

CAB MINUTES

June 11, 2021

UNIFORM CONSTRUCTION CODE ADVISORY BOARD

Minutes of Meeting, June 11, 2021

Meeting held Electronically via Microsoft Teams

Code Advisory Board meeting April 9, 2021

Held electronically via Microsoft Teams

Attendance

Board Members

John Scialla (Vice Chair)

Mark Caputo

John Del Colle

Kathy Herity

Henry Kelly

Art Londensky

Bob Mellohusky

Greg Moten

Tony Neibert

Steve Rodzinak

Michael Seeve

Valerie Waricka

Members absent: Doug Boydston, Beth Pochtar (Chair)

DCA staff

Edward Smith, Director, Division of Codes and Standards

Robert Austin

Marie Daniels

John Delesandro

Justin Henry

Bob Hilzer

John Lago

Paul Lamberti

Terrence Luckie

Keith Makai

Adam Matthews

Erin Mifka

Thomas Pitcherello

Dan Tober

Chrystene Wyluda

Public Attendees

John Heine, PHCC

Stephen Jones, ICC

Jeffrey Mang, JC Mang Consulting

Erin Mahoney, Gensler

Brian Miller, Plainsboro Township

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Shawn Strausbaugh, ICC
Nicole Urizzo, PHCC
Frank Vuoso, Town of Westfield

Mr. Robert Austin called the meeting to order at 9:35 a.m. Roll call was performed.

A. Approval of Minutes of the Code Advisory Board Meeting April 9, 2021

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

B. Subcode Committee Reports

Barrier Free Subcode Committee: Mr. John Del Colle reported that the committee met virtually and discussed agenda items.

Building Subcode Committee: Mr. John Scialla reported that the committee met virtually and discussed agenda items.

Electrical Subcode Committee: Mr. Tony Neibert reported that the committee met virtually and discussed a number of items that are included as new business for this meeting.

Elevator Subcode Committee: In the absence of Mr. Doug Boydston, Chair, Ms. Marie Daniels reported that the committee met virtually and discussed agenda items.

Fire Protection Subcode Committee: Mr. Art Londensky reported that the Committee met virtually and discussed one of the items included as new business for this meeting.

Mechanical Subcode Committee: Mr. Bob Mellohusky reported that the committee met virtually and discussed agenda items. One member passed away due to COVID.

Plumbing Subcode Committee: Mr. Steve Rodzinak reported that the committee met virtually to discuss one of the items included as new business for this meeting.

C. Old Business

1. Draft Rule – Inspections: Fire Suppression versus Protection – N.J.A.C. 5:23-2.18

Mr. Robert Austin introduced this item, which was referred to all Committees, and noted that each of the Subcode Committee Minutes came to the same conclusion. Board members agreed, and stated that the Committees all felt that, rather than requiring a stop inspection for “fire suppression,” it was appropriate to maintain “fire protection,” and add “and alarm/detection systems” to the stop inspection.

Mr. Art Londensky made a motion, which was seconded by Mr. Tony Neibert, to approve the draft rule as amended by discussion. The motion carried unanimously.

2. Draft Rule – Conflict of Interest: Software Reporting – N.J.A.C. 5:23-4.5

Mr. Robert Austin introduced this item, which was referred to all Committees for review. One committee member noted that the language could be made clearer to ensure that the conflicted agency is aware that it has the authority to input information for reporting, since the conflicted agency is responsible for reporting the project. Staff agreed that the language could be modified to ensure clarity for the reporting requirements.

Mr. Steve Rodzinak made a motion, which was seconded by Mr. Art Londensky, to approve the draft rule as amended by discussion. The motion carried unanimously.

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3. Rehabilitation Subcode: Exit Access Stair – N.J.A.C. 5:23-6

Mr. Robert Austin introduced this item and reminded the Board that it came from a proponent who wanted to see Exit Access Stairs included in the rehabilitation subcode. The Board discussed whether this item was truly needed at this time, and it was referred to the Building and Fire Protection Subcode Committees for further review. Both Committees felt that this was a variation issue rather than a widespread matter impacting the majority of rehabilitation projects.

Mr. Steve Rodzinak made a motion, which was seconded by Mr. Art Londensky, to deny this item. The motion carried unanimously.

4. Draft Rule – Rehabilitation Subcode: New Building Elements – N.J.A.C. 5:23-6

Mr. Robert Austin introduced this item, which reorganizes the New Building Elements section of the Rehabilitation Subcode to align with the Materials and Methods section. This draft rule was referred to all Committees for review, and all Committees agreed that the reorganization was appropriate.

Mr. Art Londensky made a motion, which was seconded by Mr. Greg Moten, to approve the draft rule. The motion carried unanimously.

5. Draft Rule – Rehabilitation Subcode and Elevator Subcode – N.J.A.C. 5:23-6 and 12

Ms. Marie Daniels introduced this item and explained that the Elevator Subcode Committee carefully reviewed the standards for the maintenance of elevator devices and recommended changes to the draft rule to ensure that elevators are appropriately maintained. All changes, along with explanations, are included in the Committee's minutes.

Mr. Tony Neibert made a motion, which was seconded by Mr. Art Londensky, to approve the draft rule as amended by the Elevator Subcode Committee. The motion carried unanimously.

6. Draft Rule – Completely Inclusive Playgrounds (Jake's Law) – N.J.A.C. 5:23-7 and 11

Ms. Marie Daniels introduced this item, which was referred to the Barrier Free, Building, and Electrical Subcode Committees for review. The draft rule relates to the construction of Completely Inclusive Playgrounds. The Board discussed the enforcement of playgrounds and the decision as to whether a play item is accessible, which remains problematic, because that responsibility falls to the owner or manager of the playground. The Board recognized that this matter is outside the scope of the Uniform Construction Code, but worth noting. Within the draft rule text, the Barrier Free Subcode Committee recommended that family or assisted use toilets be provided for completely inclusive playgrounds where facilities are provided. The Committee also recommended that the definition of unitary surfacing be clear, and Mr. Robert Austin explained that the term is defined by CPSC 325, Handbook for Public Playground Safety, which we adopt as part of the playground safety subcode. Lastly, the Committee recommended that the shade requirements may be met by natural or manmade means. The Board agreed with these recommended changes and noted that this draft rule, with the Committee's recommendations, meet the intent of this law and ensure that children with disabilities are provided with the services they need to have an equal opportunity for play.

Mr. John Del Colle made a motion, which was seconded by Ms. Valerie Waricka, to approve the draft rule as amended by discussion. The motion carried unanimously.

D. New Business

Mr. Robert Austin noted that Board Members should have received digital copies of the codes introduced as new business.

1. 2020/2021 Model Code Adoption, Part 1

a. Plumbing Subcode – N.J.A.C. 5:23-3.15, National Standard Plumbing Code and International Plumbing Code

Ms. Marie Daniels introduced this item and stated that Staff had finalized its review of the National Standard Plumbing Code (NSPC 2021) and was seeking to refer this item to the Plumbing Subcode Committee for review. Ms. Daniels noted that, in addition, the Department would like to invite discussion on the International Plumbing Code (IPC 2021) to gain an understanding of Board members' thoughts for each code.

One Board member noted that builders are in favor of the IPC for a number of reasons; he cited that the International Residential Code (IRC) is a standalone code and contains requirements for low-rise residential construction, including plumbing, fuel gas, mechanical, and electrical requirements for those structures. He argued that, because the Department deletes the plumbing and electrical chapters and defers to the NSPC and the National Electrical Code (NEC), it forces people to buy books that would not be necessary if the IRC was adopted without amendment. He further noted that the Design Services Act of New Jersey allows homeowners to design and build their own single-family dwellings but felt that homeowners are discouraged by how complex the State's building codes are. As such, the builders are in favor of adopting the IRC without amendments. Another Board member disagreed and stated that building codes are complex regardless of the model codes used, and that for buildings other than low-rise residential uses, multiple code books still must be purchased regardless of the publisher (i.e., referenced standards).

One Board member stated that, without any vested interest in the NSPC versus the IPC, he felt that it was important to remind the members that they are stewards who are appointed to uphold the principles of the Uniform Construction Code Act. He noted that they represent many disciplines throughout the State, from builders to design professionals, and public health officials to consumers, and ultimately, they serve for the citizens of the State so that they have the best possible regulations. He noted that, no matter the choice, he wanted to ensure that the decision is not simplistic or done without careful consideration. He was in favor of a comparative process whereby the Board be presented with a qualitative analysis of the IPC and the NSPC. He finally noted that regardless of what other regions and States are doing, the Code Advisory Board serves the State before it serves the Region.

One member stated that the State plumbing industry is in favor of the NSPC. They feel that because New Jersey is the only State that adopts the NSPC on State-wide basis, the code is highly tailored to suit the needs of New Jersey. The NSPC addresses the State's needs when it comes to fixtures, venting, and piping in a timely fashion. He noted that there are some amendments to the NSPC despite it being specific to New Jersey, but that those amendments address gray areas where the NSPC is unclear. In addition, it is what has been in place since the adoption of the UCC in 1977, and it is what the industry has been trained on. He agreed that a comparison should be undertaken but wanted to note that his preference was with the NSPC.

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Members of the Committee agreed that a comparison is appropriate and necessary.

Mr. Henry Kelly made a motion, which was seconded by Mr. Greg Moten, to table the NSPC until the Department provides a side-by-side comparison and analysis of the NSPC and the IPC for the Board's review. The motion carried with 8 in favor and 4 opposed.

b. Electrical Subcode – N.J.A.C. 5:23-3.16, National Electrical Code (NEC 2020)

Mr. Robert Austin introduced this item.

This item was referred to the Fire Protection and Electrical Subcode Committees.

c. Energy Subcode – N.J.A.C. 5:23-3.18, International Energy Conservation Code 2021 (IECC 2021) and ASHRAE 90.1-2019

Mr. Robert Austin introduced this item.

This item was referred to the Building, Mechanical/Energy, and Plumbing Subcode Committees.

d. Mechanical subcode – N.J.A.C. 5:23-3.20, International Mechanical Code (IMC 2021)

Mr. Robert Austin introduced this item.

This item was referred to the Building, Fire Protection, Mechanical/Energy, and Plumbing Subcode Committees.

e. Fuel Gas Subcode – N.J.A.C. 5:23-3.22, International Fuel Gas Code (IFGC 2021)

Mr. Robert Austin introduced this item.

This item was referred to the Building, Fire Protection, Mechanical/Energy, and Plumbing Subcode Committees.

2. Draft Rule – Height and Area References in UCC – N.J.A.C. 5:23-3.2 and 6.31

Mr. Robert Austin introduced this item and explained that, over time, Section 503 was split into separate tables, and these amendments address sections where this split was not accounted for. It adds a third table to reflect the breakdown of Section 503.

Mr. Steve Rodzinak made a motion, which was seconded by Mr. Greg Moten, to approve the draft rule. The motion carried unanimously.

3. Draft Rule – Rehabilitation Subcode, Electric Materials and Methods – N.J.A.C. 5:23-6.8(d)

Mr. Robert Austin introduced the draft rule, and Mr. Tony Neibert explained that the Electrical Subcode Committee had been working on this change. Currently, where a building has existing three-wire cables, a new installation would cause the current panel to be a subpanel, which is not permitted pursuant to the electrical subcode without further modification to the electrical system. As such, anyone undertaking a new installation would have to replace the branch circuit wiring to all other appliances. This is expensive, and the installations, often whole-house generators, do not pose any hazard to the homeowners. The draft rule circumvents this issue by allowing the replacement of the current wire or by insulating the neutral wire by stating that, in applying the provisions of the NEC related to this project, the branch circuit does not have to originate at the service equipment.

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

E. Information

1. Tentative meeting dates for 2021 were provided as follows: Aug 13; Oct 15; Dec 10
2. The Code Advisory Board Log was provided electronically.
3. The List of Pending Legislation was provided electronically.
4. Privacy of Board Members

Ms. Marie Daniels reminded the Board that, as volunteers to the Department, their contact information is not made public by the Department and asked that Board members not share one another's contact information. One Board member noted that there should be a mechanism through which they can receive information. Ms. Daniels noted that she, as well as Mr. Robert Austin, are the secretaries to the Board, have public emails, and are happy to share any information requested to be shared with the Board as part of the "information" portion of the agenda.

F. Public Comments

John Heine, President, Plumbing, Heating, Cooling Contractors (PHCC), vocalized his support for the NSPC and stated that he supports the comparison of both plumbing codes, but feels that the NSPC is appropriate for the State of New Jersey and has worked well for decades. Thus, he does not feel the need to switch to a different code. He also noted that, if the Department were to go with the IPC, all contractors and technicians would have to be retrained to the new code sections and differing requirements, which would entail a cost to be passed onto the consumers. He felt that, with the hardships of COVID, these additional expenses should be avoided. He thanked the Board for their work and for hearing his comments.

Brian Miller, Plainsboro Township, thanked Fire Protection Subcode Committee Chairman Art Londensky for his discussion and recommendation regarding Fire Protection at N.J.A.C. 5:23-2.18 and thanked the Board for their consideration on the draft rule.

G. Adjourn

The public portion of this meeting was adjourned 11:05 a.m.

H. Executive Session

The executive session was called to order at 11:08 a.m.

The meeting was adjourned 11:10 a.m.