

STATE CODES AND STANDARDS COMMITTEE MEETING MINUTES

September 12, 2018

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, Residential Contractor
Paul Costello, Electric Trades, C&S Secretary
John Cox, HVAC Member
Thomas DiBlasi, Structural Engineer
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
Michael Musco, Electrical Engineer
Glenn Neilson, Building 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
Michael Young, NFSA
David Anderson, Christ Episcopal Church
Linda Snarski, Christ Episcopal Church
Bruce Spiewak, Self
Dan Bonyar, ABO Branford
Ewan Sheriff, Hartford FMO

1) MINUTES

- a) A motion (C. Smith) was made and seconded (G. Iskra) to accept the minutes of the *August 8, 2018* meeting. **All in favor. None opposed. Motion carried.**

2) COMMUNICATIONS

- a) 08/09/18 Request for Appeal received from David Anderson, Properties Warden (Christ Episcopal Church, 78 Washington Street, Norwich, CT), RE: State Fire Marshal's denial of two modifications requests (FM-0152-18 and FM-0155-18). (A-17-18)

- b) 8/9/18 Correspondence received from Robert Mangino, Architect (Fantasia Banquet Facility). RE: A-12-18 Appellant submitted a revised modification to be reviewed by the State Fire Marshal. If approved, they will withdraw their appeal (see item #h under Hearings for details).
- c) 8/13/18 Correspondence received from Nancy Greenberg, Member (703 Whitney Ave LLC)/Fernando Pastor, Designer. RE: A-09-18 Appellant withdrew appeal (see item #e under Hearings for details).
- d) 8/23/18 Request for Appeal received from Joseph Citino c/o Vianca T. Diaz, Esq., Diana, Conti & Tunila, LLP. RE: A-18-18 (229 Franklin Avenue, Hartford, CT) Local Hartford Fire Marshal's "Abatement order of Fire/Life Safety Hazards".
- e) 8/29/18 Correspondence received from Andrea C. Sisca, Esq., Ivey, Barnum & O'Mara, LLC RE: A-06-18 (180 Wildwood Road, Stamford) 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" (see item #c under Hearings for details).
- f) 9/7/18 Correspondence received from Attorney Brian C. Courtney, Updike, Kelly & Spellacy, P.C. RE: A-10-18 Requesting an adjournment of the Committee's consideration for this appeal until October 2018. (see item #f under Hearings for details)
- g) Certificates of Emeritus from Bonnie Becker, Director – Office of Education & Data Management for the following Fire Marshals: Douglas Chavenello, William W. Roberts, Roy E. Shafer, Benjamin Trabka.
- h) 9/11/18 Correspondence received from Attorney Richard C. Robinson, Pullman & Comley LLC Appellant withdrew appeal A-02-18.

3) SUBCOMMITTEE REPORTS

- a) **Codes Amendment Subcommittee (CAS) (Free)** – No report.
- b) **Ethics/Procedural Regulations Subcommittee (Harwood)** - Staff Attorney is looking into timeliness issues. No date is set yet.

4) OLD BUSINESS

- a) There was no old business

5) NEW BUSINESS

- a) **Staff Report**
 - i) **Joseph Cassidy, State Building Inspector** – No report
 - ii) **William Abbott, State Fire Marshal** – Review of the final print of codes in process of going out to ICC.

- iii) **Jenna Padula, Staff Counsel** – No Report
- b) **Fire Prevention Code Advisory Committee (Harwood & Sinsigalli)** – Meeting scheduled in October 2018 to begin reviewing 2015.
- 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 – Legislation is not in session

6) 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 4th 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-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. Appellant withdrew appeal on 9/11/18. **Remove from agenda.**
- c) **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. 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.**

- d) **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 @ 11:00 a.m.**, 2N Conf. Room B. **Hold on agenda.**
- e) **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. On 8/13/18 Appellant withdrew appeal. **Remove from agenda.**
- f) **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 Attorney seven times (7x), no response to date. **Hold on the agenda.**
- g) **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.**
- h) **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. **Hold on agenda.**

- i) **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 drawing for improving and the new construction properties in the Town of East Hartford. DAS Counsel will respond to Appellant with regards to the C&S Committee's purview. **Hold on agenda**
- j) **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. Room B. **Hold on agenda.**

7) **GOOD OF THE ORDER**

- a) The next Codes and Standards Committee meeting is set for **October 10, 2018**, and will be held in the **2 North Conference Room B**, 450 Columbus Boulevard, Hartford, Connecticut.

8) **ADJOURNMENT**



Carlton Smith, Chair
Connecticut State Codes & Standard Committee