evacuation elevators, enforcement responsibility was assigned to Fire (plan review and inspection); the Board recommended that enforcement responsibility be assigned to Elevator/Fire (plan review) and that Fire retain inspection responsibility.

**N.J.A.C. 5:23-3.4(a)2 Plumbing Subcode**

Pages 16 – 19 Mr. Stephen Rodzinak, Chair, reported that the Plumbing Subcode Committee approved the draft as presented. The Board concurred.

**N.J.A.C. 5:23-3.4(a)3 Electrical Subcode**

Pages 21 – 25 Mr. Tony Neibert, Chair, reported that the Electrical Subcode Committee approved the draft as presented. The Board concurred.

**N.J.A.C. 5:23-3.4(a)4 Energy Subcode**

Pages 27 – 29 Mr. Robert Mellohusky, Chair, reported that the Mechanical/Energy Subcode Committee approved the draft as presented. The Board concurred.

**N.J.A.C. 5:23-3.4(a)5 Mechanical Subcode**

Page 32 (Page 2) In the draft rule, Section 312, Heating and Cooling load calculations, enforcement responsibility was assigned to Building (plan review and inspection). The Board recommended that enforcement responsibility be assigned to Plumbing (plan review and inspection).

Page 32 (Page 2) In the draft rule, Section 602.2.1.7, Plastic pipe in plenums, enforcement responsibilities were assigned to Building/Fire (plan review) and to Building

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(inspection). The Board recommended that enforcement responsibilities be assigned to Building/Plumbing (plan review); inspection should be retained by Building.

Page 33 (Page 3) In the draft rule, Chapter 8, Chimneys and vents, enforcement responsibilities were assigned to Building/Fire (plan review) and, except for Section 801.3, should be assigned to Fire (inspection). The Board recommended that Section 801.13 also be exempted because both Section 801.3 and Section 801.13 deal with cleanouts for masonry chimneys.

Page 33 (Page 3) In the draft rule, at Section 908.5, Water supply cooling towers, enforcement responsibilities were assigned to Building/Fire (plan review) and Fire (inspection). The Board recommended that enforcement responsibility be assigned to Plumbing (plan review and inspection).

Page 33 (Page 3) In the draft rule, at Section 908.8, Cooling towers, enforcement responsibilities were assigned to Building/Fire (plan review) and Fire (inspection). The Board recommended that enforcement responsibility be assigned Building/Plumbing (plan review) and Plumbing (inspection).

Page 33 (Page 3) In the draft rule, at Section 909, Vented wall furnaces, enforcement responsibilities were assigned to Building/Fire (plan review) and Building (inspection). The Board recommended that enforcement responsibility be assigned to Fire (inspection).

Page 33 (Page 3) In the draft rule, Sections 911 – 914, enforcement responsibilities were assigned to Building/Fire (plan review) and Building (inspection). The Board recommended that the following sections be sole fire responsibility: Section 911, Duct furnaces; Section 912, Infrared heaters; Section 913, Clothes dryers; Section 914, sauna heaters.

Page 33 (Page 3) In the draft rule, Section 916, Pool heaters, enforcement responsibilities were assigned to Building/Fire (plan review) and Fire (inspection). The Board recommended that enforcement responsibilities be assigned to Plumbing/Electrical (plan review) and that the inspection be assigned based on the fuel type—Plumbing would inspect fuel gas and Electric would inspect electric.

Page 33 (Page 3) In the draft rule, Section 917, Cooking appliances, enforcement responsibilities were assigned to Building/Fire (plan review) and Fire (inspection). The Board recommended enforcement responsibility be assigned to Fire (plan review and inspection).

Page 33 (Page 4) In the draft rule, Section 918, forced air furnaces, enforcement responsibilities were assigned to Building/Fire (plan review) and Fire (inspection). The Board recommended those assignments be retained.

Page 33 (Page 4) In the draft rule, Section 919, Conversion burners, enforcement responsibilities were assigned to Building/Fire (plan review) and Fire (inspection). The Board recommended that Section 919 be assigned to Plumbing (plan review and inspection).

Page 33 (Page 4) In the draft rule, Section 920, Unit heaters, enforcement responsibilities were assigned to Building/Fire (plan review) and Fire (inspection). The Board recommended that these assignments be retained.

Page 33 (Page 4) In the draft rule, Section 921, Vented room heaters, Section 922, Kerosene and oil-fired heaters, Section 923, Small ceramic kilns, and Section 924, Stationary fuel cell systems, enforcement responsibilities were assigned to Fire (plan review and inspection). The Board concurred. It should be noted that, if consistency is desired, the sections in the IRC that cover vented room heaters and stationary fuel cell systems have been assigned to Building/Fire (plan review) and Fire (inspection).

Page 33 (Page 4) In the draft rule, Section 925, Masonry heaters, enforcement responsibilities were assigned to Building/Fire (plan review) and Building (inspection). This is

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consistent with the assignment in the IRC; the Board recommended that these assignments be retained.

Page 33 (Page 4) In the draft rule, Section 926, Gaseous hydrogen systems, enforcement responsibilities were assigned to Building/Fire (plan review) and Fire (inspection). The Board recommended that it be Fire (plan review and inspection).

Page 33 (Page 4) In the draft rule, Section 928, Evaporative cooling equipment, enforcement responsibilities were assigned to Plumbing (plan review and inspection). Because the equipment is usually roof-mounted, the Board recommended that plan review be assigned to Building/Plumbing; Plumbing would be assigned inspections.

Page 33 (Page 4) In the draft rule, Section 929, High volume large diameter fans, enforcement responsibilities were assigned to Building (plan review and inspection). Because this section deals with listing and labeling of the equipment, the Board recommended that enforcement responsibility be assigned to Electric (plan review and inspection).

**N.J.A.C. 5:23-3.4(a)6 One- and Two-Family Dwelling Subcode**

Page 38 (Page 2) In the draft rule, Section R324.6, Roof access and passageways for rooftop solar systems, enforcement responsibilities were assigned to Building (plan review and inspection). The Board recommends that it be assigned to Fire (plan review and inspection).

Page 38 (Page 2) In the draft rule, Section R324.7, Ground mount PV, enforcement responsibilities were assigned to Electrical (plan review and inspection). The Board recommended that enforcement responsibility be assigned to Fire/Electrical (plan review) and Electrical (inspection).

Page 38 (Page 2) In the draft rule, Section R324.7.1, Fire separation distance for ground mounted PV systems, enforcement responsibilities were assigned to Electrical (plan review and inspection). The Board recommended that enforcement responsibility be assigned to Building/Fire (plan review) and Building (inspection).

Page 38 (Page 2) In the draft rule, Section R327, Stationary Storage Battery Systems, enforcement responsibilities were assigned to Electrical (plan review and inspection). The Board recommended that enforcement responsibilities be assigned by subsection, as follows: Sections R327.1 – R327.4 should remain assigned to Electrical (plan review and inspection). However, for consistency with the assignments in the mechanical subcode, Section R327.5, Ventilation of battery storage areas, should be assigned to Electrical/Fire (plan review) and Fire (inspection). In addition, the Board recommended that Section R327.6, Protection from impact for battery storage equipment, be assigned to Fire (plan review and inspection).

Page 38 (Page 2) In the draft rule, Section R905.16 and Section R905.17, PV shingles and building-integrated PV roof panels, which deal with shingles and panels as weather-protection, enforcement responsibilities were assigned to Building/Electrical (plan review and inspection). The Board recommended that the enforcement responsibility be assigned to Building/Electrical (plan review) and Building (inspection).

Page 40 (Page 4) In the draft rule, Sections M1302-M1304, which deal with appliances, enforcement responsibilities were assigned to Plumbing (plan review and inspection). The Board recommended that Section M1302, Approval of appliances, enforcement responsibilities be assigned to Fire/Plumbing (plan review) and Plumbing (inspection). The Board further recommended that Section M1303, Labeling of appliances, enforcement responsibilities be assigned to Plumbing/Electrical (plan review) and Plumbing (inspection). Finally, the Board recommended that M1304, Type of fuel, enforcement responsibilities be assigned to

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Plumbing/Fire (plan review) and Plumbing (inspection). These assignments are consistent with the responsibilities in the mechanical subcode.

Page 40 (Page 4) In the draft rule, Section M1305, Appliances under floors, enforcement responsibilities were assigned to Plumbing (plan review and inspection). The Board recommended that enforcement responsibility for Section M1305.1.2 be assigned to Building (plan review and inspection). The Board further recommended that enforcement responsibility for M1305.1.2.1 be assigned to Electrical (plan review and inspection). Finally, the Board recommended that enforcement responsibility for M1305.1.3, which deals with the access opening, passageway, and service clearances, be the responsibility of the person who has responsibility for the appliance.

Page 40 (Page 4) In the draft rule, Section M1401 enforcement responsibilities were assigned to Plumbing (plan review and inspection). The Board recommended that Section M1401.1 through Section M1401.3 should be Plumbing (plan review and inspection); Section M1401.4, Outdoor installation, should be Building/Plumbing (plan review) and Plumbing (inspection, except for the support of the equipment in the building, which should be inspected by Building).

Page 40 (Page 4) In the draft rule, Section M1401.5, Equipment in a flood plain, enforcement responsibilities were assigned to Plumbing (plan review and inspection). The Board recommended that it be Building/Plumbing (plan review) and Plumbing (inspection).

Page 40 (Page 4) In the draft rule, Section M1402, Electric and oil-fired central furnaces, enforcement responsibilities were assigned to Building/Fire (plan review) and Fire (inspection). The Board recommended that the enforcement responsibility be based on the type of appliance: Plan review and inspection for electric appliances would be Electric; plan review and inspection for oil-fired appliances would be Plumbing.

Page 40 (Page 4) In the draft rule, Section M1403.1, Listing and labeling of heat pumps, enforcement responsibilities were assigned to Building/Fire (plan review) and Fire (inspection). The Board recommended that because the appliances were electric appliances, enforcement responsibility be assigned to Electric (plan review and inspection).

Page 40 (Page 4) In the draft rule, Section M1407.1-M1407.5 enforcement responsibilities were assigned to Building/Fire (plan review) and Building (inspection). The Board recommended that enforcement responsibility for Section M1407.5, which requires a fan interlock for duct furnaces, which prevents the furnace from operating when the fan is not operating, be assigned to Electrical (plan review and inspection).

Page 41 (Page 5) In the draft rule, Section M1504, Exhaust ducts and exhaust openings, enforcement responsibilities were assigned to Building/Fire (plan review) and Building (inspection). The Board recommended that enforcement responsibility be assigned to Building (plan review and inspection).

Page 41 (Page 5) In the draft rule, enforcement responsibilities for Sections M1801 – M1804 were assigned to Building/Fire (plan review) and Fire (inspection). Section M1801 is General chimney and vent requirements, Section M1802 is vent components, Section M1803 is Chimney and vent connectors, Section M1804 is vents. The Board recommended that Fire have inspection responsibility for labeled vents and factory-built chimneys and that Building have inspection responsibility for masonry chimneys. This would be consistent with the enforcement responsibilities in the mechanical subcode.

Page 42 (Page 6) In the draft rule, Section M1902, Sauna heaters, enforcement responsibilities were assigned to Plumbing (plan review and inspection). The Board



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recommended that, to be consistent with the mechanical subcode, this section be assigned to Fire (plan review and inspection).

Page 44 (Page 8) In the draft rule, new Section G2427.5.10, Vent connections Category 1 appliance, enforcement responsibilities were assigned to Building/Fire (plan review) and Building (inspection). To ensure consistency with the mechanical subcode, the Board recommended that the inspection responsibility be assigned to Fire.

Page 45 (Page 9) In the draft rule, Section G2442, Forced air furnaces, enforcement responsibilities were assigned to Building/Fire (plan review) and Building (inspection). To ensure consistency with the mechanical subcode, the Board recommended that the responsibility be assigned to Fire (inspection).

**N.J.A.C. 5:23-3.4(7) Fuel Gas Subcode**

Page 49 (Page 1) In the draft rule, Section 301.2, Energy utilization, enforcement responsibilities were assigned to Fire (plan review and inspection). The Board recommended that enforcement responsibilities be assigned to Building (plan review and inspection). The remaining sections (Sections 301.3-301.5) that had been assigned to Fire (plan review and inspection) in the draft rule would remain unchanged.

Page 49 (Page 1) In the draft rule, enforcement responsibilities for Section 306 were assigned in their entirety to Building (plan review and inspection). The Board recommended that enforcement responsibilities be assigned by subsection, as follows: Section 306.3.1, electrical requirements for the light switch near the access door for appliance service for appliances in attics, would be assigned to Electric (plan review and inspection). Section 306.4, Appliances under floors, would be assigned to Building (plan review and inspection). Section 306.4.1, Electrical requirements for the light switch near the access door for appliance service for underfloor furnaces, would be assigned to Electrical (plan review and inspection). Section 306.5.1, Sloped roofs, would be assigned to Building (plan review and inspection). Section 306.5.2, Electrical requirements for the service receptacle for roof-mounted appliances, would be assigned to Electrical (plan review and inspection). Section 306.6, Guards, would be assigned to Building (plan review and inspection).

Page 50 (Page 2) In the draft rule, Section 501.7, Connection to fireplace, enforcement responsibilities were assigned to Building/Fire (plan review) and Building (inspection). The Board recommended that it be assigned to Fire (inspection).

Page 50 (Page 2) In the draft rule, a reference to Section 503.5.10, Space surrounding lining or vent, was inadvertently omitted. The Board recommended that it be included.

Page 50 (Page 2) In the draft rule, new Section 503.5.11, Insulation shield, enforcement responsibilities were assigned to Building/Fire (plan review) and Building (inspection). The Board recommended that enforcement responsibilities be assigned to Fire (inspection).

The Board recommended that the enforcement responsibilities for the remaining chapters of the IFGC be assigned by subsection and aligned for consistency with the mechanical subcode,

Upon completion of this review, Mr. Michael Baier stated that staff would make the amendments to the draft in accordance with the Board's recommendations. The revised draft would be sent to all Subcode Committees for another review and would be ready for action at the February Board meeting.

**D. New Business**

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**December 14, 2018**

There were no New Business agenda items.

**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 provided to the members of the Board electronically.

**F. Public Comments**

There were no comments.

**G. Adjourn**

The public portion of the meeting was adjourned at 11:50 a.m.

**H. Executive Session**

The Executive Session was called to order at 12:05 p.m.

**I. Adjourn**

The meeting was adjourned at 12:15 p.m.

**CAB Minutes**  
**October 12, 2018**

**UNIFORM CONSTRUCTION CODE ADVISORY BOARD**  
**Minutes of Meeting, October 12, 2018**

Location  
101 South Broad Street  
Trenton, New Jersey 08625

**Attendance**

Board Members

John Scialla, Vice Chair  
Douglas Boydston  
Andy Cattano  
Mark Caputo  
Henry Kelly  
Arthur Londensky  
Bob Mellohusky  
Gregory Moten  
Tony Neibert  
Stephen Rodzinak  
Valerie Waricka

DCA Staff

Edward Smith, Director, Division of Code and Standards  
Michael Baier, Supervisor, Code Assistance Unit  
John Terry, Assistant Director, Division of Code and Standards  
Robert Austin, Code Assistance Unit  
Marie Daniels, Code Assistance and Code Development  
John Delesandro, Education and Licensing Units  
Robert Hilzer, Office of Regulatory Affairs  
Keith Makai, Code Assistance Unit  
Tom Pitcherello, Code Assistance Unit  
Emily Templeton, Code Development Unit  
Michael Whalen, Code Assistance Unit  
Chrystene Wyluda, Director's Office

Guests

Dennis Bettler, Bernards Township

Mr. John Scialla, Vice Chair of the Uniform Construction Code Advisory Board (CAB), called the meeting to order at 9:33 a.m. Mr. Scialla began the meeting with a moment of silence in memory of Cynthia Cordero and Marcelino Iglesias.

**CAB Minutes**  
**October 12, 2018**

**A. Approval of Minutes of the Code Advisory Board Meeting of June 8, 2018**

*Mr. Tony Neibert made a motion, which was seconded by Mr. Art Londensky, to approve the minutes without change. The motion carried unanimously.*

**B. Subcode Committee Reports**

**Electrical Subcode Committee:** Mr. Tony Neibert, Chair, reported that the Electrical Subcode Committee met on September 27, 2018; the committee discussed agenda items.

**C. Old Business**

There was no Old Business carried forward.

**D. New Business**

1. Draft Rule: Carnival and Fair Electrical Systems (N.J.A.C. 5:23-2.14, 2.18D, 2.20; N.J.A.C. 5:14A-9.2, 9.7)

Mr. Michael Baier explained the draft amendments to the Uniform Construction Code and the Carnival-Amusement Ride regulations. The draft rule would regulate temporary electrical systems for carnivals and fairs, including requirements that the systems be certified. Mr. Baier explained that this draft rule is not so different from annual permits. Mr. John Terry further explained that this rule would ensure that someone qualified certifies the systems. While the carnival-amusement ride inspection staff has been expanded to include electrical work, staff is not able to get to every show. This rule would ensure that the set-up and products are code compliant.

*Mr. Henry Kelly made a motion, which was seconded by Mr. Tony Neibert, to approve the draft rule.*

Mr. John Terry asked that instead of approving the draft rule, it be referred to the electrical subcode committee for review.

*Mr. Henry Kelly withdrew his motion.*

This draft rule was referred to the Electrical Subcode Committee.

2. Draft Rule: Elevator Subcode (N.J.A.C. 5:23-12.2)

Mr. Michael Baier explained the draft amendments to the Elevator Subcode. The draft is essentially housekeeping; it revises language and clarifies the structures for which acceptance testing for elevator devices is not required.

This draft rule was referred to the Elevator Subcode Committee.

3. Draft Rule: Rehabilitation Subcode Update to Model Codes 2018/2017 (N.J.A.C. 5:23-6)

Mr. Michael Baier explained that the draft rule primarily updates section numbers and titles to incorporate the 2018 I-Codes. One board member asked if there were any substantive changes.

This draft rule was referred to the Building, Fire Protection, Electrical, Elevator, Mechanical, and Plumbing Subcode Committees.

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**October 12, 2018**

4. Draft Rule: Update Uniform Construction Code to Model Codes 2018/2017 (N.J.A.C. 5:23)

Mr. Michael Baier explained that the draft rule updates the sections of the UCC that have not otherwise been modified to incorporate the 2018 I-Codes.

The rule was referred to the Building, Fire Protection, Electrical, Elevator, Mechanical, and Plumbing Subcode Committees

5. Draft Rule: Responsibilities (N.J.A.C. 5:23-4)

Mr. Michael Baier explained that this draft rule is partially housekeeping, however, there are many updates for consistency throughout the codes. Mr. Baier pointed out that upon reviewing the International Residential Code, many of its mechanical and Fuel Gas section responsibilities did not align with the assignments in similar sections of the International Mechanical Code and the International Fuel Gas Code. Changes are made throughout to remove these inconsistencies, but in doing so, certain responsibilities have been reassigned to other subcode officials. One board member asked if electrical subcode officials were included in responsibilities regarding egress lighting.

This draft rule was referred to the Barrier Free, Building, Fire Protection, Electrical, Elevator, Mechanical, 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 provided to the members of the Board electronically.

**F. Public Comments**

Mr. Dennis Bettler, Bernards Township, asked if there was any update regarding CEU courses for technical assistants. Mr. Bettler was advised that there are no updates.

**G. Adjourn**

The public portion of the meeting was adjourned at 9:47 a.m.

**H. Executive Session**

The Executive Session was called to order at 9:50 a.m.

**I. Adjourn**

The meeting was adjourned at 9:53 a.m.

**CAB Minutes**  
**June 8, 2018**

**UNIFORM CONSTRUCTION CODE ADVISORY BOARD**  
**Minutes of Meeting, June 8, 2018**

Location  
101 South Broad Street  
Trenton, New Jersey 08625

**Attendance**

Board Members

Beth Pochtar, Chair  
John Scialla, Vice Chair  
Douglas Boydston  
Andy Cattano  
Kathy Herity  
Henry Kelly  
Arthur Londensky  
Bob Mellohusky  
Tony Neibert  
Michael Seeve  
Valerie Waricka

DCA Staff

Edward Smith, Director, Division of Code and Standards  
Michael Baier, Supervisor, Code Assistance Unit  
John Terry, Assistant Director, Division of Code and Standards  
Robert Austin, Code Assistance Unit  
Paulina Caploon, Elevator Safety Unit  
Marie Daniels, Code Assistance and Code Development  
Keith Makai, Code Assistance Unit  
Jose Paulino, Code Assistance and Code Development  
Tom Pitcherello, Code Assistance Unit  
Emily Templeton, Code Development Unit  
Michael Whalen, Code Assistance Unit

Guests

Tom Polino, Plumbing Subcode Committee  
Michelle Wood, Building Subcode Committee

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 9, 2017**

*Mr. Art Londensky made a motion, which was seconded by Mr. Tony Neibert, to approve the minutes without change. The motion carried unanimously.*

**B. Subcode Committee Reports**

**Building Subcode Committee:** Mr. John Scialla, Chair, reported that agenda items were discussed electronically.

**Electrical Subcode Committee:** Mr. Tony Neibert, Chair, reported that agenda items were discussed electronically.

**Elevator Subcode Committee:** Mr. Douglas Boydston, Chair, reported that the Elevator Subcode Committee met on May 10, 2018; the committee discussed recommended amendments to the maintenance requirements of Subchapter 12 of the Uniform Construction Code.

**Fire Protection Subcode Committee:** Mr. Arthur Londensky, Chair, reported that agenda items were discussed electronically.

**C. Old Business**

1. Draft Rule: Enforcement Activities Reserved to the Department (N.J.A.C. 5:23-3.11)  
Mr. Michael Baier summarized this issue. The draft rule grants the local enforcing agency jurisdiction for the plan review of electrical substations. This draft rule had been referred to the Building, Electrical, and Fire Protection Subcode Committees; each Committee approved the draft with no recommended changes. The chair of each of those committees reported that the committee recommended approval.

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

2. Code Change Proposals: Rehabilitation Subcode, Electrical and Fire Protection (N.J.A.C. 5:23-6.7(e)9vi and 6.8(b)4)

Mr. Michael Baier summarized the two code change proposals. The first proposal would require upgraded grounding when a repair or renovation project occurs. This proposal was referred to the Electrical Subcode Committee. One board member spoke in favor of the change, adding that 95% of these projects already include upgrading the grounding system and that the average cost of such upgrade is \$33.

The second code change proposal would delete the requirement for quick-response sprinkler heads in an alteration project. This proposal was referred to the Fire Protection Subcode Committee. Mr. Art Londensky reported that the Committee agreed to the change.

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

**D. New Business**

1. Draft Rule: One Correction and Two Reassignments of Jurisdiction (N.J.A.C. 5:23-2.15, 4.3A, 6.2)

Mr. Michael Baier explained that these proposed amendments to N.J.A.C. 5:23-2.15 correct a cross reference in the Uniform Construction Code. Mr. John Terry

**CAB Minutes**  
**June 8, 2018**

explained that the change to N.J.A.C. 5:23-4.3A would grant jurisdiction to the local enforcing agency for repairs, renovations, alterations, and the installation or alteration of fire protection systems in class 1 or class 2 buildings. Such systems are currently submitted to the Department because of fire protection issues in college dorms, however, there are not many class 2 municipalities with class 1 buildings. Mr. John Terry further explained that the change at N.J.A.C. 5:23-6.2 would clarify that work performed in a licensed health care facility must comply with the “Guidelines for Design and Construction of Health Care Facilities.” Compliance with the Federal Guidelines is required for reimbursement through Medicare.

There was a brief board discussion.

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

2. Code Change Proposal: Rehabilitation Subcode, Electrical (N.J.A.C. 5:23-6.10)

Mr. Michael Baier explained that the Department received this code change proposal, which would which would require electrical service clearances to be approved in the rehabilitation subcode. This could increase the scope of work quite a bit.

There was brief board discussion concerning the original framework of the rehabilitation subcode, which was designed to allow the building owner to determine the scope of work and to require that “work done must comply.” The rehabilitation subcode includes some provisions that expand a planned project, but the work expansion is enumerated in the rehabilitation subcode and is related to the extent and type of the work being undertaken, not on a retrofit requirement.

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

3. Draft Rule: Change in Jurisdiction Residential Health Care Facilities (N.J.A.C. 5:27A-2.2)

Mr. Michael Baier explained that the draft rule is intended to give local enforcing agencies jurisdiction for the plan review of Residential Health Care Facilities (RHCFs). These facilities are neither overly complex nor politically contentious.

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

4. Draft Rule: Definitions – Small Job (N.J.A.C. 5:23-1.4)

This draft rule would delete the definition of ‘small job’ from the Uniform Construction Code because the term is not used in the Uniform Construction Code.

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

5. Arc Fault Circuit Interrupter (AFCI)

Mr. Michael Baier explained that this item was included on the agenda for clarification because the Department wanted to be sure it understood the Board’s position on requiring arc fault circuit interrupters (AFCI) in kitchens and laundry areas. There used to be a concern that this requirement would lead to nuisance tripping in kitchens, however, there is no evidence that such issue would occur. A board member stated that AFCI in kitchens is fine. However, there is a problem for laundry areas since there is no



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**June 8, 2018**

definition of what constitutes a laundry area. There was discussion among the board members on what constitutes a laundry area; one consideration was that a laundry area is within six feet of laundry appliances. One board member stated that basements could pose an issue if there is nuisance tripping of the sump pump receptacle.

*Mr. Tony Neibert made a motion, which was seconded by Mr. Art Londensky, to propose the rule to adopt the National Electrical Code 2017 with the AFCI requirements and draft guidance to define 'laundry area.' The motion carried unanimously.*

6. Draft Rule: Manufactured Homes (N.J.A.C. 5:23-1.1, 2.2, 2.22, 3.19, 4B.1, 4B.4, 4B.5, 4B.7, 4B.9, 4B.10, 4B.11, 4C.1, 4C.2, 4C.3, 4C.5)

The draft rule would give the Federal government jurisdiction for the installation of manufactured homes.

Mr. Michael Baier provided a brief history of the regulations pertaining to manufactured homes. Until the 2000s, the Federal government regulations were limited to what happened in the factory. In 2000, the Federal Manufactured Homes Improvement Act required the Federal government to implement installation standards for these homes. In the years following, the rules the Department had in place were considered sufficient for compliance with the Federal requirements. In 2015, the Federal government began to look more aggressively at the installation of these homes and determined that the State inspection process was non-compliant. For compliance, the State's rules would need to be at least as stringent as the Federal rules and follow the Federal system of inspection. Inspectors would need to be certified by the Federal government. Currently, when manufactured homes are installed, they are inspected by both the local enforcing agency and the Federal Government. This is neither cost effective nor sustainable. If the State remains an Administrative Agency for these homes, the Department would have to create an entirely new licensing program as well as develop new rules that are as stringent and specific as the Federal rules; it does not have the wherewithal to do so. Only 300-400 of these homes are installed annually throughout the State.

Board discussion followed this explanation. In response to a question, it was explained that this draft rule does not apply to modular units. Manufactured homes are HUD units and are defined in both the Uniform Construction Code and in the Federal regulations. One Board member was concerned about whether the Federal requirements include carbon monoxide detection. Board members recommended that guidance be issued to clarify what constitutes a manufactured home. Additionally, one Board member stated that Bulletin 07-1 may need to be updated as a result of this draft rule.

*Mr. Art Londensky made a motion, which was seconded by Mr. Douglas Boydston, to propose the rule and publish guidance regarding the classification of Manufactured Housing. 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

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A list of pending legislation on issues that impact construction and the Uniform Construction Code was provided to the members of the Board electronically.

**F. Public Comments**

There were no comments from the public.

**G. Adjourn**

The public portion of the meeting was adjourned at 10:10 a.m.

**H. Executive Session**

The Executive Session was called to order at 10:13 a.m.

**I. Executive Session Adjourn**

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

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**April 13, 2018**

**UNIFORM CONSTRUCTION CODE ADVISORY BOARD**  
**Minutes of Meeting, April 13, 2018**

Location  
101 South Broad Street  
Trenton, New Jersey 08625

**Attendance**

Board Members

Douglas Boydston  
Andy Cattano  
John Del Colle  
Kathy Herity  
Henry Kelly  
Arthur Londensky  
Gregory Moten  
Tony Neibert  
Steve Rodzinak  
Michael Seeve  
Valerie Waricka  
Michelle Wood (for John Scialla)

DCA Staff

Michael Baier, Supervisor, Code Assistance Unit  
John Terry, Assistant Director, Division of Code and Standards  
Robert Austin, Code Assistance Unit  
Paulina Caploon, Elevator Safety Unit  
John Delesandro, Education and Licensing Units  
Marie Daniels, Code Assistance and Code Development  
Jose Paulino, Code Assistance and Code Development  
Tom Pitcherello, Code Assistance Unit  
Emily Templeton, Code Development Unit  
Michael Whalen, Code Assistance Unit

Guests

Dennis Bettler, Bernards Township  
Liang Gwee, Owens Corning  
Bob Mellohusky,  
Shawn Strausbaugh, Director of PMG Technical Resources, Government Relations,  
International Code Council

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In the absence of the Chair and Vice Chair, Mr. John Terry, Assistant Director, Division of Codes and Standards, called the meeting to order at 9:35 a.m.

**A. Approval of Minutes of the Code Advisory Board Meeting of June 9, 2017**

*Mr. Henry Kelly made a motion, which was seconded by Mr. Michael Seeve, to approve the minutes without change. The motion carried unanimously.*

**B. Subcode Committee Reports**

The Chair of each Subcode Committee reported that meetings had been held and that the items discussed were agenda items.

In a brief discussion concerning the format of the discussions of the draft rule proposal to adopt the 2018 International Code Council (ICC) national model codes and the 2017 National Electrical Code, it was agreed that the discussion would be based on the draft rule, page-by-page, with each Subcode Committee Chair and Board member commenting on and discussing the issues raised. To ensure clarity, it was also decided that each item discussed would be acted upon individually with a comprehensive vote taken on each draft subcode at the conclusion of the discussion.

**C. Old Business**

1. Draft Rule: Building Subcode-International Building Code (IBC)/2018 (N.J.A.C. 5:23-3.14)

Section 913.2.2, Circuits Supplying Fire Pumps: Ms. Michelle Wood, Vice Chair, Building Subcode Committee reported that, at Section 913.2.2, Circuits Supplying Fire Pumps, the IBC requires circuits supplying fire pumps to be protected for one hour, whereas the National Electrical Code (NEC), at Section 695.6, Power Wiring, requires two-hour protection. Mr. Tony Neibert reported that he had discussed the difference with Mr. John Scialla, Chair, Building Subcode Committee and with Mr. Art Londensky, Chair, Fire Protection Subcode Committee; there was agreement that the two-hour standard in the NEC/2017 should be adopted.

*Mr. Arthur Londensky made a motion, which was seconded by Mr. Henry Kelly, to include the two-hour standard from the NEC/2017. The motion passed unanimously.*

New Section 917, Mass notification systems, introduces a requirement for colleges or universities with a total population of 1,000 or more to conduct a risk analysis in accordance with National Fire Protection Association (NFPA 72) to determine the need for a mass notification system and have it installed, if determined necessary.

Ms. Michelle Wood reported that the Building Subcode Committee deferred to the Fire Protection Subcode Committee. Mr. Arthur Londensky reported that the Fire Protection Subcode Committee supported this requirement. A brief discussion concerning the scoping of this provision, which applies to colleges and universities of 1,000 or more students. A question was

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raised as to whether it should apply equally to independent schools with college-like campuses. There was general recognition that the Department cannot change the scoping of a new provision.

*Mr. Arthur Londensky made a motion, which was seconded by Mr. Greg Moten, to approve the inclusion of this new section. The motion passed unanimously.*

Table 1004.5, Maximum Floor Area Allowance per Occupant: In Table 1004.5, Maximum Floor Area Allowance per Occupant, Business areas have been changed from 100 gross to 150 gross. The effect of this is to reduce the minimum occupant load of a business area by 1/3. This change, in connection with the change to Section 1004.8, more accurately reflects the true occupant load of a business use area.

Ms. Michelle Wood reported that the Building Subcode Committee recommended retaining the status quo of 100 gross. Mr. Henry Kelly reported that the New Jersey Builders Association (NJBA) agrees with the Building Subcode Committee, reasoning that the existing standard has worked well. There was a brief discussion concerning the studies that have been conducted that underpin the change to 150. The General Services Administration (GSA) conducted a study that showed that the existing requirement is too conservative and should be changed to reflect the new data. One Board member pointed out that the existing requirement seems to have come from NFPA 101, but the standard has now shifted. One Board member expressed concern that this would impact other uses, such as ambulatory care facilities that are also classified as Group B. Staff responded that this provision would apply only to the Group B concentrated office area of an ambulatory care facility.

*Mr. Henry Kelly made a motion, which was seconded by Mr. Greg Moten, to retain the current standard of 100 gross without change. The motion carried unanimously.*

One Board member recommended that Section 1202.2.1, attic ventilation, be amended to extend the exception to climate zones 4 and 5 in addition to climate zones 6, 7, and 8. Extending the exception to climate zones 4 and 5 would reduce attic ventilation in harsher climates; Mercer County to Bergen County is climate zone 4.

*Mr. Henry Kelly made a motion, which was seconded by Mr. Andy Cattano, to extend the exception to include climate zones 4 and 5. The motion was tied.*

Discussion continued. One Board member observed that increasing the number of vents can result in problems with snow.

The Board agreed to propose the rule with the change and to revert to existing text if necessary in response to comments. Mr. Kelly agreed to provide staff with additional information on this issue.

Design Wind Speed: Section 1609.3, Basic Design Wind Speed, contains a change in terminology from  $V_{ult}$  to basic wind velocity  $V$ . The Section is divided into two maps for Categories III and IV. Values are lower for Category III buildings, but higher for Category IV buildings. For Category I buildings, the 105 mph contour line has been shifted west, while the 110

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and 120 mph contour lines remain the same. The Category II wind map is unchanged. All changes were made for consistency with ASCE 7-16.

*Mr. Henry Kelly made a motion, which was seconded by Mr. Andy Cattano, to approve the change; the motion carried unanimously.*

Fire Watch: At Section 3314.1, Fire Watch During Construction, a new requirement is added for a fire-watch for buildings under construction that are above 40 feet of adjoining grade.

Mr. Arthur Londensky reported that the Fire Protection Subcode Committee recommended that this section be deleted from the building subcode and included in the fire protection subcode.

*Mr. Henry Kelly made a motion, which was seconded by Mr. Arthur Londensky, to delete this section from the building subcode and include it in the fire protection subcode. The motion carried unanimously.*

Mr. Michael Whalen informed the Board that during the discussion of the requirements for a fire watch in the IBC, there was an assumption that the International Fire Code (IFC) had the same requirement, so that a fire watch would be addressed through the Uniform Fire Code (UFC). Mr. Whalen informed the Board that he had checked and had learned that the fire watch is in the IBC and not in the IFC. A brief discussion was held of the need to retain Section 3314.1, fire watch in the IBC/2018.

*Mr. Tony Neibert made a motion, which was seconded by Mr. Arthur Londensky, to include the fire watch in Section 3314.1 in the proposal for IBC/2018. The motion carried unanimously.*

Exit Discharge Lighting: New Section 1008.2.3, Exit discharge (Illumination), requires the exit discharge be illuminated to the public way or to a safe dispersal area.

*Mr. Arthur Londensky made a motion, which was seconded by Mr. Steve Rodzinak, to stay with the existing code requirements to maintain the status quo. The motion carried unanimously.*

Hoistway opening protection: New Sections 1020.1.1, Hoistway opening protection, and 3006.2.1, Rated corridors, require hoistway openings into rated corridors to be protected the same as those that open into elevator lobbies; these sections were proposed for deletion in the draft rule.

Mr. Michael Baier explained that the decision to delete this requirement from the draft proposal was based on the increased cost of construction resulting from this requirement to require an elevator lobby for all rated corridors.

*Mr. Arthur Londensky made a motion, which was seconded by Mr. Steven Rodzinak, to open this issue for discussion.*

There was a brief discussion about the difference in the requirement in the 2015 building subcode for hoistway protection in a building required to have fire-resisted rated corridors. One Board member observed that pressurized hallways are expensive. One Board member commented that having a means of egress while waiting for an elevator is more important than the cost. There was a brief discussion about the code change discussion at the International Code Council (ICC) code change hearings. One Board member observed that the ICC code technical committee made it clear that an elevator lobby is needed in every rated corridor.

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In response to the discussion about the increased cost of construction without a clear-cut benefit, Mr. Steven Rodzinak withdrew his second. The motion then died for the lack of a second. The current provision of the building subcode will be included in the IBC/2018 rule proposal by deleting the new section 1020.1.1.

Standpipe Systems: In Section 905.3.1, Height (Standpipe systems), two new exceptions were added that remove the need for occupant-use hoses from Group B and E occupancies and other occupancies where the hoses will not be used by trained personnel or the fire department.

*Mr. Arthur Londensky made a motion, which was seconded by Mr. Steve Rodzinak, to approve the rule as drafted. The motion carried unanimously.*

Fire Alarm Shop Drawings: Mr. Arthur Londensky reported that the Fire Protection Subcode Committee recommended that the requirements for fire alarm shop drawings in the IBC/2015 be retained because the provision in the IBC/2018 references NPFA 72, which has a less comprehensive list.

*Mr. Arthur Londensky made a motion, which was seconded by Mr. Steven Rodzinak, to retain the current requirement for fire alarm shop drawings. The motion carried unanimously.*

Visible Notification: Mr. Arthur Londensky reported that the Fire Protection Subcode Committee recommended that the provisions of the IBC/2015, which requires wiring to each dwelling unit for the installation of visible alarms, be retained because the IBC/2018 would require wiring only to each floor.

*Mr. Arthur Londensky made a motion, which was seconded by Mr. Steven Rodzinak, to retain the current requirements for visible alarms. The motion carried unanimously.*

Because it involves amendments from the IBC/2018, Chapter 30, the Board moved to a discussion of the Elevator Safety Subcode, which is number 9 on the meeting agenda.

Mr. Douglas Boydston reported on the discussions of the Elevator Safety Subcode Committee, as summarized in the meeting minutes of January 12, 2018, as follows.

Title of ASME A17.1: At N.J.A.C. 5:23-3.14 (b) 8, Chapter 9, delete “ASME A17.1/BSA 44” and insert “the edition of ASME A17.1 adopted by reference in this subcode.” The Committee recommended this change for consistency with other sections of IBC where “CSA B44” has been deleted.

*Mr. Douglas Boydston made a motion, which was seconded by Mr. Arthur Londensky, to make this change. The motion carried unanimously.*

Title of ASME A17.1: At N.J.A.C. 5:23-3.14 (b) 8, Chapter 9, after item lviii, insert a second new item “in Section 911.1.6, item 18, after the word “switch(es)” insert “are provided in accordance with ASME A17.1 adopted by reference in this subcode and”. This change would be

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made for consistency with the requirements of the ASME A17.1 Safety Code for Elevators and Escalators.

*Mr. Douglas Boydston made a motion, which was seconded by Mr. Greg Moten, to make this change. The motion carried unanimously.*

Title of ASME A17.1: At N.J.A.C. 5:23-3.14 (b) 10 iii, item 1.4: To delete CSA B44 from the phrase that is recommended to be inserted. This change is recommended because the State adopts and enforces ASME A17.1 as the Safety Code for Elevators and Escalators, as well as for consistency with other sections of the IBC where “CSA B44” had been deleted.

*Mr. Douglas Boydston made a motion, which was seconded by Mr. Greg Moten, to make this change. The motion carried unanimously.*

Platform Lift: At N.J.A.C. 5:23-3.14 (b) 10 iii, item 4: In Section 410.5.2, to keep the Exception, with a clarification that the dimensions in the Exception are applicable to installations in existing buildings only when it is technically infeasible to comply with the dimension requirements stated in the rule for new construction. Mr. Boydston explained that these dimensions are critical because they address the needs of a person in a wheelchair make a 90 degree turn on the platform when exiting a lift that has doors on adjacent sides, and ensure consistency of enforcement.

*Mr. Douglas Boydston made a motion, which was seconded by Mr. John Del Colle, to make this change. The motion carried unanimously.*

Small Buildings: At N.J.A.C. 5:23-3.14 (b) 10, xliii, in Section 1109.7, Exception 2.1, insert “and according to the scope as outlined in Section 1104.4.1” at the end of the sentence. This change would be consistent with the requirements of Section 1104.4.1.1, and to clarify that buildings defined as small buildings according to Section 1104.4.1, shall comply with the scoping requirements of Section 1104.4.1.

*Mr. Douglas Boydston made a motion, which was seconded by Mr. John Del Colle, to make this change. The motion carried unanimously.*

Emergency Elevator Communication Systems for the Deaf, Hard of Hearing and Speech Impaired: At N.J.A.C. 5:23-3.14 (b) 21, after item i, insert “delete Section 3001.2”, which would require emergency communications for the hearing impaired. According to the elevator industry and the committee, the technology providing compliance with the requirements of this rule is not yet available.

*Mr. Douglas Boydston made a motion, which was seconded by Mr. Steve Rodzinak, to make this change. The motion carried unanimously.*

ASME A17.7/CSA B44.7: At N.J.A.C. 5:23-3.14 (b) 21, ii, replace Table number “3001.2” with “3001.3”, and under the subheading “Standard”, delete “ASME A17.7/CSA B44.7” because the ASME A17.7/CSA B44.7 standard is not adopted in New Jersey.



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*Mr. Douglas Boydston made a motion, which was seconded by Mr. Tony Neibert, to make this change. The motion carried unanimously.*

Note: At N.J.A.C. 5:23-3.14 (b) 21.xii, in Section 3008.8.2, the phrase proposed to be deleted was not found. Also, in the reference document “2018 IBC Issues”, at item 171, there is no Exception in IBC –2018, Section 3004.2.2. Staff agreed that these were noted in error.

References to ASME A17.1 and ASME A17.1: In Chapter 35, under ASME standards, delete “/CSA B44-16” from ASME/A17.1-2016/CSA B44-16, and delete “ASME/A17.7-... .” in its entirety.

*Mr. Douglas Boydston made a motion, which was seconded by Mr. Henry Kelly, to make this change. The motion carried unanimously.*

1.a. Barrier Free Subcode-International Building Code (IBC)/2018, Chapter 11 (N.J.A.C. 5:23-3.14)

*Mr. John Del Colle made a motion, which was seconded by Mr. Steve Rodzinak, to approve the Barrier Free Subcode, Chapter 11, IBC/2018 as drafted. The motion carried unanimously.*

*In the absence of additional discussion, Mr. Tony Neibert made a motion, which was seconded by Mr. Arthur Londensky, to approve the draft amendments to the International Building Code/2018 as amended by discussion. The motion carried unanimously.*

2. Draft Rule: Plumbing Subcode-National Standard Plumbing Code (NSPC)/2018 (N.J.A.C. 5:23-3.15)

*Mr. Steve Rodzinak made a motion, which was seconded by Mr. Arthur Londensky, to approve the proposal of the National Standard Plumbing Code (NSPC)/2018 as drafted.*

Mr. Henry Kelly pointed out that the requirement for waterproof protection around fixtures differs between the NSPC/2018 and the IBC/2018. The NSPC requires one foot of protection, whereas the IBC/2018 requires two feet. This inconsistency should be corrected. After a brief discussion, Mr. Kelly agreed to provide the staff with additional information.

*Mr. Steve Rodzinak amended his motion to accommodate the outcome of the decision made by staff regarding the resolution of the inconsistency between requirements for waterproof protection; the amended motion was seconded by Mr. Arthur Londensky; the amended motion carried unanimously.*

3. Draft Rule: Electrical Subcode-National Electrical Code (NEC)/2017 (N.J.A.C. 5:23-3.16)

Mr. Tony Neibert, Chair, reported that the Electrical Subcode Committee recommended that the sections in Article 514.3(B)(3) that deals with distances between tanks which are not related to electrical installations should be deleted from the electrical subcode.

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*Mr. Tony Neibert made a motion, which was seconded by Mr. Art Londensky, to delete the applicable sections. The motion carried unanimously.*

Mr. Tony Neibert reported on recommendations by the Committee on Article 210.11(C)(4), Article 210.12(B), and Article 210.12(C).

Mr. Neibert reported that Article 210.11(C)(4) requires the installation of a 20-amp branch circuit to serve receptacle outlets in garages. The Committee questioned whether it was possible to have light fixtures on these circuits. Ultimately, the Committee agreed that the section does not permit carriage lights to be installed on this circuit. The Committee recommended that the section be adopted without change.

*Mr. Tony Neibert made a motion, which was seconded by Mr. Art Londensky, to accept the language in the NEC/2017 without change. The motion carried unanimously.*

Mr. Neibert reported on a discussion of Article 210.12(B), which requires the installation of arc fault circuit interrupters (AFCI) in dormitory bedrooms, living rooms, hallways, closets, bathrooms, and similar areas and recommended that the provisions of the National Electrical Code (NEC)/2017 be proposed without amendment. Article 210.12(C) which requires arc fault circuit interrupters (AFCI) in guest rooms and guest suites of hotels, was recommended to be retained. One Board member asked whether this would apply to similar occupancies that are not included in the list.

Mr. Neibert reported that the Electrical Subcode Committee also discussed maintaining the status quo by continuing to delete the requirement for AFCI in kitchens. The Committee affirmed its recommendation that the AFCI provisions currently in the electrical subcode be retained without change.

Mr. Arthur Londensky reported that the Fire Protection Subcode Committee recommended retaining the requirement in the NEC/2017 for laundry room protection. A brief discussion ensued concerning the difficulty of enforcing requirements for GFCIs and AFCIs in laundry areas because “laundry area” is not defined. Mr. Neibert pointed out that the Electrical Subcode Committee had recommended that the Department consider defining a “laundry area” as “within 6 feet of a laundry appliance.” One Board member commented that creating a definition would be too subjective. Another Board member suggested that the Department create a bulletin to provide guidance. One Board member recommended requiring AFCIs and GFCIs in kitchen and laundry areas. Another Board member recommended deleting the requirement for AFCIs or GFCIs in kitchens or laundry areas.

*Mr. Arthur Londensky made a motion, which was seconded by Mr. Greg Moten, to retain the requirement for GFCIs in a laundry area. The motion was defeated.*

*Mr. Arthur Londensky made a motion, which was seconded by Mr. Tony Neibert, to adopt the NEC/2017 as amended by discussion. The motion carried unanimously.*

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4. Draft Rule: Fire Protection Subcode-International Building Code (IBC)/2018 (N.J.A.C. 5:23-3.17)

Mr. Arthur Londensky recommended that the charging text for the fire protection subcode at N.J.A.C. 5:23-3.17(a) be amended to include a reference to the one- and two-family dwelling subcode.

*Mr. Arthur Londensky made a motion, which was seconded by Mr. Tony Neibert, to approve the draft rule as amended. The motion carried unanimously.*

5. Draft Rule: Energy Subcode—International Energy Conservation Code (IECC)/2018 (N.J.A.C. 5:23-3.18)

Mr. Robert Mellohusky reported that the Mechanical/Energy Subcodes Committee recommended that the current amendment at N.J.A.C. 5:23-3.18(c)4i, the blower door test option, should be deleted and the unamended text of the IECC should be adopted. The Committee members thought that, because this has been a code requirement for nearly a decade, there has been ample opportunity for the industry to adjust. Also, the cost of conducting the test has diminished. A short discussion ensued.

One Board member recommended that the blower door test be retained as an option and not as a requirement. Another Board member asked whether changing the option to a requirement would impact inspections. Staff responded that this requirement would not impact inspections because it would require a blower door test report. The Building Subcode Committee had expressed concern about the cost of the test and its impact on construction costs.

*Mr. Robert Mellohusky made a motion, which was seconded by Mr. Steven Rodzinak, to adopt the requirement for the blower door text without amending the national model code. The motion was defeated; existing text allowing for the option will be retained.*

Mr. Mellohusky reported that the Mechanical/Energy Subcodes Committee agreed that the IECC-Commercial requirements should be defined as ASHRAE 90.1 to eliminate the need to make corrections throughout the subcode.

*Mr. Steve Rodzinak made a motion, which was seconded by Mr. Bob Mellohusky, to adopt the definition without change. The motion carried unanimously.*

*Mr. Art Londensky made a motion, which was seconded by Mr. Steve Rodzinak, to approve the draft rule as amended by discussion. The motion carried unanimously.*

6. Draft Rule: Mechanical Subcode-International Mechanical Code (IMC)/2018 (N.J.A.C. 5:23-3.20)

Ms. Michelle Wood reported that the Building Subcode Committee recommended that, in section 509.1, the word “commercial” be retained to avoid a misinterpretation that Type 1 hoods could be required in residential occupancies.

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*Mr. Andy Cattano made a motion, which was seconded by Mr. Henry Kelly, to retain “commercial” in Section 509.1. The motion carried unanimously.*

Both the Building and the Mechanical/Energy Subcodes Committees recommended defining the IPC as the NSPC in the definitions, which would eliminate confusion should one of the references to the IPC be overlooked. The Board held a brief discussion and recommended that staff do a “global replace” to ensure that all, or most, of the IPC references are found.

*Mr. Arthur Londensky made a motion, which was seconded by Mr. Greg Moten, to adopt the draft rule as amended by discussion. The motion carried unanimously.*

7. Draft Rule: One- and Two-Family Dwelling Subcode—International Residential Code (IRC)/2018 (N.J.A.C. 5:23-3.21)

Ms. Michelle Wood reported that the Building Subcode Committee was concerned that the change in language at Section R301.2.4 from “restoration of substantial damage” to “repair of substantial damage” could cause confusion because “repair” is a defined term in the Rehabilitation Subcode.” The Committee also recommended that the Department review Section 106 of the IRC and evaluate whether it would provide guidance in determining when floodproofing requirements need to be followed. Finally, the Committee questioned whether section R315.5 number 2, carbon monoxide detectors where repairs or alterations needs to be deleted since 315.2.2 is deleted.

There was no motion on these recommendations.

Both the Building and the Mechanical/Energy Subcodes Committees recommended defining the IPC as the NSPC, which would eliminate confusion should one of the references to the IPC be overlooked. The Board held a brief discussion and recommended that staff do a “global replace” to ensure that all the IPC references are found.

One Board member raised a question of the requirement that elevators in residences must not be able to move unless the gate has been opened and closed. This requirement was initiated following an accident, but has the unintended consequence of preventing the use of the elevator if someone neglects to completely close the gate. This problem disproportionately impacts people with disabilities who cannot exit without the use of an elevator. Mr. Doug Boydston commented that this requirement is not in the code, but is in the elevator technical standard, A17.1. he agreed that the Elevator Subcode Committee would review this issue; Mr. Henry Kelly agreed to provide the Elevator Subcode Committee with some information.

*Mr. Steve Rodzinak made a motion, which was seconded by Mr. Art Londensky, to approve the draft rule without change. The motion carried unanimously.*

8. Draft Rule: Fuel Gas Subcode—International Fuel Gas Code (IFGC)/2018 (N.J.A.C. 5:23-3.22)

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Mr. Arthur Londensky recommended replacing “building” with “appropriate” in the definition of “approved” in Chapter 2, Definitions. Currently the definition refers to the “building subcode official or other authority having jurisdiction.” The Fire Protection Subcode Committee thought that “appropriate subcode official” would be clearer.

*Mr. Art Londensky made a motion, which was seconded by Mr. Steve Rodzinak, to approve the draft rule as amended by discussion. The motion carried unanimously*

D. New Business

1. Draft Rule: Enforcement Activities Reserved to the Department (N.J.A.C. 5:23-3.11)

Mr. Michael Baier explained that the draft rule would amend the Uniform Construction Code to remove electrical generating stations and substations (including nuclear) from the list of projects for which the Department is the sole review authority. The assignment of jurisdiction to the Department the sole plan review authority for these facilities dates back to the inception of the UCC. With the current definition of “process equipment”, there is little review necessary for electrical substations. Therefore, it is no longer necessary for the Department to retain authority. This revision would assign jurisdiction for these occupancies to the local enforcing agency.

There was a brief discussion as to the technical expertise required for electrical generating stations. It was recommended that the rule be revised so that the Department would retain jurisdiction for electrical generating stations, but substations would be transferred to local jurisdiction.

The draft rule was referred to the Building Subcode Committee and Electrical Subcode Committee for review.

2. Draft Revision: Bulletin 79-7, Septic Systems

In response to a request from Mr. Steve Rodzinak, Mr. Tom Pitcherello recommended that when the responsibilities are revised, the plumbing inspector should be responsible for connections to a public water supply system. In addition, enforcement responsibility should be clarified for the change of a system to tanks.

*Mr Steve Rodzinak made a motion, which was seconded by Mr. Tony Neibert, to approve the rule without change. The motion carried unanimously.*

3. Code Change Proposals: Rehabilitation Subcode (N.J.A.C. 5:23-6.7(e)9vi and 6.8(b)4)

Mr. Michael Baier explained that there are two code change proposal that are to be considered for the Rehabilitation Subcode.

The code change proposal that would require upgraded grounding was referred to the Electrical Subcode Committee.

The code change proposal that would delete the requirement for quick-response sprinkler heads in an alteration project was referred to the Fire Protection Subcode Committee.

E. Information

1. Meeting Dates 2018

**CAB Minutes**  
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2. CAB Log

3. List of Pending Legislation

Ms. Emily Templeton informed the Board that the report from the Legislative web site has been provided to Board members electronically.

F. Public Comments

Mr. Shawn Strausbaugh, International Code Council, thanked the Department for its continued commitment to and support of the I-codes. Mr. Strausbaugh gave particular thanks for the staff of the Division of Codes and Standards throughout the code change hearings.

G. Adjourn

*Mr. Arthur Londensky made a motion to adjourn, which was seconded by Mr. Tony Neibert. The motion passed unanimously.*

The meeting was adjourned at 11:50 a.m.

**CAB Minutes**  
**December 8, 2017**

**UNIFORM CONSTRUCTION CODE ADVISORY BOARD**  
**Minutes of Meeting, December 8, 2017**

Location  
101 South Broad Street  
Trenton, New Jersey 08625

**Attendance**

Board Members

Beth Pochtar, Chair  
John Scialla, Vice Chair  
Douglas Boydston  
Mark Caputo  
Andy Cattano  
Kathy Herity  
Henry Kelly  
Arthur Londensky  
Gregory Moten  
Tony Neibert  
Steve Rodzinak  
Michael Seeve  
Valerie Waricka

DCA Staff

Michael Baier, Supervisor, Code Assistance Unit  
Lou Mraw, Office of Regulatory Affairs  
John Terry, Assistant Director, Division of Code and Standards  
Robert Austin, Code Assistance Unit  
Paulina Caploon, Elevator Safety Unit  
John Delesandro, Education and Licensing Units  
Marie Daniels, Code Assistance and Code Development  
Jose Paulino, Code Assistance and Code Development  
Tom Pitcherello, Code Assistance Unit  
Emily Templeton, Code Development Unit  
Michael Whalen, Code Assistance Unit

Guests

Kenneth Krug, City of New Brunswick  
Bob Mellohusky, Pennoni

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

Four newly appointed members of the Code Advisory Board were introduced and welcomed: Douglas Boydston, public member and Chair, Elevator Subcode Committee; Andy Cattano,

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public member representing consumers; Kathy Herity, public member; Stephen Rodzinak, representing licensed plumbing inspectors and Chair, Plumbing Subcode Committee.

Ms. Emily Templeton provided a brief summary of the Board, its responsibilities, and its procedures.

**A. Approval of Minutes of the Code Advisory Board Meeting of June 9, 2017**

*Mr. Tony Neibert made a motion, which was seconded by Mr. Greg Moten, to approve the minutes without change. The motion carried unanimously.*

**B. Subcode Committee Reports**

No Subcode Committee had met due to the lack of agenda referrals.

**C. Old Business**

There was no Old Business carried forward.

**D. New Business**

Mr. Michael Baier introduced the agenda items. He explained that staff has drafted a rule proposal to adopt the 2018 International Code Council (ICC) model codes and the 2017 National Electrical Code (NEC). The draft is divided by technical subcode and is ready to be referred to the appropriate subcode committees. Department staff is looking for a comprehensive review by the members of the subcode committees. Mr. Baier emphasized that the value of the Subcode Committees' review cannot be over-stated.

1. Draft Rule: Building Subcode-International Building Code (IBC)/2018 (N.J.A.C. 5:23-3.14)

Mr. Michael Baier directed the Board's attention to the item in the packet, explaining that along with the draft rule is a cover memo in which the code changes that represent the substantive changes to the International Building Code (IBC)/2018. These are:

- a. At Section 706.1.1, Party Wall, Exception 2 would be proposed to be deleted. The deletion would require that party walls be constructed when a building straddles a lot line.

- b. At Section 9.13.2.2, Circuits Supplying Fire Pumps, the IBC requires circuits supplying fire pumps to be protected for one hour. The National Electrical Code (NEC), at Section 695.6, Power Wiring, requires two-hour protection. The Department requested a recommendation on which code should rule on this matter.

- c. At Table 1006.2.1, Spaces with One Exit or Exit Access Doorway, in the fifth column of the tenth row (R-3), the reference to the footnote shall be deleted. In footnote g, "R-3 and" shall be deleted. Additionally, the heading over the third, fourth, and fifth row, "Common Path of Egress" shall be deleted and "Exit Access" shall be inserted. This amendment is necessary due to an anomaly in the Code. As drafted, Section 1006.2.2.6 is intended to be an exception to Table 1006.2.1 for Group R-3 occupancies protected throughout with a sprinkler system designed and installed in accordance with NFPA 13D. However, the text is 1006.2.2.6 is more restrictive than Table 1006.2.1. Therefore, it is proposed to delete the reference to Group R-2 in



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this section and amend Table 1006.2.1 to include NFPA 13D systems for Group R-3 occupancies. Additionally, the heading of the third through fifth columns is changes to correct an error in the code; the correct limiting travel distance is the exist access travel distance, not the common path of travel distance. This correction is being made at Section 1006.3.3, Single Exits, as well as Tables 1006.3.3(1), Stories with One Exit or Access to One Exit for R-2 Occupancies, and 1006.3.3(2), Egress Based on Occupant Load.

d. Section 1020.1.1, Hoistway Opening Protection, shall be deleted. This new section requires hoistways opening into corridors be afforded the same level of protection as hoistways opening into elevator lobbies. It is recommended for deletion.

e. New Section 503.1.4, Occupied Roofs, establishes the requirements to occupy the roof of a building. Currently, occupancy on a roof is unregulated; this new section will provide for consistency in regulating this common practice.

f. In Table 1004.5, Maximum Floor Area Allowance per Occupant, Business areas have been changed from 100 gross to 150 gross. The effect of this is to reduce the minimum occupant load of a business area by 1/3. This change, in connection with the change to Section 1004.8, more accurately reflects the true occupant load of a business use area.

g. Table 1607.1, Minimum Uniformly Distributed Live Loads,  $L_0$ , and Minimum Concentrated Live Loads, changed the live load for balconies and decks to 1.5 times the area served, not to exceed 100. There is also an added note for when reductions are not permitted, and text has been removed from the body of the table. This will be a reduction in the live load for balconies off bedrooms from 60 to 45 psf.

h. New Section 1607.15.2, Fire Walls, establishes minimum design force for structural stability of fire walls: 5psf horizontal load.

i. At Section 1609.3, Basic Design Wind Speed, there is a change in terminology from  $V_{ult}$  to basic wind velocity  $V$ . The Section is divided into two maps for Categories III and IV. Values are lower for Category III buildings, but higher for Category IV buildings. For Category I buildings, the 105 mph contour line has been shifted west, while the 110 and 120 mph contour lines remain the same. The Category II wind map is unchanged. All changes were made for consistency with ASCE 7-16.

j. At Section 2308.5.5.1, Openings in Walls and Partitions, and 2308.5.5.1.1, Openings in Exterior Bearing Walls, language is added to address the use of single member headers.

k. At Section 3001.2, Emergency Elevator Communication Systems for the Deaf, Hard of Hearing and Speech Impaired, a provision is added requiring an emergency communication system for the hearing impaired in elevators.

l. At Section 3314.1, Fire Watch During Construction, a new requirement is added for a fire-watch for buildings under construction that are above 40 feet of adjoining grade.

m. Section 1404.8 extends the use of polypropylene siding beyond Type V construction; please review and comment.

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

1.a. Barrier Free Subcode-International Building Code (IBC)/2018, Chapter 11 (N.J.A.C. 5:23-3.14)

Mr. Michael Baier explained that this draft rule would amend the IBC/2018, Chapter 11, which contains the accessibility requirements for construction and in the last code change cycle became the Barrier Free Subcode. A list of the three most significant changes is included in the packet.

- New Section 1103.2.14, Walk-in coolers and freezers, has been added to exempt these spaces from compliance with Chapter 11.
- In Section 1107.6.2.2, Apartment houses, monasteries and convent and Section 1107.6.2.3, Group R-2, other than live/work units, apartment houses, monasteries and convents, a change has been made because ADA and FHA count bedrooms in dormitories and congregate residences when determining the number of units for accessibility requirements. With the recognition that suite designs can include more than one bedroom in a sleeping unit, the requirements here need to be amended to align with these federal regulations.
- In Section 1109.2.1.2, Family or assisted-use toilet rooms, an exception is added to allow for the installation of additional children's height fixtures in these rooms.

This draft rule was referred to the Barrier Free, Building, Fire Protection, Electrical, and Elevator Subcode Committees.

2. Draft Rule: Plumbing Subcode-National Standard Plumbing Code (NSPC)/2018 (N.J.A.C. 5:23-3.15)

Mr. Michael Baier summarized the primary changes to the National Standard Plumbing Code/2018, noting that, overall, the changes from the 2015 to the 2018 editions were minor.

- At Section 13.8, Sizing for Continuous or Intermittent Flows, the Department is amending this section to delete references to Section A-3 and Appendix A and add a reference to the rainfall levels in New Jersey.
- Section 16.1.7, Abandoned Disposal Systems, was revised to require that inspection responsibility is given to the local health department if no local hookup exists.
- Former Chapter 18, Mobile Home and Travel Trailer Park Plumbing Requirements, has been removed from the 2018 NSPC.
- Section 13.1.10.2, Secondary Roof Drainage: In the past, the Department has deleted this section in its entirety. For this adoption, the Department is proposing to add an amended Section 13.1.10.2, titled Overflow Roof Drainage, to address the requirement that

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overflow roof drainage systems be installed where parapet walls or other construction which extends above the roof is taking place.

This draft rule was referred to the Plumbing Subcode Committee.

3. Draft Rule: Electrical Subcode-National Electrical Code (NEC)/2017 (N.J.A.C. 5:23-3.16)

Mr. Michael Baier acknowledged the work and advice of Mr. Ken Verbos, Office of Regulatory Affairs, in reviewing the National Electrical Code (NEC)/2017.

Attached to the memorandum and draft rule is a comprehensive list of the changes between the 2015 and 2017 NEC.

- Article 210.52(G)(1), Garages, requires a GFCI in each garage bay instead of one in each garage. Establishes a height for installation of not more than 5 ½ feet above the floor.
- Article 210.12(B), Dormitory Units, added requirement that arc fault protection is required in bathrooms in dormitories.

This draft rule was referred to the Electrical, Elevator, and Fire Protection Subcode Committees.

4. Draft Rule: Fire Protection Subcode-International Building Code (IBC)/2018 (N.J.A.C. 5:23-3.17)

Mr. Michael Baier commented that the draft Fire Protection Subcode contained few changes because the section numbers referenced in the subcode have not changed.

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

5. Draft Rule: Energy Subcode—International Energy Conservation Code (IECC)/2018 (N.J.A.C. 5:23-3.18)

Mr. Michael Baier reminded the Board that the Energy Subcode consists of two parts—standards for commercial buildings and standards for residential buildings.

- ASHRAE 90.1-2016. On July 25, 2017, the US Department of Energy (DOE) issued a preliminary determination that ASHRAE Standard 90.1-2016 would achieve greater energy efficiency in buildings subject to the code. DOE estimates that national savings in commercial buildings of approximately: 8.2% in energy cost savings; 7.9% in source energy savings; and 6.7% in site energy savings. Since the US DOE requires each State to certify that they meet a certain edition of ASHRAE Standard 90.1, the Department would adopt only the ASHRAE and not the commercial portion of the 2018 IECC. This would keep with the status quo.
- At Section R402.4.1, with minor improvements to the IECC, 0.6-1.1% improvement in the prescriptive path, it may be time to revisit the air leakage requirements of the thermal envelope and require the testing in addition to the inspection. The residential portion of the 2018 IECC does not change much from the 2015 edition. There are slight modifications to the building thermal envelope in R-values and U-values.

This draft rule was referred to the Building, Fire Protection, Mechanical/Energy, and Plumbing Subcode Committees.

Mr. Greg Moten raised a question about the rationale for leaving optional the power requirements in the ASHRAE standard, Chapter 8. Mr. Robert Austin responded that site energy

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usage differs from the established usage table. The code sets requirements for the design load, which is difficult to enforce in the field. The code does not have monitoring standards for energy usage. So, Chapter 8 is included as optional, which means that it may be used as a resource, but because it is not enforceable by a code official, compliance is not required.

6. Draft Rule: Mechanical Subcode-International Mechanical Code (IMC)/2018 (N.J.A.C. 5:23-3.20)

Mr. Michael Baier introduced the draft mechanical subcode; a list of changes us included in the packet. There are no significant changes.

This draft rule was referred to the Building, Fire Protection, Mechanical/Energy, and Plumbing Subcodes Committees.

7. Draft Rule: One- and Two-Family Dwelling Subcode—International Residential Code (IRC)/2018 (N.J.A.C. 5:23-3.21)

Mr. Michael Baier introduced the draft one-and two-family dwelling subcode. Staff has identified several changes in the IRC/2018 for particular review and has also included a list of all changes to assist in the review. The significant changes are:

- Section R325, Mezzanines, has added habitable attics to R325.1 and R325.6. The Department plans to delete those references and maintain the definition of habitable attic in the 2015 IRC.
- Section R405, Foundation Drainage – It may be time to reevaluate keeping this section, in addition to the unamended R406, Foundation Waterproofing and Dampproofing. As previously amended, both sections are deleted and Section 1805, Dampproofing and Waterproofing, of the International Building Code (IBC) is inserted.
- Section R507, Exterior Decks, has been reorganized and added more criteria specific to decks. More specifically, Section R507.9.2, Lateral connection, should be reevaluated due to the availability and cost of the products that meet this; it may be time to include.
- Chapter 11, Energy Efficiency receives slight modifications to the building thermal envelope in R-values and U-values but nothing of major concern. With the minor improvements to the IECC, 0.6-1.1% improvement in the prescriptive path, it may be time to revisit the air leakage requirements of the thermal envelope and require the testing in addition to the inspection at Section N1102.4.1.
- Appendix Q, Tiny houses. The Department is considering including this Appendix in the subcode.

This draft rule was referred to the Building, Fire Protection, Mechanical/Energy, and Plumbing Subcodes Committees.

8. Draft Rule: Fuel Gas Subcode—International Fuel Gas Code (IFGC)/2018 (N.J.A.C. 5:23-3.22)

Mr. Michael Baier introduced this draft rule amendment. He informed Board members that the changes are not significant and are summarized in a list that is included in the packet.

This draft rule was referred to the Building, Electrical, Fire Protection, Mechanical/Energy, and Plumbing Subcodes Committees.

9. Draft Rule: Elevator Safety Subcode—International Building Code (IBC)/2018, Chapter 30 (N.J.A.C. 5:23-12)

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Mr. Michael Baier introduced this draft rule and called attention to two changes in the International Building Code: (1) In Section 3001.2, Emergency Elevator Communication Systems for the Deaf, Hard of Hearing and Speech Impaired, a provision was added requiring an emergency communication system for the hearing impaired; and (2) Section 3006.2.1, Rated Corridors, a section was added that requires maintaining the rating of corridors where elevator doorways open into them.

This draft rule was referred to the Building, Elevator, and Fire Protection Subcodes Committees.

**E. Information**

Flak Jacket Protection: Mr. John Terry, Assistant Director, provided a brief summary of an issue with which the Department has been dealing. The International Residential Code (IRC)/2015 required that except those using composites or dimensional lumber that are 2 X 10 or greater be protected with gypsum, wallboard, “or equivalent” on the underside. Weyerhaeuser obtained a determination of equivalency from the International Code Council (ICC) for its flak jacket protective design. In December 2016, the chemical composition of the flak jacket was changed; the new formulation leached formaldehyde. Weyerhaeuser’s solution was to approve a paint to be used as a covering. The Department asked Weyerhaeuser to demonstrate that the recommended paint retained the required fire resistance rating. Initially, the ICC said that the paint was equivalent and the Department agreed with that determination. However, as problems with the paint surfaced, upon investigation, it was found that the product with the newly formulated paint applied had not been tested for fire resistance, so it could not be accepted as a fix for this problem. The Department has sent email blasts to code enforcement officials and has made information available on the Division’s web pages under Alerts and Issues.

Mr. Mark Caputo commented that leaching formaldehyde is a serious public health concern and removing the affected building elements is more effective in the long term than encapsulating them. Mr. Lou Mraw, Office of Regulatory Affairs, commented that ripping out the impacted building elements and replacing them is the best fix, but code enforcement officials do not have the authority to require replacement if there is a demonstrated means of obtaining code compliance another way. Mr. Mark Caputo commented that removal is the most appropriate solution. There was general agreement with this comment, although it was also recognized that it is not possible to require removal if the fix is determined to meet code.

Lou Mraw’s Retirement: Ms. Emily Templeton informed the Board that Lou Mraw is retiring effective January 1, 2018, so this is his final Board meeting. Ms. Templeton quoted former Director William Connolly who had summed up Lou’s career by saying that two of the foundational premises of the Uniform Construction Code were that its requirements would be predictable and that it would be uniformly enforced. The success of the Uniform Construction Code rests largely on Lou Mraw’s integrity. His leadership as problems have arisen and his ability to identify solutions has been without equal.

Several Board members applauded Lou and his practical, consistent, and honest approach to addressing problems.

Mr. Mraw thanked the Board. In reflecting on his career, he said that when he started with DCA, his supervisor had told him to attend the Code Advisory Board to learn about the code and the interaction with the industry. He said that he believes in the code enforcement process in the UCC and is proud to have had a role in its development and success.

He received a standing ovation.

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Returning to the agenda, the information items provided in the packet were enumerated without further comment.

1. Meeting Dates 2018
2. CAB Log
3. List of Pending Legislation

F. Public Comments

There were no comments from the public.

G. Adjourn

The public portion of the meeting was adjourned at 10:50 a.m.

H. Executive Session

The Executive Session was called to order at 11:05 a.m. Subcode Committees were appointed.

I. Adjourn

The meeting was adjourned at 11:15 a.m.

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**UNIFORM CONSTRUCTION CODE ADVISORY BOARD**  
**Minutes of Meeting, June 9, 2017**

Location  
101 South Broad Street  
Trenton, New Jersey 08625

**Attendance**

Board Members

Beth Pochtar, Chair  
John Scialla, Vice Chair  
John Fritzen  
Gregory Moten  
Tony Neibert  
Michael Seeve  
Valerie Waricka

DCA Staff

Edward M. Smith, Director, Division of Codes and Standards  
Michael Baier, Bureau of Code Services  
Lou Mraw, Office of Regulatory Affairs  
Marie Daniels, Code Assistance and Code Development  
Jose Paulino, Code Assistance and Code Development  
Tom Pitcherello, Code Assistance Unit  
Emily Templeton, Code Development Unit

Guests

Stephen Rodzinak, Acting Chair, Plumbing Subcode Committee  
Dominic Cardarelli, West Windsor Township  
Bob La Costa, Scotch Plains  
Tom Polino, West Windsor Township  
Joe Valieri, West Windsor Township

Ms. Beth Pochtar, 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 10, 2017**

*Mr. Michael Seeve made a motion, which was seconded by Mr. Greg Moten, to approve the minutes without change. 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 that the Barrier Free Subcode Committee met on June 2, 2017; agenda items were discussed.

**Building Subcode Committee:** Mr. John Scialla, Chair, reported that the Building Subcode Committee met on May 19, 2017; agenda items were discussed.

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**Electrical Subcode Committee:** Mr. Tony Neibert, Chair, reported that the Electrical Subcode Committee met on May 25, 2017; agenda items were discussed.

**Elevator Subcode Committee:** Mr. George Hrin, Chair, reported that the Elevator Subcode Committee met on May 11, 2017; agenda items and the Department's rule proposal concerning ordinary maintenance and minor work were discussed.

**Fire Protection Subcode Committee:** Mr. Arthur Londensky, Chair, reported that the Fire Protection Subcode Committee met on May 11, 2017; agenda items were discussed.

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

**Plumbing Subcode Committee:** Mr. Stephen Rodzinak, Vice Chair and Acting Chair, reported that the Plumbing Subcode Committee met on May 19, 2017; agenda items were discussed. In addition, the Plumbing Subcode Committee had questions on the use of the mechanical tech section for the replacement of a water heater. The Committee recommended that either the mechanical or the plumbing tech section should be acceptable.

**C. Old Business**

**D. New Business**

1. Draft Rule: N.J.A.C. 5:23-3.2 -- Health Care Facilities

Mr. Michael Baier summarized the issue for the Board. The draft rule would include a direct reference to the National Fire Prevention Association (NFPA) Life Safety Code 101 because the reference in the International Building Code (IBC), which is adopted as the building subcode, is no longer clear and compliance with NFPA 101 is required for health care facilities to receive Medicare reimbursement.

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

2. Draft Rule: N.J.A.C. 5:23-3.4(d)—Mechanical Inspector, Group R-4 Elimination

When Group R-4 was added to the R-3 and R-5 building designations regarding mechanical inspections, there were a few missed...and probably for good reason. Upon further application of mechanical inspections, it became apparent that the limitation should remain with one- and two-family dwellings, Groups R-3 and R-5. As defined in Chapter 3 of the IBC/2015, Group R-4 is a therapeutic residence not a one- or two-family dwelling. In the draft rule, several sections of N.J.A.C. 5:23 have been revised to delete Group R-4 to ensure that all sections consistent.

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



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3. Draft Rule: N.J.A.C. 5:23-3.2(d) -- Commercial Farm Buildings

Mr. Michael Baier summarized the three amendments in this draft rule. The first amendment would allow commercial farm buildings that are close to a building that has a restroom available for use to forego the requirement for additional fixtures. The second makes it clear that buildings operated on a seasonal basis to be served by portable toilets. The draft rule would also remove the requirement for lightning protection. At this time, commercial farm buildings are the only buildings required to have lightning protection. Removing the requirement would leave the decision as to whether to have this additional protection to the farmer. The draft rule was provided to the Board and to all subcode committees.

*Mr. Tony Neibert made a motion, which was seconded by Mr. Michael Seeve, to approve the draft rule. The motion carried unanimously.*

4. Draft Rule: N.J.A.C. 5:23-4.12 --Third Party Inspection and Plan Review Agencies

Mr. Michael Baier explained that these draft amendments would modify the scope of work that may be performed by private on-site inspection agencies. The Uniform Construction Code currently allows these private contractors to act on behalf of the subcode official whose work encompasses both plan review and inspection. The amendments would provide an option to on-site inspection agencies by allowing them to contract with municipalities to act exclusively in the place of inspectors. The amendment would also relax the conflict of interest implications for those working for third party agencies. Currently, third party agency employees are subject to the same restrictions as State employees working in code enforcement and are prohibited from working in the construction trades statewide. The proposed amendments would change this prohibition to adjacent municipalities, thereby using the same restriction that applies to those employed in municipal code enforcement.

A brief discussion ensued. Mr. John Scialla reported that the Building Subcode Committee identified several problems. One Committee member stated that contracts with third party agencies should be required to be more specific. For example, the third party inspectors could be allowed to serve as inspectors to maintain timeliness when there is a surge in required inspections, but should not be able to replace municipally employed inspectors. One Committee member commented that third party agencies have not been reliable at completing inspections; in some municipalities, there have been third party permits that have remained open for years because the third party agencies do not answer to anybody. One Committee member addressed the decline in available licensed code officials by recommending that classes offered at community colleges should be consolidated to avoid cancelling a class due to insufficient enrollment when it would be possible to hold a single class by combining the enrollment for two—or more—community colleges. One Board member recommended that the third party agency should be able to be paid on a per-inspection basis. One Board member asked whether the underlying problem is really that code enforcement as a profession is not attracting inspectors. Referring to the decline in available full-time jobs with benefits in municipal code enforcement, it could be that the municipal jobs no longer attract candidates who are seeking a career rather than a job. One Board member asked how many third party agencies there are. Mr. Lou Mraw replied that there are three or four that offer every discipline and there are four to six that offer elevator subcode enforcement only. One Board member asked whether the inspectors working for third party agencies would be required to be licensed in a technical discipline; the answer was yes.

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One Board member recommended that the rule be amended to clarify whether the conflict of interest provision would apply to the individual inspectors or to the third party agency.

One Board member commented that for code enforcement to work, the Office of Regulatory Affairs must be strengthened. The State must have the ability to investigate and take action, where warranted.

There was a brief discussion about shared services. One Board member pointed out that even municipalities with shared services often do not staff their code enforcement offices properly. One Board member asked whether the use of third party inspectors could be done project-by-project or use of a third party agency for inspections only would have to be outsourced. One Board member recommended that the draft rule be approved with an amendment to specify that the third party inspection services be used to augment, not replace, municipally employed inspectors.

*Mr. Tony Neibert made a motion, which was seconded by Mr. Michael Seeve, to approve the draft rule with the amendment to require that third party inspections subsidize, but not replace, current code enforcement employees.*

**5. Draft Rule: N.J.A.C. 5:23-2.20--Chimney Verification**

The draft amendment would require that chimney verification be accepted in lieu of the removal and reinstallation of the chimney vent connector.

A brief discussion ensued. Several Board members expressed support for the draft rule change. One Board member reported that one Committee member had expressed concern that some chimney verification forms have been submitted for work that did not comply. One Board member recommended that inspections be required of new chimney liners. One Board member commented that the Form 370 should be revised to eliminate the “opt out” option for contractors, who should be required to complete the form and deleting “all other work” from the form because the form would not be needed when other work is being done.

*Ms. Valerie Waricka made a motion, which was seconded by Mr. Michael Seeve, to approve the rule as drafted. The motion carried unanimously.*

**6. Draft Rule: N.J.A.C. 5:23-3.14—Barrier Free Subcode**

Ms. Emily Templeton summarized the changes in the draft rule as required to correct several items from the adoption of Chapter 11 as the accessibility standards.

a. At N.J.A.C. 5:23-3.14(b)13, Section 1003.9, Operable parts, of ICC/ANSI A117.1-2009 would be amended to eliminate the requirement that the outlets above kitchen counters must meet the reach ranges for a reach over an obstruction. The Barrier Free Subcode had this same exception. It is an important exception because the reach range over an obstruction requires custom counters since the standard kitchen counter is just a little too deep to reach the outlet. Some builders have applied for a variation from this requirement and some have “bumped out” the outlet. Neither is a reasonable solution.

b. At N.J.A.C. 5:23-3.14(b)10vi, the current reference to Section 1104.1 would be corrected and Section 1104.4 would be inserted. At Subsection 1104.4.1.1, a new provision would be added to allow the use of a limited use/limited application (LULA) elevator in a small building (less than 10,000 square feet total gross enclosed floor area) as long as the floor served is not larger than 3,000 square feet and travel distance does not exceed 25 vertical feet. This same change was made to the section on large buildings (10,000 square feet or more total gross enclosed floor area) and is currently published in the *New Jersey Register* as a proposal. This

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companion change would ensure that a LULA could be used to provide a vertical accessible route in small building, as well as in a large one.

c. At N.J.A.C. 5:23-3.14(b)10xxxvi, the scoping for accessibility requirements for multistory dwelling units would be corrected to ensure that where there are four or more dwelling units in a single structure, multistory dwelling units would be required to have an accessible entry level. The codification of this requirement has created confusion. It is being corrected for clarity. The amendment is taken directly from the “old” Barrier Free Subcode, N.J.A.C. 5:23-7.5.

d. At Section 1110.4.13, Swimming pools, wading pools, hot tubs, and spas, Exception 3, exempts swimming pools and similar facilities at multifamily from providing access into the swimming pool. This rule amendment would delete that exception.

A brief discussion was held. In the absence of Mr. George Hrin, Ms. Paulina Caploon recommended that a cross reference to the section stating where a LULA may be installed be included in the rule upon proposal. One Board member recommended that direction to Chapter 11 be included at N.J.A.C. 5:23-7.1 to ensure that code users know that accessibility requirements were moved, not removed.

*Mr. Greg Moten made a motion, which was seconded by Mr. Michael Seeve, to approve the draft rule amended by adding the cross reference to where LULAs may be installed and a cross reference in Subchapter 7 to Chapter 11/IBC.*

7. Draft Revision-Bulletin No. 95-1B: Removal/Abandonment Requirements for Residential Heating Oil Tank (no limit) and Commercial Heating Oil Tanks (Under 2001 Gallons)

Mr. Michael Baier informed the Board that this draft revised bulletin addresses the removal or abandonment of oil tanks, including who is responsible for inspection and how tanks are to be abandoned or removed. This revision reflects current regulations and incorporate comments from the Department of Environmental Protection (DEP).

One Board member commented that the reference to “sand” should be changed to “inert material” in case another, equally effective, material were to be used. One Board member recommended that a simple sketch showing the location of the abandonment should be required. One Board member commented that the fire protection subcode official should be notified when an oil tank is being abandoned or removed as a result of a conversion to liquefied petroleum (LP) gas or natural gas. Finally, one Board member recommended that a *Construction Code Communicator* article be written to clarify that the bulletin was being modified to be consistent with the responsibilities already assigned. One Board member commented that a permit should be required for tank removal.

*Mr. Michael Seeve made a motion, which was seconded by Mr. Greg Moten, to approve the draft bulletin as amended by discussion. The motion carried unanimously.*

8. Draft Rule: N.J.A.C. 5:23-4.5 -- Annual Permit Form

Mr. Michael Baier explained that this amendment lists a new standard application form for annual permits. The Department has determined that a standard form for this purpose would be helpful for applicants and enforcing agencies. (The current application form for annual permits is a non-standard version used by the Bureau of Construction Project Review.)

Several Board members commented on the value and efficiency of standardization.

*Mr. Tony Neibert made a motion, which was seconded by Mr. Michael Seeve, to approve the draft form and the draft rule. The motion carried unanimously.*

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9. Rule: N.J.A.C. 5:27 and N.J.A.C. 5:23-3.11, 3.14, 6.31-- Cooperative Sober Living Residences

Mr. Michael Baier explained the framework of the Cooperative Sober Living Residences (CSLR). These residences are part of the Governor's initiative to provide additional supportive living options for people who are in substance abuse recovery. These residences would be licensed as boarding houses; they would be Group R-3 or R-5, and would have basic fire safety requirements, including fire and carbon monoxide detection and egress windows.

A brief discussion ensued. One Board member asked whether these residences should be required to have a limited fire suppression system. One staff member responded that these residences are required to have some fire safety upgrades and an on-site manager, so they are the threshold level at which licensure is required. One Board member was in favor of the Department asserting enforcement authority for these residences; another Board member commented that prior approvals of municipal ordinances should be required. One Board member asked whether these residences are one- or two-family dwellings only.

*Mr. Tony Neibert made a motion, which was seconded by Mr. Greg Moten, to approve the rule without change. The motion carried unanimously.*

**E. Information**

1. CAB Meeting Dates 2017

2. CAB Log: The updated Code Advisory Board 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 has been emailed to the Board as a .pdf.

**F. Public Comments**

Mr. Thomas Polino, West Windsor Township, commented that because the hot water heater is a plumbing appliance, not a mechanical system, a direct replacement should be assigned to plumbing. When other work is involved, enforcement by a mechanical inspector is reasonable. At his time, when a plumbing contractor submits a plumbing tech section, some municipalities are turning it town for mechanical only. This needs to be fixed. One Board member recommended that the Department prepare a matrix for HVACR/Mechanical/Plumbing saying which forms are required and who can do what. HVACR (Heating, Ventilation, Air-conditioning, Refrigeration) is particularly confusing.

**G. Adjourn**

The meeting was adjourned at 11:15 p.m.

**H. Executive Session**

The Executive Session was opened at 11:20 p.m. and adjourned at 11:25 p.m.

**CAB Minutes**  
**February 10, 2017**

**UNIFORM CONSTRUCTION CODE ADVISORY BOARD**  
**Minutes of Meeting, February 10, 2017**

Location  
101 South Broad Street  
Trenton, New Jersey 08625

**Attendance**

Board Members

Beth Pochtar, Chair  
John Scialla, Vice Chair  
George Hrin  
Henry Kelly  
Jason Kliwinski  
Arthur Londensky  
Gregory Moten  
Tony Neibert  
Michael Seeve  
Valerie Waricka

DCA Staff

Edward M. Smith, Director, Division of Codes and Standards  
Michael Baier, Bureau of Code Services  
Lou Mraw, Office of Regulatory Affairs  
John Terry, Bureau of Construction Project Review  
Robert Austin, Code Assistance Unit  
Marie Daniels, Code Assistance and Code Development  
Dave Greenhill, Code Assistance Unit  
Marcel Iglesias, Code Assistance Unit  
Jose Paulino, Code Assistance and Code Development  
Tom Pitcherello, Code Assistance Unit  
Emily Templeton, Code Development Unit  
Michael Whalen, Code Assistance Unit

Guests

Ron Barbarulo, New Jersey Plumbing Inspectors Association (NJPIA)  
John Conti, Building Subcode Official, Egg Harbor Township  
John Fiedler, Construction Official, Hillsborough Township; Municipal Construction  
Officials Association (MUNCO); New Jersey Building Officials Association  
(NJBOA)  
Ron Ferrari, Building Subcode Official, Township of Parsippany  
Brian Kamp, Sheet Metal Workers Local Union (SMW LU) 27  
Michael Kovonuk, Construction Official and Building Subcode Official, Readington  
Township; MUNCO  
Daniel Mairella, Construction Official and Building Subcode Official, Township of  
Mahwah  
Pat Naticchione, Construction Official, Egg Harbor Township; President, NJBOA

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Stephen Rodzinak, Acting Chair, Plumbing Subcode Committee  
Ron Schmidt, Construction Official and Building Subcode Official, Roxbury Township  
Lawrence Scorzelli, Fire Subcode Official, Township of Ramsey, NJBOA  
Michelle Wood, Construction Official and Building Subcode Official, Boro of Hillsdale  
Thomas Yotka, Construction official, Village of Ridgewood  
James Zaconie, NJBOA

Ms. Beth Pochtar, 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 October 14, 2016**

*Mr. Arthur Londensky made a motion, which was seconded by Mr. Tony Neibert, to approve the minutes without change. 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 that the Barrier Free Subcode Committee met by conference call on January 26, 2017; agenda items were discussed.

**Building Subcode Committee:** Mr. John Scialla, Chair, reported that the Building Subcode Committee met on January 20, 2017; agenda items were discussed.

**Electrical Subcode Committee:** Mr. Tony Neibert, Chair, reported that the Electrical Subcode Committee met on January 26, 2017; agenda items were discussed.

**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 met on January 12, 2017; agenda items were discussed.

**Mechanical/Energy Subcodes Committee:** In the absence of Mr. John Fritzen, Chair, Mr. Rob Austin reported that the Mechanical/Energy Subcodes Committee met on January 19, 2017; agenda items were discussed.

**Plumbing Subcode Committee:** Mr. Stephen Rodzinak, Vice Chair and Acting Chair, reported that the Plumbing Subcode Committee met on January 13, 2017; agenda items were discussed.

**C. Old Business**

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

This rule had been referred to all Committees. Ms. Beth Pochtar, Chair, stated that, to ensure a comprehensive and efficient review of this draft rule, discussion would proceed item-by-item and page-by-page through the rule, rather than Committee-by-Committee.

*Mr. Michael Seeve made a motion for discussion, which was seconded by Mr. Tony Neibert. The motion carried unanimously.*

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N.J.A.C. 5:23-1.4 Definitions: “Minor work.”

Discussion began with the definition of “Minor Work.” As drafted, the requirement that all prior approvals must have been met before the construction permit could be issued would be deleted. This change would mean that the Uniform Construction Code (UCC) would no longer be the mechanism for ensuring that prior approvals were met. Several Board members reported that their Subcode Committees had not objected to this change. One Board member reported on concern expressed by Subcode Committee members that homeowners would not be well-served by this change if the construction of a new deck were to be made minor work because the work would begin with no confirmation that it conformed with local zoning requirements or with limitations imposed by a septic system.

*Mr. George Hrin made a motion, which was seconded by Mr. Michael Seeve, to approve the language in the draft rule without change. The motion carried with seven votes in support and one vote in opposition.*

**Ordinary Maintenance: N.J.A.C. 5:23-2.7**

Page 2, N.J.A.C. 5:23-2.7(b)6iii, Communications wiring: One Board member commented that this language regarding communications wiring is confusing. Some code users think that it means that the provision that “the installation [of communications wiring] does not involve the alteration or penetration of a fire-rated assembly *and* is not in a hazardous location” should be amended to state “does not involve the alteration or penetration of a fire-rated assembly *or* is not in a hazardous location” (emphasis added).

Because this had not been proposed for change, staff offered to review this recommendation. If change were warranted, it would be included in the rule for proposal; if not, an explanation would be provided to the Board. The Board member had no objection to this resolution.

Page 2, N.J.A.C. 5:23-7(c)1ii, Interior finishes: As drafted, this rule would replace the limitation on replacing interior finishes from 25% of a room in a one-or two-family dwelling to allowing the replacement of interior finishes in dwellings without limitation.

One Board member commented that allowing the replacement of interior finishes in dwellings without limitation would allow a dwelling to be gutted and reconfigured without a construction permit, which would conflict with the Rehabilitation Subcode. One Board member observed that “house flipping” is becoming increasingly common. A change like this would allow someone to purchase a home, gut it, renovate it, and sell it without any inspections; the purchaser then would have no assurance whether the work completed were code compliant. It was recommended that this amendment be changed to limit ordinary maintenance to the installation, repair, or replacement of interior finishes in not more than 25% of the dwelling. Another Board member recommended that the existing requirements remain unchanged.

*Mr. Arthur Londensky made a motion, which was seconded by Mr. Greg Moten, to retain the existing code requirements without change. The motion carried with seven votes in support and one vote in opposition.*

*Mr. Arthur Londensky made a companion motion with regard to N.J.A.C. 5:23-2.7(c)1ii(1) and (2), which was seconded by Mr. Greg Moten, to retain the existing code requirements for vinyl wall covering and paneling. The motion carried unanimously.*

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In a brief discussion following the approval of the motion, one Board member commented that paneling is not used much any longer and recommended that staff make a determination as to whether the subsection on paneling is needed. There was general Board agreement.

Page 3, N.J.A.C. 5:23-2.7(c)1v, Installation and replacement of windows and doors: In the draft rule, “installation” would be deleted. There was a brief discussion as to whether the “installation” of a door or window meant the creation of a new door or window. One Board member recommended that, because this section applies to both residential and commercial structures, qualifying language be added that the replacement door or window “does not reduce performance.” A brief discussion ensued.

*Mr. Michael Seeve made a motion, which was seconded by Mr. Arthur Londensky, to approve the language in the draft rule without change. The motion carried unanimously.*

Page 3, N.J.A.C. 5:23-2.7(c)1vi, Repair or replacement of a non-structural building component: One Board member expressed concern about the inclusion of “installation” in the draft rule and recommended that limiting language be added, as follows: “... that does not create a new habitable room.” One Board member commented that this could apply to alteration projects, which are subject to the Rehabilitation Subcode. Several Board members expressed concern that the breadth of the provision could compromise the enforcement of the Uniform Construction Code (UCC).

*Mr. Michael Seeve made a motion to remove both “installation” and the limitation to one- or two-family dwellings. The motion was not seconded.*

One Board member recommended that “installation” be removed and the limitation to one- or two-family dwellings be retained.

*Mr. Henry Kelly made a motion, which was seconded by Mr. Tony Neibert, to remove “installation” and retain the limitation to one- or two-family dwellings. The motion carried with five in support and three in opposition.*

Page 3, N.J.A.C. 5:23-2.7(c)1vii, Repair, replacement, or installation of a non-structural element, such as a cabinet: This type of work would become ordinary maintenance.

*Mr. Michael Seeve made a motion, which was seconded by Mr. Tony Neibert, to approve the language in the draft rule without change. The motion carried with five in support and three in opposition.*

Page 3, N.J.A.C. 5:23-2.7(c)1viii, Repair or replacement of interior or exterior trim: This section would be amended to include installation as ordinary maintenance.

*Mr. Henry Kelly made a motion, which was seconded by Mr. Tony Neibert, to approve the language in the draft rule without change. The motion carried unanimously.*

Page 3, N.J.A.C. 5:23-2.7(c)lix, Flooring: In this section, “repair” would be added to “replacement or installation” as ordinary maintenance for consistency.

*Mr. Michael Seeve made a motion, which was seconded by Mr. George Hrin, to approve the language in the draft rule without change. The motion carried unanimously.*

Page 3, N.J.A.C. 5:23-2.7(c)lx, Roof coverings: This section would be amended to allow “replacement” as well as “repair” and to delete the limitation of “25% in a 12 month period.”



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One Board member expressed concern regarding materials and suggested that the language be revised to state that the replacement or repair be with “like materials of comparable weight” and that the provision be limited to one- and two-family dwellings.” Several Board members expressed concern that the homeowners will pay for this change because they will be subjected to unscrupulous contractors. One Board member recommended that “replacement” be removed and that this be limited to one- and two-family dwellings. One Board member commented that commercial buildings should be included in this provision because commercial buildings have leases that require the landlord to be responsible for repairs and maintenance. In addition, insurance companies require buildings to be well-maintained. One Board member commented that the weight of the roof coverings is a significant factor. Another Board member expressed concern about increasing the weight of a roof on a large commercial building. Another Board member pointed out that there are implications for the Energy Subcode; there are also requirements in the Rehabilitation Subcode depending on the category of work.

*Mr. Michael Seeve made a motion, which was seconded by Mr. Tony Neibert, to approve the language in the draft rule without change. The motion was defeated with two in support and six in opposition.*

*Mr. Arthur Londensky made a motion, which was seconded by Mr. Greg Moten, to apply the draft rule to one- and two-family dwellings only. The motion failed with three in support and five in opposition.*

*Mr. Michael Seeve made a motion to approve the language in the draft rule and to add “with like materials of comparable weight.” There was no second.*

*Mr. Arthur Londensky made a motion, which was seconded by Mr. Jason Kliwinski, to retain the existing language without change. The motion carried with six in support, one in opposition, and one abstention.*

Page 4, N.J.A.C. 5:23-2.7(c)1xi, Siding: This section would be expanded from the repair of siding to include its replacement and to remove the 12-month limitation.

One Board member expressed a concern about unscrupulous contractors taking advantage of unknowing homeowners. One Board member recommended that, if the draft language were to be approved, polypropylene siding be exempted. One Board member expressed concern about maintaining fire separation distances based on the material used. One Board member recommended that it be stated unambiguously that brick and masonry are not covered by this section.

*Mr. Arthur Londensky made a motion, which was seconded by Mr. Michael Seeve, to approve the language in the draft rule with an amendment to exempt polypropylene siding. The motion carried with four in support, three in opposition, and one abstention.*

Page 4, N.J.A.C. 5:23-2.7(c)1xii, Decks, porches, and stoops: In this section of ordinary maintenance, “replacement” would be added to “repair” and a deck that is not higher than 30 inches above grade would be added to “porch or stoop” at one- and two-family dwellings.

One Board member recommended that a standard for measuring be provided; six feet from the deck was recommended. Another Board member recommended that to avoid confusion with the total replacement of a deck, which is minor work, that “partial” be inserted before “replacement.” Another Board member recommended that this be limited to one- and two-family dwellings because decks that provide outdoor seating at restaurants should not be repaired or replaced as ordinary maintenance. After extensive discussion, the Board tabled this item without taking action.

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Page 4, N.J.A.C. 5:23-2.7(c)1xiii, Screens: In this section of ordinary maintenance, “repair” would be added to the “replacement” of screens.

One Board member recommended that it be made clear that these are “insect screens” and not screens that protect equipment on a roof. A brief discussion ensued. The Board agreed that new building elements or components should not be part of ordinary maintenance, but that there is no need to specify “insect” screens. Code Assistance specialists admitted that they have not received any questions on this to date.

*Mr. Arthur Londensky made a motion, which was seconded by Mr. Michael Seeve, to approve the language in the draft rule without change. The motion carried with five in support and four in opposition.*

Page 4, N.J.A.C. 5:23-2.7(c)1xiv, Insulation: This section of ordinary maintenance would be amended to allow the installation of any type of insulation.

One Board member recommended that there be an exception for foam insulation. There was a brief discussion.

*Mr. Tony Neibert made a motion, which was seconded by Mr. Michael Seeve, to approve the draft language and to add an exception for foam insulation. The motion carried unanimously.*

Page 4, Page 4, N.J.A.C. 5:23-2.7(c)1xv, Gutters on dwellings: In this section of ordinary maintenance, “repair” would be added to the “replacement” of rain gutters on dwellings.

*Mr. Tony Neibert made a motion, which was seconded by Mr. Michael Seeve, to approve the draft rule without change. The motion carried unanimously.*

Page 4, N.J.A.C. 5:23-2.7(c)1xvi, Gutters and leaders on non-residential buildings: In this section of ordinary maintenance, the installation of exterior gutters and leaders on any building would be added.

There was a brief discussion about whether this also applied to a new installation because sizing the system is critical to its compliance and effectiveness. There was agreement that, as discussed earlier, new building components should not be ordinary maintenance.

*Mr. Tony Neibert made a motion, which was seconded by Mr. Michael Seeve, to approve the draft rule without change. The motion carried unanimously.*

Page 4, N.J.A.C. 5:23-2.7(c)2i, Hose bib valves: In this section of ordinary maintenance, the replacement of hose bib valves would be allowed in any building and no longer limited to one- and two-family dwellings.

*Mr. Arthur Londensky made a motion, which was seconded by Mr. Tony Neibert, to approve the draft rule without change. The motion carried unanimously.*

Page 4, N.J.A.C. 5:23-2.7(c)2iv, Repairing leaks: In this section of ordinary maintenance, repairing leaks would be allowed and would no longer be limited to between two adjacent joints.

One Board member observed that this would allow a building owner to address leaks. One Board member recommended limiting the length of the piping because, as drafted, that this could be interpreted as allowing the replacement of an entire plumbing system as ordinary maintenance. One Board member pointed out that this allows the repair of leaks only and not of an entire plumbing system.

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*Mr. Arthur Londensky made a motion, which was seconded by Mr. Michael Seeve, to approve the draft rule without change. The motion carried with five in support and three in opposition.*

Page 5, N.J.A.C. 5:23-2.7(c)2vii, Shower valves: In this section of ordinary maintenance, replacing valves, including bath/shower valves, would be allowed in any building and would no longer be limited to one- and two-family dwellings.

*Mr. Arthur Londensky made a motion, which was seconded by Mr. George Hrin, to approve the draft rule without change. The motion carried with six in support and two in opposition.*

Page 5, N.J.A.C. 5:23-2.7(c)2ix, Traps: This section of ordinary maintenance would allow the replacement of traps and would eliminate the existing limitation of traps on “culinary sinks in food handling establishments.”

*Mr. Michael Seeve made a motion, which was seconded by Mr. Tony Neibert, to approve the draft rule without change. The motion carried with five in support and three in opposition.*

Page 5, N.J.A.C. 5:23-2.7(c)2x, Plumbing fixtures: This section of ordinary maintenance would allow plumbing fixtures to be replaced in any building and no longer limited to replacement in one-and two-family dwellings.

One Board member expressed concern that some of the fixtures might be replaced without complying with the Barrier Free Subcode. One Board member recommended that replacement of fixtures be minor work for commercial buildings.

*Mr. Michael Seeve made a motion, which was seconded by Mr. George Hrin, to approve the draft rule without change. The motion carried with six in support and two in opposition.*

Page 5, N.J.A.C. 5:23-2.7(c)2xi, Domestic appliances: In this section of ordinary maintenance, the replacement of domestic washers and domestic (not commercial) dishwashers would be ordinary maintenance.

*Mr. Henry Kelly made a motion, which was seconded by Mr. Michael Seeve, to approve the draft rule without change. The motion carried unanimously.*

Page 5, N.J.A.C. 5:23-2.7(c)3i, Lighting fixtures: This section of ordinary maintenance would allow the replacement of any switch or lighting fixture with a similar item; the applicable sections of the National Electrical Code (NEC), the adopted electrical subcode, would be added. One Board member recommended that an exemption from emergency battery packs be added. One Board member agreed with the change because “changing a switch is changing a switch.”

*Mr. Tony Neibert made a motion, which was seconded by Mr. Michael Seeve, to approve the draft rule and to add an exemption for emergency battery packs. The motion carried unanimously.*

Page 6, N.J.A.C. 5:23-2.7(c)3iii, Communications wiring.

One Board member expressed concern about the confusing nature of this section. Staff agreed to review this section for accuracy and clarity of the language. One Board member commented that there is a conflict between this requirement and the Board of Public Utilities, which regulates cable companies. It is common for employees who are installing cable service to create holes,

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often substantial holes, in fire-rated assemblies. It is not understood whether these installations must comply with the UCC. It was stated unequivocally that they are subject to the UCC.

*Mr. Tony Neibert made a motion, which was seconded by Mr. Michael Seeve, to approve the draft rule and to charge staff with ensuring that the language is clear. The motion carried with seven in support and one abstention.*

Page 6, N.J.A.C. 5:23-2.7(c)3v, Kitchen range hoods: In this section of ordinary maintenance, the replacement of kitchen range hoods would be limited to dwellings as long as the hood is vented and the output does not increase the capacity above 400 cfm.

One Board member commented that this could be extended to all buildings because limiting the output to 400 cfm controls the size of the range hood. Another Board member agreed with the draft rule that this should be limited to dwellings.

*Mr. Tony Neibert made a motion, which was seconded by Mr. John Scialla, to approve the draft rule without change. The motion carried with seven in support and one abstention.*

Page 6, N.J.A.C. 5:23-2.7(c)3vi, Alarms and security systems: This section of ordinary maintenance would allow the installation of burglar alarms, security systems, and doorbells in one- and two-family dwellings to be ordinary maintenance.

*Mr. Tony Neibert made a motion, which was seconded by Mr. George Hrin, to approve the draft rule with an amendment to replace “burglar alarms, security systems, **and** doorbells” with “burglar alarms, security systems, **or** doorbells.” (Emphasis added) The motion carried with seven in support and one in opposition.*

Page 6, N.J.A.C. 5:23-2.7(c)4i and iii, Sprinkler, smoke, heat detector heads: This section of ordinary maintenance would designate the replacement of sprinkler, smoke, or heat detector heads as ordinary maintenance.

One Board member recommended that “smoke alarms” be included to reflect the current terminology.

*Mr. Arthur Londensky made a motion, which was seconded by Mr. Tony Neibert, to approve the draft rule and amend the rule to update the terminology. The motion passed unanimously.*

Page 7, N.J.A.C. 5:23-2.7(c)5vi, Kitchen range hoods: This section of ordinary maintenance would limit the replacement of kitchen range hoods to dwellings as long as the hood is vented and the output does not increase the capacity above 400 cfm.

One Board member commented that this could be extended to all buildings because limiting the output to 400 cfm controls the size of the range hood.

*Mr. Henry Kelly made a motion, which was seconded by Mr. John Scialla, to approve the draft rule without change. The motion carried with seven in support and one abstention.*

Page 7, N.J.A.C. 5:23-2.7(c)5vii, Domestic clothes dryers: This section of ordinary maintenance would designate the replacement of domestic clothes dryers within dwelling units as ordinary maintenance as long as there is no change in fuel type, pipe size, or electrical characteristics.

*Mr. Michael Seeve made a motion, which was seconded by Mr. John Scialla, to approve the draft rule without change. The motion carried unanimously.*

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Page 7, N.J.A.C. 5:23-2.7(c)5viii, Domestic stoves and ovens: This section of ordinary maintenance would designate the replacement of domestic stoves or ovens in dwelling units as ordinary maintenance as long as there is no change in fuel type, pipe size, or electrical characteristics.

*Mr. Michael Seeve made a motion, which was seconded by Mr. George Hrin, to approve the draft rule without change. The motion carried unanimously.*

Page 7, N.J.A.C. 5:23-2.7(c)5ix, Spray-applied liquid chimney liner: In this new section, the application of liquid (spray-applied) chimney liner inside an existing chimney would be designated as ordinary maintenance.

One Board member recommended that this be minor work because of problems in the field. In response to a question about how the inspections are conducted, one Board member replied that the inspection is visual. Another Board member asked about the purpose of the spray-applied liner and was told that it prevents leaks. One Board member said that some local enforcing agencies have cameras to use for the inspections, but others do not. One Board member recommended that a certification, similar to the chimney certification, be required because, without cameras, reliable inspections are difficult.

*Mr. Jason Kliwinski made a motion, which was seconded by Mr. Arthur Londensky, to disapprove this change. The motion carried with six in support and two in opposition.*

**N.J.A.C. 5:23-2.14-Construction permits, when required**

Page 8, N.J.A.C. 5:23-2.14(b)8, Construction permits-when required: In this section, the threshold for requiring a permit for a garden-type utility shed would be increased from 100 to 200 square feet.

One Board member expressed concern that increasing this threshold could result in garages being included. One Board member asked whether this applied only to pre-fabricated units or whether stick-built sheds would also be included. The response was that the same threshold would apply to both types of sheds.

*Mr. Tony Neibert made a motion, which was seconded by Mr. Michael Seeve, to approve the draft rule without change. The motion carried unanimously.*

**N.J.A.C. 5:23-2.17A, Minor work**

Page 8, N.J.A.C. 5:23-2.17A(b)1, Notice of work; application: In this section of minor work, the notice of minor work would be expanded to allow oral or written notice to be delivered in person or electronically. In addition, the hours of providing notice would be eliminated to accommodate the changing technology.

One Board member recommended that in subsection 2 (on page 9) the reference to fees should be changed because fees are not collected at the time of the submission of the construction permit application, but at the time of the issuance of the construction permit.

*Mr. Henry Kelly made a motion, which was seconded by Mr. Jason Kliwinski, to approve the draft rule with an amendment regarding the fee. The motion carried unanimously.*

Page 9, N.J.A.C. 5:23-2.17A(c)1i, Decks, porches and stoops: In this section, the construction or replacement of a deck that is not greater than 30 inches above grade would be added to the construction or replacement of a porch or stoop as minor work.

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One Board member recommended that the construction of a deck not be minor work because there are too many individual considerations site-by-site and homeowners would be greatly inconvenienced by discovering that the deck on which they had started construction would have to be removed because it was in violation of laws other than the UCC. One Board member recommended that this be limited to one- and two-family dwellings, but not to commercial buildings. One Board member recommended that, if the Board were to decide to allow the construction of decks at one- and two-family dwellings to be minor work, a measurement be included in this section to prevent some non-conformities. One Board member recommended limiting the size of the deck that could be minor work.

*Mr. Jason Kliwinski made a motion, which was seconded by Mr. Tony Neibert, to retain the existing language without change. The motion carried with seven in support and one in opposition.*

Page 9, N.J.A.C. 5:23-2.17A(c)1iii, Siding: In this section, the existing language providing that removal and replacement of more than 25% exterior siding on a one-or two-family dwelling as minor work would be deleted as a companion change to N.J.A.C. 5:23-2.7(c)1xi (on page 4) which recategorizes this work as ordinary maintenance.

*Mr. Michael Seeve made a motion, which was seconded by Mr. George Hrin, to approve the draft rule without change. The motion carried with six in support and two in opposition.*

Page 9, N.J.A.C. 5:23-2.17A(c)1iii, Repair and renovation work: With the existing section on siding deleted, the text currently codified at N.J.A.C. 5:23-2.17A(b)8 on repair and renovation work in Groups B, F, M, or S would be moved to this section to put the scoping provisions for minor work together. The introductory text that would be made redundant by the recodification would be removed.

*Mr. George Hrin made a motion, which was seconded by Mr. Greg Moten, to approve the draft rule without change. The motion carried unanimously.*

Page 9, N.J.A.C. 5:23-2.17A(c)2, Piping: In this section of minor work, the replacement of existing piping would be amended to limit the replacement of piping or plumbing fixtures to dwellings.

One Board member commented that this change was reasonable and expressed support for it. One Board member asked whether there was a deliberate intent to move minor work away from commercial structures. Restricting changes like this to dwellings is not reasonable. Commercial structures are under leases with management professionals who ensure compliance.

*Mr. Michael Seeve made a motion, which was seconded by Mr. George Hrin, to remove the limitation to dwellings and thereby extend the application to all buildings. The motion was defeated with three in support and five in opposition.*

The Board held a brief discussion about the need to develop a section of minor work that specifically addresses work in non-residential structures.

*Mr. Henry Kelly made a motion, which was seconded by Mr. Jason Kliwinski, to approve the draft rule without change. The motion carried with five in support and three in opposition.*

Page 10, N.J.A.C. 5:23-2.17A(c)3, Boilers: In this section of minor work, the replacement of existing boilers would be amended to delete “low pressure” as a descriptor before “boilers” because “low pressure boilers” are not defined. High pressure boilers are regulated by the Department of Labor and Workforce Development.

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One Board member agreed with this change adding that the Department of Labor and Workforce Development registers high pressure boilers and inspects them annually. One Board member recommended that replacement be limited to “appliances of like weight and capacity in the same location.”

*Mr. Michael Seeve made a motion, which was seconded by Mr. George Hrin, to approve the deletion of “low pressure” and to retain “with new appliances of like capacity.” The motion carried unanimously.*

Page 10, N.J.A.C. 5:23-2.17A(c)4, Appliances: In this section, electrical work incidental to the installation of appliances in one- and two-family dwellings would be designated as minor work. One Board member observed that flipping houses is becoming an increasing problem; expanding electrical as minor work is likely to cause problems for the next homeowner. One Board member indicated agreement with the revisions as drafted.

*Mr. George Hrin made a motion, which was seconded by Mr. Tony Neibert, to approve the draft rule without change. The motion carried with five in support and two in opposition.*

Page 10, N.J.A.C. 5:23-2.17A(c)5i, Fire detection: In this section, the installation of fire detection or suppression devices would be expanded as minor work in all buildings.

One Board member indicated agreement with the draft amendment. One Board member recommended that the application continue to be limited to one- and two-family dwellings because the fire suppression systems in commercial buildings require calculations regarding the loads. One Board member recommended that this section be clarified because although it currently states “suppression device,” it seems to be interpreted to mean “suppression system” and a suppression system should not be minor work.

*Mr. Michael Seeve made a motion to approve the draft rule without change. There was no second.*

*Mr. George Hrin made a motion, which was seconded by Mr. Arthur Londensky, to retain the existing limitation to one- and two-family dwellings. The motion carried with seven in support and one in opposition.*

Page 10, N.J.A.C. 5:23-2.17A(c)5ii, Radon mitigation: In this section, designating radon mitigation systems in one- and two-family dwellings as minor work would be extended to all buildings provided no new electrical work is required.

*Mr. Michael Seeve made a motion, which was seconded by Mr. George Hrin, to approve the draft rule without change. The motion carried unanimously.*

Page 10, N.J.A.C. 5:23-2.17A(c)5iii, Burglar and security systems: In this section, the installation of burglar alarm or security system or doorbell in structures other than one- and two-family dwellings would be designated as minor work.

One Board member recommended approval with the addition of “in other than access-controlled egress door systems.”

*Mr. Arthur Londensky made a motion, which was seconded by Mr. Michael Seeve, to approve the draft rule as amended by discussion. The motion carried unanimously.*

Page 11, N.J.A.C. 5:23-2.17A(c)5iv, Communications wiring. Although not proposed for change, the Electrical Subcode Committee recommended that this language be clarified. It was

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agreed that, as with the earlier sections, staff would review the section and make changes as needed.

Page 11, N.J.A.C. 5:23-2.17A(c)6i, Non-structural components: In this section, the repair, replacement, or installation of non-structural components in other than one- and two-family dwellings would be designated as minor work.

One Board member objected to including installation because it could be understood as allowing the installation of new partitions, which could compromise egress and access for people with disabilities.

*Mr. Henry Kelly made a motion, which was seconded by Mr. Jason Kliwinski, to approve the draft rule with the deletion of “installation.” The motion carried unanimously.*

Page 11, N.J.A.C. 5:23-2.17A(c)6ii, Sprinklers, smoke detectors: This section would allow the replacement of sprinkler or smoke detectors in any building as minor work.

One Board member observed that this had been approved as ordinary maintenance (at N.J.A.C. 5:23-2.7(c)4i and iii).

*Mr. Arthur Londensky made a motion, which was seconded by Mr. Henry Kelly, to delete this provision. The motion carried unanimously.*

Page 12, N.J.A.C. 5:23-2.7(c)8, Repair and renovation: The existing section on repair and renovation in specific use groups would be deleted because it has been moved to N.J.A.C. 5:23-2.17A(c)1iii (page 9).

Because this was a companion change already approved in the discussion of N.J.A.C. 5:23-2.17A(c)1iii (page 9), the Board took no additional action on the change in this codification.

Page 12, N.J.A.C. 5:23-2.7(d)1, Inspections: In this section, inspections for minor work would be required to be performed within 72 hours rather than within 30 days.

One Board member recommended that “72 hours” be changed to “three business days” to avoid problems that would result if inspections were requested after hours or on a weekend. One Board member recommended that this section be revised to state that an inspection may not be requested before the permit has been issued.

*Mr. Michael Seeve made a motion, which was seconded by Mr. Tony Neibert, to approve the change in the time for an inspection and to change “72 hours” to “three business days.” The motion carried unanimously.*

Page 12, N.J.A.C. 5:23-2.7(d)2, Substantial compliance: In this section, the characterization of minor work as “substantially” complying with the UCC would be changed by removing “substantially.”

One Board member objected to the removal of “substantially” because, although “substantially” cannot be quantified, it is not possible to attest to code compliance for work that cannot be seen. Minor work inspections are based on what can be seen at the time of the inspection with the recognition that some work cannot be seen.

*Mr. George Hrin made a motion, which was seconded by Mr. Michael Seeve, to retain “substantially.” The motion carried unanimously.*



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After confirming that the Board had finished its discussion of and action on this agenda item, Ms. Beth Pochtar, Chair, opened the meeting to public comment.

Mr. Jim Zaconie, New Jersey Building Officials Association, commented that the draft change on page 10 (at N.J.A.C. 5:23-2.17A(c)2), which would allow replacement of existing piping with no increase in the water distribution system, could cause problems for the building's structure; penetrations of the fire separation assembly is also likely and would cause problems.

Mr. Ron Ferrari, Building Subcode Official, Piscataway, thanked the Board for its efforts. He made several points:

- Removing prior approvals from the definition of minor work will cause problems for homeowners. What will happen if the work has begun and zoning says no?
- Interior finishes: Although he agrees with changing the current maximum of 25% of a room in not more than 12 months, there are likely to be problems by the expansion, such as compromising fire ratings, that could result in conflicts with the Rehabilitation Subcode.
- Page 3, Nonstructural components: This section should be use group specific because of the problems with access and egress. Tenant fit-ups could certainly be allowed, but means of egress problems can result if partitions are not constructed correctly.
- Page 3, Replacing roofing on one- and two-family dwelling: Allowing roofing without a permit on a one- or two family dwelling should be reconsidered. Structural problems result when secondary draining is not correct.
- Page 4, Decks should be required to be measured from 30 inches away from the deck.
- Page 4, Insulation: If insulation is added, and not simply replaced, is a permit required?
- Page 5, Replacement of valves: Is changing a dry valve on a sprinkler system allowed. This should be clarified.
- Page 6, Range hoods: Limiting the output to 400 cfm is not sensible for a commercial hood.
- Page 11, Partitions: Allowing the installation of partitions will cause barrier free and egress problems.
- Page 12, Inspections: A 24-hour notice should be required along with three business days to respond.

Brian Kamp, Sheet Metal Workers Union 27, expressed concern that these changes could cause problems with the Heating, Ventilation, Air-conditioning, and Refrigeration (HVACR) license. Relaxing permit requirements could compromise the HVACR licensing law. Changing the permit requirements for range hoods would also complicate the HVACR licensing law.

Daniel Mairella, Construction Official and Building Subcode Official, Mahwah: The UCC's "founding fathers" accepted national model codes as the foundation of the UCC. If the UCC is picked apart and changed, it will compromise its foundation.

Michael Kovonuk, Construction Official and Building Subcode Official, Readington Township, and representative of Municipal Construction Officials' Association (MUNCO): Mr. Kovonuk stated that he disagrees with most of these changes; he understands that regulations need to be

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changed, but not at the expense of safety. He asked the Department to partner with the code enforcement associations and work together for more effective change.

Ron Barbarulo, New Jersey Plumbing Inspectors' Association (NJPIA): Mr. Barbarulo stated that he is not supportive of the changes to minor work. He does not think that a homeowner should be able to put in a new bathroom and add it to the existing plumbing service without a full permit. He believes that the installation of a chimney liner should require a permit.

Mr. John Fiedler, Construction Official, Hillsborough Township, and MUNCO: Mr. Fiedler asked whether the intent of this initiative is to reduce regulations by 30%? He stated his opposition to the initiative.

Mr. Pat Naticchione, Construction Official, Egg Harbor Township, and President, NJBOA: Mr. Naticchione expressed concerns with the changes to roofing, siding, decks, and sheetrock. In his township, many homeowners thank the building department for their guidance through the construction of decks. Decks that are constructed without plans or permits cause problems for the homeowners and for the municipalities. It is important to remember that someone has to police construction work. Mr. Naticchione recommended that the Department consider creating a review process, perhaps with a five-day plan review period, for prototype decks.

Thomas Yotka, Construction Official, Village of Ridgewood: Mr. Yotka expressed his concern with the safety of decks that might be constructed without construction permits. He reminded the Board and Department staff that it is easier to correct a plan than it is to correct faulty construction and he expresses his fear that someday the construction of decks might be completely outside the UCC.

**D. Information**

1. CAB Meeting Dates 2017
2. CAB Log: The updated Code Advisory Board 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 had been emailed to the Board as a .pdf.

**E. Public Comments**

There were no further public comments.

**G. Adjourn**

The meeting was adjourned at 1:05 p.m.

**H. Executive Session**

The Executive Session was opened at 1:10 p.m. and adjourned at 1:20 p.m.

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**UNIFORM CONSTRUCTION CODE ADVISORY BOARD**  
**Minutes of Meeting, October 14, 2016**

Location  
101 South Broad Street  
Trenton, New Jersey 08625

**Attendance**

Board Members

Beth Pochtar, Chair  
John Scialla, Vice Chair  
Mark Caputo  
John Fritzen  
George Hrin  
Henry Kelly  
Arthur Londensky  
Greg Moten  
Tony Neibert  
Michael Seeve  
Valerie Waricka

DCA Staff

Edward M. Smith, Director, Division of Codes and Standards  
Michael Baier, Bureau of Code Services  
John Terry, Bureau of Construction Project Review  
Robert Austin, Code Assistance Unit  
Paulina Caploon, Bureau of Code Services  
John Delesandro, Education and Licensing Units  
Dave Greenhill, Code Assistance Unit  
Marcel Iglesias, Code Assistance Unit  
Tom Pitcherello, Code Assistance Unit  
Emily Templeton, Code Development Unit  
Michael Whalen, Code Assistance Unit

Guests

Cory Allman, PBMIA, New Jersey Building Officials Association (NJBOA), Municipal  
Electrical Inspectors Association (MEIA)  
Ron Barbarulo, New Jersey Plumbing Inspectors Association (NJPIA)  
Dennis Bettler, Construction Official, Bernards Township  
David Castner, Sheet Metal LU 22, Heating, Ventilation, Air-conditioning, Refrigeration  
(HVACR) Contractor  
Bill Cattell, Construction and Fire Subcode Official, Cherry Hill Township  
John Conti, Building Subcode Official, Egg Harbor Township  
Sal DiCristina, Rutgers University  
Bill Doolittle, Building Subcode Committee  
John Drucker, Fire Protection Subcode Official, Red Bank  
Jerome Eger, Municipal Construction Officials, (MUNCO)

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John Fiedler, Construction Official, Hillsborough Township; MUNCO; NJBOA  
Dan Hagberg, NJBOA  
Jeff Heiss, Building Subcode Committee  
Joe Hoff, Construction Official, Piscataway Township  
Stephen Jones, Construction Official, Millburn Township  
Michael Kovonuk, Construction Official, Readington Township; Vice-chair, MUNCO  
Doug Loranger, New Jersey State League of Master Plumbers (NJSLMP)  
Vince Lupo, Construction Official, Franklin Township  
Pat Naticchione, Construction Official, Egg Harbor Township; President, New Jersey Building Officials Association (NJBOA)  
Sal Poli, Construction Official, Township of Denville  
Thomas Polino, West Windsor Township  
Ed Reed, Municipal Electrical Officials Association (MEIA)  
Joe Remsuard, New Jersey Council of Master Plumbers Incorporated (NJCMPI)  
Stephen Rodzinak, Acting Chair, Plumbing Subcode Committee  
Lawrence Scorzelli, Fire Subcode Official, Ramsey Borough  
George Selak, III, MEIA  
Rich Silvia, New Jersey Fire Prevention and Protection Association (NJFPPA)  
Rich Soltis, Jr., Central Jersey Code Officials Association (CJCOA)  
Joseph Valeri, Construction Official, West Windsor Township  
Ralph Venturini, Construction Official, Ramsey Borough  
William White, NJCMPI  
Michelle Wood, Building Subcode Committee  
James Zaconie, NJBOA

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 12, 2015**

*Mr. Michael Seeve made a motion, which was seconded by Mr. George Hrin, to approve the minutes without change. 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 that the Barrier Free Subcode Committee met on October 7, 2016 and discussed agenda items.

**Building Subcode Committee:** Mr. John Scialla, Chair, reported that the Building Subcode Committee met on September 23, 2016; agenda items were discussed electronically.

**Electrical Subcode Committee:** Mr. Tony Neibert, Chair, reported that the Electrical Subcode Committee met on July 28 and September 29, 2016; agenda items were discussed.

**Elevator Subcode Committee:** Mr. George Hrin, Chair, reported that the Elevator Subcode Committee met; agenda items were discussed.

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**Fire Protection Subcode Committee:** Mr. Arthur Londensky, Chair, reported that the Fire Protection Subcode Committee held an electronic meeting through September 8, 2016; agenda items were discussed.

**Mechanical/Energy Subcodes Committee:** Mr. John Fritzen, Chair, reported that the Mechanical/Energy Subcodes Committee met on September 15, 2016; agenda items were discussed.

**Plumbing Subcode Committee:** Mr. Stephen Rodzinak, Vice Chair and Acting Chair, reported that the Plumbing Subcode Committee met on August 12, 2016; agenda items were discussed.

**C. Old Business**

To accommodate members of the public who had come to the Code Advisory Board meeting to comment on the draft rule regarding ordinary maintenance and minor work (N.J.A.C. 5:23-2.7, 2.17A), Ms. Beth Pochtar, Chair, announced that first item of Old Business to be discussed would be agenda item 3, Draft Rule: Ordinary Maintenance and Minor Work (N.J.A.C. 5:23-2.7, 2.17A). Attention was drawn to a letter sent to the Department by Michael Cerra, League of Municipalities; the League has asked the Department to engage in a review of ways to reduce red tape and not to rely on an “across-the-board, one-size-fits-all” approach to making regulatory changes. If municipal code enforcement fees are excessive, the League expressed its willingness to work with the Department to solve that problem.

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

Mr. Michael Baier explained that the intent of these proposed amendments is to eliminate some of the permit requirements for items that are not as integral to building safety as some other code requirements thereby relieving the public of these administrative burdens and allowing the staff of local code enforcement agencies to make better use of their time. Additionally, the definition of “minor work” at N.J.A.C. 5:23-1.4 would be changed to make it possible for projects that require a prior approval, such as local zoning approval, to be categorized as minor work under the UCC. This would mean that, while this change would not affect the need to obtain any applicable prior approval, the UCC permit would no longer be the mechanism for ensuring that the terms and conditions of the prior approval have been met. Mr. Baier provided some background on the initiative for this regulatory change. The Governor’s Office has made a request throughout State governmental agencies to review existing regulations for effectiveness and efficiency with a directive to reduce regulations by 30%. This draft rule is part of that initiative and was developed as part of the Department’s response to that directive. When introducing the draft rule for Board discussion, Ms. Pochtar commented that the Board could table the draft rule for action at a future meeting, send the draft rule back to staff for revision, disapprove the draft rule, or approve it.

*Mr. Michael Seeve made a motion for discussion, which was seconded by Mr. Tony Neibert. The motion carried unanimously.*

This draft rule was referred to all Subcode Committees. Discussion began with the first item that had been amended, the definition of “Minor Work.” In the draft rule, the reference to prior approvals was deleted; this change would mean that the Uniform Construction Code (UCC) would no longer be the mechanism for ensuring that prior approvals were met. One Board member stated that this provision has been effective since the inception of the UCC and it is not

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clear why it should be eliminated now. Another Board member opposed the removal of this provision and stated that conformance with prior approvals affecting water, sewer, soil, and zoning is obtained through this provision. In addition, restrictions for conformance with historic preservation standards for buildings in a historic district are enforced as a prior approval.

It was explained that this change was drafted because the Department has been receiving complaints that some municipalities have been using prior approvals that are unrelated to land use restrictions as a mechanism of delaying projects and imposing permit fees. One Board member asked how, without prior approvals, a municipality would track improvements for a building in a flood zone that is subject to Federal substantial compliance improvements. One Board member observed that some of the municipal ordinances that require every project, no matter how small, to be reviewed by the zoning board are improper ordinances. But, without complaints registered against them, they continue to be enforced and to delay permits.

There was discussion about the current situation in which local code officials are blamed for much that goes wrong in a municipality. The prior approval provision ensures that the code enforcement official is able to inform the building owner (usually a homeowner) that the planned project must comply with laws other than the UCC. For example, the identification of the installation of siding that is 25% or of the total building exterior wall as requiring a permit protects the homeowner in a historic district from completing the project only to discover later that they used a material prohibited by historic preservation rules.

One Board member pointed out that, from the applicant's side, being able to undertake minor work without first obtaining a prior approval and permit provides significant efficiencies. For projects in commercial buildings, a design professional is often involved and those design professionals should be responsible for ensuring that their projects comply with the UCC. Several comments were made by Board members who also serve as code enforcement officials that they are often the bearer of bad news (non-compliance) and if projects are removed from permit and inspection oversight, noncompliance is bound to increase. There are reasons that minor work was included in the UCC; requiring that permits be obtained and inspections performed ensures the safety of the building's occupants.

One Board member stated that an experienced (now retired) code official, emphasizing that code enforcement work is critical but unheralded, had once observed, "For every fire that never got started, thank an inspector."

Several Board members reported that one of the major code enforcement problems is that the fees charged for some inspections are—or appear to be--disproportionate to the work. Municipal code enforcement fees are set by the municipal governing body. There are municipalities in which the fees have been raised every year, but municipal code enforcement officials have not only not seen raises in years, but, in some cases, have had their hours reduced. In the meantime, the code enforcement revenue is being used for other municipal expenditures. There was a brief discussion of the need for dedication by rider in which code enforcement revenue would be able to be used only for code enforcement activities.

Board discussion shifted. One Board member observed that most of the items in minor work appear to be best applied to residences. It is possible that this section would serve code users better if it were divided into those items that are minor work for residences and those that are minor work for commercial structures. At this time, because there are no group or occupancy classification distinctions, all the minor work provisions apply equally to all structures. In commercial structures, for example, where permits are required, including minor work projects, design professionals are involved. When making decisions about how to make minor work more efficient, dividing the minor work section into those items that are applicable to commercial

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structures and those applicable to residences should be considered. In addition, another Board member observed that, for clarity and consistency, the definition of minor work should be fully reconciled with the definitions of repair and renovation in the Rehabilitation Subcode.

One Board member suggested that the Board consider forming an Ad Hoc Committee consisting of Board members, working code officials, design professionals, business owners, and Department staff to work out a comprehensive evaluation and review of minor work and ordinary maintenance. One staff member reminded the participants that there are time constraints for the Board to render its advice because the Commissioner has asked that the Board take action at the next Code Advisory Board meeting, December 9, 2016.

**Ordinary Maintenance: N.J.A.C. 5:23-2.7(c)**

**Building:** Discussion moved to the part of the draft proposal on ordinary building maintenance (N.J.A.C. 5:23-2.7(c)1).

**Interior Finishes:** The first item discussed was the draft change at N.J.A.C. 5:23-2.7(c)1ii, which would delete the limitation of 25% of interior finishes and would thereby allow the “installation, repair, or replacement of any interior finishes in a one- or two-family detached dwelling.” The Building Subcode Committee recommended that “room” be replaced with “structure,” so that the 25% would be retained, but would be applied to 25% of the structure, which would prevent a “gut rehab” being carried out as minor work. One Board member commented that when a whole room is sheet rocked, the Rehabilitation Subcode requires fire stopping. If the 25% limitation is completely removed, because there would be no minor work permit and inspection for the larger projects, there would be no guarantee that the fire stopping had been provided. This is a critical safety issue. The Fire Protection Subcode Committee recommended that the language be amended to eliminate the 25% limitation for interior finishes “except those that are a component of a fire-rated assembly.”

One Board member asked whether these changes would mean that it would be acceptable to finish a basement without permits.

The Board discussion moved to specific draft changes in the rule. The Building Subcode Committee recommended that at N.J.A.C. 5:23-2.7(c)1vi, the language be amended to ensure that only non-structural components would be covered, as follows: “The repair or replacement of any non-structural component, such as a partition railing or cabinet...”

**Roof Replacement:** With regard to the draft amendment at N.J.A.C. 5:23-2.7(c)1vii, which would make roof replacement ordinary maintenance, the Building Subcode Committee expressed its concern with structural loads, flashing, unregistered contractors, consumer protection, and the type of materials being installed. However, Building Subcode Committee also recommended that, if the requirement must be moved, it should apply only to Group R-5 occupancies (one- or two-family detached dwelling). The Fire Protection Subcode Committee expressed concern that the absence of enforcement could lead to problems that could result in a roof collapse in a fire event. Several other Board members expressed concern about structural problems with multiple roofing layers, particularly on large commercial buildings. One Board member asked how, in the absence of a minor work permit and inspection, substantial compliance would be demonstrated to meet Federal flood requirements.

**Siding:** Board discussion moved on to the draft change at N.J.A.C. 5:23-2.7(c)1x, which would include the repair or replacement of siding as ordinary maintenance. The current rule provides that not more than 25% of the siding may be repaired or replaced as ordinary maintenance per year. There was agreement on the Board that the siding inspections benefit the

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homeowners, especially those homeowners who have no expertise in siding and are not able to evaluate the quality of the work performed. Faulty, non-compliant installations are common.

Decks: Board discussion moved on to the draft change at N.J.A.C. 5:23-2.7(c)1xi, which would include the repair or replacement of a deck as ordinary maintenance; the deck would be added to the existing provision that the repair or replacement of a porch or stoop that do not structurally support a roof above are ordinary maintenance. One Board member asked whether the intent of this amendment is to allow the repair or replacement of decking, but not a railing or a guard rail. One Board member recommended that the language be amended to “the repair or replacement of decking” rather than “deck.” That would limit the work that could be performed and would be more in keeping with ordinary maintenance, which generally speaking does not contemplate complete replacement of a structural element. One Board member, who serves as a code enforcement official, commented that nearly all the plans for decks that are submitted as minor work require changes for code compliance. Several Board members expressed their concern that elevated decks present a particular safety concern.

Insulation: Board discussion moved to the draft change at N.J.A.C. 5:23-2.7(c)1xiii, which would allow as ordinary maintenance the installation of any type of insulation “when installed adjacent to or not more than 1½ inches from an interior finish;” the current rule limits the installation of “roll or bat insulation” as ordinary maintenance. The Building Subcode Committee recommended that the rule should specify that spray foam insulation must meet the ignition barrier requirements and also cautioned against including spray foam insulation, which currently requires a permit, as ordinary maintenance.

Gutters: Board members expressed concern about allowing “the installation of exterior rain gutters or leaders” as ordinary maintenance (N.J.A.C. 5:23-2.7(c)1xiv) because improper installation creates problems with the building’s foundation.

Residential Occupancies v. Commercial Buildings: One Board member reiterated the recommendation made at the beginning of the meeting to make clear distinctions between those ordinary maintenance and minor work items that would apply to residences only and those that would apply to larger commercial structures. There was general agreement on the Board that this logical approach would avoid some of the problems that have been discussed.

**Plumbing:** Board discussion moved on to N.J.A.C. 5:23-2.7(c)3, Ordinary plumbing maintenance.

Water Heaters: The Plumbing Subcode Committee expressed concern with the draft change at N.J.A.C. 5:23-2.7(c)2xii, which would include “the replacement of low pressure water heaters with new ones of like capacity.” The Plumbing Subcode Committee identified several safety issues, including temperature control; thermal tank installation; flue connectors that result when water heaters are installed improperly; relief valve replacement, which includes not using the appropriate materials for discharge piping; and locating gas-fired water heaters in garage. Because improper installations can result in carbon monoxide problems, the Plumbing Subcode Committee recommends that a permit and inspections be required.

One Board member suggested that “like capacity” be defined. Several Board members asked what “low pressure water heaters” are and recommended that another term be used to describe the water heaters that would be subject to this change. One Board member recommended retaining the inspection and eliminating the fee, but it was agreed that exceeded the Department’s regulatory authority.



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**Electrical:** Board discussion moved on to N.J.A.C. 5:23-2.7(c)3, Ordinary electrical maintenance.

Range hoods: At N.J.A.C. 5:23-2.7(c)3v, the draft rule would allow as ordinary maintenance the replacement of kitchen range hoods in any structure as long as the hood is vented directly to the exterior and not to a common shaft or is a recirculating type with no increase in output. Several Board members commented that this should be limited to one- or two-family detached dwellings because commercial structures, especially restaurants, are sufficiently complicated to warrant a permit and inspection.

Electric Water Heaters: There was a brief discussion of whether the replacement of existing electric water heaters (N.J.A.C. 5:23-2.7(c)3vi) should be ordinary maintenance. Board members expressed concern about temperature control and the wiring of an electric water heater. When one Board member commented that electrical and plumbing contractors are licensed and should have some expertise in these installations, several Board members expressed concern that relying on a licensed contractor is a misplaced reliance because code enforcement officials see a significant the number of installations that were completed by licensed contractors that are not code compliant.

**Heating, ventilation, and air conditioning:** Board discussion moved on to N.J.A.C. 5:23-2.7(c)5, Ordinary heating, ventilation, and air conditioning maintenance.

Air conditioning equipment: At N.J.A.C. 5:23-2.7(c)5ix, the draft rule would allow the repair or replacement of air conditioning equipment and systems to be ordinary maintenance. Several Board members recommended that this replacement be allowed in one- or two-family detached dwellings, but not in commercial structures or in large multifamily residential buildings. The one- or two-family detached dwelling replacements should be limited in the allowable cfms. Several Board members who serve as code enforcement officials commented that approximately 30% of the current replacement installations fail the inspection. One Board member commented that the Heating, Ventilation, Air-conditioning, and Refrigeration (HVACR) contractors, who have recently been required to be licensed, should be afforded additional time to ensure that they have the skills for this work. Reliance on licensed contractors is logical, but not always sensible.

Chimney Coating: At N.J.A.C. 5:23-2.7(c)5ix, the draft rule would allow chimney coating as ordinary maintenance. Several subcode committees commented that the term “chimney coating” is too vague. Members of those subcode committees were uncertain as to whether the coating was internal or external; there was general agreement that an external coating on residential chimneys could be ordinary maintenance, but concern was expressed about work of any kind on chimneys in larger residential structures or commercial buildings.

As was mentioned at the beginning of the meeting, Board members reiterated their recommendation that a distinction be drawn between residential occupancies and commercial buildings, including large multifamily residential buildings.

**Construction permits-When required (N.J.A.C. 5:23-2.14(b))**

**Garden-type Utility Sheds:** At N.J.A.C. 5:23-2.14(b)8, Permits, when required, the draft rule would change the size of the garden-type utility shed for which a building permit is not required. The current regulation sets the maximum size of a non-permitted shed at 100 square feet and not greater than 10 feet high, with no sewer, water, gas, oil, or sewer connection, and accessory to a residential occupancy. This draft rule would change the size of the shed for which

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no building permit would be required at 200 square feet. There were no objections to this change.

**Minor Work (N.J.A.C. 5:23-2.17A(c))**

**Decks:** At N.J.A.C. 5:23-2.17A(c)1i, the draft rule would add to minor work the construction or total replacement of any deck to the current provision allowing the construction or replacement of any porch or stoop that does not provide structural support. Board members reiterated the concerns expressed during the discussion of ordinary maintenance. There was a recommendation that perhaps there should be a limitation on the height of a deck that would be allowed to be constructed or totally replaced as minor work. Several Board members attested to the problems with compliance that currently exists; there was general agreement that, if this provision is adopted, code compliant, safe decks would be hard to find.

**Siding:** At N.J.A.C. 5:23-2.17A(c)1iii, the draft rule would make the removal and replacement of siding ordinary maintenance. This issue was addressed during the ordinary maintenance discussion and the Board expressed reiterated its concern.

**Water Heaters:** At N.J.A.C. 5:23-2.17A(c)2, the draft rule would move the replacement of an existing low pressure water heater with a new one of like capacity from minor work (N.J.A.C. 5:23-2.17A) to ordinary maintenance (N.J.A.C. 5:23-2.7). This issue was addressed during the ordinary maintenance discussion and the Board expressed reiterated its concern.

The Board's attention was directed to a recommendation from NAIOP that was included in the meeting packets. The recommendation identified items for consideration as minor work that are commonly part of projects in commercial buildings. These recommended changes were based on the premise that minor work requires a permit, but work can start before the permit has been issued. One board member recommended that these items be considered for a section on minor work in commercial structures; Board members reiterated their agreement that there is work that could be considered ordinary maintenance for one- or two-family detached dwellings, and even small residential occupancies, which should not be minor work in larger buildings. In addition, there are projects that are common in commercial buildings and could be deemed to be minor work in those occupancies that are not applicable to residential occupancies. Several Board members expressed a willingness to assist in making determinations about the residential/commercial separation. The commercial structure minor work category would not include a change of use. Some of these projects are currently deemed to be alteration projects subject to the Rehabilitation Subcode because partitions are being moved and, therefore, space is being reconfigured. The delay in inspections causes significant problems for the business owner.

Following this discussion, Board discussion on this agenda item ceased.

Before moving to a vote, Board chair, Ms. Beth Pochtar, offered the members of the public an opportunity to comment.

Mr. Joe Hoff, Construction Official, Piscataway Township, asked what was wrong with the current ordinary maintenance/minor work provisions. The current system is working and does not need to be changed. Mr. Hoff also recommended that bureaucracy be reduced and that digital signatures be accepted for licensed contractors.

Mr. Jim Zaconie, New Jersey Building Officials Association (NJBOA), commented that these categories of work are necessary. There are safety issues involved in each of these items,

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so that inspections are necessary to ensure public safety. Mr. Zaconie asked whether these changes were initiated by the big box stores and was told they were not.

Mr. Rich Silvia, New Jersey Fire Protection and Prevention Association (NJFPPA), commented on the number of fire deaths in residential fires due to noncompliance with the building, fire protection, and electrical subcodes. Code compliance prevents fires. Mr. Silvia offered the Edgewater fire as an example. Because the Uniform Fire Code (UFC) does not have jurisdiction over one- or two-family detached dwellings, enforcement of the Uniform Construction Code (UCC) is critical for fire safety. He asked the Department to use common sense.

Mr. Jerry Eger, Municipal Code Officials Association (MUNCO), stated that moving some of these requirements from minor work (where a permit and inspection are required) to ordinary maintenance (with no permit or inspection requirements) is likely to result in an increase in non-compliant work. Currently, code enforcement officials find that work performed by licensed contractors is often noncompliant and fails inspection.

Mr. Vince Lupo, Construction Official, Franklin Township, commented that minor work could be made less onerous without compromising safety. There are municipalities where homeowners are required to wait all day for an inspector; that should be corrected. Inspectors could be trained to perform work on more than one discipline for one- or two-family detached dwellings. These “combination inspectors” have worked well in other states; New Jersey should consider initiating a combination, one- or two-family detached dwelling inspector license.

Mr. Jeff Heiss, Construction Official, supported the recommendation that, instead of reducing required inspections, the Department consider initiating a combination inspector.

Mr. Bill Cattel, Construction Official, Cherry Hill Township, commented that the limitations on the inspections that the technical specialists are able to perform results in multiple inspections and multiple fees. There must be a way to limit the number of inspectors on some of the residential installations. In addition, in the section that would move siding from minor work to ordinary maintenance, siding should be defined, so that it is clear that it applies to vinyl or steel siding and not to masonry.

Mr. Ron Barbarulo, New Jersey Plumbing Inspectors Association (NJPIA), recommended leaving the water heaters as minor work because so many contractors are not licensed and, for the most part, unlicensed contractors do not try to do permit-driven work.

Mr. Dan Hagberg, NJBOA, stated that the UCC has been the gold standard nationally for code enforcement. These changes in minor work and ordinary maintenance diminish that standard. Admittedly, municipal fees are a problem. Some municipalities charge high fees for inspections that do not require much time. But, the focus in a rule like this should be on inspections—is an inspection required or not. Multiple inspections are also a problem. Fees should be not be addressed by limiting inspections. Shared services should be encouraged. Building departments are a hub of information for local residents. These amendments would compromise the enforcement of substantial damage determinations and requirements.

Mr. Michael Kovonuk, Construction Official, Readington Township and Vice-chair, MUNCO, asked the Department to partner with the code enforcement officials’ professional organization for assistance in determining how to reduce regulations without compromising public safety.

Mr. John Drucker, Assistant Construction Official, Borough of Red Bank, commented that the code, as it currently stands, is correct; compliance is the issue. Some of these problems could be addressed through a comprehensive review of municipal fees and also be encouraging shared services.

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Mr. John Fiedler, Township of Hillsborough, MUNCO, NJBOA, recommended that the Board recommend no further action on these amendments.

Mr. Pat Naticchione, Construction Official, Egg Harbor Township, commented that decks are a life safety issue and the inspection of decks should not be reduced. A code enforcement official from Lawrence Township agreed.

Mr. Ed Reed, MEIA, stated that if inspections are eliminated, the construction code is compromised. Approximately 60% of waters heaters fail the grounding inspection; this is a safety issue.

Mr. Sal Poli, Township of Denville, asked that the prior approvals be retained in the definition of minor work. The permit process is the linchpin of planning and zoning enforcement. Although some municipalities have rely excessively on prior approvals, the system that exists in which prior approvals must be in place before a permit may be issued is a sound one.

Mr. Stephen Jones, Construction Official, Florham Park and Millburn Township, commented that the code official associations are willing to meet with the Department to effect regulatory change without sacrificing life safety. Municipal code enforcement fees are another issue that should be addressed. In addition, the application of minor work to commercial structures should be addressed.

Public comments were closed.

One Board member recommended that representatives of code enforcement association work with representatives of code user organizations, such as New Jersey Builders Association and NAIOP, to ensure that local code enforcement officials and their offices receive the necessary municipal support. In many municipalities, the code enforcement review process is broken: plan releases are not issued in a compliant time frame, permits can take six to eight weeks, and inspections are not scheduled in a timely manner. All code users should work together to ensure that municipalities have sufficient resources to enforce the UCC and to meet its timeframes in doing so.

Board discussion ceased.

*Mr. Arthur Londensky made a motion, which was seconded by Mr. Michael Seeve, to table the draft rule, to direct the staff revise it in keeping with the extensive Board discussion, and to return it to the Board as a revised agenda item at the December Board meeting. The motion carried unanimously.*

At 12:05 p.m., Ms. Beth Pochtar, Chair, called a short break to enable those members of the public who needed to leave to do so. At 12:15 p.m., the Board meeting resumed.

**1. Draft Revision: Formal Technical Opinion (FTO)-3, Fire Escapes**

Mr. Michael Baier explained that staff had reviewed the comments of the Board and of the Subcode Committees and revised the draft revision of FTO-3. This revision clarifies when safety glazing is required.

*Mr. Arthur Londensky made a motion, which was seconded by Mr. John Scialla, to approve the draft as revised. The motion carried unanimously.*

**2. Draft Rule: Protection of Adjoining Properties and Public Rights of Way (N.J.A.C. 5:23-2.34)**

Mr. Michael Baier explained that these proposed amendments seek to better define precautions to be taken during construction to protect the public. Most significantly, the

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proposed amendments address the safety concerns surrounding the use of cranes on construction sites. These requirements are drawn from a Jersey City ordinance. Staff also reviewed the requirements in place in New York City. The draft rule was referred to the Building Subcode Committee. Mr. John Scialla, Chair, reported that the Building Subcode Committee recommended that this responsibility be referred to the Department of Labor. The Building Subcode Committee also recommended that the rule be amended to refer to “possibly affected” adjoining properties. One Board member commented that many municipalities require this by ordinance and another Board member commented that his municipality requires this process – and it works. One Board member commented that this rule provides direction and gives definition that an otherwise grey area. One Board member recommended that the Department prepare an explanatory bulletin.

*Mr. Michael Seeve made a motion, which was seconded by Mr. Tony Neibert, to approve the draft as amended by the Building Subcode Committee’s comments. The motion carried unanimously.*

**4. Draft Rule: Responsibilities—Pools and Spas; Penetrations of Existing Rated Assemblies (N.J.A.C. 5:23-3)**

Mr. Michael Baier explained that these draft amendments would make specific assignments of enforcement responsibility under the International Swimming Pool and Spa Code (ISPSC) for the requirements identified as being of paramount importance. The draft amendments also assign responsibility for the inspection of penetrations of existing rated assemblies to the electrical inspector/subcode official under both the International Building Code (IBC) and the International Residential Code (IRC). These amendments would make it possible for a single inspector to inspect the installation of hi-hat lighting or ceiling fans or other electrical equipment in an existing building. This draft rule was referred to the Building, Fire Protections, Electrical, and Plumbing Subcode Committees.

Each of the Subcode Committees that reviewed this draft rule recommended that it be approved.

*Mr. Tony Neibert made a motion, which was seconded by Mr. Arthur Londensky, to approve the draft rule. The motion carried unanimously.*

**D. New Business**

**1. Formal Technical Opinion (FTO) 10, Rooming and Boarding Houses: Withdrawal**

Mr. Michael Baier explained that FTO-10 is proposed for withdrawal because it has been superseded and no longer provides clear information. Code requirements have changed and are now summarized for quick reference in Bulletin 15-3.

*Mr. John Scialla made a motion, which was seconded by Mr. Henry Kelly, to approve the withdrawal of FTO-3. The motion carried unanimously.*

**2. Formal Technical Opinion (FTO) 1, Shopping Cart Corrals: Withdrawal**

Mr. Michael Baier explained that FTO-1 is no longer needed because retail establishments no longer rely on gates to keep their carts inside the stores.

*Mr. Henry Kelly made a motion, which was seconded by Mr. Tony Neibert, to approve the withdrawal of FTO-1. The motion carried unanimously.*

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3. Draft Rule: Update Referenced Standard for Recreational Park Trailers (N.J.A.C. 5:23-4D)

Mr. Michael Baier explained that this draft rule would update the name of the technical standard for recreational park trailers. Although the title of the technical standard has changed, there is little change in the technical provisions of the standard itself.

*Mr. John Scialla made a motion, which was seconded by Mr. Tony Neibert, to approve the draft rule to update the referenced standard for recreational park trailers. 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 had been emailed to the Board as a .pdf.

3. Letter from league of Municipalities re Draft Rule: Ordinary Maintenance and Minor Work. Staff called attention to this letter in support of caution on moving forward with the draft rule.

**F. Public Comments**

There were no further public comments.

**G. Adjourn**

The meeting was adjourned at 12:50 p.m.

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**July 15, 2016**

**UNIFORM CONSTRUCTION CODE ADVISORY BOARD**  
**Minutes of Meeting, July 15, 2016**

Location  
101 South Broad Street  
Trenton, New Jersey 08625

**Attendance**

Board Members

Beth Pochtar, Chair  
John Scialla, Vice Chair  
Mark Caputo  
John Del Colle  
John Fritzen  
George Hrin  
Henry Kelly  
Jason Kliwinski  
Greg Moten  
Tony Neibert  
Michael Seeve  
Valerie Waricka

DCA Staff

Edward M. Smith, Director, Division of Codes and Standards  
Michael Baier, Bureau of Code Services  
Lou Mraw, Office of Regulatory Affairs  
John Terry, Bureau of Construction Project Review  
Robert Austin, Code Assistance Unit  
Paulina Caploon, Bureau of Code Services  
John Delesandro, Education and Licensing Units  
Dave Greenhill, Code Assistance Unit  
Marcel Iglesias, Code Assistance Unit  
Tom Pitcherello, Code Assistance Unit  
Emily Templeton, Code Development Unit

Guests

Linda Aiello, Technical Assistant, Borough of Westwood  
Dennis Bettler, Construction Official, Bernards Township  
Dominick Cardanelli, Building Subcode Official, West Windsor Township  
David Castner, Sheet Metal LU 22, HVACR Contractor  
John Drucker, Fire Protection Subcode Official, Red Bank  
Joseph LaBruzza, Construction Official, Marlboro Township  
Brian Kamp, Sheet Metal LU 27  
Thomas Polino, West Windsor Township  
Joseph Valeri, West Windsor Township

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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 12, 2015**

*Ms. Valerie Waricka made a motion, which was seconded by Mr. George Hrin, to approve the minutes without change. The motion carried unanimously.*

**B. Subcode Committee Reports**

**Barrier Free Subcode Committee:** Mr. John Del Colle, Chair, reported that the Barrier Free Subcode Committee met on June 3, 2016 and discussed agenda items.

**Building Subcode Committee:** Mr. John Scialla, Chair, reported that the Building Subcode Committee met on May 13, 2016; agenda items were discussed electronically.

**Electrical Subcode Committee:** Mr. Tony Neibert, Chair, reported that the Electrical Subcode Committee met on March 24 and May 26, 2016; agenda items were discussed.

**Elevator Subcode Committee:** Mr. George Hrin, Chair, reported that the Elevator Subcode Committee met on December 4, 2015; agenda items were discussed.

**Fire Protection Subcode Committee:** In Mr. Arthur Londensky's absence, Mr. John Drucker reported that the Fire Protection Subcode Committee met on March 4, 2016; agenda items were discussed..

**Mechanical/Energy Subcodes Committee:** Mr. John Fritzen, Chair, reported that the Mechanical/Energy Subcodes Committee did not meet; agenda items were discussed electronically.

**Plumbing Subcode Committee:** In the absence of Mr. Stephen Rodzinak, Vice Chair, Mr. Tom Pitcherello reported that the Plumbing Subcode Committee did not meet.

**C. Old Business**

1. Revised Draft Rule: Permits and Certificate Requirements (N.J.A.C. 5:23-2.6, 2.23)  
The draft rule, permits and certificate requirements, was revised to reflect the Board discussion at the December 12, 2015 Board meeting, as follows:

- Rehabilitation Subcode: The amendment would require that when building undergoes a change of use, returning the building to its prior use would require compliance with the Rehabilitation Subcode for the prior use.
- Ordinary Maintenance:
  - The installation of a storable hot tub or spa would be proposed to be ordinary maintenance. Public comment will be sought on this amendment.
  - The replacement of a range hood that does not exceed the current exhaust rate or does not exceed 400 cfm would be proposed to be ordinary maintenance.
  - The replacement of a bathroom exhaust fan in a dwelling unit would be proposed to be ordinary maintenance.



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- Responsibilities: The installation or replacement of heating or cooling equipment, water heaters, HVAC units, gas piping, and stand-by power generators in residential occupancies of Group R-3, R-4, or R-5 would be the responsibility of the mechanical inspector unless the installation would penetrate a fire-rated assembly.
- Types of Licenses and Certificates: The mechanical inspector would be designated to conduct inspections in residential occupancies. To reflect the current group designations in the building subcode, Group R-4 was added to the existing Group R-3 and R-5 designations.

Mr. John Scialla, Chair, reported that the Building Subcode Committee continues to oppose including storable hot tubs or pools as ordinary maintenance because of the loads imposed on the deck. With regard to the amendment to kitchen exhaust hoods to add “dwelling unit,” the Building Subcode Committee recommended publishing an article in the *Construction Code Communicator* to explain the source of the makeup air.

Mr. Tony Neibert, Chair, reported that the Electrical Subcode Committee discussed the need for an educational effort to inform the public what can and cannot be done without a permit.

*Mr. Michael Seeve made a motion, which was seconded by Mr. Tony Neibert, to approve the draft rule as revised. The motion carried unanimously.*

2. Draft Update: Bulletin 79-2, Testing of Plumbing Systems, and Bulletin 94-7, Plans for Elevator Devices

Mr. Michael Baier, Bureau of Code Services, explained that Bulletin 79-2, Testing of Plumbing Systems would be revised to delete a reference to Section 15.3.2 of the National Standard Plumbing Code because that section no longer exists. Mr. Baier further explained that Bulletin 94-7, Plans for Elevator Devices, would be revised to add language to reflect current terminology.

Bulletin 79-2 was referred to the Plumbing Subcode Committee. Bulletin 94-7 was referred to the Elevator Subcode Committee.

Mr. Tom Pitcherello reported that the Plumbing Subcode Committee recommended approval of Bulletin 79-2 with a slight language revision for clarity. The recommended revision was included in the minutes of the Plumbing Subcode Committee’s March 4, 2016 meeting for the Board’s information and review.

Mr. George Hrin, Chair, reported that the Elevator Subcode Committee recommended approval of the revisions to Bulletin 94-7.

*Mr. George Hrin made a motion, which was seconded by Mr. Michael Seeve, to approve the revisions to the bulletins, including the changes recommended by the Plumbing Subcode Committee. The motion carried unanimously.*

3. Draft Revision: Formal Technical Opinion (FTO) -3, Fire Escapes

Mr. Michael Baier, Bureau of Code Services, explained that the draft revision would delete wired-glass as an alternate to comply with the opening protection required for openings that are 10 feet within any direction of a fire escape. The exception for wired-glass in fire doors, fire windows and view panels was deleted from the Uniform Construction Code with the adoption of the 2006 International Building Code.

The draft revised bulletin was referred to the Building Subcode Committee and the Fire Protection Subcode Committee.

Mr. John Drucker, Vice Chair, reported that the Fire Protection Subcode Committee commented that the requirement for wired glass was included in the Building Officials and Code

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Administrators (BOCA) National Building Code for windows that could not be opened; FTO-3 applies that requirement to windows that can be opened. It does not make much sense to have a requirement for wired glass for a window that could be left open. The Fire Protection Subcode Committee recommended that if the wired glass requirement is retained in FTO-3 that a 15-minute fire-rated glazing should be required. In addition, the note in FTO-3 should be deleted because it is confusing not clarifying.

Mr. John Scialla, Chair, reported that the Building Subcode Committee had held a lengthy discussion in which one Committee member observed that the only kind of windows with safety glazing available are not openable. One Committee member recommended that Section F, Fasteners, should not be limited to expansion bolts because some of the back-up materials cannot accept an expansion bolt. The Committee recommended the following: the modification not be approved, impact protection (safety glazing) should be addressed, a distance for requiring safety glazing should be added, and, because these are not opening protectives, the fire rating should be eliminated.

Board discussion ensued. Several Board members pointed out that it is difficult to find a material that has both a fire rating and provides impact protection. Several Board members commented that because the window can be opened, the cost of requiring wired glass or safety glazing should be considered against the benefit. The protection is compromised when the window is open and, it was pointed out, these windows are often left open to provide ventilation.

*Mr. Michael Seeve made a motion, which was seconded by Henry Kelly, to approve the revised FTO. The motion carried with nine in favor and three opposed.*

4. Withdrawal of Bulletin 90-1, Canadian Standards Association (CSA) as a Referenced Standard; Bulletin 88-4, Concrete-Filled Pipe Columns; Bulletin 79-8, Permit Fees for Large, Open-Volume Buildings; and FTO-15, Commercial Kitchen Exhaust Hoods

Mr. Michael Baier, Bureau of Code Services, explained that these bulletins are proposed for withdrawal for the following reasons:

(1) Bulletin 90-1 would be withdrawn because the Canadian Standards Association (CSA) is listed by the Occupational Safety and Health Agency (OSHA) as a Nationally Recognized Testing Laboratory (NRTL), <https://www.osha.gov/dts/otpca/nrtl/nrtllist.html>;

(2) Bulletin 88-4 would be withdrawn because the International Building and Residential Codes no longer have a code section to reference to support the information in this bulletin. If a concrete-filled pipe column were still desired, a listed/tested item could be proposed for the design;

(3) Bulletin 79-8 would be withdrawn because the text at N.J.A.C. 5:23-4.18 contains the standard for the fees for large, open volume buildings; and

(4) FTO-15 would be withdrawn because the text of the mechanical subcode clearly states that the applicability of the requirements for commercial kitchen hoods through updated definitions.

These bulletins were referred to the Building Subcode Committee for review.

Mr. John Scialla, Chair, reported that the Building Subcode Committee recommended withdrawal of these bulletins.

*Mr. Michael Seeve made a motion, which was seconded by Mr. Tony Neibert, to approve the withdrawal of the named bulletins. The motion carried unanimously.*

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**D. New Business**

1. Draft Rule: Barrier Free Subcode—Public Entrances, Assisted Living Facilities (N.J.A.C. 5:23-3.14(b))

Mr. Michael Baier explained that there are two draft amendments in this rule. The first would specify that the accessible building entrances required by the Barrier Free Subcode (Chapter 11) must include “the primary entrance used by the general public.” The second would ensure that when an assisted living facility (which is Group R-2-adaptable- for the purposes of accessibility) allows short-term respite stays, the dwelling units available for respite are deemed to be Group R-1 and must be accessible.

Mr. John Del Colle, Chair, reported that the Barrier Free Subcode Committee recommended that both amendments be approved.

There was brief Board discussion in support of the draft rule.

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

2. Draft Rule: Protection of Adjoining Properties and Public Rights of Way (N.J.A.C. 5:23-2.34)

Mr. Michael Baier explained that these proposed amendments seek to better define precautions to be taken during construction to protect the public. Most significantly, the proposed amendments address the safety concerns surrounding the use of cranes on construction sites. These requirements are drawn from a Jersey City ordinance. Staff also reviewed the requirements in place in New York City.

The draft rule was referred to the Building Subcode Committee.

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

Mr. Michael Baier explained that the intent of these proposed amendments is to eliminate some of the permit requirements for items that are not as integral to building safety as some of the other code requirements thereby relieving the public of these administrative burdens and allowing the staff of local code enforcement agencies to make better use of their time.

Additionally, the definition of “minor work” at N.J.A.C. 5:23-1.4 is proposed to be changed to make it possible for projects which require a prior approval, such as local zoning approval, to be categorized as minor work under the UCC. This would mean that the UCC permit would not be the mechanism for assuring that the terms and conditions of any applicable prior approval have been met. This change would not affect the need to obtain any applicable prior approval.

This draft rule was referred to all Committees.

4. Draft Rule: Updated Section Numbers, Cross-references, and Clarifications (N.J.A.C. 5:23)

Mr. Michael Baier explained that this draft rule would make several unrelated corrections and clarifications to the Uniform Construction Code (UCC).

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

5. Draft Rule: Responsibilities—Pools and Spas; Penetrations of Existing Rated Assemblies (N.J.A.C. 5:23-3.

Mr. Michael Baier explained that these draft amendments would make specific assignments of enforcement responsibility under the International Swimming Pool and Spa Code (ISPSC) for

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the requirements identified as being of paramount importance. The draft amendments also assign responsibility for the inspection of penetrations of existing rated assemblies to the electrical inspector/subcode official under both the International Building Code (IBC) and the International Residential Code (IRC). These amendments would make it possible for a single inspector to inspect the installation of hi-hat lighting or ceiling fans or other electrical equipment in an existing building.

This draft rule was referred to the Building, Fire Protections, Electrical, and Plumbing Subcode Committees.

Mr. George Hrin, Chair, Elevator Subcode Committee, commented that the minutes of the Elevator Subcode Committee's meeting have a section in which the maintenance section has been updated to reflect the adoption of the most recent technical standards. Staff thanked Mr. Hrin for the Committee's review and committed to providing a draft rule for Board review and action in the near future.

**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. Update on Review of Licensing and Education Requirements

Ms. Emily Templeton reported that the Department has received comments from the Technical Assistants' Association and from several construction officials in support of including technical assistants in the code enforcement employees who are required to take continuing education classes. The Department is reviewing all comments and will prepare a draft rule for Board consideration in due course.

**F. Public Comments**

1. Linda Aiello, past Code Advisory Board member and Technical Assistant, commented on the wonderful technical assistant program. In 2009, technical assistants were included as specifically mentioned in the Uniform Construction Code (UCC), but to date there has been no directive for maintenance of the certification. The technical assistants recommend a renewable certification requiring 1.5 CEUs of credit over three years; 1.0 CEUs would be administrative and 0.5 CEUs would be technical. IN the absence of a requirement for continuing education, many municipalities will not allow the technical assistants to attend courses as part of their work expectations. Consequently, many technical assistants use their vacation days to attend courses.

2. Mr. Dennis Bettler, Construction official read a letter in support of the technical assistants' request for renewable certifications. He emphasized the value that qualified technical assistants bring to the local code enforcement agency. The Municipal Procedures Manual mentions technical assistants 61 times, but there is no official recognition of the benefit of requiring renewable certification with required continuing education requirements.

**G. Adjourn**

The meeting was adjourned at 10:20 a.m.

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**H. Executive Session—Reappointment of Subcode Committees**

The Executive Session was called to order at 10:25 a.m.

**I. Executive Session Adjourn**

The Executive Session was adjourned at 10:35 a.m.

**CAB Minutes**  
**February 12, 2016**

**UNIFORM CONSTRUCTION CODE ADVISORY BOARD**  
**Minutes of Meeting, February 12, 2016**

Location  
101 South Broad Street  
Trenton, New Jersey 08625

**Attendance**

Board Members

Beth Pochtar, Chair  
John Scialla, Vice Chair  
George Hrin  
Henry Kelly  
Jason Kliwinski  
Arthur Londensky  
Tony Neibert  
Valerie Waricka

DCA Staff

Edward M. Smith, Director, Division of Codes and Standards  
Michael Baier, Bureau of Code Services  
Lou Mraw, Office of Regulatory Affairs  
John Terry, Bureau of Construction Project Review  
Robert Austin, Code Assistance Unit  
John Delesandro, Education and Licensing Units  
Dave Greenhill, Code Assistance Unit  
Marcel Iglesias, Code Assistance Unit  
Tom Pitcherello, Code Assistance Unit  
Emily Templeton, Code Development Unit  
Michael Whalen, Code Assistance Unit

Guests

David Castner, Sheet Metal LU 22, HVACR Contractor  
Jeffrey Heiss, Township of Warren  
Brian Kamp, Sheet Metal LU 27  
Stephen Rodzinak, Vice Chair, Plumbing Subcode Committee  
Cynthia Schaeffer, Department of Children and Families, Office of Licensing  
Anna Smith, Department of Children and Families, Office of Licensing  
Thomas Polino, West Windsor Township  
Joseph Valeri, West Windsor Township

Ms. Beth Pochtar, Chair of the Uniform Construction Code Advisory Board (CAB), called the meeting to order at 9:35 a.m. Ms. Pochtar introduced Tony Neibert and welcomed him as a new Board member. Mr. Neibert represents licensed electrical inspectors, and is the Chair, Electrical Subcode Committee.

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**February 12, 2016**

**A. Approval of Minutes of the Code Advisory Board Meeting of December 12, 2015**

*Mr. Arthur Londensky made a motion, which was seconded by Mr. George Hrin, to approve the minutes without change. The motion carried unanimously.*

**B. Subcode Committee Reports**

**Barrier Free Subcode Committee:** In Mr. John DelColle's absence, Ms. Emily Templeton reported that the Barrier Free Subcode Committee did not meet.

**Building Subcode Committee:** Mr. John Scialla, Chair, reported that the Building Subcode Committee did not meet; agenda items were discussed electronically.

**Electrical Subcode Committee:** Mr. Tony Neibert, Chair, reported that the Electrical Subcode Committee met on January 28, 2016; agenda items were discussed.

**Elevator Subcode Committee:** Mr. George Hrin, Chair, reported that the Elevator Subcode Committee met on December 4, 2015; agenda items were discussed.

**Fire Protection Subcode Committee:** Mr. Arthur Londensky, Chair, reported that the Fire Protection Subcode Committee did not meet; agenda items were discussed electronically.

**Mechanical/Energy Subcodes Committee:** In the absence of Mr. John Fritzen, Chair, Mr. Rob Austin reported that the Mechanical/Energy Subcodes Committee did not meet; agenda items were discussed electronically.

**Plumbing Subcode Committee:** Mr. Stephen Rodnizak, Vice Chair, reported that the Plumbing Subcode Committee met on, January 15, 2016; agenda items were discussed.

**C. Old Business**

1. Review of Education Standards (N.J.A.C. 5:23-5.20)

Mr. Michael Baier, Bureau of Code Services, framed the issue. Because the pool of inspectors is in decline, the Department has sought input in reviewing the educational requirements for construction code inspector licensure. Copies of the current regulations, with a request for review and discussion, were referred to all Committees at the October 9, 2015 Code Advisory Board meeting. The Committees have had four months (two meetings) to consider recommendations.

Mr. John Scialla, Chair, Building Subcode Committee, stated that one major deterrent to obtaining licensure as an inspector is the there is no longer a long term benefit because municipal governments have cut salaries and reduced full-time positions to part-time with no benefits and no pension. The Building Subcode Committee recommended combining the construction official and subcode official courses and to consider offering cross discipline courses.

Mr. Tony Neibert, Chair, Electrical Subcode Committee, reported that the Electrical Subcode Committee members applauded the idea of using technology to provide some hybrid training. Several Committee members proposed a mentoring system designed to prevent the "not in my town" code enforcement mentality. Several Committee members thought that, although holding multiple licenses should make an inspector more valuable, in fact, some municipalities require multiple licenses in order to reduce the number of employees. However, inspections

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require time and having one person who has multiple licenses does not change the time required to perform the inspections. One Committee member recommended limiting the number of disciplines for which one person could be responsible. Like the Building Subcode Committee, the Electrical Subcode Committee thought that the construction official and subcode official courses should be combined.

Mr. George Hrin, Chair, Elevator Subcode Committee, agreed that the core group of elevator inspectors is aging. The Elevator Subcode Committee recommended having some inspections that could be performed without an HHS-level elevator subcode official license. If a lower level license were to be considered, a training period of six months should be part of the requirements for the new license.

Mr. Stephen Rodzinak, Vice Chair, Plumbing Subcode Committee, reported that the Plumbing Subcode Committee held a lengthy discussion. Committee members were enthusiastic about a hybrid course that would make use of technology. Committee members also thought that a mentoring program would ensure that newly licensed inspectors would learn how to perform the job efficiently and effectively. The Committee agreed that the greatest problem is that there are no longer full-time positions. Without full-time jobs with benefits and some job security, younger job seekers are unlikely to regard code enforcement as a job with a future.

Mr. Arthur Londensky, Chair, Fire Subcode Committee, commented that the Fire Protection Subcode Committee had many of the same ideas. There was agreement that the construction official and subcode official course should be combined. Several Committee members thought that the RCS level license should be brought back. Several Committee members proposed that other fire certifications might be recognized, which could reduce the educational requirements.

Ms. Valerie Waricka, Board representative of the Technical Assistants to the Construction Official (TACO), recommended that educational requirements and continuing education courses be included for Technical Assistants

Board discussion ensued. One Board member commented that some municipalities use code enforcement as a revenue stream for the municipal government and do not put the funds back into code enforcement. Code enforcement brings in significant funds which are deposited into the general municipal budget and then code enforcement staff is reduced to a point at which plan review and inspections cannot be completed within the statutory timeframes. Dedication by rider would be an effective solution, but there has been opposition to requiring dedication by rider in the past. One Board member commented that some municipalities have dedication by rider and several Board members agreed that this should be encouraged of—or required for—all towns. There was a brief discussion of the problems that result when code enforcement is not timely. Some municipalities allow for overtime, Saturday work, and cluster inspections for efficiency, but the most efficient office cannot make one person into two. One Board member observed that some Shore towns share resources through an inter-local agreement.

One Board member recommended that mentoring programs or internships could provide an introduction to code enforcement. One Board member commented that because trainees are not licensed, they cannot conduct inspections and, therefore, there is little room for them in a code enforcement office. There was a brief discussion about whether it would be worthwhile to initiate contact with vocational schools. There is currently no active connection with vocational schools, consequently the students who are currently learning trades are not aware of code enforcement as an option or as a future consideration. One Board member observed that colleges and even some high schools encourage summer internships. These internships are not paid, but sometimes credit is offered. One Board member observed that some municipalities might see an



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intern as a potential liability. Another Board member observed that some municipalities allow high school students to operate the computer assisted design (CAD) program. One Board member observed that most people in the trades need to earn a living and could not work in a code enforcement office without being paid. There was agreement that, generally speaking, municipalities do not staff their code enforcement offices to operate effectively. There is little support for code enforcement in many, perhaps most, municipal governments.

The Board discussion moved toward those code enforcement offices that operate well and those that do not. There are code officials who are unpredictable and who make undertaking a project in their town very difficult. These code officials undermine the uniformity of the Uniform Construction Code. Due, in part, to a reaction to these difficult, and often unreasonable, code officials, there has been an active discussion of moving toward privatizing code enforcement.

Having identified several critical problems, Board discussion turned toward solutions. One Board member expressed support for apprentice-type or intern programs. Another Board member thought that identifying students through community colleges might be too late and suggested that the exposure begin in high school. One Board member suggested that retired code officials could be a resource in establishing mentoring or apprenticeship programs; newly licensed code enforcement officials could be provisionally licensed pending completion of the apprenticeship.

Another Board member recommended taking part in career days. Career days take place at several sites, including high schools, community colleges, and at meetings sponsored by professional associations such as realtors. Presentations at these events could begin to “get the word out.”

One Board member observed that offering licensing courses through the community colleges might not be the most efficient delivery system. The community colleges do not operate cooperatively and when there are a few students who register for the Uniform Construction Code class in one county and a few in another county, both classes are canceled. If there were cooperation, it might be possible to hold the class. One Board member recommended that the Department look into having these courses modeled on continuing education courses and offered through Rutgers in centralized locations.

One Board member proposed making code enforcement a State function. The Uniform Construction Code, which is State-promulgated, could also be State-enforced. The municipal code enforcement office would be closed and the inspection resources could be deployed State-wide through a central system. The towns would pay the State for code enforcement.

There was general agreement that it is essential that solutions be found for the problems identified in this discussion.

Division staff will take these recommendations under consideration. A list will be compiled and those items that could be accomplished in a straightforward manner, such as combining the construction official and subcode official courses, will be prepared for Board consideration. Those suggestions that require more research and consideration will be taken under advisement for additional consideration. In the meantime, any additional recommendations should be submitted to Division staff.

2. Draft Rule: Permits and Certificate Requirements (N.J.A.C. 5:23-2.6, 2.23)

At the December 12, 2015 Code Advisory Board meeting, the Board referred this draft rule to the Division for revisions to conform to the comments made in the Subcode Committees’ minutes and to allow storable pools and hot tubs with an integral GFCI plug to be ordinary

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maintenance only when there is no danger from elevation, for example, when they are on a slab or are on grade.

Mr. Michael Baier, Bureau of Code Services, reported that the revised draft rule is not included in this Board packet, but should be ready for the next Code Advisory Board meeting, April 8, 2016.

Mr. Arthur Londensky, Chair, Fire Protection Subcode Committee, asked that the Board approve the recommendations made by the Fire Protection Subcode Committee in its November 12, 2015 meeting minutes. The recommendations were that the responsibilities for mechanical inspector be qualified to provide that the mechanical inspector could perform the inspection as long as a fire-rated assembly is not being penetrated. Committee members also recommended that the responsibility for chimney verification certificates in existing dwellings should be changed from fire and building to mechanical.

*Mr. Arthur Londensky made a motion, which was seconded by Mr. George Hrin, to approve those changes, as summarized. The motion carried unanimously.*  
The draft rule will be revised to reflect the Board's recommendations and will be brought back to the Board for action.

3. Draft Rule: Elimination of Six-month Elevator Inspections (N.J.A.C. 5:23-12)

Mr. Michael Baier, Bureau of Code Services, explained that this is a national problem. There is a shortage of elevator inspectors. It is becoming difficult to schedule the inspectors, despite offering overtime and using temporary employees. There is concern that by keeping the six-month inspection as a requirement, it appears that inspections are being performed when they are not. The draft rule was referred to the Elevator Subcode Committee.

Mr. George Hrin, Chair, reported that the Elevator Subcode Committee had held a lengthy discussion. The Committee recommended approval of the draft rule with one change: That, because of their safety record, escalators continue to be subject to the six-month inspections. Following a brief discussion, it was agreed that escalators should continue to be subject to the six-month inspection.

*Mr. George Hrin made a motion, which was seconded by Mr. Henry Kelly, to approve the draft rule to eliminate six-month inspections, but to retain those inspections for escalators. The motion carried unanimously.*

4. Draft Rule: Carbon Monoxide Detectors in Commercial Buildings (N.J.A.C. 5:23-3.14)

Mr. Michael Whalen, Code Assistance Unit, explained that this is a statutory requirement and asked that all Committees review this. There is no directly applicable technical standard to reference. The draft rule was referred to all Subcode Committees.

Mr. Arthur Londensky, Chair, reported that the Fire Protection Subcode Committee recommended that a new subsection be added that would specify that for occupancies other than Group I-2, I-1, I-4, and R (which are covered in the charging text) audible and visual notification would be required at the detector, control panel and remote annunciator. The balance of the system should be required to comply with this code and NFPA 720.

*Mr. Arthur Londensky made a motion, which was seconded by Mr. George Hrin, to approve the draft rule, as amended by Committee discussion. The motion carried unanimously.*

5. Draft Rule: Gas Meter Replacement (N.J.A.C. 5:23-2.14)

Mr. Michael Baier, Bureau of Code Services, reminded the Board that this draft rule had been tabled at the December 12, 2015 Code Advisory Board meeting to allow the Department to

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investigate an allegation that the pilot program has not been effective. The pilot program allows the replacement of interior gas utility company-owned meters with exterior gas utility company-owned meters when the work is performed by employees of the gas utility company or by contractors hired by the utility.

The Department has completed its investigation and has found the allegation to be baseless.

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

**D. New Business**

1. Draft Rule: Permit Applications for Liquefied Petroleum (LP) Gas Work (N.J.A.C. 5:23-2.15)

Mr. Michael Baier, Bureau of Code Services, explained that the draft rule, which was drafted at the request of the LP Gas Education and Safety Board, would require Liquefied Petroleum Gas (LPG) service contractors to list their certification number on the Uniform Construction Code permit application when they are performing work that requires the certification.

*Mr. Arthur Londensky made a motion, which was seconded by Mr. George Hrin, to approve the draft rule without change. The motion carried unanimously.*

2. Draft Update: Bulletin 79-2, Testing of Plumbing Systems, and Bulletin 94-7, Plans for Elevator Devices

Mr. Michael Baier, Bureau of Code Services, explained that Bulletin 79-2, Testing of Plumbing Systems would be revised to delete a reference to Section 15.3.2 of the National Standard Plumbing Code because that section no longer exists. Mr. Baier further explained that Bulletin 94-7, Plans for Elevator Devices, would be revised to add language to reflect current terminology.

Bulletin 79-2 was referred to the Plumbing Subcode Committee. Bulletin 94-7 was referred to the Elevator Subcode Committee.

3. Draft Revision: Formal Technical Opinion (FTO)-3, Fire Escapes

Mr. Michael Baier, Bureau of Code Services, explained that the draft revision would delete wired-glass as an alternate to comply with the opening protection required for openings that are 10 feet within any direction of a fire escape. The exception for wired-glass in fire doors, fire windows and view panels was deleted from the code with the adoption of the 2006 International Building Code.

The draft revised bulletin was referred to the Building Subcode Committee and the Fire Protection Subcode Committee.

4. Withdrawal of Bulletin 90-1, Canadian Standards Association (CSA) as a Referenced Standard; Bulletin 88-4, Concrete-Filled Pipe Columns; Bulletin 79-8, Permit Fees for Large, Open-Volume Buildings; and FTO-15, Commercial Kitchen Exhaust Hoods

Mr. Michael Baier, Bureau of Code Services, explained that these bulletins are proposed for withdrawal for the following reasons:

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(1) Bulletin 90-1 would be withdrawn because the Canadian Standards Association (CSA) is listed by the Occupational Safety and Health Agency (OSHA) as a Nationally Recognized Testing Laboratory (NRTL), <https://www.osha.gov/dts/otpca/nrtl/nrtllist.html>;

(2) Bulletin 88-4 would be withdrawn because the International Building and Residential Codes no longer have a code section to reference to support the information in this bulletin. If a concrete-filled pipe column were still desired, a listed/tested item could be proposed for the design;

(3) Bulletin 79-8 would be withdrawn because the text at N.J.A.C. 5:23-4.18 contains the standard for the fees for large, open volume buildings; and

(4) FTO-15 would be withdrawn because the text of the mechanical subcode clearly states that the applicability of the requirements for commercial kitchen hoods through updated definitions.

These bulletins were referred to the Building Subcode Committee for review.

**E. Information**

1. Status of Updated Bulletins and FTOs: A chart of the Bulletins and FTOs, identifying those that have been updated to include new code sections as a result of the adoption of the 2015 national model codes was provided as information.

2. CAB Meeting Dates 2016: A list of the meeting dates for 2016 was included in the meeting packets.

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

4. 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.

**F. Public Comments**

In response to the Board's discussion of possible changes in education and experience requirements, Mr. Dave Castner, Sheet Metal Local 22 and Heating Ventilation, Air-conditioning, and Refrigeration (HVACR) contractor, recommended that contractors and the Department work together to determine whether contractors would be interested in becoming licensed as inspectors.

**G. Adjourn**

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

**H. Executive Session—Reappointment of Subcode Committees**

The Executive Session was called to order at 11:10 a.m.

**I. Executive Session Adjourn**

The Executive Session was adjourned at 11:25 a.m.

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**UNIFORM CONSTRUCTION CODE ADVISORY BOARD**  
**Minutes of Meeting, December 12, 2015**

Location  
101 South Broad Street  
Trenton, New Jersey 08625

**Attendance**

Board Members

Beth Pochtar, Chair  
John Scialla, Vice Chair  
John Fritzen  
George Hrin  
Henry Kelly  
Arthur Londensky  
Gregory Moten  
Valerie Waricka  
Alan Wilkins

DCA Staff

Edward M. Smith, Director, Division of Codes and Standards  
Michael Baier, Bureau of Code Services  
Lou Mraw, Office of Regulatory Affairs  
Robert Austin, Code Assistance Unit  
Paulina Caploon, Bureau of Code Services  
John Delesandro, Education and Licensing Units  
Dave Greenhill, Code Assistance Unit  
Tom Pitcherello, Code Assistance Unit  
Emily Templeton, Code Development Unit  
John Terry, Code Assistance Unit  
Michael Whalen, Code Assistance Unit

Guests

Alexi Assmus, Citizens' Group, Fire Hazards and Lightweight Wood  
David Castner, Sheet Metal LU 22, HVACR Contractor  
Jeffrey Heiss, Township of Warren  
Briam Kamp, Sheet Metal LU 27  
Thomas LaMonaco, New Jersey Electrical Contractor  
Stephen Rodnizak, Vice Chair, Plumbing Subcode Committee  
Grace Sinden, Fire Hazards and Lightweight Wood

Ms. Beth Pochtar, Chair of the Uniform Construction Code Advisory Board (CAB), called the meeting to order at 9:35 a.m.

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**December 12, 2015**

**A. Approval of Minutes of the Code Advisory Board Meeting of October 9, 2015**

*Mr. Arthur Londensky made a motion, which was seconded by Mr. Henry Kelly, to approve the minutes without change. The motion carried unanimously.*

**B. Subcode Committee Reports**

**Barrier Free Subcode Committee:** In Mr. John DeColle's absence, Ms. Emily Templeton 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 December 4, 2015; agenda items were discussed.

**Electrical Subcode Committee:** Mr. Alan Wilkins, Chair, reported that the Electrical Subcode Committee met on November 12, 2015; agenda items were discussed.

**Elevator Subcode Committee:** Mr. George Hrin, Chair, reported that the Elevator Subcode Committee met on December 4, 2015; agenda items were discussed.

**Fire Protection Subcode Committee:** Mr. Arthur Londensky, Chair, reported that the Fire Protection Subcode Committee met on November 12, 2015; agenda items were discussed.

**Mechanical/Energy Subcodes Committee:** Mr. John Fritzen, Chair, reported that the Mechanical/Energy Subcodes Committee met on November 19, 2015; agenda items were discussed.

**Plumbing Subcode Committee:** Mr. Steven Rodnizak, Vice Chair, reported that the Plumbing Subcode Committee met on November 20, 2015; agenda items were discussed.

**C. Old Business**

1. Review of Education Standards (N.J.A.C. 5:23-5.20)

Mr. John Delesandro, Supervisor, Education and Licensing Units, explained to the Board that the Department is seeking input in reviewing and updating the educational requirements for construction code inspector licensure. The Department asks the Board to review and comment on a current regulations, particularly experience and education requirements.

Copies of the current regulations, with a request for review and discussion, were referred to all Committees. The Committees have had four months (two meetings) to consider changes.

The Chairs of the Building, Electrical, Elevator, Fire Protection, Mechanical/Energy, and Plumbing Subcodes Committees reported that the discussion of this agenda item has begun; recommendations will be presented at the February 2016 Code Advisory Board (CAB) meeting.

Ms. Valerie Waricka, Board representative of the Technical Assistants to the Construction Official (TACO), recommended that educational requirements and continuing education courses be included for Technical Assistants

The agenda item was tabled for discussion at the February 12, 2016 CAB meeting.

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2. Draft Rule: Permits and Certificate Requirements (N.J.A.C. 5:23-2.6, 2.23)

Mr. John Terry reported that the draft rule on permit and certificate requirements would ensure that N.J.A.C. 5:23-2.6, Change of Use, which addresses the need for a new certificate of occupancy prior to a change of occupancy, and N.J.A.C. 5:23-2.23, Certificate requirements, which addresses the need for a certificate to change back to a previous occupancy once a change of use has occurred, would have the same language, to ensure that the code user will have consistent requirements in both places. The Chairs of the Subcode Committees reported on their Committee discussions.

Mr. John Scialla, Chair, Building Subcode Committee, reported on the Building Subcode Committee's discussion. The Committee recommended that "detached" be added to the draft amendment to bathroom exhaust fans at N.J.A.C. 5:23-2.7, Ordinary maintenance; this would mean that the provision would apply to detached, but not to attached, dwellings.

The Building Subcode Committee held a lengthy discussion on portable hot tubs and expressed concern about the placement of pools and hot tubs because of the loads imposed on the supporting structure. Committee members also expressed concern about the possibility that the device could be plugged into a non-GFCI receptacle.

Mr. Alan Wilkins, Chair, reported that the Electrical Subcode Committee supported the amendment because there is a GFCI molded plug that is integral to the portable hot tub. The Electrical Subcode Committee recommended adding "storable pool" to "portable hot tubs", not requiring a permit for either because they too have an integral GFCI molded plug.

Mr. Arthur Londensky, Chair, reported that the Fire Protection Subcode Committee recommended that the responsibilities for mechanical inspector be qualified to provide that the mechanical inspector could perform the inspection as long as a fire-rated assembly is not being penetrated. Committee members also recommended that the responsibility for chimney verification certificates in existing dwellings should be changed from fire and building to mechanical.

Chairs of the other Subcode Committees reported that there were no comments.

Board discussion ensued. Turning back to the recommendation that portable pools and hot tubs be deleted from Ordinary maintenance (N.J.A.C. 5:23-2.7) due to concern about the loads imposed, one Board member asked whether a portable pool or hot tub actually is a concern since it can be moved. Another Board member asked what the inspector would be looking for. Another Board member asked whether the concern remained if the pool or hot tub were on the ground or on a slab. One Board member observed that although the definition of storable pool includes a maximum depth, it does not give any maximum size. One Board member proposed that a distinction could be made between a temporary pool and a pool in a fixed location, but it was pointed out that these are portable hot tubs only and, therefore, would not have a fixed location.

One Board member recommended that the rule be revised to limit ordinary maintenance to the electrical subcode due to the integral GFCI molded plug; another Board member recommended limiting ordinary maintenance to those portable hot tubs that are on a slab or on grade.

*Mr. George Hrin made a motion, which was seconded by Mr. Arthur Londensky, for the draft rule to be amended with the limitations described above with regard to location and the integral GFCI molded plug; the revised draft rule would then be brought back before the Board. The motion carried unanimously.*

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3. Draft Rule: Combustible Dust (N.J.A.C. 5:23-2.2)

Mr. John Terry framed the issue for discussion. This draft rule would make it clear that equipment, processes, or operations that involve dust explosion hazards would not be considered manufacturing, production, or process equipment and, therefore, are subject to the Uniform Construction Code.

This rule was referred to the Building, Electrical, Fire Protection, and Mechanical/Energy Subcodes Committees.

Mr. John Scialla, Chair, reported that the Building Subcode Committee recommended that the draft rule be amended to encompass a “potential dust explosion.”

*Mr. Arthur Londensky made a motion, which was seconded by Mr. Alan Wilkins, to approve the draft rule with the change recommended by the Building Subcode Committee. The motion carried unanimously.*

4. Draft Rule: Gas Meter Replacement (N.J.A.C. 5:23-2.14)

Mr. John Terry explained that the Uniform Construction Code (UCC) currently waives the construction permit requirements for the replacement of interior gas utility company-owned meters with exterior gas utility company-owned meters when the work is performed by employees of the gas utility company. The Department implemented a pilot program to determine whether this work could be performed by contractors hired by the utility. A pilot program was initiated. The draft rule would codify the protocol used in the pilot program.

The draft rule was referred to the Building and Mechanical/Energy Subcodes Committees.

Mr. John Terry asked that the Board table its discussion pending further review of this program. The Department must investigate an allegation that the pilot program has not been effective.

*Mr. Arthur Londensky made a motion, which was seconded by Mr. Greg Moten, to table this agenda item. The motion carried unanimously.*

5. Draft Rule: Updates of Cross-references to the Uniform Construction Code (UCC) for the 2015 National Model Codes (N.J.A.C. 5:23-2.7, 2.15, 2.35, 3.2,n 3.8, 3.11, 4.26, 12.8)

This rule was sent to all Committees.

Mr. John Scialla, Chair, reported that the Building Subcode Committee identified several editorial corrections, which are enumerated in the Building Subcode Committee minutes.

Mr. Arthur Londensky, Chair, reported that the Fire Protection Subcode Committee recommended that the phrase “installed in any structure” be removed from two sections as it is not needed.

Mr. John Fritzen, Chair, reported that the Mechanical/Energy Subcodes Committee recommended that “kitchen hood installation” be changed to “kitchen hood replacement.”

Mr. Greg Moten pointed out that N.J.A.C. 5:23-2.35 has no specific provisions for code violations that are identified in commercial buildings; he recommended that such a list would be valuable. There was a brief discussion about the provisions in N.J.A.C. 5:23-2.35, which came into the UCC as a result of the DKM lawsuit in which violations were found to be replicated in multiple buildings throughout a residential development project. In the DKM lawsuit truss bracing was found to be a problem throughout a development project. Mr. Moten pointed out that design professionals are being asked to correct problems that they inherit with a project, but



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there is no clear process to follow. Mr. Lou Mraw, Office of Regulatory Affairs, replied that the construction official can expand the scope of the project to include the identified existing code violations that require correction. Mr. Moten responded that it is sometimes difficult, in the absence of clear direction in the code, to expand the scope of the work. One Board member pointed out that there is a problem determining who is responsible for bearing the cost of the correction and observed that the Statute of Repose applies. Following a short discussion, it was agreed that Division staff would look into this issue more thoroughly and would respond more specifically to Mr. Moten. The issue will become an agenda item for the Board in the future, if necessary.

*Mr. Greg Moten made a motion, which was seconded to Mr. John Scialla, to approve the code updates as amended by Subcode Committee recommendations. The motion carried unanimously.*

**D. New Business**

1. Draft Update: Bulletin 03-4 (Wind).

The draft revised bulletin was sent to the Building Subcode Committee in advance of this meeting. Mr. John Scialla, Chair, reported that the Building Subcode Committee approved the updated bulletin without change.

Ms. Beth Pochtar asked whether it would be possible to include the map. Mr. John Terry explained that the software, for which a link is provided in the revised bulletin, pinpoints an exact location for wind speed. It has not been possible to obtain a copy of the most recent map and the map that we have is no longer accurate. However, with the accuracy of the link, the map is likely to be superfluous.

*Mr. Alan Wilkins made a motion, which was seconded by Mr. Arthur Londensky, to approve the draft update without change. The motion carried unanimously.*

2. Draft Rule: Elimination of Six-month Elevator Inspections (N.J.A.C. 5:23-12)

Mr. Michael Baier, Bureau of Code Services, explained that this is a national problem. There is a shortage of elevator inspectors. It is becoming difficult to schedule the inspectors, despite offering overtime and using temporary employees. There is concern that by keeping the six-month inspection as a requirement, it appears that inspections are being performed when they are not.

The draft rule was referred to the Elevator Subcode Committee.

3. Draft Rule: Carbon Monoxide Detectors in Commercial Buildings (N.J.A.C. 5:23-3.14)

Mr. Michael Whalen, Code Assistance Unit, explained that this is a statutory requirement and asked that all Committees review this. There is no directly applicable technical standard to reference.

The draft rule was referred to all Subcode Committees.

4. Mechanical Inspection Sticker

This agenda item had mistakenly been omitted from the Board packets, but had been sent to the following technical subcode committees, Building, Fire Protection, Mechanical/Energy, and Plumbing, for review and comment.

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Mr. John Scialla, Chair, reported that the Building Subcode Committee thought that there is no need for an additional sticker because the mechanical inspector can use the “Other” line on the existing sticker.

Mr. Arthur Londensky, Chair, reported that the Fire Protection Subcode Committee supported issuing a mechanical inspection sticker.

Mr. John Fritzen, Chair, reported that the Mechanical/Energy Subcodes Committee recommended that the items at N.J.A.C. 5:23-3.4 be listed for checkmarks on the sticker. The Committee also asked whether a plumbing inspector who has been assigned mechanical inspections would use the mechanical inspection sticker or the plumbing inspection sticker.

One Board member commented that an inspector performing a mechanical inspection should not use a sticker associated with a different technical discipline. If the plumbing inspector is assigned to perform mechanical inspections, the inspector should have a mechanical inspection sticker for mechanical inspections. It was pointed out that everyone who is a licensed mechanical inspector is also licensed in something else. One Board member asked whether there was a reason not to issue a mechanical inspection sticker.

*Mr. Arthur Londensky made a motion, which was seconded by Mr. Alan Wilkins, to approve the mechanical inspection sticker. The motion carried unanimously.*

**E. Information**

1. CAB Meeting Dates 2016
2. CAB Log: The updated Code Advisory Board 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 packet.

**F. Public Comments**

There were no public comments.

**G. Adjourn**

The meeting was adjourned at 10:45 a.m.

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**October 9, 2015**

**UNIFORM CONSTRUCTION CODE ADVISORY BOARD**  
**Minutes of Meeting, October 9, 2015**

Location  
101 South Broad Street  
Trenton, New Jersey 08625

**Attendance**

Board Members

Beth Pochtar, Chair  
John Scialla, Vice Chair  
Mark Caputo  
John Fritzen  
George Hrin  
Henry Kelly  
Jason Kliwinski  
Arthur Londensky

DCA Staff

Edward M. Smith, Director, Division of Codes and Standards  
Michael Baier, Bureau of Code Services  
Robert Austin, Code Assistance Unit  
Paulina Caploon, Bureau of Code Services  
John Delesandro, Education and Licensing Units  
Dave Greenhill, Code Assistance Unit  
Marcel Iglesias, Code Assistance Unit  
Tom Pitcherello, Code Assistance Unit  
Emily Templeton, Code Development Unit  
John Terry, Code Assistance Unit  
Michael Whalen, Code Assistance Unit

Guests

Jennifer Allen, Mercer County Community College (MCCC) Technical Assistants (TA)  
Class—Florence Township  
Alexi Assmus, Citizens Group  
Gail Brewi, MCCC TA Class-West Amwell Township  
Gwen Calder-Layne, MCCC TA Class-Willingboro Township  
Dawn Caromano, West Windsor Township TA  
David Castiml, SMWLUZZ  
Terry Ezzo, Township of Bordentown TA  
Leslie Grillo, MCCC TA Class, West Amwell Township  
Thomas LaMonaco, New Jersey Electrical Contractor  
Bob Longo, AIA NJ  
Tony Neibert, Borough of Carteret  
Michael Perna, MCCC TA Class  
Thomas Polimo, West Windsor Township

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Brenda Sirkis, MCCC TA Class, Instructor, and West Windsor Township TA

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 12, 2014**

*Mr. Alan Wilkins made a motion, which was seconded by Mr. John Fritzen, to approve the minutes with one amendment: to reflect John DelColle's attendance at the meeting. The motion carried and the minutes were approved unanimously with one amendment.*

**B. Subcode Committee Reports**

**Barrier Free Subcode Committee:** In Mr. John DelColle's absence, Ms. Emily Templeton 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 August 7, 2015; agenda items were discussed.

**Electrical Subcode Committee:** In Mr. Alan Wilkins's absence, Mr. David Greenhill reported that the Electrical Subcode Committee met on May 28, 2015; agenda items were discussed.

**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 Committee held an electronic meeting in July and another electronic meeting in September; agenda items were discussed.

**Plumbing Subcode Committee:** Mr. Thomas Pitcherello, staff liaison to the Committee, reported that the Plumbing Subcode Committee did not meet.

**C. Old Business**

1. Draft Bulletin: Determination of Group Designations for I and R Occupancies

Mr. John Terry informed the Board that the Department made an effort in the adoption of the 2015 national model codes to limit the number of changes. The designation of Group occupancy and classification will remain as determined in the International Building Code (IBC), except where modifications to accord with State law are required. The draft bulletin would provide a quick reference for determining group classifications.

The draft bulletin was referred to all committees for review.

Mr. John Scialla reported that the Building Subcode Committee recommended approval of the draft bulletin.

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Mr. Arthur Londensky reported that the Fire Protection Subcode Committee recommended approval of the draft bulletin.

*Mr. Arthur Londensky made a motion, which was seconded by Mr. George Hrin, to approve the draft bulletin. The motion carried unanimously.*

2. Draft Rule: Heating, Ventilation, Air-conditioning, and Refrigeration (HVACR) Contractors (N.J.A.C. 5:23-2.15, 2.15A)

Mr. John Terry framed the issue for the Board. The draft rule would incorporate the requirements of the State Board of Examiners of Heating, Ventilation, Air-conditioning, and Refrigeration (HVACR) into the Uniform Construction Code. Now that approximately 4,000 contractors have been licensed, it is time to require that proof of licensure be required prior to the issuance of a permit. Once the rule has been proposed, it must be adopted with one year of the proposal date, so the Department will be able to monitor the licensing process at the Division of Consumer Affairs; the rule will be adopted when it is clear that an adequate number of HVACR contractors have been licensed and that requiring proof of licensure will not interfere with construction in New Jersey.

The draft rule was referred to the Building, Electrical, Fire Protection, Mechanical/Energy, and Plumbing Subcode Committees for review.

Mr. John Scialla reported that the Building Subcode Committee recommended approval of the draft rule without change.

In Mr. Wilkin's absence, Mr. David Greenhill reported that the Electrical Subcode Committee recommended approval of the draft rule without change.

Mr. Arthur Londensky reported that the Fire Protection Subcode Committee recommended approval of the draft rule without change,

Mr. John Fritzen reported that the Mechanical/Energy Subcodes Committee recommended approval of the draft rule without change.

Mr. Tom Pitcherello reported that the Plumbing Subcode Committee discussed the draft rule prior to the retirement of Mr. Alex Tucciarone, former Chair, and recommended approval of the draft rule without change.

*Mr. Arthur Londensky made a motion, which was seconded by Mr. Henry Kelly, to approve the draft rule for publication without change. The motion carried unanimously.*

**D. New Business**

1. Review of Education Standards (N.J.A.C. 5:23-5.20)

Mr. John Delesandro, Supervisor, Education and Licensing Units, explained to the Board that the Department is seeking input in reviewing and updating the educational requirements for construction code inspector licensure. The Department asks the Board to review and comment on a current regulations, particularly experience and education requirements.

Copies of the current regulations, with a request for review and discussion, were referred to all Committees. The Committees will have four months (two meetings) to consider changes.

2. Draft Rule: Permits and Certificate Requirements (N.J.A.C. 5:23-2.6, 2.23)

Mr. John Terry reported that the draft rule on permit and certificate requirements would ensure that N.J.A.C. 5:23-2.6, Change of Use, which addresses the need for a new certificate of occupancy prior to a change of occupancy, and N.J.A.C. 5:23-2.23, Certificate requirements,

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which addresses the need for a certificate to change back to a previous occupancy once a change of use has occurred, will have the same language, to ensure that the code user will have consistent requirements in both places.

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

3. Draft Bulletin 15-X (Energy)

Mr. Robert Austin explained that this draft bulletin would update the references to the International Energy Conservation Code/2015 and the American Society of Heating, Refrigeration, and Air-conditioning Engineers (ASHRAE) 90.1/2013.

The draft bulletin was referred to the Building and the Mechanical/Energy Subcodes Committees for comments in advance of this Board meeting.

*Mr. John Scialla made a motion, which was seconded by Mr. John Fritzen, to approve the draft bulletin without change.*

4. Draft Update: Bulletin 05-2 (Seismic)

Mr. John Terry explained that this draft would update Bulletin 05-2 to reflect the adoption of the 2015 national model codes.

The draft bulletin was sent to the Building Subcode Committee in advance of this Board meeting.

Mr. John Scialla reported that the Building Subcode Committee recommended approval without change.

*Mr. John Scialla made a motion, which was seconded by Ms. Beth Pochtar, to approve the draft bulletin without change. The motion carried unanimously.*

5. Draft Update: Bulletin 94-8 (Snow)

Mr. John Terry explained that this draft would update Bulletin 94-8 to reflect the adoption of the 2015 national model codes.

The draft bulletin was sent to the Building Subcode Committee in advance of this Board meeting.

Mr. John Scialla reported that the Building Subcode Committee recommended approval without change.

*Mr. John Scialla made a motion, which was seconded by Ms. Beth Pochtar, to approve the draft bulletin without change. The motion carried unanimously.*

6. Draft Update: Bulletin 03-5 (Special Inspections)

Mr. John Terry explained that this draft would update Bulletin 03-5 to reflect the adoption of the 2015 national model codes.

The draft bulletin was sent to the Building Subcode Committee in advance of this Board meeting.

Mr. John Scialla reported that the Building Subcode Committee recommended approval without change.

*Mr. John Scialla made a motion, which was seconded by Mr. Arthur Londensky, to approve the draft bulletin without change. The motion carried unanimously.*

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7. Draft Rule: Combustible Dust (N.J.A.C. 5:23-2.2)

Mr. John Terry explained that the draft rule would make it clear that equipment, processes or operations that involve dust explosion hazards are not to be considered manufacturing, production or process equipment, and are regulated by the Uniform Construction Code (UCC).

The draft rule was referred to the Building, Electrical, Fire Protection, and Mechanical/Energy Subcodes Committees.

8. Draft Rule: Gas Meter Replacement (N.J.A.C. 5:23-2.14)

Mr. John Terry explained that the Uniform Construction Code (UCC) currently waives the construction permit requirements for the replacement of interior gas utility company-owned meters with exterior gas utility company-owned meters when the work is performed by employees of the gas utility company. One gas utility inquired into whether or not this work could be performed by contractors hired by the utility. As a result of this inquiry, the Department implemented a pilot program. As part of this program, the utility was required to establish a quality control program in which employees of the utility were responsible to oversee the work of the contractors. To verify the effectiveness of this quality control, the utility was required to obtain construction permits for 30 percent of the work performed. After six months, the Department obtained the results of the inspections for the permitted work and found a high rate of compliance.

The draft rule would codify the protocol used in the pilot program. The draft rule would establish several requirements:

- The contractor must be a licensed master plumber or a licensed heating, ventilation, air conditioning or refrigeration contractor. This requirement is consistent with the regulations of the Office of the Attorney General, Division of Consumer Affairs.
- The utility company must establish a quality control program staffed by utility company employees.
  - The utility company must inform the local enforcing agency of all of the addresses where the work will take place and the enforcing agency will choose the ten percent of the properties that will require permits. Certificates of approval will be issued for only those addresses where permits are issued.
  - Should the failure rate of those properties inspected be 20 percent or greater, the local agency will inform the Department and 50 percent of all of this type of work being performed by the utility will be inspected until the failure rate is reduced below 20 percent.

This draft rule would have no impact on the existing permit exemption for utilities performing this work with their own employees.

The draft rule was referred to the Building and Mechanical/Energy Subcodes Committees.

9. Draft Rule: Updates of cross-references in Uniform Construction Code (UCC) for 2015 National Model Codes (N.J.A.C. 5:23-2.7, 2.15, 2.35, 3.2, 3.8, 3.11, 4.26, 12.8)

Mr. Robert Austin explained that the draft rule would update the cross-references in the Uniform Construction Code (UCC) to reflect changes made in the 2015 national model codes.

This draft rule was referred to all committees.

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10. Draft Rule: Limited Use Limited Application (LULA) Elevator Devices- Amendment and Correction (N.J.A.C. 5:23-3.14)

Mr. John Terry explained that in the recent adoption of Chapter 11 of the International Building Code/2015 as the Barrier Free Subcode, one subsection requires amendment to ensure that the accessibility standards continue to provide statutory compliance and consistency with the previously adopted rules. This change would allow the installation of a LULA “to provide a vertical accessible route to a floor or mezzanine of 3,000 square feet or less.” The restriction was inadvertently omitted in the adoption; as adopted, a LULA could be used to provide a vertical accessible route to a floor of any size in a large building.

*Mr. John Scialla made a motion, which was seconded by Mr. Art Londensky, to approve the draft rule without change. The motion carried unanimously.*

**E. Information**

1. Draft Rule: Large Open-volume Building Fees (N.J.A.C. 4.18, 4.20)

Mr. John Terry summarized the rule, which was approved by the Board in an electronic vote, to limit the height of a large, open-volume building for fee purposes to 20 feet. The rule has become necessary because there are municipalities with fees that are in compliance with the requirement that the large, open-volume building fees be the lowest municipal code enforcement fee, but the fees that are resulting are still in excess of the work that is required. The rule has been approved by the Commissioner and is under review for publication in the *New Jersey Register* as a proposal.

2. CAB Log: The updated Code Advisory Board 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 packet.

**F. Public Comments**

Dr. Alexi Assmus, private citizen, asked that the issue regarding Type V construction, which was called to the Board’s attention at its June meeting, be referred to the Subcode Committees for discussion and recommendations on possible actions moving forward. Staff explained to Dr. Assmus that the Board and the Subcode Committees take action on specific agenda items, but do not engage in generalized discussions. The staff recommended that Dr. Assmus continue to work with the Legislature.

**G. Adjourn**

The meeting was adjourned at 10:25 a.m.



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**UNIFORM CONSTRUCTION CODE ADVISORY BOARD**  
**Minutes of Meeting, June 12, 2015**

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  
Henry Kelly  
Jason Kliwinski  
Arthur Londensky  
Gregory Moten  
Alexander Tucciarone  
Valerie Waricka  
Alan Wilkins

DCA Staff

Edward M. Smith, Director, Division of Codes and Standards  
Michael Baier, Bureau of Code Services  
Lou Mraw, Office of Regulatory Affairs  
Robert Austin, Code Assistance Unit  
Dave Greenhill, Code Assistance Unit  
Marcel Iglesias, Code Assistance Unit  
Tom Pitcherello, Code Assistance Unit  
Emily Templeton, Code Development Unit  
John Terry, Code Assistance Unit  
Michael Whalen, Code Assistance Unit

Guests

Alexi Assmus, Citizens Group  
Glen Corbett  
Sal DiCristina, Rutgers University  
Sam Francis, AWC  
Susan Jefferies, Citizens Group  
Joseph Janiga, F.M. Global  
Stephen Jones, NJBOA  
David Kurasz, NJFSAB  
Thomas LaMonaco, Electrical Contractor  
Michael McGuinness, NAIOP

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Tony Neibert, Borough of Carteret  
Lizette Strait, Portland Cement Association, NE Region  
Joe Valeri, West Windsor Township, Construction Official

Ms. Beth Pochtar, 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 December 12, 2014**

*Mr. Alan Wilkins made a motion, which was seconded by Mr. John Fritzen, to approve the minutes. Mr. George Hrin requested as an amendment that the minutes reflect his attendance at the meeting. The motion carried and the minutes were approved unanimously with one amendment.*

Following the approval of the minutes and before the discussion of agenda items, Beth Pochtar, Chair of the Code Advisory Board asked the guests who had come to talk about recommendations for code changes following the Edgewater Apartments fire to make their presentation.

Dr. Alexi Assmus, representing a group of concerned citizens, presented her research into fires in large apartment buildings. In response to their findings, which included a significant loss of personal property, the citizens have prepared a draft bill together with recommended amendments to the Uniform Construction Code (UCC) and the Uniform Fire Code (UFC).

The summary of the fires included:

- A fire in Georgia in which one person died, residents were displaced, and property was lost; and
- A fire in Edmonton, Canada in which 100 occupied units were destroyed by fire, smoke, and water.

The concerns expressed were:

- When a fire spreads on the exterior of a building (the Edmonton fire), the smoke alarms are not triggered;
- Fires that occur during construction can spread to adjacent buildings; and
- Large, lightweight wood-frame construction is particularly vulnerable to a fire that spreads quickly.

The recommendations were to:

- Change the area limits in the building subcode (International Building Code) by prohibiting the use of fire walls in Type V construction;
- Require fire separation distances of open space to the property line;
- Limit the size of multifamily residential structures to three stories and 40 feet in height (in accordance with the Building Officials and Code Administrators (BOCA) National Building Code/1984);
- Designate floors with habitable space as a story;
- Require National Fire Protection Association (NFPA) 13 sprinkler systems;
- Require a 24/7 fire watch by trained fire officials during the construction of buildings with over 3,000 square feet per story; and

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- During the leasing or sale process, notify the occupants or owners in writing of the fire safety limitations of Type V construction.

The Board recommended that the citizens' group present its recommendations to the International Code Council (ICC) for a hearing by the national code enforcement community. Dr. Assmus responded that the group intends to do so, but would like the CAB to consider making changes to the UCC in advance of any changes to the IBC.

The Board members thanked Dr. Assmus for her presentation and research.

Turning back to the agenda, the Chair asked for reports by the Chairs of the Subcode Committees.

**B. Subcode Committee Reports**

**Barrier Free Subcode Committee:** Mr. John DelColle, Chair, reported that the Barrier Free Subcode Committee met on May 20, 2015; agenda items were discussed.

**Building Subcode Committee:** Mr. John Scialla, Chair, reported that the Building Subcode Committee met on May 29, 2015; agenda items were discussed.

**Electrical Subcode Committee:** Mr. Alan Wilkins, Chair, reported that the Electrical Subcode Committee met on May 28, 2015; agenda items were discussed.

**Elevator Subcode Committee:** Mr. George Hrin, Chair, reported that the Elevator Subcode Committee met on May 22, 2015; agenda items were discussed.

**Fire Protection Subcode Committee:** Mr. Arthur Londensky, Chair, reported that the Fire Protection Subcode Committee met on May 14, 2015; agenda items were discussed.

**Mechanical/Energy Subcodes Committee:** Mr. John Fritzen, Chair, reported that the Mechanical/Energy Subcodes Committee met on May 21, 2015; agenda items were discussed.

**Plumbing Subcode Committee:** Mr. Alex Tucciarone, Chair, reported that the Plumbing Subcode Committee met on May 15, 2015; agenda items were discussed.

**C. Old Business**

1. Draft Bulletin 15-1: Informational Notes-National Electrical Code (NEC)/2014

This draft bulletin was framed by Mr. Dave Greenhill for discussion as follows. This draft contains an updated listing of codes and standards that are "adopted by reference, that apply to the related section(s) of the 2014 NEC, and that may be cited as a requirement (or a violation) of the Uniform Construction Code.

Draft Bulletin 15-1 was referred to the Electrical Subcode Committee for review and discussion.

Mr. Alan Wilkins, Chair, reported that the Electrical Subcode Committee recommended approval of the draft bulletin without change.

*Mr. Alan Wilkins made a motion, which was seconded by Mr. Arthur Londensky, to approve the draft bulletin; the motion carried unanimously.*

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2. Draft Rule Proposal: Fees for Elevator Devices in Private Residences (N.J.A.C. 5:23-12.12)

Mr. John Terry framed the issue for discussion as follows. This draft rule would amend the fees for the inspection and witnessing of tests on devices installed under permits in structures of Group R-3, R-4, or R-5 and otherwise exempt devices in structures of Group R-2. The draft rule would benefit the owners by bringing the fees charged for dumbwaiters, stairway chairlifts, inclined and vertical wheelchair lifts in line with the fees charged for the same devices when installed in structures other than Group R-3, R-4, or R-5 and otherwise exempt devices in structures of Group R-2.

This draft rule was referred to the Elevator Safety Subcode Committee for review and discussion.

Mr. George Hrin, Chair, reported that the Elevator Safety Subcode Committee approved the draft rule without change.

*Mr. George Hrin made a motion, which was seconded by Mr. Alan Wilkins, to approve the draft rule; the motion carried unanimously.*

**D. New Business**

1. Draft Rule: Rehabilitation Subcode—Update to National Model Codes/2015 (N.J.A.C. 5:23-6)

This draft rule had been sent to all Board members and to the members of each Subcode Committee for review and discussion in advance of this Board meeting.

Barrier Free Subcode Committee: Mr. John DeColle, Chair, reported that the Barrier Free Subcode Committee's recommendations are summarized in the minutes of the meeting of May 29, 2015. The primary recommendations were:

- At N.J.A.C. 5:23-6.2(c), the new language that would require that in a change of use when the original use designation differs from the designation in subsequent code adoptions, the current group should be the group that most closely resembles the approved use would cause problems for a change of use from a Group M (under BOCA), which are Group M (under IBC). The Committee member who raised the issue was concerned about the adaptive reuse of car dealerships (Group B/IBC) to retail space (Group M/IBC). After a brief discussion, the Board declined to change the draft language.
- At N.J.A.C. 5:23-6.4(d)2, one Committee member had asked whether the pill test for carpet is necessary, since the installation of carpet in a rehabilitation project does not require a permit. After a brief discussion about the difference between code compliance and a permit requirement, the Board declined to make this change.

Building Subcode Committee: Mr. John Scialla, Chair, reported on the comments of the Building Subcode Committee, which are summarized in the minutes of May 29, 2015. The primary recommendations were:

- At N.J.A.C. 5:23-6.4(f), revise the language regarding smoke alarms as follows: **"Battery-operated units shall be permitted, but may not replace A/C-powered smoke alarms or a household fire alarm system."** The revised language should also be included at 6.5(f) and 6.6(f).
- At N.J.A.C. 5:23-6.7(e), the Building Subcode Committee asked staff to research whether the creation of an exit or exit access would trigger the requirements for means of egress illumination."

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- At N.J.A.C. 5:23-6.8(b)20iv, the Building Subcode Committee recommended that the section be revised as follows: **“Section 3109 shall apply to newly installed and completely replaced enclosures for swimming pools, spas and hot tubs. This shall also apply to partial enclosure replacement if the portion being replaced exceeds 25 percent of the total perimeter enclosure.”**

The Board had a brief discussion and accepted these recommended changes.

Electrical Subcode Committee: Mr. Alan Wilkins, Chair, reported that the Electrical Subcode Committee recommended approval of the draft Rehabilitation Subcode update without change.

Elevator Subcode Committee: Mr. George Hrin, Chair, reported that the Elevator Safety Subcode Committee recommended approval of the draft Rehabilitation Subcode update without change.

Fire Protection Subcode Committee: Mr. Arthur Londensky, Chair, reported that the Fire Protection Subcode Committee recommended that Section 3001.4, Change of use [of an elevator], be deleted from the IBC and moved to the Rehabilitation Subcode. Following a brief Board discussion, it was decided not to delete the language from the IBC.

Mechanical/Energy Subcodes Committee: Mr. John Fritzen, Chair, reported that the Mechanical/Energy Subcodes Committee recommended that the exception at N.J.A.C. 5:23-3.22(b)4ii regarding utility excess flow valves should be included at N.J.A.C. 5:23-6.6(e)21 and 6.7(e)18.

Plumbing Subcode Committee: Mr. Alex Tucciarone, Chair, reported that the Plumbing Subcode Committee recommended approval of the draft Rehabilitation Subcode update without change.

*Mr. John Scialla made a motion, which was seconded by Mr. Alex Tucciarone, to approve the draft update to the Rehabilitation Subcode, as amended by Board discussion; the motion carried unanimously.*

2. Draft Rule: Responsibilities—Update to National Model Codes 2014/2015 (N.J.A.C. 5:23-3.4) and Repeal of N.J.A.C. 5:23-7.15

Barrier Free Subcode Committee: Mr. John DelColle, Chair, reported that several members of the Committee expressed their concern about the reduction in code enforcement staff in many municipalities; there were no recommended changes to the draft rule.

Building Subcode Committee: Mr. John Scialla, Chair, reported that the Building Subcode Committee made two recommendations, but that staff responded to the issues raised and there are no recommended changes to the draft rule.

Electrical Subcode Committee: Mr. Alan Wilkins, Chair, reported that the Electrical Subcode Committee identified a change to the assignment of responsibilities for the sealing of penetrations made to fire-rated assemblies to the building/fire subcode officials.

Elevator Safety Subcode Committee: Mr. George Hrin, Chair, reported that the Elevator Safety Subcode Committee recommended several changes, which are summarized in the meeting minutes of May 22, to the assignment of enforcement responsibilities in Chapter 30. These sections should be revised to include the elevator subcode official where the technical subject-matter involves elevator devices.

Fire Protection Subcode Committee: Mr. Arthur Londensky, Chair, reported on recommended changes to the draft rule to include the fire protection subcode official in the plan review of several sections, which are listed in the Committee minutes of May 14, and to include the

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electrical subcode official in the plan review of electric locking systems for controlled egress door in Groups I-2 and I-1 (Section 1010.9.6).

Mechanical/Energy Subcodes Committee: Mr. John Fritzen, Chair, Mechanical/Energy Subcodes Committee reported on several recommended changes to the assignment of enforcement responsibilities identified by the Mechanical/Energy Subcodes Committee at its meeting of May 21. The recommended changes were discussed and the Board agreed that the changes to International Energy Conservation Code (IECC) for sensible heat panel insulation (at Section 6.4.4.1.4 in the ASHRAE standard) and radiant floor heating (at Section 6.4.4.1.5 in the ASHRAE standard) should be assigned to electrical.

Plumbing Subcode Committee: Mr. Alex Tucciarone, Chair, reported that the Plumbing Subcode Committee had no recommended changes to the draft rule.

3. Code Change Proposal: Responsibilities (N.J.A.C. 5:23-3.4)

Mr. John Terry summarized the code change: The proposed code change would include the electrical inspector in the enforcement responsibility for Section 402 of the IECC because this section deals with utility penetrations and the electrical inspector performs a rough inspection prior to the building inspector's framing inspection. Adding the electrical inspector could result in violations being discovered in advance of the framing inspection.

The Board held a brief discussion.

*Mr. John Scialla made a motion, which was seconded by Mr. Alan Wilkins, to disapprove the proposed code change. The motion carried unanimously.*

4. Code Change Proposals: Electrical Subcode (N.J.A.C. 5:23-6.4, 6.5, 6.6, 6.7)

Mr. John Terry summarized the code change proposals, which would require that the grounding electrode system be updated to meet the electrical subcode to ensure that the electrical system is safe and functional. The Board held a brief discussion.

*Mr. Alan Wilkins made a motion, which was seconded by Mr. Alex Tucciarone, that the code change proposal be approved and that staff draft language and return the code change proposal to the Board for action. The motion carried unanimously.*

5. Draft Revised Bulletin: 07-3: Ice Dam Membrane/Ice Barrier

Mr. John Terry informed the Board that this draft revision would update the Bulletin to reflect the 2015 national model code adoptions.

*Mr. John Scialla made a motion, which was seconded by Mr. Henry Kelly, to approve the draft bulletin without change.*

6. Draft Revised Bulletin 13-1B: Pile Foundation Design in One- and Two-Family Dwellings

Mr. John Terry informed the Board that this draft revision would update the Bulletin to reflect the 2015 national model code adoptions.

*Mr. John Scialla made a motion, which was seconded by Mr. Henry Kelly, to approve the draft bulletin without change.*

7. Draft Bulletin: Determination of Group Designations for I and R Occupancies

Mr. John Terry informed the Board that the Department made an effort in the adoption of the 2015 national model codes to limit the number of changes. The designation of Group occupancy and classification will remain as determined in the International Building Code (IBC), except where modifications to accord with State law are required. The draft bulletin would provide a quick reference for determining group classifications.

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**June 12, 2015**

The draft bulletin was referred to all committees for review.

8. Draft Rule: Heating, Ventilation, Air-conditioning, and Refrigeration (HVACR) Contractors (N.J.A.C. 5:23-2.15, 2.15A)

Mr. John Terry framed the issue for the Board. The draft rule would incorporate the requirements of the State Board of Examiners of Heating, Ventilation, Air-conditioning, and Refrigeration (HVACR) into the Uniform Construction Code. Now that approximately 4,000 contractors have been licensed, it is time to require that proof of licensure be required prior to the issuance of a permit.

The draft rule was referred to the Building, Electrical, Fire Protection, Mechanical/Energy, and Plumbing Subcode Committees for review.

9. UCC Form Update: Mechanical Inspection F145

Mr. John Terry explained that the mechanical tech section form has been updated to reflect the recent rule adoption that the plumbing inspector be assigned to perform mechanical inspections in municipalities without a mechanical inspector. The Board held a brief discussion about whether to recommend further changes to the mechanical form.

*Mr. Arthur Londensky made a motion, which was seconded by Mr. Alex Tucciarone, to approve the revised form without further change. The motion carried unanimously.*

10. Draft Rule: Large Open-volume Building Fees (N.J.A.C. 4.18, 4.20)

Mr. John Terry reported to the Board that it has come to the Department's attention that there are municipalities with fees that are in compliance with the requirement that the large, open-volume building fees be the lowest municipal code enforcement fee, but the fees that are resulting are still in excess of the work that is required. Therefore, the Department has drafted a rule that would limit the height of the building for fee purposes to 20 feet.

This draft rule was referred to all committees for review.

**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.

In advance of the close of the meeting, Mr. Alex Tucciarone commented on his 20 years of service on the Board. Mr. Tucciarone said that serving on the Board, with its collegiality and technical expertise, was a high point of his career. Ms. Beth Pochtar, Chair, read a resolution from the Board thanking Mr. Tucciarone for his valued service. Several Board members spoke in praise of Mr. Tucciarone, his leadership, his humor, and his technical acuity.

**F. Public Comments**

Mr. Glenn Corbett commented that he continues to believe that the Board has the authority to recommend to the Department to adopt more stringent code requirements than exist in the most recent national model codes. Mr. John Terry responded that the statute provides for the "adoption of national model codes." The statutory language does not include amendments to those codes; the application of adoption without amendment has been consistent. In the late

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**June 12, 2015**

1990's the statute was amended to allow the Department to stay with an earlier adopted standard, but not to allow the Department to adopt a provision that has never been part of the UCC and is not part of the national model code.

Dr. Alexi Assmus thanked the Board for its attention to this crucial issue.

Mr. Sal DiCristina, Construction Official, Rutgers University, commented on the Code Advisory Board. The Board has functioned at the highest level with technical experts who work well together and who maintain collegiality even when there are deeply felt issues under discussion. Mr. Di Cristina identified Mr. Tucciarone as one of the Board members who has exemplified this accomplishment.

After a round of applause, Board members wished Mr. Tucciarone well in his retirement.

**G. Adjourn**

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



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**December 12, 2014**

**UNIFORM CONSTRUCTION CODE ADVISORY BOARD**  
**Minutes of Meeting, December 12, 2014**

Location  
101 South Broad Street  
Trenton, New Jersey 08625

**Attendance**

Board Members

Beth Pochtar, Chair  
John Scialla, Vice Chair  
Mark Caputo  
John Fritzen  
George Hrin  
Henry Kelly for Leonard Sendelsky  
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  
Richard Greenberg for David Uhaze, Bureau of Construction Project Review  
Robert Austin, Code Assistance Unit  
Paulina Caploon, Bureau of Code Services  
Dave Greenhill, Code Assistance Unit  
Marcel Iglesias, Code Assistance Unit  
Tom Pitcherello, Code Assistance Unit  
Michael Whalen, Code Assistance Unit

Guests

Ron Kissel, West Windsor Township  
Thomas LaMonico, New Jersey Electrical Contractor  
Bob Longo, Cornerstone Architectural Group  
Thomas Polino, West Windsor Township, Plumbing Subcode Official  
Joe Valeri, West Windsor Township, Construction Official

Ms. Beth Pochtar, Chair of the Uniform Construction Code Advisory Board (CAB), called the meeting to order at 9:35 a.m.

In advance of the Call to Order, Chair, Beth Pochtar called for a moment of silence in honor of the recent death of Leonard Sendelsky, charter member of the Code Advisory Board, and representative of New Jersey's residential builders. Following the moment of silence, a

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resolution was read; all Board members present signed. The resolution will be sent to Mr. Sendelsky's family.

**A. Approval of Minutes of the Code Advisory Board Meeting of September 23, 2014**

*Mr. Alex Tucciarone made a motion, which was seconded by Mr. Arthur Londensky, to approve the minutes without change. The motion carried unanimously.*

**B. Subcode Committee Reports**

**Barrier Free Subcode Committee:** In the absence of Mr. John DelColle, Chair, Ms. Emily Templeton reported that the Barrier Free Subcode Committee did not meet.

**Building Subcode Committee:** Mr. John Scialla, Chair, reported that the Building Subcode Committee held an electronic meeting on one agenda item.

**Electrical Subcode Committee:** Mr. Alan Wilkins, Chair, reported that the Electrical Subcode Committee met on November 18, 2014; agenda items were discussed.

**Elevator Subcode Committee:** Mr. George Hrin, Chair, reported that the Elevator Subcode Committee met on October 21, 2014; agenda items were discussed.

**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**

1. Draft Rule: Elevator Subcode (N.J.A.C. 5:23-12.1(e) )

Mr. John Terry framed the draft rule for discussion as follows. The current list of devices that are exempt from the Elevator Safety Subcode is not consistent with the terminology used in ASME A17.1, the referenced standard containing the technical requirements for elevators. This draft rule proposal would provide accurate use of terminology in the Uniform Construction Code and exempt new conveying devices from the Elevator Safety Code.

Ms. Paulina Caploon reported that the Elevator Subcode Committee had discussed this draft rule and approved the rule as drafted with no recommended changes.

*Mr. Alex Tucciarone made a motion, which was seconded by Mr. Arthur Londensky, to approve the draft rule without change. The motion carried unanimously.*

2. Draft Rule: Home Elevation (N.J.A.C. 5:23-2.15, 2.18 and 3.21 and Proposed New Rule at N.J.A.C. 5:23-2.37)

Mr. John Terry framed the draft rule for discussion as follows. On August 15, 2014, P.L. 2014, c. 34 was enacted. This statute calls for the Division of Consumer Affairs, in the Department of Law and Public Safety to adopt rules for the registration of home elevation contractors. The

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Department of Community Affairs is charged with the adoption of rules governing the methods, procedures and other requirements that must be followed in performing home elevations. The following is a summary of the adopted special amendments and new rule and concurrent proposal to amend the State's Uniform Construction Code to establish standards for the elevation of existing buildings.

N.J.A.C. 5:23-2.15 is amended to require that a permit application to elevate an existing home include the registration number of the home elevation contractor.

N.J.A.C. 5:23-2.18 is amended to state that a pile certification, prepared by a licensed professional engineer, takes the place of an inspection for pile foundations. The amendments include a description of what the certification must include and a requirement that the certification be based on the engineer's personal observations.

A new rule, N.J.A.C. 5:23-2.37, contains the technical requirements for elevation, including addressing utility service connections, methods and equipment required, and protection of adjoining property.

N.J.A.C. 5:23-3.21 is amended to require the use of American Society of Civil Engineers (ASCE) Standard 24 for the construction of one- or two-family homes on piles. Currently, the use of ASCE 24 is required for buildings other than one- or two-family homes and is listed as an alternative in the one- and two-family dwelling subcode. Because ASCE 24 is recognized as the industry standard for construction on piles, it is being adopted, and concurrently proposed, herein. Alternate designs that do not conform to ASCE 24 may still be used through application for and granting of a variation. It should be noted that, because this is an amendment to an adopted subcode of the Uniform Construction Code, the six month grace period provided at N.J.A.C 5:23-1.6 will apply.

Mr. John Scialla, Chair, reported that the Building Subcode Committee had discussed the rule and recommended approval without change. Mr. Alexander Tucciarone commented that this rule is in effect and is working. In Old Bridge, one resident applied for a construction permit to elevate his home and attested that he would dig the piles himself. This rule provides clear standards for the code enforcement office to apply.

*Mr. Alex Tucciarone made a motion, which was seconded by Mr. John Scialla, to approve the draft rule without change. The motion carried unanimously.*

**D. New Business**

1. Draft Bulletin 15-1: Informational Notes-National Electrical Code (NEC)/2014

This draft bulletin was framed by Mr. Dave Greenhill for discussion as follows. This draft contains an updated listing of codes and standards that are "adopted by reference, that apply to the related section(s) of the 2014 NEC, and that may be cited as a requirement (or a violation) of the Uniform Construction Code.

Draft Bulletin 15-1 was referred to the Electrical Subcode Committee for review and discussion.

2. Draft Rule: Standardized Forms Update (N.J.A.C. 5:23-4.5(b)2)

This draft rule was framed for discussion by Mr. Rob Austin as follows. The first certification form is for home elevation contractors in accordance with P.L. 2014, c. 34 and the concurrent rule amendments that were adopted on October 1, 2014. When preparing the home elevation contractor certification, it was discovered that certification for homeowners doing their own lead abatement (per N.J.A.C. 5:23-2.15(b)4) had not been formalized by inclusion in the list of

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standardized forms. Because these forms stem from F100, Construction Permit Application, this proposal categorizes them as “F101” with a designation of “HECC” and “LEAD”, respectively. Because F101 is already being used for the Consent to Undertake Proposed Work, it would become F101-CUPW.

*Mr. Alex Tucciarone made a motion, which was seconded by Mr. Arthur Londensky, to approve the draft rule without change. The motion carried unanimously.*

3. Draft Rule Proposal: Fees for Elevator Devices in Private Residences (N.J.A.C. 5:23-12.12)

Ms. Paulina Caploon framed the issue for discussion as follows. This draft rule would amend the fees for the inspection and witnessing of tests on devices installed under permits in structures of Group R-3, R-4, or R-5 and otherwise exempt devices in structures of Group R-2. The draft rule would benefit the owners by bringing the fees charged for dumbwaiters, stairway chairlifts, inclined and vertical wheelchair lifts in line with the fees charged for the same devices when installed in structures other than Group R-3, R-4, or R-5 and otherwise exempt devices in structures of Group R-2.

This draft rule was referred to the Elevator Safety Subcode Committee for review and discussion.

4. Draft Rule Proposal: Prior Approvals (N.J.A.C. 5:23-2.15)

Mr. John Terry framed the draft rule for discussion as follows. The Uniform Construction Code contains a provision that plan review is to go forward notwithstanding the fact that prior approvals may not be in place as long as the application is otherwise complete. (See N.J.A.C. 5:23-2.15(f)4.ii.(1)) When this amendment was adopted, a commenter correctly pointed out that the rule still requires a statement that all required prior approvals are in place. The draft rule would add a cross reference to the provision allowing plan review to proceed.

*Mr. Greg Moten made a motion, which was seconded by Mr. Alexander Tucciarone, to approve the draft rule without change. The motion carried unanimously*

5. Draft Rule Proposal: Retaining Walls (N.J.A.C. 5:23-2.14)

Mr. John Terry framed the draft rule for discussion as follows. The department has become aware that the requirement for a permit for retaining walls, contained at N.J.A.C. 5:23-2.14(g), does not include an exemption for retaining walls that are under the purview of the county or of the State Department of Transportation. This draft rule amendment would exempt such walls from the UCC permit requirement.

*Mr. John Scialla made a motion, which was seconded by Mr. Greg Moten, to approve the draft rule without change. The motion carried unanimously*

6. Draft Rule Proposal: National Standard Plumbing Code/2015 (N.J.A.C. 5:23-3.15)

The draft rule to adopt the National Standard Plumbing Code (NSPC)/2015 was referred to the Building, Elevator, Mechanical/Energy, and Plumbing Subcodes Committees.

**E. Information**

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1. Code Advisory Board Meeting Dates 2015: The meeting dates for 2015 were included in the meeting packets.
2. CAB Log: The updated Code Advisory Board 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 packet.

**F. Public Comments**

There were no comments from the public at this time.

**G. Adjourn**

The public portion of the meeting was adjourned at 10:00 a.m.

**H. Executive Session**

The meeting reconvened in Executive Session at 10:10 a.m. and concluded at 10:25 a.m. at which time the meeting was adjourned.

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**UNIFORM CONSTRUCTION CODE ADVISORY BOARD**  
**Minutes of Meeting, September 23, 2014**

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  
Alexander Tucciarone  
Valerie Waricka  
Alan Wilkins

DCA Staff

Edward M. Smith, Director, Division of Codes and Standards  
Emily Templeton, Code Development Unit  
John Terry, Code Assistance Unit  
Lou Mraw, Office of Regulatory Affairs  
David Uhaze, Bureau of Construction Project Review  
Robert Austin, Code Assistance Unit  
Paulina Caploon, Bureau of Code Services  
Dave Greenhill, Code Assistance Unit  
Marcel Iglesias, Code Assistance Unit  
Michael Whalen, Code Assistance Unit

Guests

Alan Chech, Alan Chech Electrical Seminars  
Sal DiCristina, Rutgers University  
John Drucker, Borough of Red Bank  
Steven Gluck, Municipal Code Officials Association (MUNCO)  
Stephen Jones, International Code Council (ICC)  
Joseph LaBruzza, Marlboro Township  
Bob LaCosta, NJ Building Officials Association (NJBOA)  
Jack Lyons, National Electrical Manufacturers Association (NEMA)  
Kevin Monaco, NJ Fire Sprinkler Advisory Board  
Tom Pinand, NJBOA

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Ms. Beth Pochtar, Chair of the Uniform Construction Code Advisory Board (CAB), called the meeting to order at 9:40 a.m.

**A. Approval of Minutes of the Code Advisory Board Meeting of April 11, 2014**

*Mr. Michael Seeve made a motion, which was seconded by Mr. Alan Wilkins, 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 September 5, 2014; agenda items were discussed.

**Building Subcode Committee:** Mr. John Scialla, Chair, reported that the Building Subcode Committee met on July 25 and August 15, 2014; agenda items were discussed.

**Electrical Subcode Committee:** Mr. Alan Wilkins, Chair, reported that the Electrical Subcode Committee met on July 15 and September 16, 2014; agenda items were discussed.

**Elevator Subcode Committee:** Mr. George Hrin, Chair, reported that the Elevator Subcode Committee met on June 26 and July 21, 2014; agenda items were discussed.

**Fire Protection Subcode Committee:** Mr. Arthur Londensky, Chair, reported that the Fire Protection Subcode Committee met on July 10 and July 24, 2014; agenda items were discussed.

**Mechanical/Energy Subcodes Committee:** Mr. John Fritzen, Chair, reported that the Mechanical/Energy Subcodes met on July 17, 2014; agenda items were discussed.

**Plumbing Subcode Committee:** Mr. Alex Tucciarone, Chair, reported that the Plumbing Subcode Committee met on August 15, 2014. In addition to the discussion of agenda items, the Committee discussed the “no lead” Federal regulation that went into effect on January 4, 2014. One Committee member reported that the Heating, Ventilation, Air-conditioning, Refrigeration (HVACR) Licensing Board is beginning to issue licenses.

**C. Old Business**

There was no Old Business carried forward from the April 11, 2014 meeting.

**D. New Business**

- a. Draft Rule Proposal: Building Subcode--International Building Code (IBC)/ 2015 (N.J.A.C. 5:23-3.14)
  - i. Barrier Free Subcode: Chapter 11 (IBC/2015) and N.J.A.C. 5:23-7
  - ii. Elevator Safety Subcode: Chapter 30 (IBC/2015) and N.J.A.C. 5:23-12

Barrier Free Subcode: Mr. John Del Colle, Chair, Barrier Free Subcode Committee, began the discussion of Chapter 11 of the International Building Code/2015 with a brief retrospective of the Barrier Free Subcode in New Jersey. New Jersey has had excellent accessibility

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standards for 40 years. It seems it was just a few years ago that the Barrier Free Subcode Committee was making recommendations on the first truly enforceable accessibility standards. When traveling around the country, New Jersey's requirements—and enforcement of those requirements—stand out. Although no built environment is perfect, there are more accessible businesses in New Jersey than in other states. Because of the effectiveness of the Barrier Free Subcode, the Committee agreed somewhat reluctantly to review IBC/2015-Chapter 11 for equivalency. The Committee's comments on Chapter 11 follow:

- In the discussion of accessible parking (Section 1106.2, IBC/2015) and accessible parking garages, several Committee members commented on the apparent lack of enforcement of the requirement that van accessible parking spaces be provided within the garage. This means that the height of the garage must be 98". It was suggested that a *Construction Code Communicator* article be written as a reminder.
- In the discussion of accessible spaces (Section 1107.3), the Barrier Free Subcode Committee recommended that exception 1, which would allow spaces that are not served by an accessible route to be exempt from this subchapter, be deleted. The BFSC requires that accessible building features (such as accessible toilet facilities and an interior accessible route, including maneuvering space at doorways) be provided. Changing this requirement would be regressive.
- In the discussion of accessible or adaptable dormitory rooms (Section 1109.2), the Barrier Free Subcode Committee recommended that the Department consider describing or defining "suite." When discussing several design scenarios, there was not agreement as to whether a suite would include two groups, each of two bedrooms, connected by a shared bathroom or whether a suite must always include a shared living area.
- In the discussion of Section 1109.2, toilet and bathing facilities, which contains an exemption (Exemption 6) for bariatric patients, the Barrier Free Subcode Committee recommended this section be retained because the facilities used by bariatric patients are not the standard size, so the standard accessible dimensions cannot be readily applied.
- In the discussion of Section 1110.4.7, animal containment areas, the Barrier Free Subcode Committee recommended that this section be moved to the recreational section of the BFSC and enforced by the facility manager.
- In the discussion of an accessible route to the amusement rides, Section 1110.4.8, amusement rides, the Barrier Free Subcode Committee recommended that this section remain under the jurisdiction of the carnival and amusement ride safety regulations.
- In the discussion of Section 1110.4.12, miniature golf facilities, the Barrier Free Subcode Committee recommended that the current requirements that miniature golf facilities be 100% accessible be retained. Barrier Free Subcode Committee members were dismissive of the proposal to reduce accessibility to 50% of the miniature golf holes. They did not think that allowing 50% of the holes to be accessible was fair to people (especially children) who would like to play the entire course with their family and friends.
- In the discussion of new Section 1110.2, item 6, which would allow directional signage to the nearest "low" drinking fountain where only a "high" one is provided. The Barrier Free Subcode Committee recommended that staff confirm that separating the low drinking fountain from the high one is allowed. If there is such a requirement for new construction, this should be applied only to existing drinking fountains and should be moved to the Rehabilitation Subcode.



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Mr. DelColle added that no discussion of accessibility would be complete without a comment on the need to make gaming machines accessible. In this case, accessibility does not mean making one machine in a row accessible; it means requiring that machines be accessible so that people with disabilities have the same choice of machines enjoyed by able-bodied people.

Board members had no questions or comments on the recommendations of the Barrier Free Subcode Committee. It was agreed that, because Chapter 11 is part of the IBC, voting on replacing Subchapter 7 with Chapter 11 would take place with the other amendments to IBC/2015.

Building Subcode: Mr. John Scialla, Chair, reported on the following comments from the Building Subcode Committee:

- The Building Subcode Committee discussed the amendment to Table 503, Height and Area. A lengthy discussion ensued regarding the change from one table to three tables. The advantages and disadvantages of this amendment were discussed. The major point of confusion was the inclusion of non-sprinklered heights and areas for occupancy classifications that are always required to be sprinklered (Groups H, I and R). The unamended IBC includes a footnote that these lines in the table are to be used for existing buildings. Because the New Jersey Rehabilitation Subcode does not address height and area for existing buildings (other than changes of use), the Building Subcode Committee recommended that the lines in the tables for non-sprinklered Group H, Group I (except Group I-4), and Group R be deleted with associated footnotes.

Mr. Arthur Londensky, Chair, Fire Protection Subcode Committee, reported that the Fire Protection Subcode Committee had found the change from a single table to three tables confusing and had recommended retaining the three tables. There was a brief discussion as to what other changes in the Building Subcode would result from this action.

Ultimately, it was recommended that the IBC/2015-Table 503 be amended to delete the references to Groups H, I, and R (except Group I-4). Although there is bound to be some confusion resulting from such a visible change in formatting, it is believed that deleting these Groups will minimize the confusion.

- In Tables 504.3, 504.4 and 506.2 a reference to the IFC Section 1103.5 for retrofit sprinkler requirements in existing buildings is included. The Building Subcode Committee recommended the deletion of this cross reference.
- In Section 1010.1.10, Panic and fire exit hardware, electrical rooms with equipment rated at 1,200 amperes are required to be provided with panic hardware. In the NEC/2014 at Article 110.26(C)(3), panic hardware is required at equipment rated at 800 amperes. The Building Subcode Committee recommended an amendment to match the requirements of the NEC/2014.
- In Section 305.1 of the 2015 International Swimming Pool and Spa Code, General (Barrier Requirements), Exception #2 allows a power safety cover over a swimming pool

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in place of a barrier surrounding the pool. One Building Subcode Committee member expressed concern about this exception and another Building Subcode Committee member reported on a situation in which a child drowned in a swimming pool that had a power safety cover instead of the barrier because the cover was not closed. The Building Subcode Committee recommended the deletion of this exception.

Elevator Subcode: The Elevator Subcode Committee members were confused by the absence of hoistway venting requirements in Chapter 30, IBC/2015, which contains the elevator requirements in the IBC. Staff explained that the requirements for an elevator lobby have been moved from Section 720 to Section 3006.1; the requirements themselves have not changed--their placement has changed. The Elevator Subcode Committee recommended approval of the draft rule.

The floor was opened to the public for comments on the draft amendments to the IBC/2015. Kevin Monaco, New Jersey Fire Sprinkler Association, recommended that the provision in the International Residential Code (IRC)/2015 to require sprinklers in one- and two-family dwellings be included in the rule proposal. The IRC provides a P2904 sprinkler system, which uses the household plumbing system, and thereby provides protection while controlling costs; the sprinkler requirement should be adopted for use in New Jersey. Mr. Bob LaCosta, President, New Jersey Building Officials Association, also commented that sprinklers in one- and two-family dwellings should be included. The new, lightweight construction and the house contents have contributed to the fire load and the time to escape has been reduced from 17 minutes to three minutes. The additional cost is approximately \$2/square foot, which is paid back by the savings on the home insurance premium. There was a brief discussion. Staff explained that because there is legislation pending, this question has been effectively moved from this code regulatory forum to the political forum. It was recognized that the rule proposal would be unlikely to obtain the required approvals and move forward if there sprinkler requirement for one- and two-family dwellings were proposed, even if it were proposed to elicit discussion.

There was a brief discussion about whether the closer on the door to the garage should be required. The door from the dwelling to the garage is not a fire barrier. Several Board members thought that requiring the closer still had a benefit because a door makes a difference in a fire, even if the door is not a fire barrier. One Board member pointed out that some protection is better than no protection; the door provides some protection when it is closed.

*Mr. Arthur Londensky made a motion, which was seconded by Mr. Jason Kliwinski, to retain the requirement for a closer on the door from the dwelling to the garage. The motion failed with four in favor, seven opposed, and one abstention.*

*Mr. John Scialla made a motion, which was seconded by Mr. Mark Caputo, to approve this section of the rule proposal as drafted and to delete the requirement for a closer on a door between a dwelling unit and a garage. The motion carried with six in favor, four opposed, and two abstentions.*

Mr. Steve Jones, President, International Code Council (ICC), spoke in favor of the adoption of the 2015 ICC national model codes. He commended the leadership of New Jersey's code

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enforcement community and observed that the national model codes published by the ICC have benefited from that leadership in that they now contain requirements that were initially developed in New Jersey. He noted that New Jersey values public and first responder safety and ensures the protection of the public in the built environment through its adoption and enforcement of the national model codes. The adoption of these most recent model codes would include the most recent safety standards, which would allow the use of new construction technology, methods, and techniques. It would also incorporate the most recent editions of the referenced technical standards, which prescribe the design, installation, testing, and maintenance of critical building construction features. Mr. Jones then recommended approval of the family of ICC national model codes, as amended by Board and Subcode Committee discussion, and thanked the code enforcement community for its support during his term as ICC President.

*Mr. Arthur Londensky made a motion, which was seconded by Mr. Greg Moten, to approve, as amended by Board discussion, the draft proposal of the International Building Code (IBC)/2015, including the replacement of Subchapter 7, the Barrier Free Subcode, with Chapter 11, IBC/2015 as the Uniform Construction Code's accessibility regulations. The motion carried unanimously.*

- b. Draft Rule Proposal: Electrical Subcode—National Electrical Code/2014 (N.J.A.C. 5:23-3.16)

Mr. Alan Wilkins, Chair, presented the following comments of the Electrical Subcode Committee:

- Article 210.12 – Arc Fault Circuit Interrupter (AFCI) protection: The Electrical Subcode Committee identified a receptacle issue (vs. breaker). Several Committee members expressed concern that this could be an issue if receptacle is used because the charging language states these receptacles have to be “readily accessible;” this would mean that there can be no obstacles (i.e. furniture). Therefore, the Electrical Subcode Committee recommends that the 2011 language be retained for (A) and (B) and the 2014 language be accepted for (C), dormitories.
- Article 680.25(A)(1), item 6, exception–Pool feeders: The Electrical Subcode Committee decided to go on record that this section, as written in 2011, should be revisited when the Rehabilitation Subcode is amended; Article 680.25(B) should be discussed at the same time.

Following a brief discussion, the Board agreed that the NEC/2011 language should be retained in this proposal.

The floor was opened to the public for comments on amendments to the NEC/2014. Jack Lyons, National Electrical Manufacturers Association (NEMA), had three comments. First, he commented on Article 680 for swimming pools. There is a change in the exception: The NEC used to allow a line with an uninsulated feeder to existing homes; now the feeder is required to be insulated. Typically, the practice has been to run uninsulated cable to the panel; now that is not allowed. Next, with regard to the Electrical Subcode Committee's comments on “readily accessible,” Mr. Lyons stated that this section of the NEC was never intended to apply to furniture and should not be interpreted that way. Finally, Mr. Lyons stated that with regard to Article 210.12(b), AFCI protection is intended to protect older circuits. One Board member

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asked about rapid shut down for photovoltaic systems. Mr. Lyons responded that UL is working on a listing, but there is no listed product available at this time.

*Mr. Arthur Londensky made a motion, which was seconded by Mr. Michael Seeve, to approve the draft proposal of the National Electrical Code/2014 as the electrical subcode, as amended by discussion. The motion carried unanimously.*

c. Draft Rule Proposal: Fire Protection Subcode—IBC/2015 (N.J.A.C. 5:23-3.17)

Mr. John Terry explained that the draft proposal for the Fire Protection Subcode would replace the references to the adopted editions of the International Building Code, International Mechanical Code, National Electrical Code, and International Fuel Gas Code with a reference to the model code as adopted as the building, mechanical, electrical, or fuel gas subcode of the Uniform Construction Code.

*Mr. Arthur Londensky made a motion, which was seconded by Mr. Jason Kliwinski, to approve the draft proposal of the identified sections of the 2015 editions of the International Building Code, International Mechanical Code, National Electrical Code, and International Fuel Gas Code as the Fire Protection Subcode. The motion carried unanimously.*

d. Draft Rule Proposal: Energy Subcode—International Energy Conservation Code (IECC)/2015 and ASHRAE Standard 90.1-2013 (N.J.A.C. 5:23-3.18)

Mr. John Fritzen, Chair, reported on the following comment from the Mechanical /Energy Subcodes Committee:

- In Section R403.2/IECC, Hot water boiler outdoor temperature setback, the Mechanical/Energy Subcodes Committee expressed concern about whether the cost: benefit would be viable; there was concern that it might impose a cost that was not balanced for a smaller house. One Board member commented that this is intended to have an impact on energy consumption; another Board member responded that insulation has a greater impact on energy consumption, especially because these devices require calibration and if the device is out of calibration, it is ineffective. There was a brief discussion as to whether the provision should remain in the code in such a way that it would be allowed, but not required. There was brief discussion about the Uniform Construction Code as enforceable regulations, not as guidelines. A staff member commented that this section of the IECC is from the International Residential Code (IRC), not the International Building Code (IBC), so it applies only to multifamily residences of four stories or less.

*Mr. John Fritzen made a motion, which was seconded by Mr. Jason Kliwinski, to approve the draft proposal of the International Energy Conservation Code (IECC)/ 2015 as the energy subcode. The motion carried unanimously.*

e. Draft Rule Proposal: Mechanical Subcode—International Mechanical Code/2015 (N.J.A.C. 5:23-3.20)

Mr. John Fritzen, Chair, reported on the following comment from the Mechanical /Energy Subcodes Committee:

- With regard to item #7, Sections 504.10 and 505.3, Common exhaust systems for Clothes Dryers (504.10) and Domestic Kitchens (505.3) located in multistory structures, the Mechanical/Energy Subcodes Committee recommended deleting “and

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shall be connected to a standby power source.” The Committee members think that a clothes dryer should not be required to run on an emergency generator.

*Mr. Arthur Londensky made a motion, which was seconded by Mr. Michael Seeve, to approve the draft proposal of the International Mechanical Code (IMC)/ 2015 as the mechanical subcode, as amended by discussion. The motion carried unanimously.*

- f. Draft Rule Proposal: Fuel Gas Subcode—International Fuel Gas Code/2015 (N.J.A.C. 5:23-3.22)

*Mr. John Scialla made a motion, which was seconded by Mr. Michael Seeve, to approve the draft proposal of the International Fuel Gas Code (IECC)/ 2015 as the fuel gas subcode. The motion carried unanimously.*

- g. Draft Rule Proposal: One- and Two-Family Dwelling Subcode--International Residential Code/2015 (N.J.A.C. 5:23-3.21)

Mr. Arthur Londensky, Chair, reported on the following recommendations from the Fire Protection Subcode Committee:

- IRC Chapter 3, Section R314.7, Fire Alarm System. The Fire Protection Subcode Committee suggested that the monitoring and maintenance requirements of the 2009 IRC Section 314.2 be retained in the 2015 code. Fire Protection Subcode Committee members thought that, in most cases, the monitoring would be connected to the fire detection system and burglar alarm system being installed. The Fire Protection Subcode Committee members also recommended that the maintenance requirement be included because these systems require more specialized maintenance that can be performed by someone who is trained only in system operations; it differs from a smoke alarm system. Fire Protection Subcode Committee recommended that the last sentence of the section be retained, as follows: “R314.7.5 Monitoring. The system shall be monitored by an approved supervising station and be maintained in accordance with NFPA 72.”
- IRC Chapter 3, Section R315.5, Power Source for Carbon Monoxide Alarms, is proposed for deletion. The Fire Protection Subcode Committee members recommended that a second primary power source should be required. It was noted that many, if not all, of the new alarms are combination smoke alarm/carbon monoxide alarms. The Fire Protection Subcode Committee recommended that this section be proposed without amendment. Then the CO alarm would be required to receive its primary power from the building wiring and secondary power from a battery during power interruption.
- IRC Chapter 3, Section R319, Site Address, is proposed for deletion. The Fire Protection Subcode Committee recommended that this requirement be retained because of the importance of having a properly identified building in an emergency.
- IRC Chapters 13 and 24, Sections M1307.3.1, Protection from impact and G2408.3, Private garages, the Fire Protection Subcode Committee recommended including the reference to IFC, Section 312, Vehicle Impact Protection, in these two sections

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similar to what is required in Chapter 4, IFGC, Section 401.9 for gas meter protection. A brief discussion ensued regarding the legal authority for this action.

The floor was opened to the public for comments on amendments to the International Residential Code (IRC)/2015 as the one- and two-family dwelling subcode. A brief discussion was held on the draft rule and the recommended changes. The discussion quickly moved to whether to propose that sprinkler systems, specifically the P2904 system, be required. Ultimately, there was recognition that by including the P2904 requirements in the code text without scoping, homeowners may, although they are not required to, install compliant sprinklers. There was general recognition that requiring sprinklers in one- and two-family dwellings is not, and cannot be, part of this rule proposal.

One Board member asked whether a natural barrier sufficed for a swimming pool barrier; the answer was that a natural barrier is not sufficient.

*Mr. John Scialla made a motion, which was seconded by Mr. Arthur Londensky, to approve for proposal the International Residential Code (IRC)/2015 as the one- and two-family dwelling subcode, as amended by discussion.*

h. Draft Bulletin: Carbon Dioxide (CO<sub>2</sub>) Beverage Dispensing Systems

Mr. Arthur Londensky, Chair, reported the-at the Fire Protection Subcode Committee recommended that a sentence should be added stating that an approval for the installation may not be issued until documentation demonstrating registration with the Department of Labor (DOL) has been obtained. The Fire Protection Subcode Committee thought that this should be handled as a prior approval because pressure vessels are required to be registered with DOL.

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

i. Draft Rule Proposal: Change in Owner Through Permit Update (N.J.A.C. 5:23-2.16)

*Mr. Alex Tucciarone made a motion, which was seconded by Mr. John Scialla, to approve the draft rule without change. The motion carried unanimously.*

j. Draft Rule Proposal: Elevator Subcode (N.J.A.C. 5:23-12.1(e) )

Mr. John Terry explained that this rule would ensure that the terminology used in the Elevator Safety Subcode and in the American Society of mechanical Engineers (ASME) A17.1 is consistent.

The draft rule was referred to the Elevator Safety Subcode Committee.

k. Draft Rule Proposal: Home Elevation (N.J.A.C. 5:23-2.15, 2.18 and 3.21 and Proposed New Rule at N.J.A.C. 5:23-2.37)

Mr. John Terry explained that this rule has been adopted, as required by statute; however, the Department is seeking the expertise of its technical advisors and asks that the rule be reviewed. Any recommended changes could be proposed and the rule amended.

The rule was referred to the Building Subcode Committee.

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**September 23, 2014**

**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.

**F. Public Comments**

There were no comments from the public at this time.

**G. Adjourn**

The meeting was adjourned at 12:05 p.m.

**H. Executive Session**

The meeting reconvened in Executive Session at 12:15 p.m. and concluded at 12:25 p.m. at which time the meeting was adjourned.

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**April 11, 2014**

**UNIFORM CONSTRUCTION CODE ADVISORY BOARD**  
**Minutes of Meeting, April 11, 2014**

Location  
101 South Broad Street  
Trenton, New Jersey 08625

**Attendance**

Board Members

John Scialla, Vice Chair  
Mark Caputo  
John Fritzen  
George Hrin  
Arthur Londensky  
Gregory Moten  
Michael Seeve  
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  
Richard Greenberg for David Uhaze, Bureau of Construction Project Review  
Mitchell Malec, Office of Local Code Enforcement  
Robert Austin, Code Assistance Unit  
Paulina Caploon, Bureau of Code Services  
Marcel Iglesias, Code Assistance Unit  
Tom Pitcherello, Code Assistance Unit  
Michael Whalen, Code Assistance Unit

Guests

Sal DiCristina, Rutgers University  
Jeff Heiss, New Jersey Building Officials Association (NJBOA) and Municipal Code Officials Association (MUNCO)  
Stephen Jones, NJBOA and International Code Council (ICC)  
Bob La Costa, NJBOA

Mr. John Scialla, Vice 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 June 14, 2013**

*Mr. Alex Tucciarone made a motion, which was seconded by Mr. Arthur Londensky, to approve the minutes without change. The motion carried unanimously.*



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**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 28; agenda items were discussed.

**Electrical Subcode Committee:** In the absence of Mr. Alan Wilkins, Chair, Rob Austin, Code Assistance Unit, reported that the Electrical Subcode Committee met on March 18, 2014; agenda items were discussed.

**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 met on January 9 and March 13, 2014; agenda items were discussed. Mr. Londensky also reported that one Fire Protection Subcode Committee member has resigned and will be replaced in the future.

**Mechanical/Energy Subcodes Committee:** Mr. John Fritzen, Chair, reported that the Mechanical/Energy Subcodes met on March 20, 2014; agenda items were discussed..

**Plumbing Subcode Committee:** Mr. Alex Tucciarone, Chair, reported that the Plumbing Subcode Committee met on April 4, 2014. In addition to the discussion of agenda items, the Committee discussed the “no lead” Federal regulation that went into effect on January 4, 2014. One Committee member provided an update of the progress of the Heating, Ventilation, Air-conditioning, Refrigeration (HVACR) licensing regulations. The HVACR Board has received approximately 12000 applications; no licenses have yet been issued. One member informed the Committee that air conditioning condensate drain piping that discharges into the drainage must be installed by a licensed master plumber.

**C. Old Business**

1. 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 was referred to the Building Subcode Committee, Fire Protection Subcode Committee, and Plumbing Subcode Committee.

Mr. John Scialla, Chair, reported that the Building Subcode Committee recommended approval of the draft bulletin without change. Mr. Alex Tucciarone, Chair, reported that the Plumbing Subcode Committee recommended approval of the draft bulletin without change. Mr. Arthur Londensky, Chair, reported that the Fire Protection Subcode Committee had several recommendations for language changes, as follows:

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- Under item number two, in the examples of differences in the system types, the words “may require” should be added before “separate water supply” because, although some water companies require a separate connection, the NFPA standard does not.
- Under item number three of the examples of the differences between an NFPA 13 or 13R system and a 13D/P2904 system, the reference to “four sprinkler head design” should be changed because some compartments in a residential dwelling might require a three head design.

A brief discussion ensued.

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

2. 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 was referred to the Building Subcode Committee and the Fire Protection Subcode Committee.

Mr. John Scialla, Chair, reported that the Building Subcode Committee recommended approval of the draft bulletin without change. Mr. Arthur Londensky, Chair, reported that the Fire Protection Subcode Committee recommended approval of the draft bulletin without change.

*Mr. Alex Tucciarone made a motion, which was seconded by Mr. Arthur Londensky, to approve the draft bulletin without change. The motion carried unanimously.*

**D. New Business**

1. Draft Rule: Various Changes Throughout the Rehabilitation Subcode (N.J.A.C. 5:23-2.7, 2.15, 3.2(d), 3.4, 6.2,6.4, 6.8, 6.9,6.10-6.30, 6.31, 6.32)

Summary of Agenda Item: This draft rule was submitted to and approved by the Code Advisory Board following discussion and approval of the draft rule proposal for the 2012 national model codes. In the absence of approval by the Governor’s Office, the draft rule proposal for the 2012 national model codes was withdrawn. This draft rule has been revised to remove those items that were related to the 2012 national model code initiative. It was forwarded to Subcode Committees and to Board members in advance of this meeting.

Mr. John Scialla, Chair, reported that the Building Subcode Committee had several recommendations, as follows:

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- Page 9 of the draft rule: At N.J.A.C. 5:23-2.7(c)3i, insert “or part thereof” following “lighting fixture” so as to read “Lighting fixture or part thereof”.
- Page 10 of the draft rule: At N.J.A.C. 5:23-2.34(c)1, there was concern by the committee that the language, as proposed, does not address demolition projects because of the wording “buildings and structures *constructed* under ....” . Furthermore, Committee members agreed that applying all of Chapter 33 would be excessive for IRC buildings. The committee recommended that only Sections 3302, 3303, 3304, 3306, 3307 and 3308 be applicable. Because Chapter 33 is part of the building subcode, it is not necessary to reference IBC buildings in this section. The Committee further recommended that the following wording be used: “Sections 3302, 3303, 3304, 3306, 3307, 3308 of the building subcode shall be used as the minimum safeguard for all buildings and structures regulated by the one- and two- family dwelling subcode.”
- Page 16 of the draft rule: At N.J.A.C. 5:23-6.4(f), a discussion ensued regarding the proposed revised language. The Committee requests that the language be simplified, if possible. In addition, a question was raised regarding the prohibition of the replacement of the smoke alarm with a battery-operated alarm and whether this would allow for the installation of a wireless detection system. The answer is yes. The hard-wired alarm is being replaced with a *wireless system*, not a battery-operated alarm.
- Page 21 of the draft rule: At N.J.A.C. 5:23-6.6(l), there is a displaced hyphen in the third line (in-tended). This correction needs to be made throughout the draft where this language is proposed.
- Page 35 of the draft rule: At N.J.A.C. 5:23-6.25(b)1iii, the requirements for window access to fire escapes in bed and breakfast R-1 occupancies are less restrictive than the requirements of FTO 3 for fire escapes for all occupancies. This observation is correct. The proposed language is consistent with the requirements of the Uniform Fire Code that are intended to provide a reasonable, but, safe alternative access to fire escapes in bed and breakfast R-1 occupancies.
- Page 40 of the draft: At N.J.A.C. 5:23-6.31(c)8, the proposed language requires a second means of egress for all child care facilities regardless of the relative hazard. Note e from Table 1021.2 allows a single means of egress for a child care facility with an occupant load of 10 or fewer. It appears that the Change of Use requirements of the Rehab subcode exceed the requirements of the model code. This is an accurate observation, however, in order to be licensed by the Department of Children and Families, two means of egress *must* be provided for all child care facilities. It was the Department’s intent to amend the 2012 IBC to reflect this licensing provision; as such, it is our intent to amend the 2015 IBC as well.

Mr. Arthur Londensky, Chair, presented the following recommendations from the Fire Protection Subcode Committee:

- Responsibilities, Page 12, M1904 Building/Fire review and Fire inspection: Several Committee members asked whether this section is being moved with no change in responsibilities. One Committee member asked why the building inspector is involved with these small system installations. The Committee recommended that this be "Fire review" and "Fire inspection."
- Responsibilities, Page 12, Ch. 24 Fuel Gas-G2411 and Fuel Gas Subcode-310: The proposal would assign this to Plumbing/Electrical plan review and Plumbing final with an exception. A concern was raised about giving the plumbing subcode official plan review

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responsibilities for Section G2411.1 and 310.1, which deal with other than CSST. The committee recommended that plan review and inspection stay with Electrical and Section G2411.1.1 and 310.1.1 dealing with CSST be changed to Electrical/Plumbing plan review and Plumbing inspection.

- Rehab Subcode, Page 14, N.J.A.C. 5:23-6.1(b)2: The word “and” should be inserted after “R-5” and before “dwelling.”
- Rehab Subcode, Page 15, N.J.A.C. 5:23-6.2(c)5: The Committee expressed concern with applying this new section to all projects and recommended that it be applied only to reconstruction projects. Additional concern was expressed about whether this new section would cause conflict with any use group classifications from Subchapter 4 of the Uniform Fire Code (UFC) since the use group classifications in Subchapter 4 of the UFC are based on the 1984 Building Officials and Code Administrators (BOCA) National Building Code. As an example, concern was expressed about Group I and Group R occupancies.
- Rehab Subcode, Page 15, N.J.A.C. 5:23-6.4(d)2., (d)6., Page 17, 6.5(d)2., (d)7., Page 19, 6.6(c)4., (d)2.,(d)7 and Page 20 (e)13., Page 21, 5:23-6.7(d)1., (d)6., Page 27, N.J.A.C. 5:23-6.9(a)17.v. and Page 39, N.J.A.C. 5:23-6.31(a)8.ii.(2) are proposed to be building responsibilities. The Committee recommended that these be a joint Building/Fire review and a Building inspection. Also the placement at N.J.A.C. 5:23-6.31(a)8.ii(2) should be moved to the end of 5:23-6.31(a)8.ii, so that it can be used for (1) and (2) because these are also fire protection issues.
- Rehab Subcode, Page 16, N.J.A.C. 5:23-6.4(f): The Committee recommended that the words “and operable” be added after "when not present" in the first sentence. It was also suggested that “operable condition” be added after "shall remain" in the last sentence. This is similar to the current text when dealing with CO alarms and other sections of the code that require devices to be in operating condition.
- Rehab Subcode, Page 38, N.J.A.C. 5:23-6.29(b): The Committee recommended that the word “/wall” be inserted after "ceiling" and before "assembly" in the last sentence. Because the words "attached to" are being added, the word "wall" is needed.
- Rehab Subcode, Page 39, N.J.A.C. 5:23-6.31(a)8i: The Committee recommended that the words “or household fire alarm systems” be inserted after "alarms" and before "shall" to make it clear that household fire alarm systems may also be used. The same wording should be added on page 42, N.J.A.C. 5:23-6.31(i) in the title after the word "Alarms" and also in (i)2, after "alarms" and before "shall.” This change would provide consistency with the text in the IRC.
- Rehab Subcode, Page 46, N.J.A.C. 5:23-6.31(p)xi(1)(B)(II): The Committee recommended that the words “installed and” be inserted after the word "is" and before the word "supervised." This would make it clear that the system must comply with NFPA 72 for the installation and must be monitored by a method provided in NFPA 72.

Mr. Alex Tucciarone, Chair, asked the following question, which was raised in the Plumbing Subcode Committee’s discussion:

- Page 28, item 29: The committee questioned whether when an existing non-programmable thermostat is being replaced, would the new thermostat have to be a programmable type?

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Mr. John Fritzen, Chair, Mechanical/Energy Subcode Committee reported that the Committee asked Department staff to review N.J.A.C. 5:23-6.8(e)1 and 5; (f)1; (h)10, 13 and 20 as they deal with exact replacement equipment.

The Board held a brief discussion. One Board member commented that in N.J.A.C. 5:23-6.31, change of use, the new language that would allow an existing fire protection system that is no longer operable and that would not be required for new construction may be removed with the approval of both the fire protection subcode official and the fire official could be confusing to design professionals, many of whom are not familiar with the Uniform Fire Code (UFC). This Board member observed that there are significant requirements in the UFC that are not in the UCC. Another Board member commented that problems occur when a building has a valid Certificate of Occupancy, but does not comply with the UFC.

Board discussion moved to a discussion of NJAC 5:23-2.34, Protection of adjoining properties. There was a discussion about what the UCC currently requires and whether the language needs to be amended. In addition, the Board discussed an amendment offered by a Board member to state that ordinary maintenance does not require a permit and that items repairs or maintained may be used when the work is complete. Board members agreed that the UCC states that a permit is not required for ordinary maintenance and that the UCC currently allows items that are repaired or maintained to be used when the work is complete. There was a brief discussion of the difference between ordinary maintenance and minor work.

*Mr. Arthur Londensky made a motion, which was seconded by Mr. Alex Tucciarone, to approve the draft as amended by discussion. The motion passed 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

**F. Public Comments**

Mr. Stephen Jones (NJBOA and ICC) commented on the work of Department staff, adding that the staff is highly appreciated. Mr. Jones reminded everyone in attendance that May is Building Safety month and that the Building Safety Conference would take place in Atlantic City. He also informed the attendees that National Institute for Building Sciences (NIBS) is working on a review of group homes and the Federal Fair Housing Act Guidelines.

**G. Adjourn**

The meeting was adjourned at 10:30 a.m.