

STATE CODES AND STANDARDS COMMITTEE MEETING MINUTES

January 9, 2019

The Chair called to order the regular meeting of the State Codes and Standards Committee at 1:00 PM. The meeting was held in 2 North Conference Room B, at 450 Columbus Boulevard, Hartford, Connecticut.

Attendance was taken and a quorum was present.

In Attendance:

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

Also Present:

Joseph Cassidy, State Building Inspector
Jenna Padula, DAS/DCS Legal
William Abbott, OSFM, State Fire Marshal
Tim Baldwin, DDS
Dan Bonyai, Town of Branford
Peter Z., Town of Groton

1) MINUTES

- a) A motion (H. Miga) was made and seconded (D. Harwood) to accept the minutes of the *January 9, 2019* meeting. **All in favor. None opposed. Motion carried.**

2) COMMUNICATIONS

- a) 1/7/19 Request for Appeal received from Ori D. Spiegel, Esq., Law Office of Lawrence A. Levinson. RE: 243 Winthrop Avenue, New Haven, CT, per New Haven Fire Marshal – “Doors not in compliance”. **Forward to State Fire Marshal for review. Hold on agenda.**
- b) 1/8/19 (A-10-18) – **Appellant Withdrew Appeal** - received from Attorney Brian Courtney, Updike, Kelly & Spellacy, P.C.

3) SUBCOMMITTEE REPORTS

- a) **Codes Amendment Subcommittee (CAS) (Free)** – Joseph Cassidy reports “immediately following this meeting we will start talking about the organization for the next code cycle.
- b) **Ethics/Procedural Regulations Subcommittee (Harwood)** – No report

4) OLD BUSINESS

- a) There was no old business

5) NEW BUSINESS

- a) **Staff Report**
 - i) **Joseph Cassidy, State Building Inspector** – Our Commissioner was asked to stay for a couple of months (April 1).
 - ii) **William Abbott, State Fire Marshal** – No Report. However, NFPA sent me back a completed 101 last night.
 - iii) **Jenna Padula, Staff Counsel** – No report
- b) **Fire Prevention Code Advisory Committee (Harwood & Sinsigalli)** – Keith Flood, Chair reports: “We are looking to formulate and schedule a meeting within the next month to start looking at the 2018 Edition (Fire Prevention Code)”.
- c) **Training Councils**
 - i) **Building Code Training Council (Musco)** – No Report
 - ii) **Fire Marshal Training Council (Harwood)** – No Report
- d) **Report on Bills (Cassidy)** – No report

6) APPEAL HEARINGS

- a) **A-10-17** Request for Appeal received 5/12/17 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. Panel assigned: Louis Free, Chair, Mike Sinsigalli (panel), Carlton Smith (panel) and Paul Costello (alternate). Hearing date is 7/12/17 @ 12:00 noon. Briefs due 9/8/17. Appellant requested extension of brief deadline to November 15, 2017 at 3:00pm; granted by panel. Appellant requested a second extension for brief deadline; panel granted extension to 1/15/18. Appellant requested a third extension for brief deadline to March 15, 2018; granted by panel. Appellant requested a fourth extension for brief deadline to June 15, 2018; granted by the panel. Appellee and Appellant briefs received on 6/15/18. Panel will meet for deliberations following the December 12, 2018 regular C&S Monthly Meeting. **Panel met for deliberations. Decision will be mailed in 90 days (3/12/19). Hold on agenda.**

- b) **A-06-18** Request for Appeal received 4/16/18 from Jeffrey Shulman & Debra Rosen c/o Attorney Andrea C. Sisca, Ivey, Barnum & O'Mara, LLC, RE: 180 Wildwood Road, Stamford, CT RE: Denial by the Deputy State Building Inspector of a modification request [M-0231-18] regarding removal of a section of the fence located between the pool and the Mianus River and to allow the river to be considered a natural barrier in accordance with section 429.83 of the 1970 BOCA Code portion of the 1971 State Building Code. 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. A continuance of the hearing was requested by the appellant and granted by the panel to 9/12/18, 1:30pm, 2N Conf. Room B. In correspondence dated August 29, 2018, the appellant's attorney informed the panel *"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 was mailed on 12/17/19. Remove from agenda.**
- c) **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: City of Hartford Fire Marshal's issuance of Notice of Fire Code Violations dated April 13, 2018. Referred to State Fire Marshal for Investigation. State Fire Marshal's office contacted Attorney seven times (7x), no response to date. Send status letter based on September correspondence. Status letter mailed on 11/1/18. Attorney Courtney responded on 11/13/18 *"I have just confirmed with our buyer that our closing is now scheduled for November 21 for the sale of this project. I would expect that after the sale the appeal will be withdrawn". Please pass this on to the Committee for consideration of our extension request at tomorrow's meeting"*. Admin will send a second status letter. Admin sent second notice. **Appellant withdrew appeal on 1/8/19. Remove from agenda.**
- d) **A-11-18** Request for Appeal received 5/23/18 from Bruce J. Spiewak, AIA, Consulting Architect, LLC RE: 1 Museum Drive, Greenwich, CT. RE: Deputy State Building Inspectors denial of modification request [M-0392-18] 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 building. 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). **Decision was mailed on 12/27/18. Remove from agenda.**
- e) **A-16-18** Request for Appeal received 8/3/18 from Jane Davila, Managing Director, NEST Arts Factory (Bridgeport, CT). RE: 345 Railroad Avenue, Bridgeport, CT RE; Deputy State Building Inspector's denial of accessibility Waiver request [W-41-18] to IBC Section 3411.4.2 that proposed not to provide an elevator to service the second and third floors which exceeds 11,000 square feet each. Panel assigned: David McKinley (Chair), Fred Wacjs (panel), Henry Miga (panel), John Butkus (alternate). Hearing scheduled September 12, 2018 @ 11:30a.m. 2N Conf. Room B. Hearing rescheduled to 11/14/18 @ 10:00a.m., Conf. Room B. **Hearing Held. Decision will be mailed in 90 days (2/14/19). Hold on agenda.**
- f) **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 held on 10/10/18 @

11:00a.m., Conference Room B. Hearing continued for at least 60 days. **Appellant withdrew appeal on 11/30/18. Remove from agenda.**

- g) **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 RE: Hartford Fire Marshal's Abatement Order of Fire/Life Safety Hazards. Referred to State Fire Marshal's Office for review. SFM still investigating pending meeting with appellant's attorney. Panel assigned: Keith Flood (Chair), Don Doeg (panel), Fred Wajcs (panel), Johnny Carrier (alternate). Hearing date and time to be scheduled after the meeting. **Hold on agenda.**
- h) **A-19-18** Request for Appeal received 11/5/18 from James McElroy RE: [M-0766-18] 54 Naugatuck Ave, Milford, CT RE: Modification of Section 705.8, of the 2012 IBC portion of the 2016 SBC which states in part that "The maximum area of unprotected or protected openings permitted in an exterior wall in any story shall not exceed the values set forth in Table 705.8 (0 to 3 feet no opening allowed)". Appellant denied to install two unprotected openings (windows) within an existing 2-hour rated exterior wall with a zero fire separation distance. A hearing panel was set and consists of Glenn Nielson, Panel Chair, Louis Free and Don Harwood. Henry Miga will be the alternate. Hearing date and time to be scheduled after the meeting. Hearing scheduled 1/9/19 @ 11:00 a.m., Conference Room B. **Hearing cancelled by Panel – will reschedule. Hold on agenda.**
- i) 11/20/18 Request for Appeal received from Keith R. Rudzik, Esq., Howard, Kohn, Sprague & Fitzgerald - (**A-20-18**) RE: Republic@Linden – 10 Capitol Ave, Hartford, CT, Hartford Building Official's Nuisance Violation. Issue associated with IMC Sections 501.3 and 506 Commercial Kitchen Hood Exhaust. Hearing panel assigned: Henry Miga (Panel Chair), Mark Mastropasqua (Panel), Fred Wajcs (Panel) and Carlton Smith (Alternate). Hearing scheduled, January 9, 2019 at 9:30 a.m., 2 North Conference Room B. **Continued hearing for 30 days. Hold on agenda.**
- j) **A-21-18** Request for Appeal received 11/23/18 from Vianca T. Diaz, Esq. – RE: 229 Franklin Avenue, Hartford, CT. Appellant is seeking an appeal of the State Fire Marshal's decision, dated October 24, 2018, deny her request for modification pursuant to CSFSC Part IV Section 31.2.4.1. **Hearing panel assigned: Michael Sinsigalli, (Panel Chair), Carlton Smith (Panel), David McKinley (Panel) and Paul Costello (Alternate). Hold on agenda.**
- k) **A-22-18** Request for Appeal received 12/04/18 from Robert Meyers – RE: Appealed the decision of the East Haddam Building Official – On 11/29/18, he received a letter from 1st Selectman Emmet Lyman which states that "he has not been able to assemble a board of appeals within the allotted time frame". **Panel assigned: Henry Miga, (Panel Chair), Carlton Smith (Panel), Johnny Carrier (Panel), William Zoeller (Alternate). Hold on agenda.**
- l) **A-23-18** Request for Appeal received 12/11/18 from Attorney Stephen L. Savarese, Taras Lisowitch & Vasyl Ivoniuk RE: [27 Indian Valley Road, Weston] RE: "denial of Building Permit Application under R105.3.1.2 – lack of zoning sign off". **Hold on agenda for 30 days.**

1) GOOD OF THE ORDER

- a) 11/27/18 Certificates of Emeritus received from Bonnie Becker, Director, Office of Education & Data Management for: John Alexander, Michael Ciccarelli, Robert Dragh, and James Kurasz.

- b) The next Codes and Standards Committee meeting is set for **February 13, 2019**, and will be held in the **2 North Conference Room B**, 450 Columbus Boulevard, Hartford, Connecticut.
- c) Keith Flood, C&S Chair, Paul Costello, C&S Vice Chair, and Johnny Carrier C&S Secretary thanks everyone for the opportunity to serve as the newly elected Chair, Vice Chair and Secretary.

2) ADJOURNMENT



Keith Flood, Chair
Connecticut State Codes & Standard Committee

C&S\CSMN1901