

STATE CODES AND STANDARDS COMMITTEE MEETING MINUTES

May 9, 2018

1. The Chair called to order the regular meeting of the State Codes and Standards Committee. The meeting was held in 2 North Conference Room B, at 450 Columbus Boulevard, Hartford, Connecticut.

2. In Attendance:

Anthony Bruno, Health
John Butkus, Architect
Johnny Carrier, Residential Contractor
John Cox, HVAC Member
Thomas DiBlasi, Structural Engineer
Donald Doeg, Esquire, Public Member
Louis Free, CAS Chair, Architect
Donald Harwood, Public Member
George Iskra, Fire Protection Engineer
Mark Mastropasqua, Labor
David McKinley, Advocacy
Henry Miga, Building Official
Michael Musco, Electrical Engineer
Glenn Neilson, Building Contractor
Eric Shutt, Plumbing Trades Contractor
Carlton Smith, C&S Chair, Building Official
Fred Wajcs, Jr., Public Member
William Zoeller, Energy Efficiency

Also Present:

Joseph Cassidy, State Building Inspector
Bill Abbott, State Fire Marshal, (OSFM)
Jenna Padula, DAS/DCS Legal
Darren Hobbs, Manager Technical Services (OSBI)
Joseph Kingston, Fire & Life Safety Supervisor (OSFM)

3. Attendance was taken and a quorum was present. A motion (L. Free) was made and seconded (J. Butkus) to accept the minutes of the *April 11, 2018* meeting. **All in favor. None opposed. Motion carried.**

4. COMMUNICATIONS

- a. 04/06/18 Request for Appeal from *Jeffrey Shulman & Debra Rosen c/o Andrea C. Sisca, Ivey, Barnum & O'Mara, LLC* - **RE: A-06-18** Section 429.83 of the 1970 BOCA Code portion of the 1971 State Building Code [180 Wildwood Road, Stamford, CT] **RE:** Owners seek permission to remove the section of the fence located between the pool and the Mianus River, which runs along the Property boundary, and to allow the river to be considered a natural barrier, preventing access to the swimming pool. **Panel Assigned: John Butkus, Chair; John Cox (panel); Lou Free (panel); Henry Miga (alternate).** **Hearing date: 6/13/18 @ 11:30a.m. 2N Conf. Rm B.**
- b. 04/16/18 Request for Appeal from *Ryan & Tyma, LLP* - **RE: A-07-18** Rescinding/Overruling Shelton Local Fire Marshal's order of April 10, 2018 [231 Coram Ave, Shelton, CT] on the basis of CGS 29-296 - Historic Building 1890s Victorian. Use as law office has continued uninterrupted since 1986. Compliance would entail practical difficulty or unnecessary hardship. On 4/16/18 **Appellant Withdrew Appeal.**
- c. 04/17/18 Correspondence Received from *Christian Labbe/Thomas Small, Small Architects* - **RE: A-05-18** On 4/17/18 **Appellant Withdrew Appeal.**

- d. 04/18/18 Request for Appeal from *Teodoro Marena c/o Robbie Gerrick, McGivney Kluger & Cook, P.C.* – **RE: A-08-18** Notice of Violation of East Hartford Zoning Regulations at 349-351 Park Avenue, East Hartford, CT. Per Mayor Marcia A. Leclerc, The Town of East Hartford has not assembled a municipal Building Board of Appeals to hear the matter. Advised Mr. Marena to appeal to the State Codes & Standards Committee. **Panel assigned: Fred Wajcs, Jr., Chair; William Zoeller (panel); Donald Doeg (panel); Carlton Smith (alternate).** Hearing date is 7/11/18 @ 10:00am. 2N Conf. Rm B.
- e. 04/23/18 Correspondence Received from *Jeffrey Shulman & Debra Rosen c/o Andrea C. Sisca, Ivey, Barnum & O'Mara, LLC* – **RE: A-06-18 (Appeal Application)** The Appellant originally submitted an email requesting to appeal the Deputy State Building Inspector's decision. Admin requested that he complete a Request for Appeal Application RE: [180 Wildwood Road, Stamford, CT].
- f. 05/07/18 Request for Appeal from *Fernando Pastor* – **RE: A-09-18** 703 Whitney Ave, New Haven, CT] Deputy State Building Inspector's denial (without prejudice) of request for accessibility exemption from the provisions of Section 1107.7.1.1 (One Story with Type "B" Units) of the 2012 International Building Code portion of the 2016 State Building Code. Appellant proposed to not provide an accessible entrance from the exterior of an existing structure undergoing a change of use. The decision was based on the fact that the applicant had not provided information indicating that it would be not feasible or would unreasonably complicate the construction. **Panel assigned: David McKinley, Chair; Glenn Neilson, (panel); Carlton Smith (panel); Donald Harwood (alternate).** Hearing date is 8/8/18 @ 11:30am, 2N Conf. Rm B.
- g. 05/08/18 Correspondence Received from *Ryan & Tyma, LLP* – **RE: A-07-18** Appellant withdrew appeal.

5. SUBCOMMITTEE REPORTS

- a. **Codes Amendment Subcommittee (CAS) (Free)** – No report. There will be no CAS meeting today.
- b. **Ethics/Procedural Regulations Subcommittee:**(Harwood)- Our topic is timeliness and we are right on time. Bethy is looking up the Members of the Ethics Committee.

6. OLD BUSINESS

There was no report

7. NEW BUSINESS

a. **Staff Report**

Joseph Cassidy, State Building Inspector – As far as the progression of the code, we submitted all three codes to the Legislative Regulatory Review Committee on May 2, 2018. They have put the codes on the agenda for May 22, 2018. We are hoping for the July 1 date. There are a couple of things that could push us back: 1). If we get a rejection, we would have to resubmit. 2). The other hang up is that we just received the agreement from ICC today and have not started the publication process. I've been asking them for a projected date for the books – I don't believe they will be ready for July 1. We have been debating the idea that instead of July 1 – moving the adoption date to October 1. (It takes approximately four months to process the book).

Carlton Smith, Chair C&S Committee posed the following questions to the Committee: By consensus, does anyone have an issue with holding back the code until October 1? Does anyone have a negative impact to this? Mr. Don Harwood feels that "it just doesn't seem like the right thing to do – pushing fast – I think we just have to extend it..." Per Mike Musco, ICC will no longer provide a commentary as a supplement.

A motion (Lou Free) was made for an adoption date between July 1, 2018-October 1, 2018, and seconded (J. Carrier). All in favor. None opposed. Motion carried.

William Abbott, State Fire Marshal – We have a new hire Ray Occhialini, former Fire Marshal for Montville, CT joined us about two weeks ago. Another new hire David Woods, former Deputy Fire Marshal for Newington, CT will join us on 5/25/2016.

Jenna Padula, Staff Counsel – No Report

- b. **Fire Prevention Code Advisory Committee (Harwood & Sinsigalli)** – No Report
- c. **Joint Building Code Training Council (Musco)/ Fire Marshal Training Council (Harwood)/(aka Joint BCTC/FMTC)** – No Report
- d. **Report on Bills (Cassidy)** – Assessment for Fees passed in the House. It is now in the Senate on their calendar (This bill allows municipalities to adopt an ordinance to charge a fee).

8. **APPEAL HEARINGS**

- a. **A-10-17.** Request for Appeal from John Coppola c/o Attorney Zullo-Zullo and Jacks, LLC RE: 10 Caroline Street, Milford, CT RE: The original denial of Joseph D. Griffith, Milford Building Official dated March 30, 2017 - notice alleges that Mr. Coppola is in violation of State Building Code R1101.1 and CGS §29-265 which, in tandem and in conjunction with Milford Zoning Code Sec. 8.9, require the issuance of a Certificate of Occupancy for any building altered after October 1, 1970. Following client's timely appeal of that notice of violation, the City of Milford was unable to seat its Building Code Board of Appeals within the statutory timeframe. Pursuant to CGS §29-266(c), client now advances to present appeal to the Codes & Standards Committee. Panel assigned: Lou Free, Chair, Mike Sinsigalli (panel), Carlton Smith (panel) and Paul Costello (alternate). Hearing date is 7/12/17 @ 12:00 noon. Briefs are due 9/8/17. Appellant requested extension for submission of briefs deadline to November 15, 2017 at 3:00pm. Extension granted. Appellant requested a second extension for briefs. Briefs extended to 1/15/18. Appellant requested a third extension for briefs for 30 days (2/14/18). Panel granted extension of briefing for 30 days (3/15/18). **Due to weather, Appellant requested another extension. Panel granted extension of briefing to 6/15/18. Hold on agenda.**
- b. **A-13-17.** Request for Appeal from Merchant 99 /111 Founders, LLC c/o Joseph B. Schwartz RE: Founders Plaza, 323 Pitkin Street, East Hartford, CT. RE: Justin Wagner, East Hartford Fire Marshal's (CFSC) Connecticut State Fire Safety Code Abatement Order of Fire/Life Safety Hazards concerning a violation of CFSC, Part IV, Section 39.4.2.1. Appellant further requests a finding that the requirement to install an "automatic sprinkler system" under CFSC, Part IV, Section 39.4.2.1 does not apply to the building on the subject property known as Founders Plaza. Refer appeal to the State Fire Marshal. Sent file to Fire Marshal on 6/15/17. State Fire Marshal is in communications with the property owner and local Fire Marshal. Send a status letter. Admin sent status letter. No response from Appellant in 30 days. Admin will send second status letter on 10/11/17 informing the appellant that the case will be dismissed if no response is received within 30 days of receipt of notice. Appellant responded 10/18/17 and plans to proceed with appeal. Panel assigned: Keith Flood, Chair, Glenn Nielson (panel), David McKinley (panel), and Carlton Smith (alternate). Hearing scheduled December 13, 2017 at 12:00 noon, 2 North Conference Room B. Hearing was held today. No decision was made. We will set a future date for deliberation.

Deliberation date is scheduled 2/14/18 at 12:45 p.m. Panel requested Deliberation Meeting be moved to 3/14/18 @ 12:45pm. **Panel Deliberation was held on 3/14/18. Decision will be mailed in 90 days (6/14/18) Hold on agenda.**

- c. **A-19-17** Request for Appeal received from Jeffrey Polke, Co-President, GCI Outdoor Inc. c/o Joseph Versteeg, Code Consultant [457 Killingworth Road, Haddam, CT] Appeal of the Haddam Building Inspector/Fire Marshal's decision - "Use and Occupancy Classification" Section 103 of the 2016 Connecticut Fire Safety Code - seeking an appeal of the decision rendered by Haddam Fire Marshal William Robbins regarding the hazard classification established in his letter dated August 25, 2017, and reaffirmed on September 26, 2017. Forward to State Fire Marshal for review. The State Fire Marshal reports review process is ongoing. State Fire Marshal report is done. We will submit to committee today. The Deputy State Building Inspector will contact ICC for a code interpretation. State Fire Marshal mailed out their final interpretation of the hazard classification to the Appellant. C&S Chair requests the Staff Attorney/Secretary to send status letter to Appellant. **Status letter was mailed on (4/19/18). Hold on Agenda.**
- d. **A-20-17** Request for Appeal received from Andrew Inga, RE: Jenice Poulin, Enfield Building Official's decision/response RE: [23 Kennedy Drive, Enfield, CT] "that the code violations are too numerous and too extensive to approve any portion of the work and exceptions will have to be approved by the State Building Inspector through modification requests. The roofing, siding, windows, flashing and framing all have violations". Refer to the Office of the State Building Inspector for review prior to the C&S Committee's review. Dan Tierney, Deputy State Building Inspector is waiting for correspondence from the Local Inspectors. **Deputy State Building Inspector is still working with the parties to find a resolution. He is asking for a status letter to be mailed to Appellant Andrew Inga. Mr. Tierney feels this issue will be resolved. Status letter was mailed on (4/19/18). Hold on agenda.**
- e. **A-21-17** Request for Appeal received from Housing Authority of the Town of Greenwich c/o Attorney Louis P. Pittocco, RE: William Abbott, State Fire Marshal's decision RE: "denying the Housing Authority of the Town of Greenwich relief from an order of the Greenwich Fire Marshal to install pull stations in stairwells with alarms in the complex known as: Armstrong Court, Hamilton Avenue, Greenwich, CT". Panel assigned: Mike Sinsigalli, Chair, Keith Flood (panel), Lou Free (panel), Donald Harwood (alternate). Hearing scheduled 1/10/18 at 12:00 noon, North Plaza Level Meeting Room G. On 12/19/17 Appellant requested hearing postponed to 2/14/18 at 12:00 noon. Panel Granted postponement of hearing to 2/14/18 at 12:00 noon. Hearing held today. Deliberation was held today. **Decision will be mailed in 90 days (5/18/18). Hold on agenda.**
- f. **A-01-18** Request for Appeal received 3/6/18 from James Liang, James International LLC RE: Norwich Local Building Official & Norwich Building Code of Appeals decision RE: Condemnation of 41 Boswell Avenue, Norwich, CT. **DAS/Staff Attorney will reach out to Appellant to seek the code he is appealing. Letter mailed on 4/30/18 Hold on agenda.**
- g. **A-02-18** Request for Appeal received 3/26/18 from Attorney Richard C. Robinson, Pullman & Comley LLC RE: The Mandell Jewish Community Center of West Hartford. The Center is in the process of upgrading its security systems and seeks to use drop arm turnstiles to regulate egress and ingress at its front doors. The West Hartford Building Inspector and Local Fire Marshal have rejected the use of these turnstiles. **Forward file to State Fire Marshal. File emailed to State Fire Marshal on 4/19/18. Hold on agenda.**

- h. **A-03-18** Request for Appeal received 4/6/18 from Joseph Anania, Taylor Brook LLC RE: Section R311.7.5.2 of the 2012 IRC portion of the 2016 SBC which states in part that "The minimum tread depth of existing stairs serving existing unfinished attics or existing unfinished basements being converted to habitable space shall be 8 inches". Deputy State Building Inspector denied his proposed 7 inch tread depth on an existing stair that serves an existing basement being converted to habitable space. The decision was based on the fact that the stair tread is too narrow and a hazard to the occupants. [M-0246-18C – 124 Forest Street, Naugatuck]. **Panel assigned: Johnny Carrier (Chair), Don Doeg (panel), Fred Wajcs, Jr. (panel), Henry Miga (alternate).** Hearing date **5/9/18-10:30am**, 2N Conf. Room B. Hold on agenda.
- i. **A-04-18** Request for Appeal received 4/9/18 from Elizabeth Iadarola [M-0238-18A, 482 Hazard Ave, Enfield] RE: Section R311.7.2 of the 2012 IRC portion of the 2016 SBC which states in part that "*The minimum headroom in all parts of existing or replacement stairways serving existing unfinished attics or existing unfinished basements being converted to habitable space shall be 6 feet, 6 inches*". Deputy State Building Inspector denied the Appellant's proposed 6 feet, 1½ inches at a stairway that serves a newly created habitable basement within a single family dwelling. The decision was based on the fact that the height is too low and a hazard to the occupants and no hardship has been demonstrated where compliance with the minimum requirements of the Building Code would entail practical difficulty, nor has it been determined that the requirements of the code have been adjudged unwarranted. **Panel assigned: Glenn Neilson (Chair), Louis Free (panel), Carlton Smith (panel), Johnny Carrier (alternate).** Hearing date **5/9/18-11:30am**, 2N Conf. Room B. Hold on agenda.
- j. **A-05-18** Request for Appeal received 4/9/18 from Thomas Small, [M-0255-18, 1551 King Street, Enfield] RE: Section 1004.1.2 of the 2012 IBC portion of the 2016 SBC which sets forth requirements for establishing occupant loads within areas without fixed seating. The Deputy State Building Inspector denied the Appellants proposal to utilize the exception to the above mentioned code section that Connecticut has deleted in its adoption process. **Panel assigned: Michael Sinsigalli (Chair), Mark Mastropasqua (panel), David McKinley (panel), Henry Miga (alternate).** Hearing date **5/23/18-10:00am**, 13N Conf. Room A. Hold on agenda.

9. GOOD OF THE ORDER

The next Codes and Standards Committee meeting is set for **June 13, 2018**, and will be held in the **2 North Conference Room B**, 450 Columbus Boulevard, Hartford, Connecticut.

10. ADJOURNMENT



Carlton Smith, Chair
Connecticut State Codes & Standard Committee