

CAB Minutes
February 10, 2017

UNIFORM CONSTRUCTION CODE ADVISORY BOARD
Minutes of Meeting, February 10, 2017

Location
101 South Broad Street
Trenton, New Jersey 08625

Attendance

Board Members

Beth Pochtar, Chair
John Scialla, Vice Chair
George Hrin
Henry Kelly
Jason Kliwinski
Arthur Londensky
Gregory 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
Marie Daniels, Code Assistance and Code Development
Dave Greenhill, Code Assistance Unit
Marcel Iglesias, Code Assistance Unit
Jose Paulino, Code Assistance and Code Development
Tom Pitcherello, Code Assistance Unit
Emily Templeton, Code Development Unit
Michael Whalen, Code Assistance Unit

Guests

Ron Barbarulo, New Jersey Plumbing Inspectors Association (NJPIA)
John Conti, Building Subcode Official, Egg Harbor Township
John Fiedler, Construction Official, Hillsborough Township; Municipal Construction
Officials Association (MUNCO); New Jersey Building Officials Association
(NJBOA)
Ron Ferrari, Building Subcode Official, Township of Parsippany
Brian Kamp, Sheet Metal Workers Local Union (SMW LU) 27
Michael Kovonuk, Construction Official and Building Subcode Official, Readington
Township; MUNCO
Daniel Mairella, Construction Official and Building Subcode Official, Township of
Mahwah
Pat Naticchione, Construction Official, Egg Harbor Township; President, NJBOA

CAB Minutes
February 10, 2017

Stephen Rodzinak, Acting Chair, Plumbing Subcode Committee
Ron Schmidt, Construction Official and Building Subcode Official, Roxbury Township
Lawrence Scorzelli, Fire Subcode Official, Township of Ramsey, NJBOA
Michelle Wood, Construction Official and Building Subcode Official, Boro of Hillsdale
Thomas Yotka, Construction official, Village of Ridgewood
James Zaconie, NJBOA

Ms. Beth Pochtar, Chair of the Uniform Construction Code Advisory Board (CAB), called the meeting to order at 9:35 a.m.

A. Approval of Minutes of the Code Advisory Board Meeting of October 14, 2016

Mr. Arthur 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: In the absence of Mr. John Del Colle, Chair, Ms. Emily Templeton reported that the Barrier Free Subcode Committee met by conference call on January 26, 2017; agenda items were discussed.

Building Subcode Committee: Mr. John Scialla, Chair, reported that the Building Subcode Committee met on January 20, 2017; agenda items were discussed.

Electrical Subcode Committee: Mr. Tony Neibert, Chair, reported that the Electrical Subcode Committee met on January 26, 2017; agenda items were discussed.

Elevator Subcode Committee: Mr. George Hrin, Chair, reported that the Elevator Subcode Committee did not meet.

Fire Protection Subcode Committee: Mr. Arthur Londensky, Chair, reported that the Fire Protection Subcode Committee met on January 12, 2017; agenda items were discussed.

Mechanical/Energy Subcodes Committee: In the absence of Mr. John Fritzen, Chair, Mr. Rob Austin reported that the Mechanical/Energy Subcodes Committee met on January 19, 2017; agenda items were discussed.

Plumbing Subcode Committee: Mr. Stephen Rodzinak, Vice Chair and Acting Chair, reported that the Plumbing Subcode Committee met on January 13, 2017; agenda items were discussed.

C. Old Business

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

This rule had been referred to all Committees. Ms. Beth Pochtar, Chair, stated that, to ensure a comprehensive and efficient review of this draft rule, discussion would proceed item-by-item and page-by-page through the rule, rather than Committee-by-Committee.

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

CAB Minutes
February 10, 2017

N.J.A.C. 5:23-1.4 Definitions: “Minor work.”

Discussion began with the definition of “Minor Work.” As drafted, the requirement that all prior approvals must have been met before the construction permit could be issued would be deleted. This change would mean that the Uniform Construction Code (UCC) would no longer be the mechanism for ensuring that prior approvals were met. Several Board members reported that their Subcode Committees had not objected to this change. One Board member reported on concern expressed by Subcode Committee members that homeowners would not be well-served by this change if the construction of a new deck were to be made minor work because the work would begin with no confirmation that it conformed with local zoning requirements or with limitations imposed by a septic system.

Mr. George Hrin made a motion, which was seconded by Mr. Michael Seeve, to approve the language in the draft rule without change. The motion carried with seven votes in support and one vote in opposition.

Ordinary Maintenance: N.J.A.C. 5:23-2.7

Page 2, N.J.A.C. 5:23-2.7(b)6iii, Communications wiring: One Board member commented that this language regarding communications wiring is confusing. Some code users think that it means that the provision that “the installation [of communications wiring] does not involve the alteration or penetration of a fire-rated assembly *and* is not in a hazardous location” should be amended to state “does not involve the alteration or penetration of a fire-rated assembly *or* is not in a hazardous location” (emphasis added).

Because this had not been proposed for change, staff offered to review this recommendation. If change were warranted, it would be included in the rule for proposal; if not, an explanation would be provided to the Board. The Board member had no objection to this resolution.

Page 2, N.J.A.C. 5:23-7(c)1ii, Interior finishes: As drafted, this rule would replace the limitation on replacing interior finishes from 25% of a room in a one-or two-family dwelling to allowing the replacement of interior finishes in dwellings without limitation.

One Board member commented that allowing the replacement of interior finishes in dwellings without limitation would allow a dwelling to be gutted and reconfigured without a construction permit, which would conflict with the Rehabilitation Subcode. One Board member observed that “house flipping” is becoming increasingly common. A change like this would allow someone to purchase a home, gut it, renovate it, and sell it without any inspections; the purchaser then would have no assurance whether the work completed were code compliant. It was recommended that this amendment be changed to limit ordinary maintenance to the installation, repair, or replacement of interior finishes in not more than 25% of the dwelling. Another Board member recommended that the existing requirements remain unchanged.

Mr. Arthur Londensky made a motion, which was seconded by Mr. Greg Moten, to retain the existing code requirements without change. The motion carried with seven votes in support and one vote in opposition.

Mr. Arthur Londensky made a companion motion with regard to N.J.A.C. 5:23-2.7(c)1ii(1) and (2), which was seconded by Mr. Greg Moten, to retain the existing code requirements for vinyl wall covering and paneling. The motion carried unanimously.

CAB Minutes
February 10, 2017

In a brief discussion following the approval of the motion, one Board member commented that paneling is not used much any longer and recommended that staff make a determination as to whether the subsection on paneling is needed. There was general Board agreement.

Page 3, N.J.A.C. 5:23-2.7(c)1v, Installation and replacement of windows and doors: In the draft rule, “installation” would be deleted. There was a brief discussion as to whether the “installation” of a door or window meant the creation of a new door or window. One Board member recommended that, because this section applies to both residential and commercial structures, qualifying language be added that the replacement door or window “does not reduce performance.” A brief discussion ensued.

Mr. Michael Seeve made a motion, which was seconded by Mr. Arthur Londensky, to approve the language in the draft rule without change. The motion carried unanimously.

Page 3, N.J.A.C. 5:23-2.7(c)1vi, Repair or replacement of a non-structural building component: One Board member expressed concern about the inclusion of “installation” in the draft rule and recommended that limiting language be added, as follows: “... that does not create a new habitable room.” One Board member commented that this could apply to alteration projects, which are subject to the Rehabilitation Subcode. Several Board members expressed concern that the breadth of the provision could compromise the enforcement of the Uniform Construction Code (UCC).

Mr. Michael Seeve made a motion to remove both “installation” and the limitation to one- or two-family dwellings. The motion was not seconded.

One Board member recommended that “installation” be removed and the limitation to one- or two-family dwellings be retained.

Mr. Henry Kelly made a motion, which was seconded by Mr. Tony Neibert, to remove “installation” and retain the limitation to one- or two-family dwellings. The motion carried with five in support and three in opposition.

Page 3, N.J.A.C. 5:23-2.7(c)1vii, Repair, replacement, or installation of a non-structural element, such as a cabinet: This type of work would become ordinary maintenance.

Mr. Michael Seeve made a motion, which was seconded by Mr. Tony Neibert, to approve the language in the draft rule without change. The motion carried with five in support and three in opposition.

Page 3, N.J.A.C. 5:23-2.7(c)1viii, Repair or replacement of interior or exterior trim: This section would be amended to include installation as ordinary maintenance.

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

Page 3, N.J.A.C. 5:23-2.7(c)lix, Flooring: In this section, “repair” would be added to “replacement or installation” as ordinary maintenance for consistency.

Mr. Michael Seeve made a motion, which was seconded by Mr. George Hrin, to approve the language in the draft rule without change. The motion carried unanimously.

Page 3, N.J.A.C. 5:23-2.7(c)lx, Roof coverings: This section would be amended to allow “replacement” as well as “repair” and to delete the limitation of “25% in a 12 month period.”

CAB Minutes
February 10, 2017

One Board member expressed concern regarding materials and suggested that the language be revised to state that the replacement or repair be with “like materials of comparable weight” and that the provision be limited to one- and two-family dwellings.” Several Board members expressed concern that the homeowners will pay for this change because they will be subjected to unscrupulous contractors. One Board member recommended that “replacement” be removed and that this be limited to one- and two-family dwellings. One Board member commented that commercial buildings should be included in this provision because commercial buildings have leases that require the landlord to be responsible for repairs and maintenance. In addition, insurance companies require buildings to be well-maintained. One Board member commented that the weight of the roof coverings is a significant factor. Another Board member expressed concern about increasing the weight of a roof on a large commercial building. Another Board member pointed out that there are implications for the Energy Subcode; there are also requirements in the Rehabilitation Subcode depending on the category of work.

Mr. Michael Seeve made a motion, which was seconded by Mr. Tony Neibert, to approve the language in the draft rule without change. The motion was defeated with two in support and six in opposition.

Mr. Arthur Londensky made a motion, which was seconded by Mr. Greg Moten, to apply the draft rule to one- and two-family dwellings only. The motion failed with three in support and five in opposition.

Mr. Michael Seeve made a motion to approve the language in the draft rule and to add “with like materials of comparable weight.” There was no second.

Mr. Arthur Londensky made a motion, which was seconded by Mr. Jason Kliwinski, to retain the existing language without change. The motion carried with six in support, one in opposition, and one abstention.

Page 4, N.J.A.C. 5:23-2.7(c)1xi, Siding: This section would be expanded from the repair of siding to include its replacement and to remove the 12-month limitation.

One Board member expressed a concern about unscrupulous contractors taking advantage of unknowing homeowners. One Board member recommended that, if the draft language were to be approved, polypropylene siding be exempted. One Board member expressed concern about maintaining fire separation distances based on the material used. One Board member recommended that it be stated unambiguously that brick and masonry are not covered by this section.

Mr. Arthur Londensky made a motion, which was seconded by Mr. Michael Seeve, to approve the language in the draft rule with an amendment to exempt polypropylene siding. The motion carried with four in support, three in opposition, and one abstention.

Page 4, N.J.A.C. 5:23-2.7(c)1xii, Decks, porches, and stoops: In this section of ordinary maintenance, “replacement” would be added to “repair” and a deck that is not higher than 30 inches above grade would be added to “porch or stoop” at one- and two-family dwellings.

One Board member recommended that a standard for measuring be provided; six feet from the deck was recommended. Another Board member recommended that to avoid confusion with the total replacement of a deck, which is minor work, that “partial” be inserted before “replacement.” Another Board member recommended that this be limited to one- and two-family dwellings because decks that provide outdoor seating at restaurants should not be repaired or replaced as ordinary maintenance. After extensive discussion, the Board tabled this item without taking action.

CAB Minutes
February 10, 2017

Page 4, N.J.A.C. 5:23-2.7(c)1xiii, Screens: In this section of ordinary maintenance, “repair” would be added to the “replacement” of screens.

One Board member recommended that it be made clear that these are “insect screens” and not screens that protect equipment on a roof. A brief discussion ensued. The Board agreed that new building elements or components should not be part of ordinary maintenance, but that there is no need to specify “insect” screens. Code Assistance specialists admitted that they have not received any questions on this to date.

Mr. Arthur Londensky made a motion, which was seconded by Mr. Michael Seeve, to approve the language in the draft rule without change. The motion carried with five in support and four in opposition.

Page 4, N.J.A.C. 5:23-2.7(c)1xiv, Insulation: This section of ordinary maintenance would be amended to allow the installation of any type of insulation.

One Board member recommended that there be an exception for foam insulation. There was a brief discussion.

Mr. Tony Neibert made a motion, which was seconded by Mr. Michael Seeve, to approve the draft language and to add an exception for foam insulation. The motion carried unanimously.

Page 4, Page 4, N.J.A.C. 5:23-2.7(c)1xv, Gutters on dwellings: In this section of ordinary maintenance, “repair” would be added to the “replacement” of rain gutters on dwellings.

Mr. Tony Neibert made a motion, which was seconded by Mr. Michael Seeve, to approve the draft rule without change. The motion carried unanimously.

Page 4, N.J.A.C. 5:23-2.7(c)1xvi, Gutters and leaders on non-residential buildings: In this section of ordinary maintenance, the installation of exterior gutters and leaders on any building would be added.

There was a brief discussion about whether this also applied to a new installation because sizing the system is critical to its compliance and effectiveness. There was agreement that, as discussed earlier, new building components should not be ordinary maintenance.

Mr. Tony Neibert made a motion, which was seconded by Mr. Michael Seeve, to approve the draft rule without change. The motion carried unanimously.

Page 4, N.J.A.C. 5:23-2.7(c)2i, Hose bib valves: In this section of ordinary maintenance, the replacement of hose bib valves would be allowed in any building and no longer limited to one- and two-family dwellings.

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

Page 4, N.J.A.C. 5:23-2.7(c)2iv, Repairing leaks: In this section of ordinary maintenance, repairing leaks would be allowed and would no longer be limited to between two adjacent joints.

One Board member observed that this would allow a building owner to address leaks. One Board member recommended limiting the length of the piping because, as drafted, that this could be interpreted as allowing the replacement of an entire plumbing system as ordinary maintenance. One Board member pointed out that this allows the repair of leaks only and not of an entire plumbing system.

CAB Minutes
February 10, 2017

Mr. Arthur Londensky made a motion, which was seconded by Mr. Michael Seeve, to approve the draft rule without change. The motion carried with five in support and three in opposition.

Page 5, N.J.A.C. 5:23-2.7(c)2vii, Shower valves: In this section of ordinary maintenance, replacing valves, including bath/shower valves, would be allowed in any building and would no longer be limited to one- and two-family dwellings.

Mr. Arthur Londensky made a motion, which was seconded by Mr. George Hrin, to approve the draft rule without change. The motion carried with six in support and two in opposition.

Page 5, N.J.A.C. 5:23-2.7(c)2ix, Traps: This section of ordinary maintenance would allow the replacement of traps and would eliminate the existing limitation of traps on “culinary sinks in food handling establishments.”

Mr. Michael Seeve made a motion, which was seconded by Mr. Tony Neibert, to approve the draft rule without change. The motion carried with five in support and three in opposition.

Page 5, N.J.A.C. 5:23-2.7(c)2x, Plumbing fixtures: This section of ordinary maintenance would allow plumbing fixtures to be replaced in any building and no longer limited to replacement in one-and two-family dwellings.

One Board member expressed concern that some of the fixtures might be replaced without complying with the Barrier Free Subcode. One Board member recommended that replacement of fixtures be minor work for commercial buildings.

Mr. Michael Seeve made a motion, which was seconded by Mr. George Hrin, to approve the draft rule without change. The motion carried with six in support and two in opposition.

Page 5, N.J.A.C. 5:23-2.7(c)2xi, Domestic appliances: In this section of ordinary maintenance, the replacement of domestic washers and domestic (not commercial) dishwashers would be ordinary maintenance.

Mr. Henry Kelly made a motion, which was seconded by Mr. Michael Seeve, to approve the draft rule without change. The motion carried unanimously.

Page 5, N.J.A.C. 5:23-2.7(c)3i, Lighting fixtures: This section of ordinary maintenance would allow the replacement of any switch or lighting fixture with a similar item; the applicable sections of the National Electrical Code (NEC), the adopted electrical subcode, would be added. One Board member recommended that an exemption from emergency battery packs be added. One Board member agreed with the change because “changing a switch is changing a switch.”

Mr. Tony Neibert made a motion, which was seconded by Mr. Michael Seeve, to approve the draft rule and to add an exemption for emergency battery packs. The motion carried unanimously.

Page 6, N.J.A.C. 5:23-2.7(c)3iii, Communications wiring.

One Board member expressed concern about the confusing nature of this section. Staff agreed to review this section for accuracy and clarity of the language. One Board member commented that there is a conflict between this requirement and the Board of Public Utilities, which regulates cable companies. It is common for employees who are installing cable service to create holes,

CAB Minutes
February 10, 2017

often substantial holes, in fire-rated assemblies. It is not understood whether these installations must comply with the UCC. It was stated unequivocally that they are subject to the UCC.

Mr. Tony Neibert made a motion, which was seconded by Mr. Michael Seeve, to approve the draft rule and to charge staff with ensuring that the language is clear. The motion carried with seven in support and one abstention.

Page 6, N.J.A.C. 5:23-2.7(c)3v, Kitchen range hoods: In this section of ordinary maintenance, the replacement of kitchen range hoods would be limited to dwellings as long as the hood is vented and the output does not increase the capacity above 400 cfm.

One Board member commented that this could be extended to all buildings because limiting the output to 400 cfm controls the size of the range hood. Another Board member agreed with the draft rule that this should be limited to dwellings.

Mr. Tony Neibert made a motion, which was seconded by Mr. John Scialla, to approve the draft rule without change. The motion carried with seven in support and one abstention.

Page 6, N.J.A.C. 5:23-2.7(c)3vi, Alarms and security systems: This section of ordinary maintenance would allow the installation of burglar alarms, security systems, and doorbells in one- and two-family dwellings to be ordinary maintenance.

*Mr. Tony Neibert made a motion, which was seconded by Mr. George Hrin, to approve the draft rule with an amendment to replace “burglar alarms, security systems, **and** doorbells” with “burglar alarms, security systems, **or** doorbells.” (Emphasis added) The motion carried with seven in support and one in opposition.*

Page 6, N.J.A.C. 5:23-2.7(c)4i and iii, Sprinkler, smoke, heat detector heads: This section of ordinary maintenance would designate the replacement of sprinkler, smoke, or heat detector heads as ordinary maintenance.

One Board member recommended that “smoke alarms” be included to reflect the current terminology.

Mr. Arthur Londensky made a motion, which was seconded by Mr. Tony Neibert, to approve the draft rule and amend the rule to update the terminology. The motion passed unanimously.

Page 7, N.J.A.C. 5:23-2.7(c)5vi, Kitchen range hoods: This section of ordinary maintenance would limit the replacement of kitchen range hoods to dwellings as long as the hood is vented and the output does not increase the capacity above 400 cfm.

One Board member commented that this could be extended to all buildings because limiting the output to 400 cfm controls the size of the range hood.

Mr. Henry Kelly made a motion, which was seconded by Mr. John Scialla, to approve the draft rule without change. The motion carried with seven in support and one abstention.

Page 7, N.J.A.C. 5:23-2.7(c)5vii, Domestic clothes dryers: This section of ordinary maintenance would designate the replacement of domestic clothes dryers within dwelling units as ordinary maintenance as long as there is no change in fuel type, pipe size, or electrical characteristics.

Mr. Michael Seeve made a motion, which was seconded by Mr. John Scialla, to approve the draft rule without change. The motion carried unanimously.

CAB Minutes
February 10, 2017

Page 7, N.J.A.C. 5:23-2.7(c)5viii, Domestic stoves and ovens: This section of ordinary maintenance would designate the replacement of domestic stoves or ovens in dwelling units as ordinary maintenance as long as there is no change in fuel type, pipe size, or electrical characteristics.

Mr. Michael Seeve made a motion, which was seconded by Mr. George Hrin, to approve the draft rule without change. The motion carried unanimously.

Page 7, N.J.A.C. 5:23-2.7(c)5ix, Spray-applied liquid chimney liner: In this new section, the application of liquid (spray-applied) chimney liner inside an existing chimney would be designated as ordinary maintenance.

One Board member recommended that this be minor work because of problems in the field. In response to a question about how the inspections are conducted, one Board member replied that the inspection is visual. Another Board member asked about the purpose of the spray-applied liner and was told that it prevents leaks. One Board member said that some local enforcing agencies have cameras to use for the inspections, but others do not. One Board member recommended that a certification, similar to the chimney certification, be required because, without cameras, reliable inspections are difficult.

Mr. Jason Kliwinski made a motion, which was seconded by Mr. Arthur Londensky, to disapprove this change. The motion carried with six in support and two in opposition.

N.J.A.C. 5:23-2.14-Construction permits, when required

Page 8, N.J.A.C. 5:23-2.14(b)8, Construction permits-when required: In this section, the threshold for requiring a permit for a garden-type utility shed would be increased from 100 to 200 square feet.

One Board member expressed concern that increasing this threshold could result in garages being included. One Board member asked whether this applied only to pre-fabricated units or whether stick-built sheds would also be included. The response was that the same threshold would apply to both types of sheds.

Mr. Tony Neibert made a motion, which was seconded by Mr. Michael Seeve, to approve the draft rule without change. The motion carried unanimously.

N.J.A.C. 5:23-2.17A, Minor work

Page 8, N.J.A.C. 5:23-2.17A(b)1, Notice of work; application: In this section of minor work, the notice of minor work would be expanded to allow oral or written notice to be delivered in person or electronically. In addition, the hours of providing notice would be eliminated to accommodate the changing technology.

One Board member recommended that in subsection 2 (on page 9) the reference to fees should be changed because fees are not collected at the time of the submission of the construction permit application, but at the time of the issuance of the construction permit.

Mr. Henry Kelly made a motion, which was seconded by Mr. Jason Kliwinski, to approve the draft rule with an amendment regarding the fee. The motion carried unanimously.

Page 9, N.J.A.C. 5:23-2.17A(c)1i, Decks, porches and stoops: In this section, the construction or replacement of a deck that is not greater than 30 inches above grade would be added to the construction or replacement of a porch or stoop as minor work.

CAB Minutes
February 10, 2017

One Board member recommended that the construction of a deck not be minor work because there are too many individual considerations site-by-site and homeowners would be greatly inconvenienced by discovering that the deck on which they had started construction would have to be removed because it was in violation of laws other than the UCC. One Board member recommended that this be limited to one- and two-family dwellings, but not to commercial buildings. One Board member recommended that, if the Board were to decide to allow the construction of decks at one- and two-family dwellings to be minor work, a measurement be included in this section to prevent some non-conformities. One Board member recommended limiting the size of the deck that could be minor work.

Mr. Jason Kliwinski made a motion, which was seconded by Mr. Tony Neibert, to retain the existing language without change. The motion carried with seven in support and one in opposition.

Page 9, N.J.A.C. 5:23-2.17A(c)1iii, Siding: In this section, the existing language providing that removal and replacement of more than 25% exterior siding on a one-or two-family dwelling as minor work would be deleted as a companion change to N.J.A.C. 5:23-2.7(c)1xi (on page 4) which recategorizes this work as ordinary maintenance.

Mr. Michael Seeve made a motion, which was seconded by Mr. George Hrin, to approve the draft rule without change. The motion carried with six in support and two in opposition.

Page 9, N.J.A.C. 5:23-2.17A(c)1iii, Repair and renovation work: With the existing section on siding deleted, the text currently codified at N.J.A.C. 5:23-2.17A(b)8 on repair and renovation work in Groups B, F, M, or S would be moved to this section to put the scoping provisions for minor work together. The introductory text that would be made redundant by the recodification would be removed.

Mr. George Hrin made a motion, which was seconded by Mr. Greg Moten, to approve the draft rule without change. The motion carried unanimously.

Page 9, N.J.A.C. 5:23-2.17A(c)2, Piping: In this section of minor work, the replacement of existing piping would be amended to limit the replacement of piping or plumbing fixtures to dwellings.

One Board member commented that this change was reasonable and expressed support for it. One Board member asked whether there was a deliberate intent to move minor work away from commercial structures. Restricting changes like this to dwellings is not reasonable. Commercial structures are under leases with management professionals who ensure compliance.

Mr. Michael Seeve made a motion, which was seconded by Mr. George Hrin, to remove the limitation to dwellings and thereby extend the application to all buildings. The motion was defeated with three in support and five in opposition.

The Board held a brief discussion about the need to develop a section of minor work that specifically addresses work in non-residential structures.

Mr. Henry Kelly made a motion, which was seconded by Mr. Jason Kliwinski, to approve the draft rule without change. The motion carried with five in support and three in opposition.

Page 10, N.J.A.C. 5:23-2.17A(c)3, Boilers: In this section of minor work, the replacement of existing boilers would be amended to delete “low pressure” as a descriptor before “boilers” because “low pressure boilers” are not defined. High pressure boilers are regulated by the Department of Labor and Workforce Development.

CAB Minutes
February 10, 2017

One Board member agreed with this change adding that the Department of Labor and Workforce Development registers high pressure boilers and inspects them annually. One Board member recommended that replacement be limited to “appliances of like weight and capacity in the same location.”

Mr. Michael Seeve made a motion, which was seconded by Mr. George Hrin, to approve the deletion of “low pressure” and to retain “with new appliances of like capacity.” The motion carried unanimously.

Page 10, N.J.A.C. 5:23-2.17A(c)4, Appliances: In this section, electrical work incidental to the installation of appliances in one- and two-family dwellings would be designated as minor work. One Board member observed that flipping houses is becoming an increasing problem; expanding electrical as minor work is likely to cause problems for the next homeowner. One Board member indicated agreement with the revisions as drafted.

Mr. George Hrin made a motion, which was seconded by Mr. Tony Neibert, to approve the draft rule without change. The motion carried with five in support and two in opposition.

Page 10, N.J.A.C. 5:23-2.17A(c)5i, Fire detection: In this section, the installation of fire detection or suppression devices would be expanded as minor work in all buildings.

One Board member indicated agreement with the draft amendment. One Board member recommended that the application continue to be limited to one- and two-family dwellings because the fire suppression systems in commercial buildings require calculations regarding the loads. One Board member recommended that this section be clarified because although it currently states “suppression device,” it seems to be interpreted to mean “suppression system” and a suppression system should not be minor work.

Mr. Michael Seeve made a motion to approve the draft rule without change. There was no second.

Mr. George Hrin made a motion, which was seconded by Mr. Arthur Londensky, to retain the existing limitation to one- and two-family dwellings. The motion carried with seven in support and one in opposition.

Page 10, N.J.A.C. 5:23-2.17A(c)5ii, Radon mitigation: In this section, designating radon mitigation systems in one- and two-family dwellings as minor work would be extended to all buildings provided no new electrical work is required.

Mr. Michael Seeve made a motion, which was seconded by Mr. George Hrin, to approve the draft rule without change. The motion carried unanimously.

Page 10, N.J.A.C. 5:23-2.17A(c)5iii, Burglar and security systems: In this section, the installation of burglar alarm or security system or doorbell in structures other than one- and two-family dwellings would be designated as minor work.

One Board member recommended approval with the addition of “in other than access-controlled egress door systems.”

Mr. Arthur Londensky made a motion, which was seconded by Mr. Michael Seeve, to approve the draft rule as amended by discussion. The motion carried unanimously.

Page 11, N.J.A.C. 5:23-2.17A(c)5iv, Communications wiring. Although not proposed for change, the Electrical Subcode Committee recommended that this language be clarified. It was

CAB Minutes
February 10, 2017

agreed that, as with the earlier sections, staff would review the section and make changes as needed.

Page 11, N.J.A.C. 5:23-2.17A(c)6i, Non-structural components: In this section, the repair, replacement, or installation of non-structural components in other than one- and two-family dwellings would be designated as minor work.

One Board member objected to including installation because it could be understood as allowing the installation of new partitions, which could compromise egress and access for people with disabilities.

Mr. Henry Kelly made a motion, which was seconded by Mr. Jason Kliwinski, to approve the draft rule with the deletion of “installation.” The motion carried unanimously.

Page 11, N.J.A.C. 5:23-2.17A(c)6ii, Sprinklers, smoke detectors: This section would allow the replacement of sprinkler or smoke detectors in any building as minor work.

One Board member observed that this had been approved as ordinary maintenance (at N.J.A.C. 5:23-2.7(c)4i and iii).

Mr. Arthur Londensky made a motion, which was seconded by Mr. Henry Kelly, to delete this provision. The motion carried unanimously.

Page 12, N.J.A.C. 5:23-2.7(c)8, Repair and renovation: The existing section on repair and renovation in specific use groups would be deleted because it has been moved to N.J.A.C. 5:23-2.17A(c)1iii (page 9).

Because this was a companion change already approved in the discussion of N.J.A.C. 5:23-2.17A(c)1iii (page 9), the Board took no additional action on the change in this codification.

Page 12, N.J.A.C. 5:23-2.7(d)1, Inspections: In this section, inspections for minor work would be required to be performed within 72 hours rather than within 30 days.

One Board member recommended that “72 hours” be changed to “three business days” to avoid problems that would result if inspections were requested after hours or on a weekend. One Board member recommended that this section be revised to state that an inspection may not be requested before the permit has been issued.

Mr. Michael Seeve made a motion, which was seconded by Mr. Tony Neibert, to approve the change in the time for an inspection and to change “72 hours” to “three business days.” The motion carried unanimously.

Page 12, N.J.A.C. 5:23-2.7(d)2, Substantial compliance: In this section, the characterization of minor work as “substantially” complying with the UCC would be changed by removing “substantially.”

One Board member objected to the removal of “substantially” because, although “substantially” cannot be quantified, it is not possible to attest to code compliance for work that cannot be seen. Minor work inspections are based on what can be seen at the time of the inspection with the recognition that some work cannot be seen.

Mr. George Hrin made a motion, which was seconded by Mr. Michael Seeve, to retain “substantially.” The motion carried unanimously.

CAB Minutes
February 10, 2017

After confirming that the Board had finished its discussion of and action on this agenda item, Ms. Beth Pochtar, Chair, opened the meeting to public comment.

Mr. Jim Zaconie, New Jersey Building Officials Association, commented that the draft change on page 10 (at N.J.A.C. 5:23-2.17A(c)2), which would allow replacement of existing piping with no increase in the water distribution system, could cause problems for the building's structure; penetrations of the fire separation assembly is also likely and would cause problems.

Mr. Ron Ferrari, Building Subcode Official, Piscataway, thanked the Board for its efforts. He made several points:

- Removing prior approvals from the definition of minor work will cause problems for homeowners. What will happen if the work has begun and zoning says no?
- Interior finishes: Although he agrees with changing the current maximum of 25% of a room in not more than 12 months, there are likely to be problems by the expansion, such as compromising fire ratings, that could result in conflicts with the Rehabilitation Subcode.
- Page 3, Nonstructural components: This section should be use group specific because of the problems with access and egress. Tenant fit-ups could certainly be allowed, but means of egress problems can result if partitions are not constructed correctly.
- Page 3, Replacing roofing on one- and two-family dwelling: Allowing roofing without a permit on a one- or two family dwelling should be reconsidered. Structural problems result when secondary draining is not correct.
- Page 4, Decks should be required to be measured from 30 inches away from the deck.
- Page 4, Insulation: If insulation is added, and not simply replaced, is a permit required?
- Page 5, Replacement of valves: Is changing a dry valve on a sprinkler system allowed. This should be clarified.
- Page 6, Range hoods: Limiting the output to 400 cfm is not sensible for a commercial hood.
- Page 11, Partitions: Allowing the installation of partitions will cause barrier free and egress problems.
- Page 12, Inspections: A 24-hour notice should be required along with three business days to respond.

Brian Kamp, Sheet Metal Workers Union 27, expressed concern that these changes could cause problems with the Heating, Ventilation, Air-conditioning, and Refrigeration (HVACR) license. Relaxing permit requirements could compromise the HVACR licensing law. Changing the permit requirements for range hoods would also complicate the HVACR licensing law.

Daniel Mairella, Construction Official and Building Subcode Official, Mahwah: The UCC's "founding fathers" accepted national model codes as the foundation of the UCC. If the UCC is picked apart and changed, it will compromise its foundation.

Michael Kovonuk, Construction Official and Building Subcode Official, Readington Township, and representative of Municipal Construction Officials' Association (MUNCO): Mr. Kovonuk stated that he disagrees with most of these changes; he understands that regulations need to be

CAB Minutes
February 10, 2017

changed, but not at the expense of safety. He asked the Department to partner with the code enforcement associations and work together for more effective change.

Ron Barbarulo, New Jersey Plumbing Inspectors' Association (NJPIA): Mr. Barbarulo stated that he is not supportive of the changes to minor work. He does not think that a homeowner should be able to put in a new bathroom and add it to the existing plumbing service without a full permit. He believes that the installation of a chimney liner should require a permit.

Mr. John Fiedler, Construction Official, Hillsborough Township, and MUNCO: Mr. Fiedler asked whether the intent of this initiative is to reduce regulations by 30%? He stated his opposition to the initiative.

Mr. Pat Naticchione, Construction Official, Egg Harbor Township, and President, NJBOA: Mr. Naticchione expressed concerns with the changes to roofing, siding, decks, and sheetrock. In his township, many homeowners thank the building department for their guidance through the construction of decks. Decks that are constructed without plans or permits cause problems for the homeowners and for the municipalities. It is important to remember that someone has to police construction work. Mr. Naticchione recommended that the Department consider creating a review process, perhaps with a five-day plan review period, for prototype decks.

Thomas Yotka, Construction Official, Village of Ridgewood: Mr. Yotka expressed his concern with the safety of decks that might be constructed without construction permits. He reminded the Board and Department staff that it is easier to correct a plan than it is to correct faulty construction and he expresses his fear that someday the construction of decks might be completely outside the UCC.

D. Information

1. CAB Meeting Dates 2017
2. CAB Log: The updated Code Advisory Board activity log was included in the meeting packets.
3. 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.

E. Public Comments

There were no further public comments.

G. Adjourn

The meeting was adjourned at 1:05 p.m.

H. Executive Session

The Executive Session was opened at 1:10 p.m. and adjourned at 1:20 p.m.