

**CAB Minutes**  
**October 14, 2016**

**UNIFORM CONSTRUCTION CODE ADVISORY BOARD**  
**Minutes of Meeting, October 14, 2016**

Location  
101 South Broad Street  
Trenton, New Jersey 08625

**Attendance**

Board Members

Beth Pochtar, Chair  
John Scialla, Vice Chair  
Mark Caputo  
John Fritzen  
George Hrin  
Henry Kelly  
Arthur Londensky  
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  
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  
Michael Whalen, Code Assistance Unit

Guests

Cory Allman, PBMIA, New Jersey Building Officials Association (NJBOA), Municipal  
Electrical Inspectors Association (MEIA)  
Ron Barbarulo, New Jersey Plumbing Inspectors Association (NJPIA)  
Dennis Bettler, Construction Official, Bernards Township  
David Castner, Sheet Metal LU 22, Heating, Ventilation, Air-conditioning, Refrigeration  
(HVACR) Contractor  
Bill Cattell, Construction and Fire Subcode Official, Cherry Hill Township  
John Conti, Building Subcode Official, Egg Harbor Township  
Sal DiCristina, Rutgers University  
Bill Doolittle, Building Subcode Committee  
John Drucker, Fire Protection Subcode Official, Red Bank  
Jerome Eger, Municipal Construction Officials, (MUNCO)

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John Fiedler, Construction Official, Hillsborough Township; MUNCO; NJBOA  
Dan Hagberg, NJBOA  
Jeff Heiss, Building Subcode Committee  
Joe Hoff, Construction Official, Piscataway Township  
Stephen Jones, Construction Official, Millburn Township  
Michael Kovonuk, Construction Official, Readington Township; Vice-chair, MUNCO  
Doug Loranger, New Jersey State League of Master Plumbers (NJSLMP)  
Vince Lupo, Construction Official, Franklin Township  
Pat Naticchione, Construction Official, Egg Harbor Township; President, New Jersey Building Officials Association (NJBOA)  
Sal Poli, Construction Official, Township of Denville  
Thomas Polino, West Windsor Township  
Ed Reed, Municipal Electrical Officials Association (MEIA)  
Joe Remsuard, New Jersey Council of Master Plumbers Incorporated (NJCMPI)  
Stephen Rodzinak, Acting Chair, Plumbing Subcode Committee  
Lawrence Scorzelli, Fire Subcode Official, Ramsey Borough  
George Selak, III, MEIA  
Rich Silvia, New Jersey Fire Prevention and Protection Association (NJFPPA)  
Rich Soltis, Jr., Central Jersey Code Officials Association (CJCOA)  
Joseph Valeri, Construction Official, West Windsor Township  
Ralph Venturini, Construction Official, Ramsey Borough  
William White, NJCMPI  
Michelle Wood, Building Subcode Committee  
James Zaconie, NJBOA

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**

*Mr. Michael Seeve 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:** In the absence of Mr. John Del Colle, Chair, Ms. Emily Templeton reported that the Barrier Free Subcode Committee met on October 7, 2016 and discussed agenda items.

**Building Subcode Committee:** Mr. John Scialla, Chair, reported that the Building Subcode Committee met on September 23, 2016; agenda items were discussed electronically.

**Electrical Subcode Committee:** Mr. Tony Neibert, Chair, reported that the Electrical Subcode Committee met on July 28 and September 29, 2016; agenda items were discussed.

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

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**Fire Protection Subcode Committee:** Mr. Arthur Londensky, Chair, reported that the Fire Protection Subcode Committee held an electronic meeting through September 8, 2016; agenda items were discussed.

**Mechanical/Energy Subcodes Committee:** Mr. John Fritzen, Chair, reported that the Mechanical/Energy Subcodes Committee met on September 15, 2016; agenda items were discussed.

**Plumbing Subcode Committee:** Mr. Stephen Rodzinak, Vice Chair and Acting Chair, reported that the Plumbing Subcode Committee met on August 12, 2016; agenda items were discussed.

**C. Old Business**

To accommodate members of the public who had come to the Code Advisory Board meeting to comment on the draft rule regarding ordinary maintenance and minor work (N.J.A.C. 5:23-2.7, 2.17A), Ms. Beth Pochtar, Chair, announced that first item of Old Business to be discussed would be agenda item 3, Draft Rule: Ordinary Maintenance and Minor Work (N.J.A.C. 5:23-2.7, 2.17A). Attention was drawn to a letter sent to the Department by Michael Cerra, League of Municipalities; the League has asked the Department to engage in a review of ways to reduce red tape and not to rely on an “across-the-board, one-size-fits-all” approach to making regulatory changes. If municipal code enforcement fees are excessive, the League expressed its willingness to work with the Department to solve that problem.

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 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 would be changed to make it possible for projects that require a prior approval, such as local zoning approval, to be categorized as minor work under the UCC. This would mean that, while this change would not affect the need to obtain any applicable prior approval, the UCC permit would no longer be the mechanism for ensuring that the terms and conditions of the prior approval have been met. Mr. Baier provided some background on the initiative for this regulatory change. The Governor’s Office has made a request throughout State governmental agencies to review existing regulations for effectiveness and efficiency with a directive to reduce regulations by 30%. This draft rule is part of that initiative and was developed as part of the Department’s response to that directive. When introducing the draft rule for Board discussion, Ms. Pochtar commented that the Board could table the draft rule for action at a future meeting, send the draft rule back to staff for revision, disapprove the draft rule, or approve it.

*Mr. Michael Seeve made a motion for discussion, which was seconded by Mr. Tony Neibert. The motion carried unanimously.*

This draft rule was referred to all Subcode Committees. Discussion began with the first item that had been amended, the definition of “Minor Work.” In the draft rule, the reference to prior approvals was deleted; this change would mean that the Uniform Construction Code (UCC) would no longer be the mechanism for ensuring that prior approvals were met. One Board member stated that this provision has been effective since the inception of the UCC and it is not

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clear why it should be eliminated now. Another Board member opposed the removal of this provision and stated that conformance with prior approvals affecting water, sewer, soil, and zoning is obtained through this provision. In addition, restrictions for conformance with historic preservation standards for buildings in a historic district are enforced as a prior approval.

It was explained that this change was drafted because the Department has been receiving complaints that some municipalities have been using prior approvals that are unrelated to land use restrictions as a mechanism of delaying projects and imposing permit fees. One Board member asked how, without prior approvals, a municipality would track improvements for a building in a flood zone that is subject to Federal substantial compliance improvements. One Board member observed that some of the municipal ordinances that require every project, no matter how small, to be reviewed by the zoning board are improper ordinances. But, without complaints registered against them, they continue to be enforced and to delay permits.

There was discussion about the current situation in which local code officials are blamed for much that goes wrong in a municipality. The prior approval provision ensures that the code enforcement official is able to inform the building owner (usually a homeowner) that the planned project must comply with laws other than the UCC. For example, the identification of the installation of siding that is 25% or of the total building exterior wall as requiring a permit protects the homeowner in a historic district from completing the project only to discover later that they used a material prohibited by historic preservation rules.

One Board member pointed out that, from the applicant's side, being able to undertake minor work without first obtaining a prior approval and permit provides significant efficiencies. For projects in commercial buildings, a design professional is often involved and those design professionals should be responsible for ensuring that their projects comply with the UCC. Several comments were made by Board members who also serve as code enforcement officials that they are often the bearer of bad news (non-compliance) and if projects are removed from permit and inspection oversight, noncompliance is bound to increase. There are reasons that minor work was included in the UCC; requiring that permits be obtained and inspections performed ensures the safety of the building's occupants.

One Board member stated that an experienced (now retired) code official, emphasizing that code enforcement work is critical but unheralded, had once observed, "For every fire that never got started, thank an inspector."

Several Board members reported that one of the major code enforcement problems is that the fees charged for some inspections are—or appear to be--disproportionate to the work. Municipal code enforcement fees are set by the municipal governing body. There are municipalities in which the fees have been raised every year, but municipal code enforcement officials have not only not seen raises in years, but, in some cases, have had their hours reduced. In the meantime, the code enforcement revenue is being used for other municipal expenditures. There was a brief discussion of the need for dedication by rider in which code enforcement revenue would be able to be used only for code enforcement activities.

Board discussion shifted. One Board member observed that most of the items in minor work appear to be best applied to residences. It is possible that this section would serve code users better if it were divided into those items that are minor work for residences and those that are minor work for commercial structures. At this time, because there are no group or occupancy classification distinctions, all the minor work provisions apply equally to all structures. In commercial structures, for example, where permits are required, including minor work projects, design professionals are involved. When making decisions about how to make minor work more efficient, dividing the minor work section into those items that are applicable to commercial

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structures and those applicable to residences should be considered. In addition, another Board member observed that, for clarity and consistency, the definition of minor work should be fully reconciled with the definitions of repair and renovation in the Rehabilitation Subcode.

One Board member suggested that the Board consider forming an Ad Hoc Committee consisting of Board members, working code officials, design professionals, business owners, and Department staff to work out a comprehensive evaluation and review of minor work and ordinary maintenance. One staff member reminded the participants that there are time constraints for the Board to render its advice because the Commissioner has asked that the Board take action at the next Code Advisory Board meeting, December 9, 2016.

**Ordinary Maintenance: N.J.A.C. 5:23-2.7(c)**

**Building:** Discussion moved to the part of the draft proposal on ordinary building maintenance (N.J.A.C. 5:23-2.7(c)1).

**Interior Finishes:** The first item discussed was the draft change at N.J.A.C. 5:23-2.7(c)1ii, which would delete the limitation of 25% of interior finishes and would thereby allow the “installation, repair, or replacement of any interior finishes in a one- or two-family detached dwelling.” The Building Subcode Committee recommended that “room” be replaced with “structure,” so that the 25% would be retained, but would be applied to 25% of the structure, which would prevent a “gut rehab” being carried out as minor work. One Board member commented that when a whole room is sheet rocked, the Rehabilitation Subcode requires fire stopping. If the 25% limitation is completely removed, because there would be no minor work permit and inspection for the larger projects, there would be no guarantee that the fire stopping had been provided. This is a critical safety issue. The Fire Protection Subcode Committee recommended that the language be amended to eliminate the 25% limitation for interior finishes “except those that are a component of a fire-rated assembly.”

One Board member asked whether these changes would mean that it would be acceptable to finish a basement without permits.

The Board discussion moved to specific draft changes in the rule. The Building Subcode Committee recommended that at N.J.A.C. 5:23-2.7(c)1vi, the language be amended to ensure that only non-structural components would be covered, as follows: “The repair or replacement of any non-structural component, such as a partition railing or cabinet...”

**Roof Replacement:** With regard to the draft amendment at N.J.A.C. 5:23-2.7(c)1vii, which would make roof replacement ordinary maintenance, the Building Subcode Committee expressed its concern with structural loads, flashing, unregistered contractors, consumer protection, and the type of materials being installed. However, Building Subcode Committee also recommended that, if the requirement must be moved, it should apply only to Group R-5 occupancies (one- or two-family detached dwelling). The Fire Protection Subcode Committee expressed concern that the absence of enforcement could lead to problems that could result in a roof collapse in a fire event. Several other Board members expressed concern about structural problems with multiple roofing layers, particularly on large commercial buildings. One Board member asked how, in the absence of a minor work permit and inspection, substantial compliance would be demonstrated to meet Federal flood requirements.

**Siding:** Board discussion moved on to the draft change at N.J.A.C. 5:23-2.7(c)1x, which would include the repair or replacement of siding as ordinary maintenance. The current rule provides that not more than 25% of the siding may be repaired or replaced as ordinary maintenance per year. There was agreement on the Board that the siding inspections benefit the

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homeowners, especially those homeowners who have no expertise in siding and are not able to evaluate the quality of the work performed. Faulty, non-compliant installations are common.

Decks: Board discussion moved on to the draft change at N.J.A.C. 5:23-2.7(c)1xi, which would include the repair or replacement of a deck as ordinary maintenance; the deck would be added to the existing provision that the repair or replacement of a porch or stoop that do not structurally support a roof above are ordinary maintenance. One Board member asked whether the intent of this amendment is to allow the repair or replacement of decking, but not a railing or a guard rail. One Board member recommended that the language be amended to “the repair or replacement of decking” rather than “deck.” That would limit the work that could be performed and would be more in keeping with ordinary maintenance, which generally speaking does not contemplate complete replacement of a structural element. One Board member, who serves as a code enforcement official, commented that nearly all the plans for decks that are submitted as minor work require changes for code compliance. Several Board members expressed their concern that elevated decks present a particular safety concern.

Insulation: Board discussion moved to the draft change at N.J.A.C. 5:23-2.7(c)1xiii, which would allow as ordinary maintenance the installation of any type of insulation “when installed adjacent to or not more than 1½ inches from an interior finish;” the current rule limits the installation of “roll or bat insulation” as ordinary maintenance. The Building Subcode Committee recommended that the rule should specify that spray foam insulation must meet the ignition barrier requirements and also cautioned against including spray foam insulation, which currently requires a permit, as ordinary maintenance.

Gutters: Board members expressed concern about allowing “the installation of exterior rain gutters or leaders” as ordinary maintenance (N.J.A.C. 5:23-2.7(c)1xiv) because improper installation creates problems with the building’s foundation.

Residential Occupancies v. Commercial Buildings: One Board member reiterated the recommendation made at the beginning of the meeting to make clear distinctions between those ordinary maintenance and minor work items that would apply to residences only and those that would apply to larger commercial structures. There was general agreement on the Board that this logical approach would avoid some of the problems that have been discussed.

**Plumbing**: Board discussion moved on to N.J.A.C. 5:23-2.7(c)3, Ordinary plumbing maintenance.

Water Heaters: The Plumbing Subcode Committee expressed concern with the draft change at N.J.A.C. 5:23-2.7(c)2xii, which would include “the replacement of low pressure water heaters with new ones of like capacity.” The Plumbing Subcode Committee identified several safety issues, including temperature control; thermal tank installation; flue connectors that result when water heaters are installed improperly; relief valve replacement, which includes not using the appropriate materials for discharge piping; and locating gas-fired water heaters in garage. Because improper installations can result in carbon monoxide problems, the Plumbing Subcode Committee recommends that a permit and inspections be required.

One Board member suggested that “like capacity” be defined. Several Board members asked what “low pressure water heaters” are and recommended that another term be used to describe the water heaters that would be subject to this change. One Board member recommended retaining the inspection and eliminating the fee, but it was agreed that exceeded the Department’s regulatory authority.

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**Electrical:** Board discussion moved on to N.J.A.C. 5:23-2.7(c)3, Ordinary electrical maintenance.

Range hoods: At N.J.A.C. 5:23-2.7(c)3v, the draft rule would allow as ordinary maintenance the replacement of kitchen range hoods in any structure as long as the hood is vented directly to the exterior and not to a common shaft or is a recirculating type with no increase in output. Several Board members commented that this should be limited to one- or two-family detached dwellings because commercial structures, especially restaurants, are sufficiently complicated to warrant a permit and inspection.

Electric Water Heaters: There was a brief discussion of whether the replacement of existing electric water heaters (N.J.A.C. 5:23-2.7(c)3vi) should be ordinary maintenance. Board members expressed concern about temperature control and the wiring of an electric water heater. When one Board member commented that electrical and plumbing contractors are licensed and should have some expertise in these installations, several Board members expressed concern that relying on a licensed contractor is a misplaced reliance because code enforcement officials see a significant the number of installations that were completed by licensed contractors that are not code compliant.

**Heating, ventilation, and air conditioning:** Board discussion moved on to N.J.A.C. 5:23-2.7(c)5, Ordinary heating, ventilation, and air conditioning maintenance.

Air conditioning equipment: At N.J.A.C. 5:23-2.7(c)5ix, the draft rule would allow the repair or replacement of air conditioning equipment and systems to be ordinary maintenance. Several Board members recommended that this replacement be allowed in one- or two-family detached dwellings, but not in commercial structures or in large multifamily residential buildings. The one- or two-family detached dwelling replacements should be limited in the allowable cfms. Several Board members who serve as code enforcement officials commented that approximately 30% of the current replacement installations fail the inspection. One Board member commented that the Heating, Ventilation, Air-conditioning, and Refrigeration (HVACR) contractors, who have recently been required to be licensed, should be afforded additional time to ensure that they have the skills for this work. Reliance on licensed contractors is logical, but not always sensible.

Chimney Coating: At N.J.A.C. 5:23-2.7(c)5ix, the draft rule would allow chimney coating as ordinary maintenance. Several subcode committees commented that the term “chimney coating” is too vague. Members of those subcode committees were uncertain as to whether the coating was internal or external; there was general agreement that an external coating on residential chimneys could be ordinary maintenance, but concern was expressed about work of any kind on chimneys in larger residential structures or commercial buildings.

As was mentioned at the beginning of the meeting, Board members reiterated their recommendation that a distinction be drawn between residential occupancies and commercial buildings, including large multifamily residential buildings.

**Construction permits-When required (N.J.A.C. 5:23-2.14(b))**

**Garden-type Utility Sheds:** At N.J.A.C. 5:23-2.14(b)8, Permits, when required, the draft rule would change the size of the garden-type utility shed for which a building permit is not required. The current regulation sets the maximum size of a non-permitted shed at 100 square feet and not greater than 10 feet high, with no sewer, water, gas, oil, or sewer connection, and accessory to a residential occupancy. This draft rule would change the size of the shed for which

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no building permit would be required at 200 square feet. There were no objections to this change.

**Minor Work (N.J.A.C. 5:23-2.17A(c))**

**Decks:** At N.J.A.C. 5:23-2.17A(c)1i, the draft rule would add to minor work the construction or total replacement of any deck to the current provision allowing the construction or replacement of any porch or stoop that does not provide structural support. Board members reiterated the concerns expressed during the discussion of ordinary maintenance. There was a recommendation that perhaps there should be a limitation on the height of a deck that would be allowed to be constructed or totally replaced as minor work. Several Board members attested to the problems with compliance that currently exists; there was general agreement that, if this provision is adopted, code compliant, safe decks would be hard to find.

**Siding:** At N.J.A.C. 5:23-2.17A(c)1iii, the draft rule would make the removal and replacement of siding ordinary maintenance. This issue was addressed during the ordinary maintenance discussion and the Board expressed reiterated its concern.

**Water Heaters:** At N.J.A.C. 5:23-2.17A(c)2, the draft rule would move the replacement of an existing low pressure water heater with a new one of like capacity from minor work (N.J.A.C. 5:23-2.17A) to ordinary maintenance (N.J.A.C. 5:23-2.7). This issue was addressed during the ordinary maintenance discussion and the Board expressed reiterated its concern.

The Board's attention was directed to a recommendation from NAIOP that was included in the meeting packets. The recommendation identified items for consideration as minor work that are commonly part of projects in commercial buildings. These recommended changes were based on the premise that minor work requires a permit, but work can start before the permit has been issued. One board member recommended that these items be considered for a section on minor work in commercial structures; Board members reiterated their agreement that there is work that could be considered ordinary maintenance for one- or two-family detached dwellings, and even small residential occupancies, which should not be minor work in larger buildings. In addition, there are projects that are common in commercial buildings and could be deemed to be minor work in those occupancies that are not applicable to residential occupancies. Several Board members expressed a willingness to assist in making determinations about the residential/commercial separation. The commercial structure minor work category would not include a change of use. Some of these projects are currently deemed to be alteration projects subject to the Rehabilitation Subcode because partitions are being moved and, therefore, space is being reconfigured. The delay in inspections causes significant problems for the business owner.

Following this discussion, Board discussion on this agenda item ceased.

Before moving to a vote, Board chair, Ms. Beth Pochtar, offered the members of the public an opportunity to comment.

Mr. Joe Hoff, Construction Official, Piscataway Township, asked what was wrong with the current ordinary maintenance/minor work provisions. The current system is working and does not need to be changed. Mr. Hoff also recommended that bureaucracy be reduced and that digital signatures be accepted for licensed contractors.

Mr. Jim Zaconie, New Jersey Building Officials Association (NJBOA), commented that these categories of work are necessary. There are safety issues involved in each of these items,

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so that inspections are necessary to ensure public safety. Mr. Zaconie asked whether these changes were initiated by the big box stores and was told they were not.

Mr. Rich Silvia, New Jersey Fire Protection and Prevention Association (NJFPPA), commented on the number of fire deaths in residential fires due to noncompliance with the building, fire protection, and electrical subcodes. Code compliance prevents fires. Mr. Silvia offered the Edgewater fire as an example. Because the Uniform Fire Code (UFC) does not have jurisdiction over one- or two-family detached dwellings, enforcement of the Uniform Construction Code (UCC) is critical for fire safety. He asked the Department to use common sense.

Mr. Jerry Eger, Municipal Code Officials Association (MUNCO), stated that moving some of these requirements from minor work (where a permit and inspection are required) to ordinary maintenance (with no permit or inspection requirements) is likely to result in an increase in non-compliant work. Currently, code enforcement officials find that work performed by licensed contractors is often noncompliant and fails inspection.

Mr. Vince Lupo, Construction Official, Franklin Township, commented that minor work could be made less onerous without compromising safety. There are municipalities where homeowners are required to wait all day for an inspector; that should be corrected. Inspectors could be trained to perform work on more than one discipline for one- or two-family detached dwellings. These “combination inspectors” have worked well in other states; New Jersey should consider initiating a combination, one- or two-family detached dwelling inspector license.

Mr. Jeff Heiss, Construction Official, supported the recommendation that, instead of reducing required inspections, the Department consider initiating a combination inspector.

Mr. Bill Cattel, Construction Official, Cherry Hill Township, commented that the limitations on the inspections that the technical specialists are able to perform results in multiple inspections and multiple fees. There must be a way to limit the number of inspectors on some of the residential installations. In addition, in the section that would move siding from minor work to ordinary maintenance, siding should be defined, so that it is clear that it applies to vinyl or steel siding and not to masonry.

Mr. Ron Barbarulo, New Jersey Plumbing Inspectors Association (NJPIA), recommended leaving the water heaters as minor work because so many contractors are not licensed and, for the most part, unlicensed contractors do not try to do permit-driven work.

Mr. Dan Hagberg, NJBOA, stated that the UCC has been the gold standard nationally for code enforcement. These changes in minor work and ordinary maintenance diminish that standard. Admittedly, municipal fees are a problem. Some municipalities charge high fees for inspections that do not require much time. But, the focus in a rule like this should be on inspections—is an inspection required or not. Multiple inspections are also a problem. Fees should be not be addressed by limiting inspections. Shared services should be encouraged. Building departments are a hub of information for local residents. These amendments would compromise the enforcement of substantial damage determinations and requirements.

Mr. Michael Kovonuk, Construction Official, Readington Township and Vice-chair, MUNCO, asked the Department to partner with the code enforcement officials’ professional organization for assistance in determining how to reduce regulations without compromising public safety.

Mr. John Drucker, Assistant Construction Official, Borough of Red Bank, commented that the code, as it currently stands, is correct; compliance is the issue. Some of these problems could be addressed through a comprehensive review of municipal fees and also be encouraging shared services.

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Mr. John Fiedler, Township of Hillsborough, MUNCO, NJBOA, recommended that the Board recommend no further action on these amendments.

Mr. Pat Naticchione, Construction Official, Egg Harbor Township, commented that decks are a life safety issue and the inspection of decks should not be reduced. A code enforcement official from Lawrence Township agreed.

Mr. Ed Reed, MEIA, stated that if inspections are eliminated, the construction code is compromised. Approximately 60% of waters heaters fail the grounding inspection; this is a safety issue.

Mr. Sal Poli, Township of Denville, asked that the prior approvals be retained in the definition of minor work. The permit process is the linchpin of planning and zoning enforcement. Although some municipalities have rely excessively on prior approvals, the system that exists in which prior approvals must be in place before a permit may be issued is a sound one.

Mr. Stephen Jones, Construction Official, Florham Park and Millburn Township, commented that the code official associations are willing to meet with the Department to effect regulatory change without sacrificing life safety. Municipal code enforcement fees are another issue that should be addressed. In addition, the application of minor work to commercial structures should be addressed.

Public comments were closed.

One Board member recommended that representatives of code enforcement association work with representatives of code user organizations, such as New Jersey Builders Association and NAIOP, to ensure that local code enforcement officials and their offices receive the necessary municipal support. In many municipalities, the code enforcement review process is broken: plan releases are not issued in a compliant time frame, permits can take six to eight weeks, and inspections are not scheduled in a timely manner. All code users should work together to ensure that municipalities have sufficient resources to enforce the UCC and to meet its timeframes in doing so.

Board discussion ceased.

*Mr. Arthur Londensky made a motion, which was seconded by Mr. Michael Seeve, to table the draft rule, to direct the staff revise it in keeping with the extensive Board discussion, and to return it to the Board as a revised agenda item at the December Board meeting. The motion carried unanimously.*

At 12:05 p.m., Ms. Beth Pochtar, Chair, called a short break to enable those members of the public who needed to leave to do so. At 12:15 p.m., the Board meeting resumed.

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

Mr. Michael Baier explained that staff had reviewed the comments of the Board and of the Subcode Committees and revised the draft revision of FTO-3. This revision clarifies when safety glazing is required.

*Mr. Arthur Londensky made a motion, which was seconded by Mr. John Scialla, to approve the draft as revised. 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

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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. Mr. John Scialla, Chair, reported that the Building Subcode Committee recommended that this responsibility be referred to the Department of Labor. The Building Subcode Committee also recommended that the rule be amended to refer to “possibly affected” adjoining properties. One Board member commented that many municipalities require this by ordinance and another Board member commented that his municipality requires this process – and it works. One Board member commented that this rule provides direction and gives definition that an otherwise grey area. One Board member recommended that the Department prepare an explanatory bulletin.

*Mr. Michael Seeve made a motion, which was seconded by Mr. Tony Neibert, to approve the draft as amended by the Building Subcode Committee’s comments. The motion carried unanimously.*

**4. 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 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.

Each of the Subcode Committees that reviewed this draft rule recommended that it be approved.

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

**D. New Business**

**1. Formal Technical Opinion (FTO) 10, Rooming and Boarding Houses: Withdrawal**

Mr. Michael Baier explained that FTO-10 is proposed for withdrawal because it has been superseded and no longer provides clear information. Code requirements have changed and are now summarized for quick reference in Bulletin 15-3.

*Mr. John Scialla made a motion, which was seconded by Mr. Henry Kelly, to approve the withdrawal of FTO-3. The motion carried unanimously.*

**2. Formal Technical Opinion (FTO) 1, Shopping Cart Corrals: Withdrawal**

Mr. Michael Baier explained that FTO-1 is no longer needed because retail establishments no longer rely on gates to keep their carts inside the stores.

*Mr. Henry Kelly made a motion, which was seconded by Mr. Tony Neibert, to approve the withdrawal of FTO-1. The motion carried unanimously.*

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3. Draft Rule: Update Referenced Standard for Recreational Park Trailers (N.J.A.C. 5:23-4D)

Mr. Michael Baier explained that this draft rule would update the name of the technical standard for recreational park trailers. Although the title of the technical standard has changed, there is little change in the technical provisions of the standard itself.

*Mr. John Scialla made a motion, which was seconded by Mr. Tony Neibert, to approve the draft rule to update the referenced standard for recreational park trailers. The motion carried unanimously.*

**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 had been emailed to the Board as a .pdf.

3. Letter from league of Municipalities re Draft Rule: Ordinary Maintenance and Minor Work. Staff called attention to this letter in support of caution on moving forward with the draft rule.

**F. Public Comments**

There were no further public comments.

**G. Adjourn**

The meeting was adjourned at 12:50 p.m.