

## STATE CODES AND STANDARDS COMMITTEE (C&amp;S)

Wednesday, October 10, 2018 – 1:00 PM, 2N Conference Room B

## AGENDA

1. CALL TO ORDER
2. ATTENDANCE
3. APPROVAL OF MINUTES OF THE **September 12, 2018** MEETING
4. COMMUNICATIONS:

SUBJECT & DATE RECEIVED	FROM – TO	DESCRIPTION
a. Correspondence Received 09/17/18	Bernard Pellegrino, Esq. Robert Mangino, Architect (Fantasia Banquet Facility) CS	<b>A-12-18 RE: (Fantasia Banquet Facility)</b> Appellant withdrew appeal. (see item #f under Hearings for details)  <b>ACTION:</b> <hr/> <hr/>

## 5. SUBCOMMITTEE REPORTS:

- a. Codes Amendment Subcommittee (CAS) (Free) –
- b. Ethics/Procedural Regulations Subcommittee (Harwood) –

## 6. OLD BUSINESS

## 7. NEW BUSINESS

- a. Staff Report:
  - Joseph Cassidy, State Building Inspector –
  - William Abbott, State Fire Marshal –
  - Jenna Padula, DAS Attorney -
- b. Fire Prevention Code Advisory Committee (Harwood & Sinsigalli) -
- c. Joint Building Code Training Council (Musco)/Fire Marshall Training Council (Harwood) -
- d. Report on Bills (Cassidy) –

## 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: Louis Free, Chair, Mike

Sinsigalli (panel), Carlton Smith (panel) and Paul Costello (alternate). Hearing date is 7/12/17 @ 12:00 noon. Brief is due 9/8/17. Appellant requested extension of briefing deadline to November 15, 2017 at 3:00pm. Second request for an extension of the briefing. Panel granted extension of briefing to (1/15/18). Third request for an extension of the briefing to March 15, 2018. Panel granted extension of briefing for 30 days (3/15/18). Appellant requested a 4<sup>th</sup> extension of briefing to (6/15/18). Panel Granted extension of briefing to (6/15/18). Appellee and Appellant Post-hearing briefs received on 6/15/18. **Panel will reconvene and make final decision. Hold on agenda.**

- b. **A-06-18** Request for Appeal received 4/6/18 from Jeffrey Shulman & Debra Rosen c/o Attorney Andrea C. Sisca, Ivey, Barnum & O'Mara, LLC, 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), Louis Free (panel), Henry Miga (alternate). Hearing date 6/13/18-11:30am, 2N Conf. Room B. Hearing was held. During Hearing, Appellant asked for a continuance. Panel granted continuance to Wednesday, 9/12/18 @ 1:30pm, 2N Conf. Room B. Per Attorney Sisca, *"At this juncture, Mr. Shulman & Ms. Rosen have no further or different evidence or information to offer to the Committee, without prejudice to their right to make an application at a later date should circumstances change. Therefore, the September 12, 2018 continued hearing date is unnecessary and we will await the Committee's decision on the appeal"*. **Deliberation held on 9/12/18. Decision to be mailed out in 90 days (12/12/18). Hold on agenda.**
- c. **A-08-18** Request for appeal received 4/18/18 from Teodoro Marena c/o Robbie, Gerrick, McGivney Kluger & Cook, P.C. **RE:** 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, (Chair), William Zoeller (panel), Donald Doeg (panel), Carlton Smith (alternate). Hearing date 7/11/18-10:00am, 2N Conf. Room B. **Hearing date moved to 11/14/18 @ 11:00am. 2N Conf. Room B. Hold on agenda.**
- d. **A-10-18** Request for Appeal received 5/11/18 from AH Min Holding LLC c/o Attorney Brian C. Courtney, Updike, Kelly & Spellacy, P.C. **RE:** Fire Code Violations that it was cited for by Captain Ewan A. Sheriff, Fire Marshal on April 13, 2018. Referred to State Fire Marshal for Investigation. State Fire Marshal contacted Attorney seven times (7x), no response to date. **Hold on agenda.**
- e. **A-11-18** Request for Appeal received 5/23/18 from Bruce J. Spiewak, AIA, Consulting Architect, LLC **RE:** RE:[M-0392-18] [1 Museum Drive, Greenwich] **RE:** Section 602.1, of the 2003 IBC portion of the 2005 SBC, which states in part that *"Buildings and structures erected or to be erected, altered or extended in height or area shall be classified in one of the five construction types defined in Sections 602.2 through 602.5"*. The Deputy State Building Inspector denied the modification request that proposed a 3-story, 41,266 square feet of Type IIA construction to be added to an existing building of construction Type IIIA without providing a fire wall between the new addition and the existing. Panel assigned: Glenn Nielson, Chair; Henry Miga (panel), Mark Mastropasqua (panel), Carlton Smith (alternate). Hearing scheduled September 12, 2018 @ 10:00a.m. 2N Conf. Room B. **Hearing was held, decision will be mailed in 90 days (12/12/18) Hold on agenda.**
- f. **A-12-18** Request for Appeal received 5/25/18 from Bernard Pellegrino, Jr. The Pellegrino Law Firm **RE:** North Haven Fire Marshal's noted violation **RE:** Fantasia Banquet Facility

located at 404 Washington Ave, North Haven. "1990 BOCA Sec. 709.2 & Sec. 707.1. - The fire rated separation between the banquet hall and all other areas of the building does not meet the required 2 hour rating. The banquet hall does not qualify for an exception to these code sections, as it is not a part of a fully sprinklered building". Thus, the Appellant is seeking relief/reversal of decision, that corrective work is unnecessary and was not mandated when the building was built. Referred to State Fire Marshal for Investigation. State Fire Marshal met with owner and North Haven Fire Marshal. Owner will submit a new Fire Code Modification. **A new modification was submitted and approved. Appellant withdrew appeal on 9/17/18.**

- g. **A-15-18** Request for Appeal received 7/30/18 from Hide W. Inga, Esq., Inga/Andrew Inga Consulting Engineers, LLC. RE: Multiple properties, East Hartford, CT. RE: Milton Gregory Grew, East Hartford Building Official's position that only an architect can stamp drawings for improving and the new construction properties in the City of East Hartford. DAS Counsel will respond to Appellant with regards to the C&S Committee's purview. **Letter to Appellant on 10/2/18 with 10/9/18 deadline for additional information.**
- h. **A-16-18** Request for Appeal received 8/3/18 from Jane Davila, Managing Director, NEST Arts Factory (Bridgeport, CT). RE: RE: Section 3411.4.2 (*complete change of occupancy*). Deputy State Building Inspector's *denial* of accessibility exemption that proposed not to provide an elevator to service the second and third floors which exceeds 11,000 square feet each. The decision was based on the fact that no hardship had been demonstrated, precluding code compliance, no alternative method of equivalence had been proposed and the requirements of the code have not been adjudged unwarranted. Panel assigned: David McKinley, Chair; Fred Wacjs (panel), Henry Miga (panel), John Butkus (alternate). Hearing scheduled September 12, 2018 @ 11:30a.m. 2N Conf. **Hearing rescheduled to 11/14/18 @ 10:00a.m., Conference Room B. Hold on agenda.**
- i. **A-17-18** Request for Appeal received 8/9/18 from David Anderson, Properties Warden RE: Christ Episcopal Church, 78 Washington Street, Norwich, CT. RE: State Fire Marshal's denial of two modification requests (FM-0152-18 and FM-0155-18). **Panel assigned: Keith Flood, Chair, Don Harwood (panel), John Cox (panel), Henry Miga (alternate). Hearing scheduled 10/10/18 @ 11:00 a.m., Conference Room B.**
- j. **A-18-18** Request for Appeal received 8/23/18 from Joseph Citino c/o Vianca T. Diaz, Esq., Diane, Contie & Tunila, LLP. RE: 229 Franklin Avenue, Hartford, CT. Local Hartford Fire Marshal's "Abatement order of Fire/Life Safety Hazards". Appellant's Relief Requested: "*Exception to requirements in section(s) due to practical difficulty and unnecessary hardship. Appellant is also seeking a modification of the compliance requirement*" (*see appeal application for details*). (Code Violations: IV-31.3.4.5.1 *Single-Station Smoke Alarms*; FPC 14.12.1.2 *Continuous Illumination*; FPC 14.14.5.1 *Illumination of Signs-General*; IV-7.9.2.1 *Performance of Systems*; FPC 13.7.1.4.9.2 *Smoke Alarms-Operating Power*; 29-306, *Abatement of Hazards*; IV-31.2.4.1 *Number of Exits-Dwelling Units*; IV-31.3.6.4 *Self-Closing / Self-Latching Doors Required* (see appeal application for further details). **Referred to State Fire Marshal's Office for review.**

## 9. GOOD OF THE ORDER:

The next Codes and Standards Committee meeting is set for **November 14, 2018** and will be held in the **2N Conference Room B**, 450 Columbus Boulevard, Hartford, CT.

## 10. ADJOURNMENT