

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.

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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

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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.