

STATE CODES AND STANDARDS COMMITTEE MEETING MINUTES

August 8, 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 J. Butkus, AIA, Architect
- Johnny Carrier, Residential Contractor
- Paul Costello, Electric Trades, C&S Secretary
- Donald Doeg, Esquire, Public Member
- Keith Flood, Fire Marshal, C&S Vice Chair
- Louis Free, Architect, CAS Chair,
- Donald Harwood, Public Member
- George Iskra, Fire Protection Engineer
- Mark Mastropasqua, Labor
- David McKinley, Advocacy
- Henry Miga, Building Official
- 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
- Bill Abbott, State Fire Marshal, (OSFM)
- Jenna Padula, DAS/DCS Legal
- Kristen Leigh, Program Director, AIA Connecticut
- Gina Caldoro, Executive Director, AIA Connecticut
- Michael Young, NFSA
- David Woods, Office of the State Fire Marshal (OSFM)

3. Attendance was taken and a quorum was present. A motion (C. Smith) was made and seconded (L. Free) to accept the minutes of the *June 13, 2018* meeting. **All in favor. None opposed. Motion carried.**

4. COMMUNICATIONS

- a. 06/15/18 Correspondence received from Debra S. Kelly, Assistant City Attorney (Joseph Griffith, Milford Building Official – Appellee) RE: A-10-17 – Appellee’s Post-Hearing Brief.
- b. 06/15/18 Correspondence received from Attorney Joseph H. Zullo (John Coppola - Appellant) RE: A-10-17 – Appellant’s Post-Hearing Brief.
- c. 06/27/18 Correspondence received from William Abbott, State Fire Marshal, Joseph Kingston, Fire & Life Safety Supervisor (John Dembushack) RE: A-02-18 State Fire Marshal’s Investigation Report.
- d. 06/05/18 Request for Appeal from Charles R. Rossignol, Vice President, Business Development & Contracting Walden Behavioral Care RE: A-14-18 - Seeking Relief from Part IV of the Connecticut

State Fire Safety Code (CSFSC) effective October 1, 2016 for existing occupancies, where in accordance with Part I Section 110b(3); Part III for building undergoing a change of occupancy is the appropriate section. The Local Fire Marshal determined that using the smaller of the two numbers in lieu of the code required greater number for is determining means of egress requirements based on the number of occupants without fixed seating is unacceptable.

- e. 06/06/18 Correspondence received from Nathan C. Favreau, Esq., Rome McGuigan, P.C. RE: A-08-18 RE: Request for continuance of hearing to August 8, 2018 at 9:00 a.m. due to Change in Representation for Appellant Teodoro Marena [353-357 Park Avenue, East Hartford].
- f. 08/01/18 Correspondence received from Attorney Robinson RE: A-02-18 response to 8/1/18 email regarding status letter. He will inquire of client regarding next steps/actions.
- g. 07/30/18 Correspondence received from Joseph Kingston, Fire & Life Safety Supervisor/Michael Killett, Fire & Life Safety Specialist (Office of the State Fire Marshal), and Brian C. Courtney, Updike, Kelly & Spellacy RE: A-10-18 Email Communications between Mike Kellett and Attorney Courtney regarding efforts to investigate multiple properties in the City of Hartford.
- h. 07/30/18 Request for Appeal from Hide W. Inga, Esq., Law Office of Hide Inga LLC, Inga Consulting Engineers, LLC RE: Inga Consulting Engineers, LLC claims that it should be allowed to stamp drawings for improving and the new construction of properties in the city of East Hartford (Milton Gregory Grew, B.O. and Attorney Gentile). East Hartford takes the position that only an architect can stamp these type of drawings; and that disagreement is why an appeal is being filed.
- i. 08/01/18 Correspondence received from Nathan C. Favreau, Esq., Rome McGuigan, P.C. RE: Request for 90 day continuance of hearing to November 14, 2018 at 11:00 a.m. RE: [353-357 Park Avenue, East Hartford].
- j. 08/03/18 Request for Appeal from Jane Davila, Managing director, NEST Arts Factory, Bridgeport, CT RE: A-16-18, 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.

5. SUBCOMMITTEE REPORTS

- a. **Codes Amendment Subcommittee (CAS) (Free)** – No report.
- b. **Ethics/Procedural Regulations Subcommittee:(Harwood)**- No report.

6. OLD BUSINESS

There was no report

7. NEW BUSINESS

a. **Staff Report**

Joseph Cassidy, State Building Inspector – The new code was approved by the Regulations Review Committee at their July 2018 Meeting. We are on target for October 1, 2018. Publishing is moving along with ICC – we should be receiving drafts by the end of next week. We are in good

shape. As for the 2018 State Building Code, the Codes Amendment Subcommittee will reconvene in January 2019 to begin working on the 2018 Edition of the ICC. Legislation is not in session.

William Abbott, State Fire Marshal – We received the drafts from NFPA for (Fire Prevention Code and Fire Code books). We are reviewing them for accuracy. We are currently waiting on the IFC's. I would like to introduce our newest staff member, Dave Woods, Fire & Life Safety Specialist.

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)** – No report – Legislation is not in session

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. **Briefs were received on time. Panel will reconvene to review and make final decision. Hold on agenda.**
- b. **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. **Admin sent status letter to Appellant regarding receipt of Fire Marshal Report. Hold on agenda for 30 days.**
- c. **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.

Hearing was held. Deliberations followed. Decision will be mailed in 90 days (8/9/18). **Decision was mailed on 7/9/18. Remove from agenda.**

- d. **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. **Appellant asked for a continuance of hearing to 9/12/18, 1:30pm. (after C&S Meeting), 2N Conf. Room B. Continuance granted by panel. Hold on agenda.**
- e. **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. **Appellant requested 90 day continuance of hearing. Panel granted continuance of hearing to 11/14/18 @ 11:00 a.m., 2N Conf. Room B. Hold on agenda.**
- f. **A-09-18** Request for appeal received Fernando Pastor RE: [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: Glenn Nielson (Chair), David McKinley (panel), Carlton Smith (panel), Donald Harwood (alternate). Hearing date 8/8/18-11:30am, 2N Conf. Room B. **Hearing was held today. Appellant requested continuance of hearing for 30 days. Hold on agenda.**
- g. **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's office contacted Lawyer seven times. Lawyer responded that they would get back to us the following morning. To date, there has been no contact from the Lawyer. Hold on the agenda for 30 days.**
- h. **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 9/12/18 @ 10:00a.m. 2N Conf. Room B. Hold on agenda.**
- i. **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.*

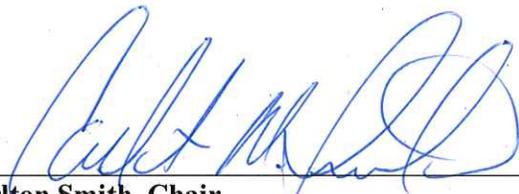
The banquet hall does not qualify for an exception to these code sections, as it is not a part of a fully sprinklered building". Thus, the Appellant is seeking relief/reversal of decision, that corrective work is unnecessary and was not mandated when the building was built. Referred to State Fire Marshal for Investigation. We met with owner and No. Haven Fire Marshal. The owner will submit a new Fire Code Modification – which should resolve this matter. Hold on agenda.

9. GOOD OF THE ORDER

- Thomas DiBlasi's father passed away over the weekend. We send our condolences to his family during these times.
- C&S's Admin Assistant, Bethy Guiles-Smith husband passed away in June 2018. We send our condolences to her family during these times.

The next Codes and Standards Committee meeting is set for **September 12, 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