

**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

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.*