

CAB Minutes
September 23, 2014

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 (CO₂) 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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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.