

**CAB Minutes**  
**July 15, 2016**

**UNIFORM CONSTRUCTION CODE ADVISORY BOARD**  
**Minutes of Meeting, July 15, 2016**

Location  
101 South Broad Street  
Trenton, New Jersey 08625

**Attendance**

Board Members

Beth Pochtar, Chair  
John Scialla, Vice Chair  
Mark Caputo  
John Del Colle  
John Fritzen  
George Hrin  
Henry Kelly  
Jason Kliwinski  
Greg Moten  
Tony Neibert  
Michael Seeve  
Valerie Waricka

DCA Staff

Edward M. Smith, Director, Division of Codes and Standards  
Michael Baier, Bureau of Code Services  
Lou Mraw, Office of Regulatory Affairs  
John Terry, Bureau of Construction Project Review  
Robert Austin, Code Assistance Unit  
Paulina Caploon, Bureau of Code Services  
John Delesandro, Education and Licensing Units  
Dave Greenhill, Code Assistance Unit  
Marcel Iglesias, Code Assistance Unit  
Tom Pitcherello, Code Assistance Unit  
Emily Templeton, Code Development Unit

Guests

Linda Aiello, Technical Assistant, Borough of Westwood  
Dennis Bettler, Construction Official, Bernards Township  
Dominick Cardanelli, Building Subcode Official, West Windsor Township  
David Castner, Sheet Metal LU 22, HVACR Contractor  
John Drucker, Fire Protection Subcode Official, Red Bank  
Joseph LaBruzza, Construction Official, Marlboro Township  
Brian Kamp, Sheet Metal LU 27  
Thomas Polino, West Windsor Township  
Joseph Valeri, West Windsor Township

**CAB Minutes**  
**July 15, 2016**

Ms. Beth Pochtar, Chair of the Uniform Construction Code Advisory Board (CAB), called the meeting to order at 9:30 a.m.

**A. Approval of Minutes of the Code Advisory Board Meeting of December 12, 2015**

*Ms. Valerie Waricka made a motion, which was seconded by Mr. George Hrin, to approve the minutes without change. The motion carried unanimously.*

**B. Subcode Committee Reports**

**Barrier Free Subcode Committee:** Mr. John Del Colle, Chair, reported that the Barrier Free Subcode Committee met on June 3, 2016 and discussed agenda items.

**Building Subcode Committee:** Mr. John Scialla, Chair, reported that the Building Subcode Committee met on May 13, 2016; agenda items were discussed electronically.

**Electrical Subcode Committee:** Mr. Tony Neibert, Chair, reported that the Electrical Subcode Committee met on March 24 and May 26, 2016; agenda items were discussed.

**Elevator Subcode Committee:** Mr. George Hrin, Chair, reported that the Elevator Subcode Committee met on December 4, 2015; agenda items were discussed.

**Fire Protection Subcode Committee:** In Mr. Arthur Londensky's absence, Mr. John Drucker reported that the Fire Protection Subcode Committee met on March 4, 2016; agenda items were discussed..

**Mechanical/Energy Subcodes Committee:** Mr. John Fritzen, Chair, reported that the Mechanical/Energy Subcodes Committee did not meet; agenda items were discussed electronically.

**Plumbing Subcode Committee:** In the absence of Mr. Stephen Rodzinak, Vice Chair, Mr. Tom Pitcherello reported that the Plumbing Subcode Committee did not meet.

**C. Old Business**

1. Revised Draft Rule: Permits and Certificate Requirements (N.J.A.C. 5:23-2.6, 2.23)  
The draft rule, permits and certificate requirements, was revised to reflect the Board discussion at the December 12, 2015 Board meeting, as follows:

- Rehabilitation Subcode: The amendment would require that when building undergoes a change of use, returning the building to its prior use would require compliance with the Rehabilitation Subcode for the prior use.
- Ordinary Maintenance:
  - The installation of a storable hot tub or spa would be proposed to be ordinary maintenance. Public comment will be sought on this amendment.
  - The replacement of a range hood that does not exceed the current exhaust rate or does not exceed 400 cfm would be proposed to be ordinary maintenance.
  - The replacement of a bathroom exhaust fan in a dwelling unit would be proposed to be ordinary maintenance.

**CAB Minutes**  
**July 15, 2016**

- Responsibilities: The installation or replacement of heating or cooling equipment, water heaters, HVAC units, gas piping, and stand-by power generators in residential occupancies of Group R-3, R-4, or R-5 would be the responsibility of the mechanical inspector unless the installation would penetrate a fire-rated assembly.
- Types of Licenses and Certificates: The mechanical inspector would be designated to conduct inspections in residential occupancies. To reflect the current group designations in the building subcode, Group R-4 was added to the existing Group R-3 and R-5 designations.

Mr. John Scialla, Chair, reported that the Building Subcode Committee continues to oppose including storable hot tubs or pools as ordinary maintenance because of the loads imposed on the deck. With regard to the amendment to kitchen exhaust hoods to add “dwelling unit,” the Building Subcode Committee recommended publishing an article in the *Construction Code Communicator* to explain the source of the makeup air.

Mr. Tony Neibert, Chair, reported that the Electrical Subcode Committee discussed the need for an educational effort to inform the public what can and cannot be done without a permit.

*Mr. Michael Seeve made a motion, which was seconded by Mr. Tony Neibert, to approve the draft rule as revised. The motion carried unanimously.*

2. Draft Update: Bulletin 79-2, Testing of Plumbing Systems, and Bulletin 94-7, Plans for Elevator Devices

Mr. Michael Baier, Bureau of Code Services, explained that Bulletin 79-2, Testing of Plumbing Systems would be revised to delete a reference to Section 15.3.2 of the National Standard Plumbing Code because that section no longer exists. Mr. Baier further explained that Bulletin 94-7, Plans for Elevator Devices, would be revised to add language to reflect current terminology.

Bulletin 79-2 was referred to the Plumbing Subcode Committee. Bulletin 94-7 was referred to the Elevator Subcode Committee.

Mr. Tom Pitcherello reported that the Plumbing Subcode Committee recommended approval of Bulletin 79-2 with a slight language revision for clarity. The recommended revision was included in the minutes of the Plumbing Subcode Committee’s March 4, 2016 meeting for the Board’s information and review.

Mr. George Hrin, Chair, reported that the Elevator Subcode Committee recommended approval of the revisions to Bulletin 94-7.

*Mr. George Hrin made a motion, which was seconded by Mr. Michael Seeve, to approve the revisions to the bulletins, including the changes recommended by the Plumbing Subcode Committee. The motion carried unanimously.*

3. Draft Revision: Formal Technical Opinion (FTO) -3, Fire Escapes

Mr. Michael Baier, Bureau of Code Services, explained that the draft revision would delete wired-glass as an alternate to comply with the opening protection required for openings that are 10 feet within any direction of a fire escape. The exception for wired-glass in fire doors, fire windows and view panels was deleted from the Uniform Construction Code with the adoption of the 2006 International Building Code.

The draft revised bulletin was referred to the Building Subcode Committee and the Fire Protection Subcode Committee.

Mr. John Drucker, Vice Chair, reported that the Fire Protection Subcode Committee commented that the requirement for wired glass was included in the Building Officials and Code

**CAB Minutes**  
**July 15, 2016**

Administrators (BOCA) National Building Code for windows that could not be opened; FTO-3 applies that requirement to windows that can be opened. It does not make much sense to have a requirement for wired glass for a window that could be left open. The Fire Protection Subcode Committee recommended that if the wired glass requirement is retained in FTO-3 that a 15-minute fire-rated glazing should be required. In addition, the note in FTO-3 should be deleted because it is confusing not clarifying.

Mr. John Scialla, Chair, reported that the Building Subcode Committee had held a lengthy discussion in which one Committee member observed that the only kind of windows with safety glazing available are not openable. One Committee member recommended that Section F, Fasteners, should not be limited to expansion bolts because some of the back-up materials cannot accept an expansion bolt. The Committee recommended the following: the modification not be approved, impact protection (safety glazing) should be addressed, a distance for requiring safety glazing should be added, and, because these are not opening protectives, the fire rating should be eliminated.

Board discussion ensued. Several Board members pointed out that it is difficult to find a material that has both a fire rating and provides impact protection. Several Board members commented that because the window can be opened, the cost of requiring wired glass or safety glazing should be considered against the benefit. The protection is compromised when the window is open and, it was pointed out, these windows are often left open to provide ventilation.

*Mr. Michael Seeve made a motion, which was seconded by Henry Kelly, to approve the revised FTO. The motion carried with nine in favor and three opposed.*

4. Withdrawal of Bulletin 90-1, Canadian Standards Association (CSA) as a Referenced Standard; Bulletin 88-4, Concrete-Filled Pipe Columns; Bulletin 79-8, Permit Fees for Large, Open-Volume Buildings; and FTO-15, Commercial Kitchen Exhaust Hoods

Mr. Michael Baier, Bureau of Code Services, explained that these bulletins are proposed for withdrawal for the following reasons:

(1) Bulletin 90-1 would be withdrawn because the Canadian Standards Association (CSA) is listed by the Occupational Safety and Health Agency (OSHA) as a Nationally Recognized Testing Laboratory (NRTL), <https://www.osha.gov/dts/otpca/nrtl/nrtllist.html>;

(2) Bulletin 88-4 would be withdrawn because the International Building and Residential Codes no longer have a code section to reference to support the information in this bulletin. If a concrete-filled pipe column were still desired, a listed/tested item could be proposed for the design;

(3) Bulletin 79-8 would be withdrawn because the text at N.J.A.C. 5:23-4.18 contains the standard for the fees for large, open volume buildings; and

(4) FTO-15 would be withdrawn because the text of the mechanical subcode clearly states that the applicability of the requirements for commercial kitchen hoods through updated definitions.

These bulletins were referred to the Building Subcode Committee for review.

Mr. John Scialla, Chair, reported that the Building Subcode Committee recommended withdrawal of these bulletins.

*Mr. Michael Seeve made a motion, which was seconded by Mr. Tony Neibert, to approve the withdrawal of the named bulletins. The motion carried unanimously.*

**CAB Minutes**  
**July 15, 2016**

**D. New Business**

1. Draft Rule: Barrier Free Subcode—Public Entrances, Assisted Living Facilities (N.J.A.C. 5:23-3.14(b))

Mr. Michael Baier explained that there are two draft amendments in this rule. The first would specify that the accessible building entrances required by the Barrier Free Subcode (Chapter 11) must include “the primary entrance used by the general public.” The second would ensure that when an assisted living facility (which is Group R-2-adaptable- for the purposes of accessibility) allows short-term respite stays, the dwelling units available for respite are deemed to be Group R-1 and must be accessible.

Mr. John Del Colle, Chair, reported that the Barrier Free Subcode Committee recommended that both amendments be approved.

There was brief Board discussion in support of the draft rule.

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

2. Draft Rule: Protection of Adjoining Properties and Public Rights of Way (N.J.A.C. 5:23-2.34)

Mr. Michael Baier explained that these proposed amendments seek to better define precautions to be taken during construction to protect the public. Most significantly, the proposed amendments address the safety concerns surrounding the use of cranes on construction sites. These requirements are drawn from a Jersey City ordinance. Staff also reviewed the requirements in place in New York City.

The draft rule was referred to the Building Subcode Committee.

3. Draft Rule: Ordinary Maintenance and Minor Work (N.J.A.C. 5:23-2.7, 2.17A)

Mr. Michael Baier explained that the intent of these proposed amendments is to eliminate some of the permit requirements for items that are not as integral to building safety as some of the other code requirements thereby relieving the public of these administrative burdens and allowing the staff of local code enforcement agencies to make better use of their time.

Additionally, the definition of “minor work” at N.J.A.C. 5:23-1.4 is proposed to be changed to make it possible for projects which require a prior approval, such as local zoning approval, to be categorized as minor work under the UCC. This would mean that the UCC permit would not be the mechanism for assuring that the terms and conditions of any applicable prior approval have been met. This change would not affect the need to obtain any applicable prior approval.

This draft rule was referred to all Committees.

4. Draft Rule: Updated Section Numbers, Cross-references, and Clarifications (N.J.A.C. 5:23)

Mr. Michael Baier explained that this draft rule would make several unrelated corrections and clarifications to the Uniform Construction Code (UCC).

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

5. Draft Rule: Responsibilities—Pools and Spas; Penetrations of Existing Rated Assemblies (N.J.A.C. 5:23-3.

Mr. Michael Baier explained that these draft amendments would make specific assignments of enforcement responsibility under the International Swimming Pool and Spa Code (ISPSC) for

**CAB Minutes**  
**July 15, 2016**

the requirements identified as being of paramount importance. The draft amendments also assign responsibility for the inspection of penetrations of existing rated assemblies to the electrical inspector/subcode official under both the International Building Code (IBC) and the International Residential Code (IRC). These amendments would make it possible for a single inspector to inspect the installation of hi-hat lighting or ceiling fans or other electrical equipment in an existing building.

This draft rule was referred to the Building, Fire Protections, Electrical, and Plumbing Subcode Committees.

Mr. George Hrin, Chair, Elevator Subcode Committee, commented that the minutes of the Elevator Subcode Committee's meeting have a section in which the maintenance section has been updated to reflect the adoption of the most recent technical standards. Staff thanked Mr. Hrin for the Committee's review and committed to providing a draft rule for Board review and action in the near future.

**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.

3. Update on Review of Licensing and Education Requirements

Ms. Emily Templeton reported that the Department has received comments from the Technical Assistants' Association and from several construction officials in support of including technical assistants in the code enforcement employees who are required to take continuing education classes. The Department is reviewing all comments and will prepare a draft rule for Board consideration in due course.

**F. Public Comments**

1. Linda Aiello, past Code Advisory Board member and Technical Assistant, commented on the wonderful technical assistant program. In 2009, technical assistants were included as specifically mentioned in the Uniform Construction Code (UCC), but to date there was been no directive for maintenance of the certification. The technical assistants recommend a renewable certification requiring 1.5 CEUs of credit over three years; 1.0 CEUs would be administrative and 0.5 CEUs would be technical. IN the absence of a requirement for continuing education, many municipalities will not allow the technical assistants to attend courses as part of their work expectations. Consequently, many technical assistants use their vacation days to attend courses.

2. Mr. Dennis Bettler, Construction official read a letter in support of the technical assistants' request for renewable certifications. He emphasized the value that qualified technical assistants bring to the local code enforcement agency. The Municipal Procedures Manual mentions technical assistants 61 times, but there is no official recognition of the benefit of requiring renewable certification with required continuing education requirements.

**G. Adjourn**

The meeting was adjourned at 10:20 a.m.

**CAB Minutes**  
**July 15, 2016**

**H. Executive Session—Reappointment of Subcode Committees**

The Executive Session was called to order at 10:25 a.m.

**I. Executive Session Adjourn**

The Executive Session was adjourned at 10:35 a.m.