

CAB Minutes
June 12, 2015

UNIFORM CONSTRUCTION CODE ADVISORY BOARD
Minutes of Meeting, June 12, 2015

Location
101 South Broad Street
Trenton, New Jersey 08625

Attendance

Board Members

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

DCA Staff

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

Guests

Alexi Assmus, Citizens Group
Glen Corbett
Sal DiCristina, Rutgers University
Sam Francis, AWC
Susan Jefferies, Citizens Group
Joseph Janiga, F.M. Global
Stephen Jones, NJBOA
David Kurasz, NJFSAB
Thomas LaMonaco, Electrical Contractor
Michael McGuinness, NAIOP

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Tony Neibert, Borough of Carteret
Lizette Strait, Portland Cement Association, NE Region
Joe Valeri, West Windsor Township, Construction Official

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

A. Approval of Minutes of the Code Advisory Board Meeting of December 12, 2014

Mr. Alan Wilkins made a motion, which was seconded by Mr. John Fritzen, to approve the minutes. Mr. George Hrin requested as an amendment that the minutes reflect his attendance at the meeting. The motion carried and the minutes were approved unanimously with one amendment.

Following the approval of the minutes and before the discussion of agenda items, Beth Pochtar, Chair of the Code Advisory Board asked the guests who had come to talk about recommendations for code changes following the Edgewater Apartments fire to make their presentation.

Dr. Alexi Assmus, representing a group of concerned citizens, presented her research into fires in large apartment buildings. In response to their findings, which included a significant loss of personal property, the citizens have prepared a draft bill together with recommended amendments to the Uniform Construction Code (UCC) and the Uniform Fire Code (UFC).

The summary of the fires included:

- A fire in Georgia in which one person died, residents were displaced, and property was lost; and
- A fire in Edmonton, Canada in which 100 occupied units were destroyed by fire, smoke, and water.

The concerns expressed were:

- When as fire spreads on the exterior of a building (the Edmonton fire), the smoke alarms are not triggered;
- Fires that occur during construction can spread to adjacent buildings; and
- Large, lightweight wood-frame construction is particularly vulnerable to a fire that spreads quickly.

The recommendations were to:

- Change the area limits in the building subcode (International Building Code) by prohibiting the use of fire walls in Type V construction;
- Require fire separation distances of open space to the property line;
- Limit the size of multifamily residential structures to three stories and 40 feet in height (in accordance with the Building Officials and Code Administrators (BOCA) National Building Code/1984);
- Designate floors with habitable space as a story;
- Require National Fire Protection Association (NFPA) 13 sprinkler systems;
- Require a 24/7 fire watch by trained fire officials during the construction of buildings with over 3,000 square feet per story; and

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- During the leasing or sale process, notify the occupants or owners in writing of the fire safety limitations of Type V construction.

The Board recommended that the citizens' group present its recommendations to the International Code Council (ICC) for a hearing by the national code enforcement community. Dr. Assmus responded that the group intends to do so, but would like the CAB to consider making changes to the UCC in advance of any changes to the IBC.

The Board members thanked Dr. Assmus for her presentation and research.

Turning back to the agenda, the Chair asked for reports by the Chairs of the Subcode Committees.

B. Subcode Committee Reports

Barrier Free Subcode Committee: Mr. John DelColle, Chair, reported that the Barrier Free Subcode Committee met on May 20, 2015; agenda items were discussed.

Building Subcode Committee: Mr. John Scialla, Chair, reported that the Building Subcode Committee met on May 29, 2015; agenda items were discussed.

Electrical Subcode Committee: Mr. Alan Wilkins, Chair, reported that the Electrical Subcode Committee met on May 28, 2015; agenda items were discussed.

Elevator Subcode Committee: Mr. George Hrin, Chair, reported that the Elevator Subcode Committee met on May 22, 2015; agenda items were discussed.

Fire Protection Subcode Committee: Mr. Arthur Londensky, Chair, reported that the Fire Protection Subcode Committee met on May 14, 2015; agenda items were discussed.

Mechanical/Energy Subcodes Committee: Mr. John Fritzen, Chair, reported that the Mechanical/Energy Subcodes Committee met on May 21, 2015; agenda items were discussed.

Plumbing Subcode Committee: Mr. Alex Tucciarone, Chair, reported that the Plumbing Subcode Committee met on May 15, 2015; agenda items were discussed.

C. Old Business

1. Draft Bulletin 15-1: Informational Notes-National Electrical Code (NEC)/2014

This draft bulletin was framed by Mr. Dave Greenhill for discussion as follows. This draft contains an updated listing of codes and standards that are "adopted by reference, that apply to the related section(s) of the 2014 NEC, and that may be cited as a requirement (or a violation) of the Uniform Construction Code.

Draft Bulletin 15-1 was referred to the Electrical Subcode Committee for review and discussion.

Mr. Alan Wilkins, Chair, reported that the Electrical Subcode Committee recommended approval of the draft bulletin without change.

Mr. Alan Wilkins made a motion, which was seconded by Mr. Arthur Londensky, to approve the draft bulletin; the motion carried unanimously.

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2. Draft Rule Proposal: Fees for Elevator Devices in Private Residences (N.J.A.C. 5:23-12.12)

Mr. John Terry framed the issue for discussion as follows. This draft rule would amend the fees for the inspection and witnessing of tests on devices installed under permits in structures of Group R-3, R-4, or R-5 and otherwise exempt devices in structures of Group R-2. The draft rule would benefit the owners by bringing the fees charged for dumbwaiters, stairway chairlifts, inclined and vertical wheelchair lifts in line with the fees charged for the same devices when installed in structures other than Group R-3, R-4, or R-5 and otherwise exempt devices in structures of Group R-2.

This draft rule was referred to the Elevator Safety Subcode Committee for review and discussion.

Mr. George Hrin, Chair, reported that the Elevator Safety Subcode Committee approved the draft rule without change.

Mr. George Hrin made a motion, which was seconded by Mr. Alan Wilkins, to approve the draft rule; the motion carried unanimously.

D. New Business

1. Draft Rule: Rehabilitation Subcode—Update to National Model Codes/2015 (N.J.A.C. 5:23-6)

This draft rule had been sent to all Board members and to the members of each Subcode Committee for review and discussion in advance of this Board meeting.

Barrier Free Subcode Committee: Mr. John DeColle, Chair, reported that the Barrier Free Subcode Committee's recommendations are summarized in the minutes of the meeting of May 29, 2015. The primary recommendations were:

- At N.J.A.C. 5:23-6.2(c), the new language that would require that in a change of use when the original use designation differs from the designation in subsequent code adoptions, the current group should be the group that most closely resembles the approved use would cause problems for a change of use from a Group M (under BOCA), which are Group M (under IBC). The Committee member who raised the issue was concerned about the adaptive reuse of car dealerships (Group B/IBC) to retail space (Group M/IBC). After a brief discussion, the Board declined to change the draft language.
- At N.J.A.C. 5:23-6.4(d)2, one Committee member had asked whether the pill test for carpet is necessary, since the installation of carpet in a rehabilitation project does not require a permit. After a brief discussion about the difference between code compliance and a permit requirement, the Board declined to make this change.

Building Subcode Committee: Mr. John Scialla, Chair, reported on the comments of the Building Subcode Committee, which are summarized in the minutes of May 29, 2015. The primary recommendations were:

- At N.J.A.C. 5:23-6.4(f), revise the language regarding smoke alarms as follows: **“Battery-operated units shall be permitted, but may not replace A/C-powered smoke alarms or a household fire alarm system.”** The revised language should also be included at 6.5(f) and 6.6(f).
- At N.J.A.C. 5:23-6.7(e), the Building Subcode Committee asked staff to research whether the creation of an exit or exit access would trigger the requirements for means of egress illumination.”

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- At N.J.A.C. 5:23-6.8(b)20iv, the Building Subcode Committee recommended that the section be revised as follows: **“Section 3109 shall apply to newly installed and completely replaced enclosures for swimming pools, spas and hot tubs. This shall also apply to partial enclosure replacement if the portion being replaced exceeds 25 percent of the total perimeter enclosure.”**

The Board had a brief discussion and accepted these recommended changes.

Electrical Subcode Committee: Mr. Alan Wilkins, Chair, reported that the Electrical Subcode Committee recommended approval of the draft Rehabilitation Subcode update without change.

Elevator Subcode Committee: Mr. George Hrin, Chair, reported that the Elevator Safety Subcode Committee recommended approval of the draft Rehabilitation Subcode update without change.

Fire Protection Subcode Committee: Mr. Arthur Londensky, Chair, reported that the Fire Protection Subcode Committee recommended that Section 3001.4, Change of use [of an elevator], be deleted from the IBC and moved to the Rehabilitation Subcode. Following a brief Board discussion, it was decided not to delete the language from the IBC.

Mechanical/Energy Subcodes Committee: Mr. John Fritzen, Chair, reported that the Mechanical/Energy Subcodes Committee recommended that the exception at N.J.A.C. 5:23-3.22(b)4ii regarding utility excess flow valves should be included at N.J.A.C. 5:23-6.6(e)21 and 6.7(e)18.

Plumbing Subcode Committee: Mr. Alex Tucciarone, Chair, reported that the Plumbing Subcode Committee recommended approval of the draft Rehabilitation Subcode update without change.

Mr. John Scialla made a motion, which was seconded by Mr. Alex Tucciarone, to approve the draft update to the Rehabilitation Subcode, as amended by Board discussion; the motion carried unanimously.

2. Draft Rule: Responsibilities—Update to National Model Codes 2014/2015 (N.J.A.C. 5:23-3.4) and Repeal of N.J.A.C. 5:23-7.15

Barrier Free Subcode Committee: Mr. John DelColle, Chair, reported that several members of the Committee expressed their concern about the reduction in code enforcement staff in many municipalities; there were no recommended changes to the draft rule.

Building Subcode Committee: Mr. John Scialla, Chair, reported that the Building Subcode Committee made two recommendations, but that staff responded to the issues raised and there are no recommended changes to the draft rule.

Electrical Subcode Committee: Mr. Alan Wilkins, Chair, reported that the Electrical Subcode Committee identified a change to the assignment of responsibilities for the sealing of penetrations made to fire-rated assemblies to the building/fire subcode officials.

Elevator Safety Subcode Committee: Mr. George Hrin, Chair, reported that the Elevator Safety Subcode Committee recommended several changes, which are summarized in the meeting minutes of May 22, to the assignment of enforcement responsibilities in Chapter 30. These sections should be revised to include the elevator subcode official where the technical subject-matter involves elevator devices.

Fire Protection Subcode Committee: Mr. Arthur Londensky, Chair, reported on recommended changes to the draft rule to include the fire protection subcode official in the plan review of several sections, which are listed in the Committee minutes of May 14, and to include the

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electrical subcode official in the plan review of electric locking systems for controlled egress door in Groups I-2 and I-1 (Section 1010.9.6).

Mechanical/Energy Subcodes Committee: Mr. John Fritzen, Chair, Mechanical/Energy Subcodes Committee reported on several recommended changes to the assignment of enforcement responsibilities identified by the Mechanical/Energy Subcodes Committee at its meeting of May 21. The recommended changes were discussed and the Board agreed that the changes to International Energy Conservation Code (IECC) for sensible heat panel insulation (at Section 6.4.4.1.4 in the ASHRAE standard) and radiant floor heating (at Section 6.4.4.1.5 in the ASHRAE standard) should be assigned to electrical.

Plumbing Subcode Committee: Mr. Alex Tucciarone, Chair, reported that the Plumbing Subcode Committee had no recommended changes to the draft rule.

3. Code Change Proposal: Responsibilities (N.J.A.C. 5:23-3.4)

Mr. John Terry summarized the code change: The proposed code change would include the electrical inspector in the enforcement responsibility for Section 402 of the IECC because this section deals with utility penetrations and the electrical inspector performs a rough inspection prior to the building inspector's framing inspection. Adding the electrical inspector could result in violations being discovered in advance of the framing inspection.

The Board held a brief discussion.

Mr. John Scialla made a motion, which was seconded by Mr. Alan Wilkins, to disapprove the proposed code change. The motion carried unanimously.

4. Code Change Proposals: Electrical Subcode (N.J.A.C. 5:23-6.4, 6.5, 6.6, 6.7)

Mr. John Terry summarized the code change proposals, which would require that the grounding electrode system be updated to meet the electrical subcode to ensure that the electrical system is safe and functional. The Board held a brief discussion.

Mr. Alan Wilkins made a motion, which was seconded by Mr. Alex Tucciarone, that the code change proposal be approved and that staff draft language and return the code change proposal to the Board for action. The motion carried unanimously.

5. Draft Revised Bulletin: 07-3: Ice Dam Membrane/Ice Barrier

Mr. John Terry informed the Board that this draft revision would update the Bulletin to reflect the 2015 national model code adoptions.

Mr. John Scialla made a motion, which was seconded by Mr. Henry Kelly, to approve the draft bulletin without change.

6. Draft Revised Bulletin 13-1B: Pile Foundation Design in One- and Two-Family Dwellings

Mr. John Terry informed the Board that this draft revision would update the Bulletin to reflect the 2015 national model code adoptions.

Mr. John Scialla made a motion, which was seconded by Mr. Henry Kelly, to approve the draft bulletin without change.

7. Draft Bulletin: Determination of Group Designations for I and R Occupancies

Mr. John Terry informed the Board that the Department made an effort in the adoption of the 2015 national model codes to limit the number of changes. The designation of Group occupancy and classification will remain as determined in the International Building Code (IBC), except where modifications to accord with State law are required. The draft bulletin would provide a quick reference for determining group classifications.

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The draft bulletin was referred to all committees for review.

8. Draft Rule: Heating, Ventilation, Air-conditioning, and Refrigeration (HVACR) Contractors (N.J.A.C. 5:23-2.15, 2.15A)

Mr. John Terry framed the issue for the Board. The draft rule would incorporate the requirements of the State Board of Examiners of Heating, Ventilation, Air-conditioning, and Refrigeration (HVACR) into the Uniform Construction Code. Now that approximately 4,000 contractors have been licensed, it is time to require that proof of licensure be required prior to the issuance of a permit.

The draft rule was referred to the Building, Electrical, Fire Protection, Mechanical/Energy, and Plumbing Subcode Committees for review.

9. UCC Form Update: Mechanical Inspection F145

Mr. John Terry explained that the mechanical tech section form has been updated to reflect the recent rule adoption that the plumbing inspector be assigned to perform mechanical inspections in municipalities without a mechanical inspector. The Board held a brief discussion about whether to recommend further changes to the mechanical form.

Mr. Arthur Londensky made a motion, which was seconded by Mr. Alex Tucciarone, to approve the revised form without further change. The motion carried unanimously.

10. Draft Rule: Large Open-volume Building Fees (N.J.A.C. 4.18, 4.20)

Mr. John Terry reported to the Board that it has come to the Department's attention that there are municipalities with fees that are in compliance with the requirement that the large, open-volume building fees be the lowest municipal code enforcement fee, but the fees that are resulting are still in excess of the work that is required. Therefore, the Department has drafted a rule that would limit the height of the building for fee purposes to 20 feet.

This draft rule was referred to all committees for review.

E. Information

1. CAB Log: The updated Code Advisory Board activity log was included in the meeting packets.
2. List of Pending Legislation: A list of pending legislation on issues that impact construction and the Uniform Construction Code was included in the meeting packet.

In advance of the close of the meeting, Mr. Alex Tucciarone commented on his 20 years of service on the Board. Mr. Tucciarone said that serving on the Board, with its collegiality and technical expertise, was a high point of his career. Ms. Beth Pochtar, Chair, read a resolution from the Board thanking Mr. Tucciarone for his valued service. Several Board members spoke in praise of Mr. Tucciarone, his leadership, his humor, and his technical acuity.

F. Public Comments

Mr. Glenn Corbett commented that he continues to believe that the Board has the authority to recommend to the Department to adopt more stringent code requirements than exist in the most recent national model codes. Mr. John Terry responded that the statute provides for the "adoption of national model codes." The statutory language does not include amendments to those codes; the application of adoption without amendment has been consistent. In the late

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1990's the statute was amended to allow the Department to stay with an earlier adopted standard, but not to allow the Department to adopt a provision that has never been part of the UCC and is not part of the national model code.

Dr. Alexi Assmus thanked the Board for its attention to this crucial issue.

Mr. Sal DiCristina, Construction Official, Rutgers University, commented on the Code Advisory Board. The Board has functioned at the highest level with technical experts who work well together and who maintain collegiality even when there are deeply felt issues under discussion. Mr. Di Cristina identified Mr. Tucciarone as one of the Board members who has exemplified this accomplishment.

After a round of applause, Board members wished Mr. Tucciarone well in his retirement.

G. Adjourn

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