

CAB MINUTES
December 13, 2019

UNIFORM CONSTRUCTION CODE ADVISORY BOARD
Minutes of Meeting, December 13, 2019

Location
101 South Broad Street
Trenton, New Jersey 08625

Attendance

Board Members

Beth Pochtar (Chair)
Michelle Wood (for John Scialla, Vice Chair) Doug Boydston
John D. DelColle
Kathy Herity
Henry Kelly
Arthur Londensky
Gregory Moten
Tony Neibert
Stephen Rodzinak
Valerie Waricka
Bob Mellohusky

DCA Staff

Edward Smith, Director, Division of Codes and Standards Robert Austin, Code Assistance and Code Development Units Scott Borsos, Bureau of Construction Project Review
Marie Daniels, Code Development Unit
John Delesandro, Education and Licensing Unit
Bob Hilzer, Office of Regulatory Affairs
Keith Makai, Code Development Unit
Adam Matthews, Code Development Unit
Erin Mifka, Bureau of Construction Project Review
Tom Pitcherello, Bureau of Construction Project Review
Dan Tober, Bureau of Construction Project Review
Michael Whalen, Code Assistance Unit
Chrystene Wyluda, Director's Office

Guests:

John Fiedler, NJBOA, MUNCO, and Hillsborough Township Steven Gluck, Mountain Lakes, MUNCO
Bob LaCosta, NJBOA
Brian K. Miller, Plainsboro Township, MUNCO
Larry Scorzelli, NJBOA

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Ms. Beth Pochtar, Chair of the Uniform Construction Code Advisory Board, called the meeting to order at 9:30am.

A. Approval of Minutes of the Code Advisory Board Meeting of October 11, 2019

Mr. Art Londensky made a motion, which was seconded by Mr. Henry Kelly, to approve the minutes without change. The motion carried unanimously.

B. Subcode Committee Reports

Barrier-Free Subcode Committee: Ms. Marie Daniels reported on a meeting from October 25, 2019 in which agenda items were discussed.

Building Subcode Committee: Ms. Michelle Wood reported on a meeting held November 15, 2019 in which agenda items were discussed.

Electrical Subcode Committee: Mr. Tony Neibert reported that the committee met November 21, 2019 and discussed agenda items.

Elevator Subcode Committee: Mr. Doug Boydston reported that the committee met November 21, 2019 and discussed agenda items. The committee discussed private residency elevators, and Mr. Boydston explained the issue to the Board. The Department does not register or inspect private residency elevators, and as a result, said elevators might not meet installation or even state-recognized standards. A consumer protection letter that was issued to all fifty states dictated that these private residency elevators should be fully up to code, which the committee found unrealistic. It would be more realistic to inspect those elevators based on the code to which they were built. Deliberations followed on the topic of registration, with committee members pointing out that there are not enough elevator inspectors in the state to accomplish such a task. The board discussed how to redress violations; mitigating can be fairly inexpensive, whereas complete overhauls would pose a huge expense. The board agreed that educational outreach by consumer protection would be ideal.

Fire Protection Subcode Committee: Mr. Art Londensky reported that the committee met November 14, 2019 and discussed agenda items.

Mechanical Subcode Committee: Mr. Bob Mellohusky reported that the committee met November 21, 2019 and discussed agenda items.

C. Old Business

1. Draft Rule: Ordinary Maintenance/Minor Work (N.J.A.C. 5:23-2.7)

Mr. Robert Austin introduced this item, and a page-by-page review of the drafted amendments commenced.

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N.J.A.C. 5:23-2.7(c)1vi. Non-loadbearing partition

A committee member inquired how the proposed changes would impact a tenant fit-out. It was determined that a tenant could take out non-loadbearing partitions, and code officials would not be alerted; the board was reminded that the proposed rule would only affect one and two-family dwellings.

Mr. Art Londensky made a motion, which was seconded by Mr. Stephen Rodzinak, to approve this section of the draft rule without change. The motion carried unanimously.

N.J.A.C. 5:23-2.7(c)1vii. Non-structural elements

It was clarified that the change proposed here would add to the existing list of elements that fall into the category of “ordinary maintenance.” A committee member inquired about the status of elements such as shower seats and railings, as they are technically “loadbearing.” A committee member responded that the draft rule explicitly states that an element must be nonstructural in another section. Another committee member raised various exceptions that pose a safety issue, but it was determined that such instances are outside the jurisdiction of the UCC.

Mr. Art Londensky made a motion, which was seconded by Mr. Gregory Moten, to approve this section of the draft rule without change. The motion carried unanimously.

N.J.A.C. 5:23-2.7(c)1xiii. Decks, porches, and stoopes

After a discussion as to what is or is not considered ‘structural’ in working on a deck, the committee agreed to add “with like or similar materials” and “like structural capacity” to the draft rule language.

Mr. Stephen Rodzinak made a motion, which was seconded by Mr. Gregory Moten, to approve this section of the draft rule as amended by the discussion. The motion carried unanimously.

N.J.A.C. 5:23-2.7(c)3i. Ordinary electrical maintenance, replacement of fixtures

In discussing this draft amendment, which would establish a limit on replacement of receptacles, switches, and fixtures of a certain voltage, one Board member explained that the number used in the draft amendment was arbitrary, as even voltages as low as 50 can be dangerous at times. The board member expressed that the rule as proposed is not useful and would be burdensome to those replacing fixtures that do not currently require permits. The committee agreed to leave language as currently adopted.

Mr. Art Londensky made a motion, seconded by Mr. Tony Neibert, to disapprove the draft amendment. The motion carried unanimously.

N.J.A.C. 5:23-2.7(c)3v, 5vi, 5ix. Kitchen range hoods and bathroom exhaust fans

It was expressed that the Electrical Subcode Committee was in favor of the proposed amendment. One board member asked for clarity on whether a fan can vent independently if it has two units. Mr. Robert Austin explained that the intent of this change was to ensure that one dwelling unit does not affect another. The committee considered how to proceed if an exhaust does or does not vent independently. A committee member explained that current policy does not require a permit for bathroom exhaust fan work.

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Mr. Art Londensky made a motion, seconded by Mr. Bob Mellohusky, to approve this section of the draft rule without change. The motion carried unanimously.

N.J.A.C. 5:23-2.17A(b)1 Notice including summary of work

The committee agreed to remove the word ‘application’ from the draft rule, as it is the permit that constitutes consent rather than the application.

Mr. Stephen Rodzinak made a motion, seconded by Ms. Valerie Waricka, to approve this section of the draft rule as amended by discussion. The motion carried unanimously.

N.J.A.C. 5:23-2.17A(c)3. Low-pressure boilers

One board member asked what the definition of a low-pressure boiler was. Mr. Thomas Pitcherello explained that the Department of Labor regulates high-pressure boilers; low-pressure is anything not regulated by the Department of Labor. One board member stated that a clear definition, if available, would be helpful.

Mr. Tony Neibert made a motion, which was seconded by Mr. Art Londensky, to approve this section of the draft rule without change. The motion carried unanimously.

N.J.A.C. 5:23-2.17A(c)5ii. Radon mitigation systems.

Mr. Henry Kelly made a motion, seconded by Mr. Tony Neibert, to approve this section of the draft rule without change. The motion carried unanimously.

2. Draft Rule: Temporary Structures and Utility Connections – N.J.A.C. 5:23-2.14

After review by the building and electrical subcode committees, all agreed that a permit should be necessary to outfit a temporary structure with utilities.

Mr. Tony Neibert made a motion, seconded by Mr. Art Londensky, to approve the draft rule without change. The motion carried unanimously.

3. Draft Rule: Blower Door Exception Deletion – N.J.A.C. 5:23-3.18 and 3.21

The committee discussed the draft rule, which would require a blower door test in lieu of the test being optional. Upon review by the Building Subcode Committee, the change elicited mixed feelings; some committee members felt it was too expensive, while others regarded the change positively. The Mechanical Subcode Committee, which also reviewed the draft rule, was wholly in favor of the change and did not regard the test as being cost-prohibitive. The point was made that it is not so much the cost of the test that is cost-prohibitive, but the cost of remediation if the structure fails the test. Mr. Robert Austin emphasized that the change would align with the New Jersey Energy Master Plan.

Mr. Henry Kelly made a motion, seconded by Mr. Tony Neibert, to disapprove the draft rule change. The motion carried unanimously.

4. Draft Rule: Barrier Free Subcode Recreation Complaints – N.J.A.C. 5:23-2.38

Ms. Marie Daniels explained that this draft rule was approved at the Code Advisory Board meeting held on October 11, 2019; however, the rule was provided to the Barrier Free Subcode Committee to ensure that there were no concerns with the impact of forwarding barrier

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free subcode recreation complaints to the Office of Administrative Law. The Barrier Free Subcode Committee approved the draft rule.

5. Draft Rule: Radon for Educational Buildings – N.J.A.C. 5:23-10.4

Previously, the draft rule was referred to the Building Subcode Committee. Mr. Robert Austin addressed the question raised last meeting, whether daycare centers are within the scope of the draft rule, explaining that while the statute specifies “educational facility,” it would apply to daycares that are categorized as Group E buildings; those that are not categorized as Group E are outside the scope of this rule.

Mr. Tony Neibert made a motion, seconded by Mr. Henry Kelly, to approve the draft rule without change. The motion carried unanimously.

6. Draft Revision: Oxford House Bulletin – Bulletin 04-2

Previously, the draft rule was referred to the Building Subcode Committee and the Barrier Free Subcode Committee. The former determined that terminology should be updated and matched with the Uniform Fire Code. The latter had no changes to recommend.

Mr. Art Londensky made a motion, which was seconded by Mr. Gregory Moten, to approve the draft revision as amended by discussion. The motion carried unanimously.

D. New Business

1. Draft Rule: Update to Reconstruction Sections of the Rehabilitation Subcode for R-Uses – N.J.A.C. 5:23-6.26 and 6.27

Mr. Robert Austin introduced the draft rule which would address reconstruction issues and require outlets and switches to be updated to the current electrical subcode (N.J.A.C. 5:23-3.16). Mr. Austin noted that there would be an exception for buildings which cannot feasibly be updated. One board member noted that many rehabilitation projects are already updating outlets and switches to the most recent codes.

This rule was referred to the Electrical Subcode Committee for review.

2. Draft Rule: Guards for Equipment on Elevated Surfaces in Rehabilitation Projects – N.J.A.C. 5:23- 6.8

Mr. Robert Austin explained that this change ensures that Section 306.6 of the International Fuel Gas Code is excluded from the exceptions at N.J.A.C. 5:23-6.8(f)1. This is consistent with the International Mechanical Code section dealing with the same topic, and the inclusion of this section of the IFGC was mistakenly overlooked.

Mr. Art Londensky made a motion, which was seconded by Mr. Stephen Rodzinak, to approve the draft rule without change. The motion carried unanimously.

E. Information

1. CAB Tentative Meeting Dates 2020

The following dates were provided to the Board for 2020:

- February 14, 2020

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- April 10, 2020
- June 12, 2020
- August 14, 2020
- October 9, 2020
- December 11, 2020

2. CAB Log

The updated Code Advisory Board activity log was included in the meeting packets.

3. List of Pending Legislation (provided electronically)

The list of pending legislation was provided to the Board electronically.

F. Public Comments

Mr. Bob LaCosta expressed appreciation for the time and effort of the Code Advisory Board when reviewing regulations. He stated that he was last present for the Minor Work hearing, where he found that issues with the proposal were never addressed. Mr. LaCosta felt that a flat fee for roofing and siding would discourage dishonest contractors. He expressed that good contractors want to have permits and read from a letter sent by the League of Municipalities to Director Edward Smith from August 13, 2018. Finally, Mr. LaCosta thanked the Board for its continued efforts to look into the ordinary maintenance and minor work provisions.

Ms. Beth Pochtar mentioned an ongoing issue with fiber reinforcement strips being sold to homeowners to repair basement foundation walls. Ms. Pochtar noted that there are certain products that can be used which require engineer design and would require a permit. The Department agreed to look into the issue and see whether a communicator article may be appropriate to address the use of such strips.

G. Adjourn

The public portion of the meeting was adjourned at 11:30 a.m.

H. Executive Session

The Executive Session was called to order at 11:40 a.m.

I. Adjourn

The meeting was adjourned at 11:45 a.m.