

UNIFORM CONSTRUCTION CODE ADVISORY BOARD
Minutes of Meeting, December 9, 2022
Meeting held Electronically via Microsoft Teams

Attendance

Board Members

| | |
|---------------------|-----------------|
| Beth Pochtar, Chair | Bob Mellohusky |
| Doug Boydston | Greg Moten |
| John Del Colle | Steve Rodzinak |
| Kathy Herity | Michael Seeve |
| Art Londensky | Valerie Waricka |
| Tony Neibert | Michelle Wood |

DCA Staff

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|---|------------------|
| Edward Smith, Director, Division of Codes and Standards | Terence Luckie |
| Kevin Luckie, Assistant Director, Division of Codes and Standards | Keith Makai |
| Toritseju Agbeyegbe | Adam Matthews |
| Robert Austin | Anthony Menafro |
| Scott Borsos | John Paluchowski |
| Joseph Chiusano | Ian Rayfield |
| Marie Daniels | Dan Tober |
| John Delesandro | Chrystene Wyluda |

Public Attendees

Public attendees joined using a conference call telephone number, and only those in attendance who announced themselves will be listed herein.

Ms. Beth Pochtar, Chair, called the meeting to order at 9:30 a.m.

A. Approval of Minutes of the Code Advisory Board Meeting August 12, 2022

Mr. Art Londensky made a motion, which was seconded by Mr. Michael Seeve, to approve the minutes. The motion carried unanimously.

B. Subcode Committee Reports

Barrier Free Subcode Committee – Mr. John Del Colle reported that no meeting was held.

Building Subcode Committee – Ms. Michelle Wood reported that no meeting was held.

Elevator Subcode Committee – Mr. Doug Boydston reported that the Committee met and discussed elevator items not currently on the agenda.

Electrical Subcode Committee – Mr. Tony Neibert reported that the Committee met and discussed agenda and other items.

Fire Protection Subcode Committee – Mr. Art Londensky reported that no meeting was held.

Mechanical/Energy Subcode Committee – Mr. Bob Mellohusky reported that no meeting was held.

Plumbing Subcode Committee – Mr. Steve Rodzinak reported that the Committee met and discussed agenda and other items.

C. Old Business

There was no old business.

D. New Business

1. Omnibus – “Housekeeping” throughout N.J.A.C. 5:23-3.14-3.22

Mr. Robert Austin introduced this item and explained to the Board that these changes are largely corrections to the subcodes to properly reflect the adoption of the model codes, as well as a change to reflect that the blower door test shall not be required in an addition to an existing home. One board member noted two typos within the document.

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

2. Electrical Ordinary Maintenance, Minor Work, and Hazardous Locations – N.J.A.C. 5:23-2.7 and 2.17A

Mr. Robert Austin explained that this draft rule change would make electrical work in hazardous locations minor work rather than ordinary maintenance. Mr. Tony Neibert explained that hazardous locations are a defined term which largely entails industrial locations such as petrochemical and manufacturing plants, but also includes some areas in gas stations.

The Board indicated that this change seemed positive and noted the importance of outreach and communications to ensure that all impacted are aware of the change. The Department agreed that, upon the adoption of any change, a *Construction Code Communicator* article would be published.

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

3. NJ DEP Energy Efficiency Upgrades – Guidance Bulletin for Final Inspection – N.J.A.C. 5:23-2.18 for UCC related items

Mr. Robert Austin introduced this item and explained that there is a new Appliance Standards Law P.L.2021, c.464, that establishes minimum efficiency standards for a number of appliances; largely, this law falls under the purview of the Department of Environmental Protection (DEP). The law also states that any items that fall under UCC jurisdiction for inspection, code officials will have to see proof that the appliance complies with the increased energy efficiency standard. The draft rule change and Bulletin are still in early stages; because DEP is authorized to adopt regulations pursuant to this Law, the Department will not be moving forward with any rule changes to the UCC until DEP undertakes its rulemaking process. However, the Department wanted to seek the Board’s thoughts and opinions to ensure that it is able to move forward when the time comes. Mr. Austin noted a number of changes he had incorporated into the Bulletin between the time the draft was first shared with the Board and today’s meeting.

Board members noted challenges with the language of the law, including that the UCC inspection cited is the final inspection; ensuring appliances are compliant during plan review or rough inspections would be an easier and more cost-effective time to catch any noncompliance, especially since there are times where the appliance is not fully accessible at a final inspection. Further, to find a non-compliant appliance

during a final inspection could be very costly to the owner to replace a newly installed non-compliant appliance with one that meets the requirements of the law.

Board members also noted the tremendous financial burden this Law could impose on a number of small businesses, especially restaurants, because it does not allow for resale of refurbished appliances that do not meet the new Law. In many cases, restaurant owners seek to replace broken commercial fryers with refurbished fryers to save money; this Law prohibits that practice.

In reference to the first point, the Board again discussed potential ways to ensure appliances were compliant with the new law before final inspections. This may include ensuring permit applicants are aware of the law at the time of application and engagement with design professionals during the plan review process, though it was understood that referencing non-compliant appliances in a plan would not be grounds for denial; instead, there must be cooperation to remedy issues before they are found upon final inspection. Further, Board members discussed whether paperwork or manuals for an appliance could be used if the equipment labels were not easily accessible at a final inspection. Board members expressed frustration over the practicality of implementation.

Department staff asked the Board if they would like to table this matter until such time as DEP has further guidance or regulations. One Board member noted that, because this is a law, even if it is tabled, it will still need to be addressed later.

Mr. Art Londensky made a motion, which was seconded by Mr. Greg Moten, to approve the draft rule and Bulletin with the amendments noted by Mr. Austin. The motion carried with 10 in favor and 1 opposed. The Board Members noted that, although they have voted to approve the Draft Rule and Bulletin, they only did so in recognition that this is a new Law, thus its requirements supersede the concerns noted during discussion.

E. Information

1. CAB Tentative Meeting Dates 2023 – February 10; April 14; June 9; August 11; October 13; and December 8.
2. CAB Log – Ms. Marie Daniels provided the CAB Log and noted any updates on outstanding regulations.
3. List of Pending Legislation – The list of pending legislation was provided electronically.

F. Public Comments

Mr. Fred Holsteff asked if the new DEP Efficiency Law would impact maintenance of existing fixtures and parts thereof. Mr. Robert Austin stated that, because the Law uses the terms “equipment” and “appliances,” maintenance to parts of existing fixtures would not apply.

G. Adjourn

Mr. Bob Mellohusky made a motion, which was seconded by Mr. Art Londensky, to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 10:30 a.m.

H. Executive Session

The executive session was called to order at 10:35 a.m. and was adjourned at 10:40 a.m.

UNIFORM CONSTRUCTION CODE ADVISORY BOARD
Minutes of Meeting, August 12, 2022
Meeting held Electronically via Microsoft Teams

Attendance

Board Members

Beth Pochtar, Chair
Doug Boydston
Mark Caputo
John Del Colle
Kathy Herity
Art Londensky
Tony Neibert
Bob Mellohusky
Greg Moten
Steve Rodzinak
Michael Seeve
Valerie Waricka
Michelle Wood

DCA staff

Edward Smith, Director, Division of Codes and Standards
Kevin Luckie, Assistant Director, Division of Codes and Standards
Robert Austin
Scott Borsos
Marie Daniels
John Delesandro
Justin Henry
Terence Luckie
Keith Makai
Anthony Menafro
Dan Tober
Chrystene Wyluda

Public Attendees

Public attendees joined using a conference call telephone number, and only those in attendance who announced themselves will be listed herein.

Ms. Beth Pochtar, Chair, called the meeting to order at 9:30 a.m.

A. Approval of Minutes of the Code Advisory Board Meeting June 10, 2022

Mr. Robert Austin noted three typos found within the minutes and indicated that the Department would be revising accordingly. *Mr. Art Londensky made a motion, which was seconded by Mr. Steve Rodzinak, to approve the minutes as amended by discussion. The motion carried unanimously.*

B. Subcode Committee Reports

Barrier Free Subcode Committee – Mr. John Del Colle reported that no meeting was held.

Building Subcode Committee – Ms. Michelle Wood reported that the Committee met on July 8 and discussed agenda items.

Elevator Subcode Committee – Mr. Doug Boydston reported that no meeting was held.

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

Fire Protection Subcode Committee – Mr. Art Londensky reported that no meeting was held.

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

Plumbing Subcode Committee – Mr. Steve Rodzinak reported that no meeting was held.

C. Old Business

1. Bulletin 19-2, Energy Subcode Compliance (Now 22-1 and includes Form F392)

Chair Beth Pochtar introduced this item and opened to the Board for discussion. Ms. Michelle Wood, Chair, Building Subcode Committee, noted that there were concerns with requiring a blower door test for additions, because it can be difficult for this kind of work to meet the parameters of the test. Mr. Robert Austin agreed and displayed proposed language the Department has drafted to address those concerns. Multiple board members expressed that the proposed language was a great accommodation for additions. Further, board members briefly discussed duct tightness, but had no oppositions to the Bulletin.

Mr. Bob Mellohusky made a motion, which was seconded by Mr. Tony Neibert, to approve the Bulletin as amended by discussion. The motion carried unanimously.

D. New Business

1. Bulletin 95-1 Series, Flammable and Combustible Liquid Storage Tanks:
 - a. Bulletin 95-1D, Removal/Abandonment of Underground Storage Tanks Regulated by DEP, revised

Mr. Robert Austin introduced this item and indicated that these revisions are technical in nature to ensure that the Department is in sync with DEP's offices, programs, and telephone numbers.

Mr. Steve Rodzinak made a motion, which was seconded by Ms. Michelle Wood, to approve the Bulletin. The motion carried unanimously.

E. Information

1. CAB Tentative Meeting Dates 2022 – October 14; December 9
2. CAB Log – Ms. Marie Daniels provided the CAB Log and noted any updates on outstanding regulations.
3. List of Pending Legislation – The list of pending legislation was provided electronically.
4. Corn Mazes – Mr. Rob Austin advised the Board that it has been brought to the Department's attention that there have been questions regarding the requirements for corn mazes. The Department will be working on a *Construction Code Communicator* Article to address the matter.

F. Public Comments

There were no public comments.

G. Adjourn

Mr. Steve Rodzinak made a motion, which was seconded by Ms. Michelle Wood, to adjourn. The motion carried unanimously; the meeting was adjourned at 9:50 a.m.

H. Executive Session

The executive session was called to order at 9:55 a.m. and was adjourned at 10:00 a.m.

UNIFORM CONSTRUCTION CODE ADVISORY BOARD

Minutes of Meeting, June 10, 2022

Meeting held Electronically via Microsoft Teams

Attendance

Board Members

Beth Pochtar, Chair
Doug Boydston
John Del Colle
Kathy Herity
Art Londensky
Ken Krug for Tony Neibert
Bob Mellohusky
Greg Moten
Tom Polino for Steve Rodzinak
Michael Seeve
Valerie Waricka
Michelle Wood

Members Absent: Mark Caputo; Henry Kelly; Tony Neibert; Steve Rodzinak; Michael Seeve

DCA staff

Edward Smith, Director, Division of Codes and Standards
Robert Austin
Scott Borsos
Marie Daniels
John Delesandro
Justin Henry
Keith Makai
Anthony Menafro
Thomas Pitcherello
Dan Tober
Chrystene Wyluda

Public Attendees

Please note that, due to the virtual meeting, public attendees joined using a conference call telephone number, and only those in attendance who announced themselves will be listed herein.

Ms. Beth Pochtar, Chair, called the meeting to order at 9:35 a.m.

A. Approval of Minutes of the Code Advisory Board Meeting April 8, 2022

Mr. Art Londensky made a motion, which was seconded by Mr. John Del Colle, to approve the minutes. The motion carried unanimously.

B. Subcode Committee Reports

Barrier Free Subcode Committee – Mr. John Del Colle reported that no meeting was held.

Building Subcode Committee – Ms. Michelle Wood reported that no meeting was held.

Elevator Subcode Committee – Mr. Doug Boydston reported that the Committee met once to discuss flood switch language and the potential for a Construction Code Communicator article to address this issue, additionally, the Committee reviewed changes to the 2017 A18.

Electrical Subcode Committee – Mr. Ken Krug reported that the Committee met twice to discuss upcoming agenda items and potential ordinary maintenance and minor work changes that will be detailed in the next meeting.

Fire Protection Subcode Committee – Mr. Art Londensky reported that no meeting was held.

Mechanical/Energy – Mr. Bob Mellohusky reported that no meeting was held.

Plumbing Subcode Committee – Mr. Steve Rodzinak reported that no meeting was held.

C. Old Business

There was no old business.

D. New Business

1. Building Subcode and Electrical Subcode update – Special Inspections and Informational Notes; N.J.A.C. 5:23-2.20, 3.14 and 3.16 – Draft Rule

Mr. Robert Austin introduced this item, along with Bulletin 03-5 and explained that since 2000, there has not been an overhaul and update. Multiple deficiencies were found in the building subcode regarding the improper use of building official and construction official and this draft rule is proposed to ensure consistency of the subcode with the UCC. This will also apply to 5:23-2.20 of the UCC because of the lack of inclusion regarding special inspections, as specificity and format correction were needed to the reference of mass timber elements for IV-A, IV-B, and IV-C construction.

Additionally, in 5:23-3.14, changes to the electrical subcode informational notes are proposed, Mr. Robert Austin referenced a bulletin that showed which informational notes are enforceable. The Electrical Subcode Committee looked carefully into those Informational Notes, and Mr. Robert Austin stated that when the notes first began, the Department adopted them as a Formal Technical Opinion, and over time, the requirements included in the Fine Print Notes (now Informational Notes) were then brought into the model code editions. The NEC itself also says that Informational Notes are not enforceable. The Department would like to come in line with the NEC and wants the bulletin revised to state that the Informational Notes are purely information, rather than regulatory. The Department would also like to amend the text of the electrical subcode as well to reference this.

Mr. Greg Moten noted in regard to special inspections within Chapter 17, “registered design professional” does not line up with the language of the current edition of the subcode and should be amended to state “person in responsible charge.”

Ms. Michelle Wood made a motion, which was seconded by Mr. Greg Moten, to approve the draft rule as amended by discussion

Mr. Robert Austin then stated that the related Bulletin 03-5, concerning special inspections will also be amended to incorporate the new special inspection requirements and updated links. This amendment also removed the table from the code to aid in clarity and adds three examples to help differentiate and explain the applicability of the Bulletin.

Ms. Michelle Wood made a motion, which was seconded by Mr. Greg Moten, to approve the related Bulletin 03-5 as written. The motion carried unanimously.

2. Additional Bulletin Updates

-Bulletin 19-2, Energy Subcode compliance (currently Bulletin 22-1 and includes Form F392)-

Mr. Robert Austin introduced this item that proposes a small update to show that the ASCE has a link to the aforementioned updates related to Bulletin 03-5 and Bulletin 22-1, which is the current updated version of this Bulletin. He notes that the residential table is edited for clarity and updated with the new numbers and presented differently to be more user friendly. Additionally, energy efficiency package information, inspection for envelope tightness, and a revised air barrier insulation checklist are included.

Ms. Beth Pochtar commented that on page 5, in the section referencing duct pipes, that she believed the Department did not require the leakage requirement as it was voted down. However, she was informed that the Code Advisory Board did vote it down, but the Commissioner overruled this vote to align with the Energy Master Plan.

The Committee discussed this Bulletin and stated that they would like to refer it to the Building and the Mechanical/Energy Subcode Committees for discussion and clarity.

-Bulletin 19-3, Informational Notes-

Mr. Robert Austin introduced a proposed update to Bulletin 19-3 that would explain how informational notes are background information and not enforceable. The update would state that if the Informational Notes need to be applied, then Article 695 within the NEC would explain what sections of NFPA would apply.

Ms. Michelle Wood made a motion, which was seconded by Mr. Art Londensky, to approve the related Bulletin 19-3 as written. The motion carried unanimously.

-Bulletin 19.1, Design loads

Mr. Robert Austin introduced a proposed update to Bulletin 19-3 to include a reference to direct users to ASCE provisions for design loads regarding snow on roofs.

CAB MINUTES

June 10, 2022

Ms. Beth Pochtar questioned whether other counties need to send case studies as only counties we encountered were included, and if the Department will update if additional case studies are completed or if to include Bulletin 94-8. Mr. Robert Austin commented that the update was done to direct users to the appropriate sources, but the Department will include information in the Fall Construction Code Communicator detailing the updated bulletins and to inform the Department if there is an applicable case study for their area. Ms. Beth Pochtar stated that this would be very helpful.

Ms. Michelle Wood made a motion, which was seconded by Mr. Art Lodensky, to approve the related Bulletin 19-1 as written. The motion carried unanimously.

E. Information

Mr. Robert Austin took a moment to wish Mr. Tom Pitcherello, plumbing subcode official, well in his retirement after serving the Department for 23 years. The Committee took this time to congratulate Mr. Pitcherello and thank him for his service to the Department.

F. Public Comments

Mr. Alex Palmer, Sustainable South Jersey, commented that he had solar panels installed on his roof. However, the plumbing on roof interfered with the placement of the panels. He noted that recently, the International Plumbing Code (IPC) was revised to allow installation of solar panels over roof plumbing. He was aware of the recent discussion on past Committee meetings concerning switching to IPC versus the National Standard Plumbing Code (NSPC) and that the State went with NSPC. He believes that the NSPC does not accommodate installation of solar panels in the same fashion as the IPC and that adoption of the IPC would encourage more solar installations.

Mr. Robert Austin stated that they spoke on the phone and explained that Appendix E has the design portion for NSPC, which could permit solar panels over plumbing vents. The solar panels must be listed and labeled to be applicable for this installation. Certain manufactured items do allow for solar panels over vents and there are systems that have been developed to accommodate solar panels where roof vents are present. If necessary, a Construction Code Communicator article based on this information to help guide users to the appropriate resources will be published.

Ms. Beth Pochtar questioned the accuracy that it allows solar panels on top of vents.

Mr. Tom Polino, who sits on standard Committees explained that solar panels were never allowed on top vents.

Mr. Tom Pitcherello commented that one of the problems in many solar panel designs is that the clearance is not determined until after installation and further review of codes and Committee discussions may be necessary.

G. Adjourn

CAB MINUTES

June 10, 2022

Mr. Art Londensky made a motion, which was seconded by Mr. Greg Moten, to adjourn. The motion carried unanimously; the meeting was adjourned at 10:15 a.m.

UNIFORM CONSTRUCTION CODE ADVISORY BOARD

Minutes of Meeting, April 8, 2022

Meeting held Electronically via Microsoft Teams

Attendance

Board Members

Beth Pochtar, Chair
Doug Boydston
Mark Caputo
John Del Colle
Henry Kelly
Kathy Herity
Art Londensky
Tony Neibert
Bob Mellohusky
Greg Moten
Steve Rodzinak
Michael Seeve
Valerie Waricka
Michelle Wood

DCA staff

Edward Smith, Director, Division of Codes and Standards
Robert Austin
Scott Borsos
Marie Daniels
John Delesandro
Justin Henry
Keith Makai
Anthony Menafro
Thomas Pitcherello
Dan Tober
Chrystene Wyluda

Public Attendees

Please note that, due to the virtual meeting, public attendees joined using a conference call telephone number, and only those in attendance who announced themselves will be listed herein.

Ms. Beth Pochtar, Chair, called the meeting to order at 9:30 a.m.

A moment of silence was held to honor the memory of Paul Lamberti.

A. Approval of Minutes of the Code Advisory Board Meeting December 10, 2021

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

B. Subcode Committee Reports

Barrier Free Subcode Committee – Mr. John Del Colle reported that no meeting was held.

Building Subcode Committee – Ms. Michelle Wood reported that no meeting was held.

Elevator Subcode Committee – Mr. Doug Boydston reported that the Committee met twice virtually and discussed agenda items, especially the Elevator Mechanics License.

Electrical Subcode Committee – Mr. Tony Neibert reported that the Committee met twice virtually.

Fire Protection Subcode Committee – Mr. Art Londensky reported that no meeting was held.

Mechanical/Energy – Mr. Bob Mellohusky reported that no meeting was held.

Plumbing Subcode Committee – Mr. Steve Rodzinak reported that no meeting was held.

C. Old Business

There was no old business.

D. New Business

1. Certification of Technical Assistants to the Construction Official, N.J.A.C. 5:23-5 – Draft Rule

Mr. John Delesandro introduced this item and stated that this draft rule implements a language that was signed into law in 2009. There's been a voluntary certification for years that was non-renewable, so the Department felt it was time to move forward and create a formal certification for these folks, who play an incredibly important role throughout the State. This would allow for a formal application process for those who voluntarily applied, new applicants will have to take education courses, and continuing education courses. Multiple Board members expressed their support for the draft rule, and Board member Valerie Waricka stated that she has spoken to other technical assistants, all of whom are very much in favor of the certification and noted that it looks fair and consistent with the other CEU requirements.

Ms. Valerie Waricka made a motion, which was seconded by Mr. Steve Rodzinak, to approve the draft rule. The motion carried unanimously.

2. Licensure, Certifications, and Registrations related to the UCC; Elevator, Escalator, and Moving Walkway (EEMW) Mechanic License, N.J.A.C. 5:23-2.15 and 2.15A – Draft Rule

Mr. Robert Austin introduced this item and explained that there are two pieces within this draft rule. The first is to incorporate the EEMW licensure into the UCC. The Licensing Board for this has been up and running since 2015, and there was a communicator article about this published in 2020. Now that the Licensing Board is enforcing the requirements, the Department is proposing that the license number of the mechanic appear on the permit application. Mr. Austin noted that the draft rule states “contractor,” but the Department will be revising to the appropriate term, “mechanic.”

Mr. Doug Boydston made a motion, which was seconded by Mr. Art Londensky, to approve the elevator portion of the draft rule as amended by discussion. The motion carried unanimously.

CAB MINUTES

April 8, 2022

Mr. Robert Austin stated that in addition to the EEMW mechanic license, this draft rule also restructures the entire licensing section. Currently, it is an extensive list of licensures, registrations, and certifications. The Department would like to streamline this section and not have any information from the other Departments within the UCC, since anything outside of our jurisdiction is not generally supposed to go into the enforceable requirements of our code. Instead, the draft rule would cross reference the necessary laws and move the exceptions into the appropriate Bulletin.

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

E. Information

1. CAB Tentative Meeting Dates 2022 – Jun 10; Aug 12; Oct 14; Dec 9

Multiple Board members expressed that they would like to meet in person or begin hybrid meetings. Mr. Robert Austin stated that the Department has not yet been notified it can hold in person meetings, and the Board will be kept apprised as that discussion moves forward.

2. The Code Advisory Board Log was provided electronically.
3. The List of Pending Legislation was provided electronically.

Mr. Art Londensky brought one bill, A731, to the attention of the Department. Mr. Robert Austin indicated that we would review and provide any comments to the Legislative Liaison.

4. Plumbing Subcode.

The Board was informed that the Commissioner's final decision regarding the plumbing subcode was to move forward with the proposal of the 2021 National Standard Plumbing Code (NSPC).

F. Public Comments

Multiple attendees indicated their support for incorporating the Elevator, Escalator, and Moving Walkway Mechanic License into the UCC.

Steve Jones, ICC, stated that he was terribly disappointed with the decision made by the Commissioner to move forward with the NSPC but thanked Beth Pochtar, Chair, and the Department for their professionalism throughout this process.

G. Adjourn

Mr. Art Londensky made a motion, which was seconded by Ms. Michelle Wood, to adjourn. The motion carried unanimously; the meeting was adjourned at 11:00 a.m.

UNIFORM CONSTRUCTION CODE ADVISORY BOARD

Minutes of Meeting, December 10, 2021

Meeting held Electronically via Microsoft Teams

Attendance

Board Members

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

Members absent: Mark Caputo

DCA staff

Edward Smith, Director, Division of Codes and Standards
Robert Austin
Scott Borsos
Marie Daniels
John Delesandro
Justin Henry
Keith Makai
Adam Matthews
Anthony Menafro
Thomas Pitcherello
Dan Tober
Chrystene Wyluda

Public Attendees

Please note that, due to the virtual meeting, public attendees joined using a conference call telephone number, and only those in attendance who announced themselves will be listed herein.

Ms. Beth Pochtar, Chair, called the meeting to order at 9:31 a.m.

A. Approval of Minutes of the Code Advisory Board Meeting August 13, 2021

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

Barrier Free Subcode Committee – Ms. Marie Daniels reported that the Committee met virtually and discussed agenda items.

Building Subcode Committee – Mr. John Scialla reported that the Committee met virtually and discussed agenda items.

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

Electrical Subcode Committee – Mr. Tony Neibert reported that, because no items were referred to the Committee, no meeting was held.

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

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

Plumbing Subcode Committee – Mr. Steve Rodzinak reported that the Committee met virtually and discussed agenda items.

C. Old Business

1. Plumbing Subcode – National Standard Plumbing Code (NSPC) and International Plumbing Code (IPC) Comparison

Mr. Robert Austin introduced this item and deferred to the Chair of each Subcode Committee for discussion.

Mr. John Del Colle noted that though the Barrier Free Subcode Committee may not be involved in normal plumbing, the Committee has an architect, an engineer, and several subcode officials, all of whom reviewed the comparison carefully for discussion. The Committee felt that the codes were quite similar and felt that the logistics of switching codes, including apprenticeship interruptions, becoming familiar with new sections, having information in multiple different places, and learning the nuanced changes, were the biggest source of concern.

Mr. John Scialla stated that the Building Subcode Committee reviewed the documents provided and felt that the IPC interfaced better with the other adopted subcodes and noted that the Department had switched from BOCA to the ICC codes in the past, and that has served the State well. In addition, he noted that because the codes are not substantially different, there should be no undue burden in adopting and adapting to the IPC.

Mr. Tony Neibert, Mr. Doug Boydston, and Mr. Art Londensky all stated that their Subcode Committees deferred to the Plumbing Subcode Committee for recommendation, since they represent those who are using the code most.

Mr. Bob Mellohusky stated that the Mechanical Subcode Committee deferred to the Plumbing Subcode Committee for recommendation. In addition, many Committee members use the NSPC and felt that the way the NSPC is written serves them most appropriately.

CAB MINUTES
December 10, 2021

Mr. Steve Rodzinak noted that there was a letter attached to the minutes of the Plumbing Subcode Committee's meeting which speaks to the comparison. Each member reviewed and agreed with the sentiments shared in the letter and the Committee's recommendation, for many reasons, is to stay with the NSPC.

After hearing the recommendation from each Subcode Committee, Mr. Robert Austin invited discussion from the entire board.

One member asked whether there were FEMA implications in staying with the NSPC, and another member stated that FEMA only rewarded grant money to States which adopt ICC codes. Another board member stated that this was untrue, and FEMA did not use any specific code in determining compliance with its grant programs. Discussion ensued on this issue, and one board member noted that the State should not give FEMA any occasion to deny money, because it is already a fight to acquire those grants.

One Board member expressed preference for the fixture requirements and roof draining systems in the IPC. The Board member further asked how the secondary drainage system requirements would apply if the Department were to switch to the IPC. Mr. Austin explained that, because these requirements are State-specific, the Department would need to bring the language from the NSPC forward into the IPC, leading to a hybrid-code in this and possibly other sections.

One Board member stated that there is no substantial difference as it relates to the health, safety, and welfare of residents of the State. The primary difference is that the NSPC is more prescriptive, and the IPC is more performance based. The Board member felt that the IPC is preferable because it is more goal-oriented in application. He provided a brief description of the history of code development over time and noted that the driving factor in development has always been to protect inhabitants and create resiliency in the built environment. He noted that while he appreciates the consideration to those who are using the code, he has never seen a code adoption based on what is easier for the people that use the code. The decision should be based on the health, safety, and welfare of the residents.

One Board member noted that the NSPC continues to appropriately serve the health, safety, and welfare of New Jersey residents, especially in regard to water conservation and waste treatment. He expressed that even though there is an emphasis on the potential burden in training, that is not the only concern with adopting the IPC.

One Board member noted that NAIOP and commercial owners prefer the IPC for its interfacing with other jurisdictions.

Mr. Henry Kelly made a motion, which was seconded by Mr. Michael Seeve, to adopt the IPC. The motion was tied with 5 in favor, 5 opposed, and 1 abstention. Chairwoman Beth Pochtar voted in favor of the motion to break the tie. The motion carried.

After the meeting was adjourned, one member shared a letter sent from FEMA which confirms that their public assistance is not dictated in any way by local codes.

In addition, after the meeting was adjourned, due to multiple members who were in attendance being unable to vote due to technical difficulties, the Division chose to send an email seeking further advisement on this important issue. The goal of this email was to have a further piece of information for the Commissioner to review in rendering her final decision; this information did not impact the action taken at this meeting in any way and served as supplementary guidance to the Commissioner.

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

Mr. Robert introduced this item and noted that the Department would be revising the responsibilities assigned for Section 906 in the building subcode. This Section contains requirements for portable fire extinguishers, and electrical is not the appropriate assignment. Then, he opened to the Board for discussion.

One Board member noted two Sections within the electrical subcode, 110.2.9.1, and 110.33(a)(3), which should be corrected to correspond with Section 110.26(c)(3).

One Board member noted the following:

- Section 907.3.4 of the building subcode should be assigned to Fire Protection rather than Electrical. Board members agreed that this amendment was appropriate.
- At Section 909.20.6 of the building subcode Fire Protection should be added to plan review responsibility. Board members agreed that this amendment was appropriate.
- Section 329.2 of the mechanical subcode should be assigned to Electrical for plan review and Electrical and Fire Protection for inspection. This would align with Section 915 of the mechanical subcode. Board members agreed that this amendment was appropriate.
- Section 929 of the mechanical subcode delineates the requirements for unvented fuel burning equipment and should be the responsibility of Fire Protection rather than Building. Board members agreed that this amendment was appropriate.

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

3. Rehabilitation Subcode, N.J.A.C. 5:23-6 – Draft Rule

Mr. Robert Austin introduced this rule and opened to the Board for discussion. He noted that the plumbing was left unamended pending the advisement of the Board and the Commissioner's final decision. He also noted that under 6.2, the proposed language is meant to make explicitly clear what code is in effect based on the adoption date. He noted that during the grace period when the updated subcodes are adopted, it is the prerogative of the design professional to use whichever code they would like until the grace period is done. This is because the adoption of the updated rehabilitation code was delayed during the last cycle, so there was confusion as to which code to use.

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

4. UCC Updates to Match Model Codes, N.J.A.C. 5:23-2, 3, and 5 – Draft Rule

Mr. Robert Austin introduced this item and noted that there would be a wording change based on the advice of the Building Subcode Committee. He also stated that the changes are not substantial and are intended to incorporate the certification requirements for special inspections that were not previously listed.

One Board member noted that there was a Bill signed into law which requires municipalities to utilize electronic permitting systems starting in April of 2022. He asked whether this proposal could address that. Mr. Robert Austin explained that the PermitsNJ staff is hard at work to implement that law and disseminate information as the effective date comes closer; he stated that any questions about how municipalities should proceed in the meantime should be directed to PermitsNJ staff.

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

D. New Business

1. “Make Ready” EV Chargers (P.L. 2021, c. 171), N.J.A.C. 5:23-2.36 – Draft Rule

Mr. Robert Austin introduced this item and stated that this law was signed and effective immediately in July 2021. He explained that it is largely a planning issue, but it does require us to enact provisions. He referred Board members to the Division of Local Planning Services for information on the allocation of parking and further explanation of the law. The draft rule presented to the Board includes the language of the law almost verbatim, and the exception within Section 1107 of the building subcode is also modified accordingly.

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

2. Solar Ready Warehouses (P.L. 2021, c. 290), N.J.A.C. 5:23-3.18 – Draft Rule

Mr. Robert Austin introduced this item and explained that it was another Bill signed into law. This would require the solar ready appendix of the International Energy Conservation Code (IECC) for warehouses 100,000 sq. feet and larger, effective for any project approved after July 1, 2022. He confirmed that this doesn’t apply to anything under construction or approved before the effective date.

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

E. Information

1. CAB Tentative Meeting Dates 2022 – Feb 11; Apr 8; Jun 10; Aug 12; Oct 14; Dec 9
2. The Code Advisory Board Log was provided electronically.
3. The List of Pending Legislation was provided electronically.
4. Ms. Marie Daniels noted that two information packets related to Old Business Item 1 were provided electronically for review and consideration.

F. Public Comments

CAB MINUTES
December 10, 2021

Russ Cheney, former CEO of IAPMO, expressed that he felt the Board made its motion under unclear circumstances and cited the letter from FEMA ensuring that grant money is not contingent on the adoption of specific codes. He further stated that he felt that this motion, if approved by the Commissioner, would be disenfranchising the entire plumbing community in New Jersey, who have spent decades ensuring that the NSPC is kept up to date and in-tune to New Jersey's needs. He thanked the Board for their time in hearing his comments.

G. Adjourn

Mr. Michael Seeve made a motion, which was seconded by Mr. Greg Moten, to adjourn. The motion carried unanimously; the public portion of this meeting was adjourned at 11:00 a.m.

H. Executive Session

The executive session was called to order at 11:15 a.m.

The executive session was adjourned at 11:30 a.m.

UNIFORM CONSTRUCTION CODE ADVISORY BOARD
Minutes of Meeting, October 15, 2021
Meeting held Electronically via Microsoft Teams

Attendance

Board Members

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

Members absent: John Del Colle

DCA staff

Edward Smith, Director, Division of Codes and Standards
Robert Austin
Marie Daniels
John Delesandro
Justin Henry
John Lago
Paul Lamberti
Terrence Luckie
Keith Makai
Adam Matthews
Anthony Menafro
Neil Nagy
John Paluchowski
Thomas Pitcherello
Dan Tober
Chrystene Wyluda

Public Attendees

Please note that, due to the virtual meeting, public attendees joined using a conference call telephone number, and only those in attendance who announced themselves will be listed herein.

Ms. Beth Pochtar, Chair, called the meeting to order at 9:35 a.m.

A. Approval of Minutes of the Code Advisory Board Meeting August 13, 2021

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

Barrier Free Subcode Committee – Ms. Marie Daniels reported that the Committee met virtually and discussed agenda items.

Building Subcode Committee – Mr. John Scialla reported that the Committee met virtually and discussed agenda items.

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

Electrical Subcode Committee – Mr. Tony Neibert reported that, because no items were referred to the Committee, no meeting was held.

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

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

Plumbing Subcode Committee – Mr. Steve Rodzinak reported that the Committee met virtually and discussed agenda items.

C. Old Business

1. Plumbing Subcode – NSPC and IPC Comparison

Mr. Robert Austin explained that, because the Board was wholly in favor of the Department undertaking a comparison, the Department would like to refer the comparison to each Committee for review purposes to ensure fairness in review. He noted that there is an introductory document which explains the distinctions between the two codes and any major differences, including that the NSPC is more design-based, and the IPC is performance-based.

2. Building Subcode, N.J.A.C. 5:23-3.14 – IBC, with Elevator, ICC A117.1-2017, and ISPSC.

Mr. Robert Austin introduced this item and opened to the Board for discussion. Overall, the Board agreed with the draft rule except for the following items:

1. Section 903.2.7.2, related to automatic sprinkler systems in Group M buildings containing more than 2,000 square feet of upholstered furniture, was amended to require sprinklers only in the area with the furniture. This was done to protect the area without adding sprinklers throughout a building that otherwise would not require sprinklers. The Board felt that the old (2018) requirement ensured a greater level of safety by requiring sprinklers throughout the structure. It was recommended that the 2018 requirement be retained.

2. In Section 907.5.2.2.5, the 2021 IBC is amended to change the required power source for voice activation for fire alarm systems from emergency to standby power. Emergency power, which was required in 2018, requires the power to come on in ten seconds; standby power is 60 seconds. It was recommended that the 2018 requirement be retained. *Mr. Art Londensky made a motion, which was seconded by Mr. John Scialla, to maintain the requirements from the 2018 IBC for these two Sections. The motion carried unanimously.*

Mr. Robert Austin asked whether there were further comments or questions on the draft rule. A few clarifying questions were asked; there were no comments on the ISPSC or the Elevator Sections. Ms. Marie Daniels noted that there were minor inconsistencies between the ICC A117.1 and the IBC regarding nosing measurements. Both the Barrier Free Subcode Committee and Building Committee recommended utilizing the IBC, which has a greater maximum allowance by 1/8-inch. *Mr. Doug Boydston made a motion, which was seconded by Mr. Steve Rodzinak, to utilize the IBC. The motion carried unanimously.*

Mr. Art Londensky made a motion, which was seconded by Ms. Valerie Waricka, to approve the draft building subcode, as amended by discussion. The motion carried unanimously.

3. Fire Protection Subcode, N.J.A.C. 5:23-3.17 – Cross Reference Update

Ms. Marie Daniels introduced this item and noted that all changes reflected renumbering within the model codes and changes for stylistic consistency.

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

4. One- and Two-Family Dwelling Subcode – IRC and ISPSC

Mr. Robert Austin introduced this item and reminded the Board that the same changes contained within the residential portion of the IECC, as discussed at the August 13 meeting, are incorporated in Chapter 11 of the IRC.

Mr. Tony Neibert made a motion, which was second by Mr. Steve Rodzinak, to approve the draft rule with the amendments noted for the IECC incorporated in Chapter 11. The motion carried unanimously.

D. New Business

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

Mr. Robert Austin explained that the changes address renumbering and new sections within the model codes without any changes to assignments. The Draft Rule was referred to all Subcode Committees.

2. Rehabilitation Subcode, N.J.A.C. 5:23-6 – Draft Rule

Mr. Robert Austin explained that the changes incorporate new or revised numbers without substantive changes. The Draft Rule was referred to all Subcode Committees.

3. UCC Changes to Incorporate 2021 Editions, N.J.A.C. 5:23 – Draft Rule

Mr. Rob Austin explained that these changes align with the updated model codes. In addition, the licensing provisions are amended to reflect certification requirements for a number of special inspections that were not previously listed. This reflects what has been done with special inspection certifications in the past. The Draft Rule was referred to all Committees.

E. Information

1. The final Code Advisory Board meeting for 2021 is scheduled for December 10, 2021
2. The Code Advisory Board Log was provided electronically.
3. The List of Pending Legislation was provided electronically.
4. Ms. Marie Daniels noted that two information packets relative to Old Business Item 1 were provided electronically for review and consideration in deliberations on the comparison.

F. Public Comments

One person from the Department of Environmental Protection asked when the changes to the IECC would be proposed. Mr. Robert Austin explained that the earliest the 2021 editions can be adopted is September 22, and the Department is on track for an adoption at that time.

G. Adjourn

Mr. Art Londensky made a motion, which was seconded by Mr. Tony Neibert, to adjourn. The motion carried unanimously; the public portion of this meeting was adjourned at 10:15 a.m.

CAB MINUTES
August 13, 2021

UNIFORM CONSTRUCTION CODE ADVISORY BOARD
Minutes of Meeting, August 13, 2021
Meeting held Electronically via Microsoft Teams

Attendance

Board Members

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

Members absent: John Del Colle

DCA staff

Edward Smith, Director, Division of Codes and Standards
Robert Austin
Marie Daniels
John Delesandro
Justin Henry
John Lago
Paul Lamberti
Terrence Luckie
Keith Makai
Adam Matthews
Anthony Menafro
Neil Nagy
John Paluchowski
Thomas Pitcherello
Dan Tober
Chrystene Wyluda

Public Attendees

Dan O’Gorman

Please note that, due to the virtual meeting, public attendees joined using a conference call telephone number, and only those in attendance who announced themselves are listed herein; other public attendees did listen to the meeting but are not necessarily reflected herein.

Ms. Beth Pochtar called the meeting to order at 9:35 a.m. Roll call was performed.

A. Approval of Minutes of the Code Advisory Board Meeting June 11, 2021

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

Building Subcode Committee: Mr. John Scialla reported that the committee met virtually and discussed agenda items.

Electrical Subcode Committee: Mr. Tony Neibert reported that the committee met virtually and discussed agenda items.

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

Mechanical Subcode Committee: Mr. Bob Mellohusky reported that the committee met virtually and discussed agenda items.

Plumbing Subcode Committee: Mr. Steve Rodzinak reported that the committee met virtually and discussed agenda items.

C. Old Business

1. 1. 2020/2021 Model Code Adoption, Part 1

a. Plumbing Subcode – N.J.A.C. 5:23-3.15, National Standard Plumbing Code and International Plumbing Code

Mr. Robert Austin informed the Board that the Division is undertaking a comparison of the National Standard Plumbing Code and the International Plumbing Code and aims to have the comparison completed for Board review in October.

No action was needed for this item at this time.

b. Electrical Subcode – N.J.A.C. 5:23-3.16, National Electrical Code (NEC 2020)

Mr. Robert Austin introduced this item and explained that there are very few major changes to the National Electrical Code. The Board discussed three items for consideration for the electrical subcode, as follows:

The Board discussed the issue of Tentative Interim Amendments (TIAs) in the NEC. While TIAs are meant to correct outstanding errors in the publication, they are being used by the NFPA to make code changes in between code cycles. TIAs are still vetted and approved the same way code changes are, but they can be problematic, because they are published in the NEC before the latest edition is published. This means that, depending on the publication date of the 2020 NEC used, different TIAs may be incorporated than those included in older publications of the 2020 NEC. For example, the version of the NEC reviewed by the Division and used for this discussion includes TIAs 1-9. One Board member noted that these TIAs are largely helpful, and one establishes an effective date of January 2023 for a new provision which requires GFCI for any outdoor outlets up to 50 amps; this is because, since the time the code change was approved, it has been found that the GFCIs are regularly tripping out.

The Board then discussed that the Division is proposing to stop amending the electrical subcode for other outlet provisions. This is because, at this time, the technology is so widely available that the State-specific revisions are no longer necessary.

CAB MINUTES

August 13, 2021

Lastly, one Board member noted that the Division still deletes Article 334.12(a)(2), which prohibits the use of Romex. Another Board member explained that Romex has not proven to be a fire hazard compared to other materials. The Board agreed that there was no reason to prohibit the use of Romex.

Mr. Art Londensky made a motion, which was seconded by Mr. Tony Neibert, to approve the draft rule, which includes TIAs 1-9, without change. The motion carried unanimously.

c. Energy Subcode – N.J.A.C. 5:23-3.18, International Energy Conservation Code 2021 (IECC 2021) and ASHRAE 90.1-2019

Mr. Robert Austin introduced this item and explained that the sections would be reflected within the International Residential Code. He noted that the Commercial code is federally preempted, and ASHRAE 90.1-2019 is to be utilized. The US Department of Energy released its final determination in July 2019, so the Division will be moving to adopt the updated ASHRAE 90.1 standard.

Mr. Austin then explained that the residential portion of the IECC provides a more in-depth look at the current trends in energy conservation. He explained that the 2021 IECC does align with the Governor's Energy Master Plan and the Global Warming Alliance through the Department of Environmental Protection. With that in mind, the Division would like to adopt the 2021 IECC mostly unamended, with the increased insulation values, and with the Division's modification related to the air barrier test deleted; this would mean that the test would be a requirement rather than an option.

The main topic of discussion was focused on the increased insulation values in ceilings. One Board member noted that the increase from R-49 to R-60 will be burdensome on new housing construction. He expressed that the cost is prohibitive in comparison to the payback. Another Board member agreed and noted that material prices are high, and product availability is low due to COVID-19.

One Board member asked whether there is any reason for requiring the air barrier test, and specifically asked if there are any known insulation issues that exist because the State allows for a visual test. Division staff explained that, because no one is performing the test, there is no way of knowing whether the building is 100 percent properly sealed even when a visual inspection has been performed. Board members stated that they did not see a benefit in requiring the test because it is another cost burden, especially to remediate large residential buildings in the event they do not pass the air barrier test.

Another Board member noted that, because there is no way to express how energy efficiency adds value to a home, the increased cost to the homeowner is viewed as a loss rather than a payback in time. He expressed that he understood the goals of the Energy Master Plan but felt that the IECC was advancing too quickly in comparison to the market curve and stated that there has to be a balance, otherwise it could price people out of their homes.

Mr. Art Londensky made a motion to approve the draft rule without change. The motion was seconded by Mr. Steven Rodzinak. Upon further discussion, all Board members voted in opposition to this motion; the motion failed.

One Board member asked whether the administration could propose regulations that do not align with the Board's recommendation. Mr. Robert Austin reminded the

CAB MINUTES

August 13, 2021

Board that they are advisory, and the Commissioner is charged with making the final decision for any rulemaking.

Mr. John Scialla made a motion to adopt the 2021 IECC without the increased insulation, and with the current modification to the air barrier test. The motion was seconded by Mr. Art Londensky.

Mr. Robert Austin explained that, should this motion carry, the Board should be aware that REScheck would no longer be able to accommodate the previous insulation values alongside the updates throughout the rest of the table that the insulation values are incorporated within, so the State would have to develop software to accommodate this change. One Board member asked if there was any way to move forward without the insulation values and still utilize REScheck, and Mr. Austin explained that the Division could propose to retain the 2018 IECC Table.

Mr. John Scialla retracted his motion.

Mr. Henry Kelly made a motion, which was seconded by Mr. Art Londensky, to adopt the 2021 with all 2018 insulation values, and maintain the Division's modification to the air barrier test. The motion carried unanimously.

d. Mechanical subcode – N.J.A.C. 5:23-3.20, International Mechanical Code (IMC 2021)

Mr. Robert Austin introduced this item. Board members felt that the changes within the code were modest and had no further questions or discussion.

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

e. Fuel Gas Subcode – N.J.A.C. 5:23-3.22, International Fuel Gas Code (IFGC 2021)

Mr. Robert Austin introduced this item. Board members felt that the changes within the code were modest and had no further questions or discussion.

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

D. New Business

1. 2020/2021 Model Codes Adoption – Part II

a. Building Subcode – N.J.A.C. 5:23-3.14 (IBC 2021)

Mr. Robert Austin introduced this item.

This item was referred to the Building, Barrier Free, and Fire Protection Subcode Committees.

- Accessibility, ICC A117.1-2017 (included via Chapter 11)

Mr. Robert Austin introduced this item.

This item was referred to the Building, Barrier Free, and Plumbing Subcode Committees.

- Elevator, ASME A17.1, etc. (included via Chapter 30)

Mr. Robert Austin introduced this item.

This item was referred to the Building and Elevator Subcode Committees.

- Swimming Pools, ISPS 2021 (included via Chapter 31)

Mr. Robert Austin introduced this item.

This item was referred to the Building Subcode Committee.

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August 13, 2021

b. Fire Protection Subcode – N.J.A.C. 5:23-3.17 (Cross Reference Update)

Ms. Marie Daniels introduced this item.

This item referred to the Building and Fire Protection Subcode Committees.

c. One- and Two-Family Dwelling Subcode – N.J.A.C. 5:23-3.21 (IRC 2021)

Mr. Robert Austin introduced this item.

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

- Swimming Pools, ISPSC 2021 (Included via R327, same as Building, above)

Mr. Robert Austin introduced this item.

This item was referred to the Building Subcode Committee.

E. Information

1. The final Code Advisory Board meeting for 2021 is scheduled for December 10, 2021
2. The Code Advisory Board Log was provided electronically.
3. The List of Pending Legislation was provided electronically.

F. Public Comments

Mr. Dan O’Gorman thanked the Board for their time during this meeting and expressed his appreciation for their work. He noted that the National Electrical Code specifies that the requirement for outdoor 50-amp GFCI outlets would not take effect until January 2023 and asked what would happen at that time. Division staff explained that the requirement would be effective in January of 2023 unless there is still uncertainty in the practicability of the requirement, in which case then the Division can revisit the issue. Mr. O’Gorman also asked if NEC Errata can be utilized in enforcement. Division staff explained that, because they correct publication errors, errata are always applicable.

G. Adjourn

Mr. Tony Neibert made a motion, which was seconded by Mr. Art Londensky, to adjourn the meeting. The motion carried unanimously. The public portion of this meeting was adjourned 10:45 a.m.

CAB MINUTES

June 11, 2021

UNIFORM CONSTRUCTION CODE ADVISORY BOARD

Minutes of Meeting, June 11, 2021

Meeting held Electronically via Microsoft Teams

Code Advisory Board meeting April 9, 2021

Held electronically via Microsoft Teams

Attendance

Board Members

John Scialla (Vice Chair)

Mark Caputo

John Del Colle

Kathy Herity

Henry Kelly

Art Londensky

Bob Mellohusky

Greg Moten

Tony Neibert

Steve Rodzinak

Michael Seeve

Valerie Waricka

Members absent: Doug Boydston, Beth Pochtar (Chair)

DCA staff

Edward Smith, Director, Division of Codes and Standards

Robert Austin

Marie Daniels

John Delesandro

Justin Henry

Bob Hilzer

John Lago

Paul Lamberti

Terrence Luckie

Keith Makai

Adam Matthews

Erin Mifka

Thomas Pitcherello

Dan Tober

Chrystene Wyluda

Public Attendees

John Heine, PHCC

Stephen Jones, ICC

Jeffrey Mang, JC Mang Consulting

Erin Mahoney, Gensler

Brian Miller, Plainsboro Township

CAB MINUTES

June 11, 2021

Shawn Strausbaugh, ICC
Nicole Urizzo, PHCC
Frank Vuoso, Town of Westfield

Mr. Robert Austin called the meeting to order at 9:35 a.m. Roll call was performed.

A. Approval of Minutes of the Code Advisory Board Meeting April 9, 2021

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

Barrier Free Subcode Committee: Mr. John Del Colle reported that the committee met virtually and discussed agenda items.

Building Subcode Committee: Mr. John Scialla reported that the committee met virtually and discussed agenda items.

Electrical Subcode Committee: Mr. Tony Neibert reported that the committee met virtually and discussed a number of items that are included as new business for this meeting.

Elevator Subcode Committee: In the absence of Mr. Doug Boydston, Chair, Ms. Marie Daniels reported that the committee met virtually and discussed agenda items.

Fire Protection Subcode Committee: Mr. Art Londensky reported that the Committee met virtually and discussed one of the items included as new business for this meeting.

Mechanical Subcode Committee: Mr. Bob Mellohusky reported that the committee met virtually and discussed agenda items. One member passed away due to COVID.

Plumbing Subcode Committee: Mr. Steve Rodzinak reported that the committee met virtually to discuss one of the items included as new business for this meeting.

C. Old Business

1. Draft Rule – Inspections: Fire Suppression versus Protection – N.J.A.C. 5:23-2.18

Mr. Robert Austin introduced this item, which was referred to all Committees, and noted that each of the Subcode Committee Minutes came to the same conclusion. Board members agreed, and stated that the Committees all felt that, rather than requiring a stop inspection for “fire suppression,” it was appropriate to maintain “fire protection,” and add “and alarm/detection systems” to the stop inspection.

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

2. Draft Rule – Conflict of Interest: Software Reporting – N.J.A.C. 5:23-4.5

Mr. Robert Austin introduced this item, which was referred to all Committees for review. One committee member noted that the language could be made clearer to ensure that the conflicted agency is aware that it has the authority to input information for reporting, since the conflicted agency is responsible for reporting the project. Staff agreed that the language could be modified to ensure clarity for the reporting requirements.

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

CAB MINUTES

June 11, 2021

3. Rehabilitation Subcode: Exit Access Stair – N.J.A.C. 5:23-6

Mr. Robert Austin introduced this item and reminded the Board that it came from a proponent who wanted to see Exit Access Stairs included in the rehabilitation subcode. The Board discussed whether this item was truly needed at this time, and it was referred to the Building and Fire Protection Subcode Committees for further review. Both Committees felt that this was a variation issue rather than a widespread matter impacting the majority of rehabilitation projects.

Mr. Steve Rodzinak made a motion, which was seconded by Mr. Art Londensky, to deny this item. The motion carried unanimously.

4. Draft Rule – Rehabilitation Subcode: New Building Elements – N.J.A.C. 5:23-6

Mr. Robert Austin introduced this item, which reorganizes the New Building Elements section of the Rehabilitation Subcode to align with the Materials and Methods section. This draft rule was referred to all Committees for review, and all Committees agreed that the reorganization was appropriate.

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

5. Draft Rule – Rehabilitation Subcode and Elevator Subcode – N.J.A.C. 5:23-6 and 12

Ms. Marie Daniels introduced this item and explained that the Elevator Subcode Committee carefully reviewed the standards for the maintenance of elevator devices and recommended changes to the draft rule to ensure that elevators are appropriately maintained. All changes, along with explanations, are included in the Committee's minutes.

Mr. Tony Neibert made a motion, which was seconded by Mr. Art Londensky, to approve the draft rule as amended by the Elevator Subcode Committee. The motion carried unanimously.

6. Draft Rule – Completely Inclusive Playgrounds (Jake's Law) – N.J.A.C. 5:23-7 and 11

Ms. Marie Daniels introduced this item, which was referred to the Barrier Free, Building, and Electrical Subcode Committees for review. The draft rule relates to the construction of Completely Inclusive Playgrounds. The Board discussed the enforcement of playgrounds and the decision as to whether a play item is accessible, which remains problematic, because that responsibility falls to the owner or manager of the playground. The Board recognized that this matter is outside the scope of the Uniform Construction Code, but worth noting. Within the draft rule text, the Barrier Free Subcode Committee recommended that family or assisted use toilets be provided for completely inclusive playgrounds where facilities are provided. The Committee also recommended that the definition of unitary surfacing be clear, and Mr. Robert Austin explained that the term is defined by CPSC 325, Handbook for Public Playground Safety, which we adopt as part of the playground safety subcode. Lastly, the Committee recommended that the shade requirements may be met by natural or manmade means. The Board agreed with these recommended changes and noted that this draft rule, with the Committee's recommendations, meet the intent of this law and ensure that children with disabilities are provided with the services they need to have an equal opportunity for play.

Mr. John Del Colle made a motion, which was seconded by Ms. Valerie Waricka, to approve the draft rule as amended by discussion. The motion carried unanimously.

D. New Business

Mr. Robert Austin noted that Board Members should have received digital copies of the codes introduced as new business.

1. 2020/2021 Model Code Adoption, Part 1

a. Plumbing Subcode – N.J.A.C. 5:23-3.15, National Standard Plumbing Code and International Plumbing Code

Ms. Marie Daniels introduced this item and stated that Staff had finalized its review of the National Standard Plumbing Code (NSPC 2021) and was seeking to refer this item to the Plumbing Subcode Committee for review. Ms. Daniels noted that, in addition, the Department would like to invite discussion on the International Plumbing Code (IPC 2021) to gain an understanding of Board members' thoughts for each code.

One Board member noted that builders are in favor of the IPC for a number of reasons; he cited that the International Residential Code (IRC) is a standalone code and contains requirements for low-rise residential construction, including plumbing, fuel gas, mechanical, and electrical requirements for those structures. He argued that, because the Department deletes the plumbing and electrical chapters and defers to the NSPC and the National Electrical Code (NEC), it forces people to buy books that would not be necessary if the IRC was adopted without amendment. He further noted that the Design Services Act of New Jersey allows homeowners to design and build their own single-family dwellings but felt that homeowners are discouraged by how complex the State's building codes are. As such, the builders are in favor of adopting the IRC without amendments. Another Board member disagreed and stated that building codes are complex regardless of the model codes used, and that for buildings other than low-rise residential uses, multiple code books still must be purchased regardless of the publisher (i.e., referenced standards).

One Board member stated that, without any vested interest in the NSPC versus the IPC, he felt that it was important to remind the members that they are stewards who are appointed to uphold the principles of the Uniform Construction Code Act. He noted that they represent many disciplines throughout the State, from builders to design professionals, and public health officials to consumers, and ultimately, they serve for the citizens of the State so that they have the best possible regulations. He noted that, no matter the choice, he wanted to ensure that the decision is not simplistic or done without careful consideration. He was in favor of a comparative process whereby the Board be presented with a qualitative analysis of the IPC and the NSPC. He finally noted that regardless of what other regions and States are doing, the Code Advisory Board serves the State before it serves the Region.

One member stated that the State plumbing industry is in favor of the NSPC. They feel that because New Jersey is the only State that adopts the NSPC on State-wide basis, the code is highly tailored to suit the needs of New Jersey. The NSPC addresses the State's needs when it comes to fixtures, venting, and piping in a timely fashion. He noted that there are some amendments to the NSPC despite it being specific to New Jersey, but that those amendments address gray areas where the NSPC is unclear. In addition, it is what has been in place since the adoption of the UCC in 1977, and it is what the industry has been trained on. He agreed that a comparison should be undertaken but wanted to note that his preference was with the NSPC.

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Members of the Committee agreed that a comparison is appropriate and necessary.

Mr. Henry Kelly made a motion, which was seconded by Mr. Greg Moten, to table the NSPC until the Department provides a side-by-side comparison and analysis of the NSPC and the IPC for the Board's review. The motion carried with 8 in favor and 4 opposed.

b. Electrical Subcode – N.J.A.C. 5:23-3.16, National Electrical Code (NEC 2020)

Mr. Robert Austin introduced this item.

This item was referred to the Fire Protection and Electrical Subcode Committees.

c. Energy Subcode – N.J.A.C. 5:23-3.18, International Energy Conservation Code 2021 (IECC 2021) and ASHRAE 90.1-2019

Mr. Robert Austin introduced this item.

This item was referred to the Building, Mechanical/Energy, and Plumbing Subcode Committees.

d. Mechanical subcode – N.J.A.C. 5:23-3.20, International Mechanical Code (IMC 2021)

Mr. Robert Austin introduced this item.

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

e. Fuel Gas Subcode – N.J.A.C. 5:23-3.22, International Fuel Gas Code (IFGC 2021)

Mr. Robert Austin introduced this item.

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

2. Draft Rule – Height and Area References in UCC – N.J.A.C. 5:23-3.2 and 6.31

Mr. Robert Austin introduced this item and explained that, over time, Section 503 was split into separate tables, and these amendments address sections where this split was not accounted for. It adds a third table to reflect the breakdown of Section 503.

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

3. Draft Rule – Rehabilitation Subcode, Electric Materials and Methods – N.J.A.C. 5:23-6.8(d)

Mr. Robert Austin introduced the draft rule, and Mr. Tony Neibert explained that the Electrical Subcode Committee had been working on this change. Currently, where a building has existing three-wire cables, a new installation would cause the current panel to be a subpanel, which is not permitted pursuant to the electrical subcode without further modification to the electrical system. As such, anyone undertaking a new installation would have to replace the branch circuit wiring to all other appliances. This is expensive, and the installations, often whole-house generators, do not pose any hazard to the homeowners. The draft rule circumvents this issue by allowing the replacement of the current wire or by insulating the neutral wire by stating that, in applying the provisions of the NEC related to this project, the branch circuit does not have to originate at the service equipment.

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

E. Information

1. Tentative meeting dates for 2021 were provided as follows: Aug 13; Oct 15; Dec 10
2. The Code Advisory Board Log was provided electronically.
3. The List of Pending Legislation was provided electronically.
4. Privacy of Board Members

Ms. Marie Daniels reminded the Board that, as volunteers to the Department, their contact information is not made public by the Department and asked that Board members not share one another's contact information. One Board member noted that there should be a mechanism through which they can receive information. Ms. Daniels noted that she, as well as Mr. Robert Austin, are the secretaries to the Board, have public emails, and are happy to share any information requested to be shared with the Board as part of the "information" portion of the agenda.

F. Public Comments

John Heine, President, Plumbing, Heating, Cooling Contractors (PHCC), vocalized his support for the NSPC and stated that he supports the comparison of both plumbing codes, but feels that the NSPC is appropriate for the State of New Jersey and has worked well for decades. Thus, he does not feel the need to switch to a different code. He also noted that, if the Department were to go with the IPC, all contractors and technicians would have to be retrained to the new code sections and differing requirements, which would entail a cost to be passed onto the consumers. He felt that, with the hardships of COVID, these additional expenses should be avoided. He thanked the Board for their work and for hearing his comments.

Brian Miller, Plainsboro Township, thanked Fire Protection Subcode Committee Chairman Art Londensky for his discussion and recommendation regarding Fire Protection at N.J.A.C. 5:23-2.18 and thanked the Board for their consideration on the draft rule.

G. Adjourn

The public portion of this meeting was adjourned 11:05 a.m.

H. Executive Session

The executive session was called to order at 11:08 a.m.

The meeting was adjourned 11:10 a.m.

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UNIFORM CONSTRUCTION CODE ADVISORY BOARD

Minutes of Meeting, April 9, 2021

Meeting held Electronically via Microsoft Teams

Code Advisory Board meeting April 9, 2021

Held electronically via Microsoft Teams

Attendance

Board Members

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

Members absent: Mark Caputo, Michael Seeve

DCA staff

Edward Smith, Director, Division of Codes and Standards
Robert Austin
Marie Daniels
John Delesandro
Justin Henry
Bob Hilzer
John Lago
Paul Lamberti
Terrence Luckie
Keith Makai
Adam Matthews
Erin Mifka
Thomas Pitcherello
Thea Popko
Dan Tober
Chrystene Wyluda

Public Attendees

Scott Aagre, Milrose
Dennis Bettler, Bernards Township
Alan Chech
Regina Granano-Vitti, Cenzino Ristorante

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Stephen Jones, ICC
Erin Mahoney, Gensler
Brian Miller, Plainsboro Township
Shawn Strausbaugh, ICC
Frank Vuoso, Borough of Westfield
Benjamin Williams, Stateside
Michelle Wood, Vice Chair, Building Subcode Committee

Ms. Beth Pochtar, Chair, Uniform Construction Code Advisory Board (Board), called the meeting to order at 9:35 a.m. Roll call was performed.

A. Approval of Minutes of the Code Advisory Board Meeting December 11, 2020

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: Mr. John Del Colle reported that the committee met virtually and discussed the status of current and upcoming regulations.

Electrical Subcode Committee: Mr. Tony Neibert reported that the committee met virtually and discussed a number of items that are included as new business for this meeting.

Fire Protection Subcode Committee: Mr. Art Londensky reported that the Committee met virtually and discussed one of the items included as new business for this meeting.

Plumbing Subcode Committee: Mr. Steve Rodzinak reported that the committee met virtually to discuss one of the items included as new business for this meeting.

C. Old Business

There was no old business for discussion.

D. New Business

1. Draft Rule – Inspections: Fire Suppression versus Protection – N.J.A.C. 5:23-2.18

Mr. Robert Austin provided background for this section of the Uniform Construction Code (UCC), which details stop inspections for buildings other than one- and two-family dwellings. He explained that this section of the UCC has said cited fire suppression as a stop inspection for quite some time, and a proposal was received to replace the word “suppression” with “protection.” Mr. Austin noted that this would require all requirements under Chapter 9 of the building subcode to be a stop inspection.

Members of the Board stated that including all of Chapter 9 would be overly burdensome, but stressed that this rule seeks to avoid situations where an alarm or detection system is placed incorrectly and it is not seen until the final inspection, since that also adds undue burden to the construction process.

This item was referred to all subcode committees.

2. Draft Rule – Responsibilities Update – N.J.A.C. 5:23-3.4

Ms. Thea Popko explained that this change incorporates sections that were overlooked in prior updates to the Responsibilities of the UCC. This was brought to our attention by the Plumbing Subcode Committee, and includes references to valves in the ISPC which involve the

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plumbing subcode official. The Plumbing Subcode Committee has already seen these changes and is in favor of the draft rule.

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

3. Draft Rule – Conflict of Interest, Software Reporting – N.J.A.C. 5:23-4.5

Mr. Robert Austin explained that this rule change would clarify a misunderstanding in the regulations when there is a conflict of interest. Where a building department (conflicted town) has a conflict of interest and asks another department to help, the conflicted town is responsible for the reporting. In addition, the fee schedule utilized and prior approvals met must be those of the conflicted agency. The Board members agreed that this was an important clarification, as some have had issues in their towns when conflicts of interest arise.

This item was referred to all subcode committees.

4. Draft Rule – Rehabilitation Subcode, Grounding Systems – N.J.A.C. 5:33-6

Mr. Robert Austin explained that this item has been discussed by the electrical subcode committee many times. It corrects language that was added to reconstruction and then uses that same corrected language for alteration and renovation to apply when a rehabilitation project includes changes in a service. This item has been pending for quite some time, and most contractors are already upgrading panels during rehabilitation projects. This change would align our standards with current industry practice and establish enforceability.

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

5. Draft Rule – Rehabilitation Subcode, Exit Access Stair – N.J.A.C. 5:23-6

Mr. Robert Austin explained that this issue was brought to our attention by an architect who was working on a specific rehabilitation project. By way of background, in the 2012 IBC, which the State did not adopt, Section 1019 was created to allow for an exit access stair which is not enclosed. This came into the building subcode for the State with the adoption of the 2015 IBC. In short, this section allows for an open egress stair. The issue at hand is whether Section 1019 should be added to the rehabilitation subcode in order to allow for an open egress stair in an existing building.

This item was referred to the building and fire protection subcode committees.

6. Draft Rule – Rehabilitation Subcode, New Building Elements – N.J.A.C. 5:23-6

Mr. Robert Austin explained that, as New Building Elements section of the Rehabilitation Subcode has gotten longer over the years as more items have been added, this draft rule would reorganize the section so that it is consistent with the Materials and Methods section of the Rehabilitation Subcode. In reorganizing the section, this draft rule would include section titles for each subcode and correct an outdated cross-reference.

This item was referred to all subcode committees.

7. Draft Rule – Rehabilitation and Elevator Subcodes, ASME A17.1-2016 – N.J.A.C. 5:23-6 and 12

Mr. Robert Austin explained that, in adopting the 2016 ASME A17.1, the Department overlooked a few items. The information provided to the Board contains the items from the

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elevator subcode committee minutes from that time. These changes were missed, and the Board felt that it would be appropriate to look these items over once more.

This item was referred to the elevator subcode committee.

8. Draft Rule – Completely Inclusive Playgrounds (Jake’s Law) – N.J.A.C. 5:23-7 and 11

Ms. Thea Popko explained that Jake’s Law, which was enacted in August 2018, tasked the Department with the design, installation, and maintenance requirements for a new, completely inclusive playgrounds. This draft rule reflects drafted amendments to the barrier free recreation subcode and the playground safety subcode to meet the requirements set forth pursuant to Jake’s Law.

This item was referred to the barrier free, building, and electrical subcode committees.

9. Draft Rule – Building Subcode, Slow and Impractical Evacuation – N.J.A.C. 5:23-3.14

Mr. Rob Austin explained that, when the Department adopted the 2000 edition of the national model codes, the phrase “incapable of self-preservation,” was deleted for the New Jersey edition and substituted by NFPA definitions, “impractical evacuation” and “slow evacuation”. Since that time, more sections within the model code has used that term, and this draft rule seeks to amend those sections to properly reflect the appropriate NFPA terms. Facilities that utilize these terms are healthcare facilities reviewed by the State, so the bulk of applicable sections are reserved to the Department; thus, this draft mainly ensures that the rule text aligns with procedure. The Bureau of Construction Project Review has reviewed this text and found that it would be an appropriate rule, as it would ensure that all code users understand the applicability of each term.

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

E. Information

1. Tentative meeting dates for 2021 were provided as follows: Jun 11; Aug 13; Oct 15; Dec 10
2. The Code Advisory Board Log was provided electronically.
3. The List of Pending Legislation was provided electronically.

F. Public Comments

There were no public comments.

G. Adjourn

With no need for an executive session, the meeting was adjourned at 10:45 a.m.