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NEW YORK STATE DEPARTMENT OF STATE
DIVISION OF CODE ENFORCEMENT AND ADMINISTRATION

DRAFT MINUTES - STATE FIRE PREVENTION AND BUILDING CODE COUNCIL

DRAFT Minutes of the Friday May 15, 2015 meeting of the New York State Fire Prevention and Building Code Council commencing at 9 a.m., held at:

Empire State Plaza, Concourse Level Meeting Room 6, Albany, New York;
123 Williams Street, New York City, New York, Conference Room 231; and
65 Court Street, Buffalo New York, Conference Room 208.

The following Council members, designees and staff were in attendance:

COUNCIL MEMBERS PRESENT:

Ronald Piester, Presiding
John Flanigan
Shawn Hamlin
Judith Kennedy
Paul Martin
Vincent Rapacciuolo
Barbara Rice
Joseph Sauerwein
William Tucker
William Tuyn
Michael Weber
Keith Wen

ALSO PRESENT:

Joe Ball
Mark Blanke
Miriam McGiver
Janet Miller
Julie Nemeth-Weisser

Agenda Item 1 – Welcome.

Ronald Piester called the meeting to order, welcomed all, and introduced and welcomed three new members to the Code Council, Vince Rapacciuolo, returning to the Code Council to represent Acting Commissioner Mario Musolino of the NYS Department of Labor; Michael Weber, representing Commissioner Darryl Towns of NYS Homes and Community Renewal; and legislator Barbara Rice from the Franklin County Board of Legislators, representing Counties.

Mark Blanke took a roll call attendance, and noted that a quorum was present. Mr. Blanke and Mr. Piester provided a summary of Agenda items and documents submitted to the Code Council members for consideration prior to this meeting.

Agenda Item 2 – Minutes

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Minutes of the November 18, 2014 meeting. Ron introduced the minutes. There was no discussion. John Flanigan made a motion to approve the minutes, seconded by Mayor Kennedy, approved unanimously.
Minutes of the January 15, 2015 meeting. Ron introduced the minutes. There was no discussion. John Flanigan made a motion to approve the minutes, seconded by Mayor Kennedy, approved unanimously.

Code Change Adoptions, Items 3 through 5
Agenda Item 3 – Sparkling Devices

Mark and Ron introduced the adoption of this permanent rule required by legislation that went into effect on December 21, 2014, which compels the Code Council to add to the Uniform Code provisions relating to buildings and structures where sparkling devices are present. At its last meeting, the Code Council adopted an emergency rule with such provisions. Since then, there was a public hearing and the public comment period ended. In response to public comment, the Department of State (DOS) made non-substantive changes to the rule that make the rule more effective and enforceable. Ron recognized the input and guidance of the Office of Fire Prevention and Control (OFPC) in developing this rule, and Paul Martin spoke about the input and criteria of the OFPC. There was no further discussion.

John Flanigan made the following motion: I move:

(1) That the Code Council find and determine that the adoption of the rule identified in Agenda Item 3 ("Code Change Adoption: Sparkling Devices") will not have a significant environmental impact, and will not have a significant adverse effect on any significant fish or wildlife habitat, scenic resource of statewide significance, important agricultural land, or area included in an approved local waterfront revitalization program; and
(2) That Mark Blanke be authorized to sign and deliver, on behalf of the Code Council and the Department of State: (A) the State Environmental Quality Review Act Short Environmental Assessment Form, (B) the State Environmental Quality Review Act Negative Declaration, (C) the New York State Department of State Coastal Management Program Coastal Assessment Form, and (D) the Certification of No Significant Coastal Impact.

Vincent Rapacciuolo seconded. Mayor Kennedy asked for a description of the changes from the permanent rule. Joe Ball described the changes as follows:

A provision was revised that would have authorized the code official to prohibit the use of sparkling devices when he or she deemed conditions to be hazardous was revised, as too open-ended, to prohibit the use of those devices when there is an extreme fire hazard in the area or a red-flag condition in the area as determined by the New York State Department of Environmental Conservation.

A provision was changed, to apply only to residential buildings rather than to all buildings, that authorizes the code official to limit the quantity of sparkling devices stored;

Several provisions were removed, including one that required sparkling devices at retail sale displays to be kept behind the counter where they could not be handled by members of the public prior to sale; one that authorized the code official to require supervision of sparkling device displays; one that dealt with the disposal of sparkling devices as hazardous, as it was determined that these were not significantly hazardous enough to warrant that provision; and one that required reporting of accidents involving sparkling devices to the code official, thus removing duplicative reporting requirements to both the code official and the OFPC (The OFPC regulations requires reporting to that office). Mayor Kennedy praised the changes. There was no further discussion. The motion passed unanimously.

Mr. Flanigan made the motion that the Code Council find and determine that making this rule effective immediately upon the filing of the Notice of Adoption is required to protect health, safety and security because: (A) Chapter 477 of the Laws of 2014 (the chapter law amending Sections 270.00 and 405.00 of the Penal Law) became effective on December 21, 2014, and cities and counties may begin to legalize sparkling devices at any time on or after such effective date; (B) An emergency rule adding provisions related to sparkling devices to the Uniform Code has been filed and is currently in effect; (C) The currently effective emergency rule will expire on June 15, 2015; and (D) Making this permanent rule effective upon publication of the Notice of Adoption is necessary to assure that this permanent rule become effective before the current emergency rule expires; and I further move that the rule identified in Agenda Item 3 (Code Change Adoption: Sparkling Devices) be adopted as a permanent rule, such permanent rule to be effective on the date of publication of the Notice of Adoption in the State Register.

Mr. Rapacciuolo seconded. There was no further discussion. The motion passed unanimously.

Agenda Item 4 – Residential Truss Construction

Mr. Blanke introduced the adoption of a permanent rule, required by legislation that went into effect on January 1st of this year concerning the use of truss type, pre-engineered wood and timber-type construction in new residential structures. The legislation stipulates a form prescribed by the Code Council to notify code enforcement officials of such

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constructions, and a symbol designated by the Code Council to be affixed to the exterior of new residences with these types of construction. The Code Council approved an emergency rule addressing this at the last Code Council meeting. A public hearing was held on March 2nd, and the public comment period expired on March 7th. The Department of State made non-substantive changes to the text of this rule. At this meeting, the Code Council is asked to adopt both a permanent rule and an emergency rule to fill in the gap between expiration of the existing rule and notice of adoption of the permanent rule.

Mr. Tuyn and Mayor Kennedy brought up requiring a more consistent placement of the symbol than the electrical box, so that emergency personnel could know where to look. It was clarified that the rule allows the authority having jurisdiction (AHJ) to require placement in a location likely to be seen by emergency responders if there is no electrical box, or if in the judgment of the code official the electric box is in a place not likely to be seen. The statute specifies placement on the electrical box be considered. The rule allows flexibility, with approval by the code official, for different construction configurations.

Mr. Flanigan moved (1) that the Code Council find and determine that the adoption of the rule identified in Agenda Item 4 (Code Change Adoption: Residential Truss Construction) will not have a significant environmental impact, and will not have a significant adverse effect on any significant fish or wildlife habitat, scenic resource of statewide significance, important agricultural land, or area included in an approved local waterfront revitalization program; and (2) That Mark Blanke be authorized to sign and deliver, on behalf of the Code Council and the Department of State: (A) the State Environmental Quality Review Act Short Environmental Assessment Form; (B) the State Environmental Quality Review Act Negative Declaration; (C) the New York State Department of State Coastal Management Program Assessment Form; and (D) the Certification of No Significant Coastal Impact.

Mayor Kennedy seconded. There was no further discussion. The motion passed unanimously.

Mr. Flanigan made a second motion:

(1) That the Code Council find and determine that adoption of the rule identified in Agenda Item 4 ("Code Change Adoption: Residential Truss Construction") on an emergency basis, as authorized by Section 202 of the State Administrative Procedure Act, is required to preserve public safety and general welfare because: (A) Executive Law 382-b provides that when truss type, pre-engineered wood or timber construction is used in the construction of a new residential structure or in the addition to or rehabilitation of an existing residential structure, the owner must notify the code enforcement official of that fact and must place an approved sign or symbol on the exterior of the structure to warn firefighters and other first responders of that fact; (B) Executive Law 382-b provides that the form to be used to notify code enforcement officials of the use of truss type, pre-engineered wood or timber construction in residential structures and the sign or symbol to be affixed to a residential structure using truss type, pre-engineered wood or timber construction must be prescribed by the Code Council; (C) On and after January 1, 2015, the effective date of Executive Law 382-b, local code officials are not permitted to issue certificates of occupancy for residential structures using truss type, pre-engineered wood or timber construction unless the required sign or symbol has been affixed to the structure; (D) An emergency rule implementing Executive Law 382-b has been filed and is now in effect; (E) The emergency rule now in effect will expire on May 24, 2015; (F) The adoption of this rule as a permanent rule will not be effective until the Notice of Adoption of such permanent rule is published in the State Register; (G) The Notice of Adoption of this rule as a permanent rule would not appear in the State Register until after the May 24, 2015, expiration of the currently effective emergency rule; (H) Adopting this rule on an emergency basis, to be effective on May 25, 2015, is necessary to assure that the required sign or symbol can be placed on structures during the period between the expiration date of the currently effective emergency rule (May 24, 2015) and on the date on which the Notice of Adoption of the permanent rule is published in the State Register;

(2) That the rule identified in Agenda Item 4 ("Code Change Adoption: Residential Truss Construction") be adopted as an emergency rule, to be effective on May 25, 2015; and

(3) That the rule identified in Agenda Item 4 ("Code Change Adoption: Residential Truss Construction") be adopted as a permanent rule, such permanent rule to be effective on the date of publication of the Notice of Adoption in the State Register.

Mr. Hamlin seconded. There was no further discussion. The motion passed unanimously.

Agenda Item 5 - Carbon Monoxide Detection in Restaurants and Commercial Buildings

Mr. Piester recognized the contribution of the OFPC in working with the Codes Division to develop this rule. Mr. Blanke introduced this emergency rule, which implements legislation effective June 27, 2015, that requires carbon monoxide (CO) detection in both new and existing commercial buildings that have a CO source, including buildings that contain one or more restaurants. Currently the Uniform Codes require CO detection in residential occupancies and those with sleeping areas, but not in most commercial buildings. Mr. Martin responded to a question from Mr. Sauerwein that

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due to limited availability of commercial listed single station units, this rule permits residential listed stand-alone devices in commercial installation. Mr. Sauerwein said he understands the need for flexibility in this situation, but would not in general like to encourage using equipment contrary to its listing. He questioned the need for having the rule stipulate engineering design, like the detection zone size and detector location, as he thinks these should come from the manufacturer instruction and design professionals. Mr. Nichols responded that the language comes from NFPA 720 and a 100-foot notification area of the devices. Mayor Kennedy asked why the legislation was passed. Mr. Piester responded that it was in response to the tragic death of Long Island restaurant manager Steven Nelson, and the law is named for him.

Mr. Flanigan made the following motion: (1) That the Code Council find and determine that the adoption of the rule identified in Agenda Item 5 ("Code Change Adoption: Carbon Monoxide Detection in Restaurants and Commercial Buildings") will not have a significant environmental impact, and will not have a significant adverse effect on any significant fish or wildlife habitat, scenic resource of statewide significance, important agricultural land, or area included in an approved local waterfront revitalization program; and (2) That Mark Blanke be authorized to sign and deliver, on behalf of the Code Council and the Department of State: (A) the State Environmental Quality Review Act Short Environmental Assessment Form, (B) the State Environmental Quality Review Act Negative Declaration, (C) the New York State Department of State Coastal Management Program Coastal Assessment Form, and (D) the Certification of No Significant Coastal Impact. Mr. Weber seconded. There was no further discussion. The motion passed unanimously.

Mr. Flanigan made a second motion: (1) That the Code Council find and determine that the adoption of the rule identified in Agenda Item 5 ("Code Change Adoption: Carbon Monoxide Detection in Restaurants and Commercial Buildings") on an emergency basis, as authorized by Section 202 of the State Administrative Procedure Act, is required to preserve public safety and general welfare because: (A) Executive Law 378(5-d), as added by Chapter 541 of the Laws of 2014, provides that the Uniform Code must contain provisions requiring the installation of carbon monoxide detection devices in every building that contains one or more restaurants and every commercial building; (B) Executive Law 378(5-d) becomes effective on June 27, 2015; (C) This is the last Code Council scheduled to be held prior to June 27, 2015; and (D) Adopting this rule on an emergency basis at this meeting, to be effective immediately upon the filing of the Notice of Emergency adoption and Proposed Rule Making (or on some other date between the date of such filing and June 27, 2015) is necessary to assure that the Uniform Code will include the provisions contemplated by Executive Law 378(5-d) by the effective date of that subdivision; (2) That the Code Council find and determine that making the rule identified in Agenda Item 5 ("Code Change Adoption: Carbon Monoxide Detection in Restaurants and Commercial Buildings") effective immediately upon the filing of the date of filing of the Notice of Emergency Adoption and Proposed Rule Making (or on some other date between the date of such filing and June 27, 2015) is required to protect health, safety and security because in the absence of such a finding and determination the amendment of the Uniform Code to be implemented by this rule would not become effective until 90 days after publication of the notice and, for the reasons stated above, this rule must become effective no later than June 27, 2015; and (3) That the rule identified in Agenda Item 5 ("Code Change Adoption: Carbon Monoxide Detection in Restaurant and Commercial Buildings") be adopted as an emergency rule, to be effective immediately upon the filing of the Notice of Emergency Adoption and Proposed Rule Making (or on some other date between the date of such filing and June 27, 2015).

Ms. Rice seconded. There was some discussion of the short time frame to comply with the new regulations, the logistic difficulties this imposes on commercial entities and code enforcers, and the need for reasonable enforcement during the initial implementation period. Ron indicated that since the law requires that all buildings be in compliance by June 27th, the Code Council does not have the flexibility to allow a grace period that extends beyond that date. Mayor Kennedy asked if the code division could provide some directive or guidance about how to go about implementing enforcement due to the time frame. Ron responded that the DOS plans to provide information to local government to help guide them through this. There was no further discussion. The motion passed unanimously.

Agenda Item 6 – Energy Code 2015 Update.

A. Topics for Discussion and Action

Ron and Mark introduced this agenda item, individual topics that the Code Council members have identified for further discussion and to be decided by a separate decision. Items of discussion are air leakage test requirements for detached one- and two-family dwellings or townhouses; and Residential Group (R2, R3, R4).

1. Detached One- and Two-Family Dwellings or Townhouses -- Air Leakage Test

Mark introduced this topic. The current Energy Code of NYS (ECCCNYS), residential provisions, and the Residential Code of NYS (RCNYS) require building envelope air tightness to be verified through either a visual inspection or a standardized blower door test showing air leakage limited to 7 air changes per hour (ACH). In the 2015 IRC, the blower door test is the only option, and the limit for passing is under 3 ACH. The changes in adopting the 2015

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International Residential Code (IRC) are to eliminate the visual inspection option and to reduce the blower door test pass standard from 7 ACH to 3 ACH. The Department of State recommends adopting the 2015 IRC without modifying this provision.

Mr. Sauerwein moved that we proceed with the development of rulemaking documents, incorporating the 2015 IRC by reference without a modification related to air leakage rates, seconded by Mr. Martin.

Mr. Tuyn noted that the industry would like the visual option continued, and that the change from 7 ACH to 3 ACH is rigorous and substantial, difficult to do particularly in the Northeast. He recommended use of the NYSERDA Energy Star limit of 5 ACH. Mayor Kennedy questioned whether a residence with 3 ACH would have sufficient air exchange to provide good air quality, and expressed a concern about over-regulation in NYS. Mr. Blanke said that the 2015 I-Codes require mechanical ventilation to provide the needed air exchange.

Mr. Tuyn made a motion to amend the motion that stands, to modify the 2015 IRC to up to allow 5 ACH, and that visual inspections still be allowed. Mayor Tucker seconded. Mr. Piester ruled the motion in order. There was some discussion of the proposed modification. The motion failed in a roll call vote.

Mr. Tuyn made a motion to modify the 2105 IRC to up to allow 5 ACH. Mayor Kennedy seconded. Mr. Piester ruled the motion in in order. There was some discussion. The motion failed in a roll call vote.

The Council returned to the motion by Mr. Sauerwein. There was no further discussion. The motion passed.

2. Residential Groups (R2, R3, R4) Air Leakage and Sampling Protocol

Mr. Blanke introduced this topic. During public comment at the last meeting, the Code Council heard an alternative that would modify the 2015 I-codes (codes published by the International Code Council) to allow for compartmentalized testing of multi-family residences with an air leakage limit of 0.3 cubic feet per minute per square foot (CFM/SF) of dwelling enclosure rather than 3 ACH, and to reduce the number of dwelling units that needed to be tested if a random sampling of seven units passed the tests. The discussion on this topic is whether to adopt 2015 IECC without amending these provisions or to amend the 2015 IECC. The Department of State recommendation is to revise the IECC to allow compartmentalized air leakage testing of individual dwelling units, limited to an air leakage rate of 0.3 CFM / SF; and to permit a reduction in tests based on successful test sampling of seven units.

Mayor Kennedy made a motion to proceed with the development of rulemaking documents, incorporating the 2015 IECC by reference with a modification establishing provisions to allow compartmentalized air leakage testing of individual dwelling units having an air leakage rate not exceeding 0.3 CFM / SF, and to allow an air leakage sampling protocol to permit air leakage test sampling of seven units at a time and allowing a reduction in tests based on successful test completions. Mr. Flanigan seconded.

In response to several questions, Mr. Blanke clarified that the Code Officials would have to agree on the required location of the seven random units; that in practice for a typical apartment the 0.3 CFM / SF limit is similar to the 3 ACH limit; that staff looked for and did not find potential conflicts with other parts of the IECC as this is a stand-alone provision that does not interact with other provisions, and that this change allows testing of different dwelling units rather than testing the whole building at once.

There was a roll call vote on the motion. The motion passed.

3. Assumed NYS Energy Code Amendments for Action

Mr. Blanke introduced this topic. Based on the direction of the Code Council, staff provided a memo to the Code Council listing NYS amendments to the I-codes with a recommendation for each amendment: to keep certain amendments, and to delete other amendments. Presented here is a two-page document, an abbreviated list of eight items in the Energy Code that staff is proposing to keep, and would like a confirmation from the Code Council that the Code Council is in agreement with staff's proposal to keep these amendments.

Mr. Sauerwein moved that we proceed with the development of rulemaking documents, incorporating the 2015 International Energy Conservation Code by reference with modifications establishing provisions to maintain amendments recommended by staff of the Division of Building Standards and Codes in their memo to the Code Council dated November 12, 2014. Mr. Flanigan seconded. The motion passed after brief discussion.

B. Conceptual Approval

Mr. Piester said that the Code Division is asking the Code Council for conceptual approval, based upon the direction provided to date, to proceed with the completion of rule-making documents for updating the Energy Code to the 2015 International Codes and presenting that to the Governor's office for prepublication review, and then entering into public comment, which we will hope to do later this year.

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Mr. Sauerwein moved that the Code Council approve the concepts relative to the Energy Code update for 2015 as previously discussed, that is to proceed with the development of rulemaking documents based upon the directives that include adopting the 2015 IECC and 2015 provisions of the IRC related to energy, and directives on these individual topics, including amendments to be maintained. There was no further discussion. The motion passed unanimously.

Agenda Item 7 - Uniform Code 2015 Update. a. Topics for Discussion and Action; b. Conceptual Approval.

A. Topics for Discussion & Action

Six items are scheduled for discussion: Plumbing fixture maximum flow; sawn lumber grading; accessible dwelling units; accessible parking spaces; stair geometry; and residential sprinkler systems. One item, gas station fire suppression systems, is not ready for discussion.

1. Plumbing Fixture Maximum Water Flow Rate

Mr. Blanke introduced this topic. Both the RCNYS and the Plumbing Code of New York State (PCNYS) limit the maximum water flow rates of certain fixed plumbing fixtures to the same limits that are in the 2015 IRC and International Plumbing Code (IPC). The Natural Resources Defense Council (NRDC) proposed an amendment that would reduce the maximum water flow rates to standards established by the U.S. EPA's WaterSense standards. The NRDC made this proposal to the ICC in 2012, and our staff made the proposal to ICC again; ICC did not adopt the WaterSense standards. The discussion on this is to whether to adopt the 2015 IRC and the IPC without or with amending this provisions The Department of State recommendation is to adopt the IPC and the IRC without change.

Mr. Flanigan entered a motion to proceed with the development of rulemaking documents, incorporating the 2015 IPC by reference without a modification related to maximum water flow rates of fixtures.

Mayor Kennedy seconded. There was no discussion. There was a roll call vote, and the motion passed.

2. Sawn Lumber -- Grading Practices and Identification

Mr. Blanke introduced this topic. The International Building Code (IBC) and the Building Code of New York State (BCNYS) require that structural sawn lumber be identified by a grade mark of an independent agency. However, NYS has an amendment that allows the lumber to be graded by a sawmill under certain conditions: that they sell it to the ultimate consumer, that they grade the lumber at no more than a No. 2 of the species identified, that the use of the lumber is limited to certain buildings not more than three stories in height and not more than 10,000 square feet in area, and that this would have to be approved by the AHJ. The Department of State recommends maintaining the existing provisions in the NYS that allow sawmills to certify rough-cut lumber that is processed by that sawmill.

Mr. Hamlin: I move to proceed with the development of rulemaking documents, incorporating the 2015 IBC and IRC by reference with a modification establishing provisions on sawn lumber grading requirements equal to those that exist in the 2010 BCNYS and RCNYS. Second by Ms. Rice. Mayor Kennedy, Mr. Martin and Mr. Flanigan spoke in support of the motion. There was a roll call vote, and the motion passed.

3. Accessible Dwelling Units -- Type A vs. Type B

Mr. Blanke introduced this topic. The IBC classifies dwelling units and sleeping units as accessible Type A or Type B, with accessible Type A being the most restrictive and Type B being the least restrictive. The IBC requires 2 percent of apartment dwelling units to be of a Type A accessibility. The BCNYS has an amendment that does not require 2 percent of dwelling units to be of Type A construction but instead requires all dwelling units to be enhanced Type B construction, with enhancements that include an enhanced clear-width requirement for the primary entrance to the dwelling unit and most doors, with maneuvering clearances in front of the doors; and accessibility requirements for at least one bath in the dwelling unit to be equivalent to what would be required for a Type A dwelling unit. The Department of State recommends maintaining the existing provisions in the NYS.

Mr. Sauerwein moved that we proceed with the development of rulemaking documents, incorporating the 2015 IBC by reference with a modification establishing provisions to maintain accessible dwelling-unit requirements equal to those that exist in the 2010 BCNYS. Mr. Flanigan seconded. Mr. Sauerwein and Mr. Martin spoke in support of the motion. There was a roll call vote, and the motion passed.

4. Accessible Parking Spaces

Mr. Blanke introduced this topic. The BCNYS requires an access aisle to accessible parking to have a minimum width of 8 feet, and requires signage in front of the access aisle that says "No Parking Anytime." The IBC requires access aisles of 5-feet width for car spaces and 8-feet width for van spaces, only requires one out of six accessible parking spaces to be van-accessible, and does not require signage. This discussion is whether to update to the 2015 IBC or to amend the

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IBC provisions regarding parking access aisles to be a minimum width of 8 feet for all access aisles and whether to have the "No Parking Anytime" signage. The Department of State recommends maintaining the existing provisions in the NYS.

Mr. Martin made a motion to proceed with the development of rulemaking documents, incorporating the 2015 IBC by reference with a modification establishing provisions to maintain access aisle requirements for accessible parking spaces equal to those that exist in the 2010 BCNYS. Mr. Flanigan seconded. Mr. Wen asked if the aisle width required per IBC is 11 feet. The motion was tabled until after lunch to allow a chance to verify the answer. Mr. Tuyn made a motion to table until after lunch, seconded by Mr. Martin. There was no discussion, and the motion to table passed.

5. Stair Geometry

Mr. Blanke introduced this topic. The current RCNYS limits the maximum riser height of stairs to 8¼ inches, as compared to 7¾ inches in the 2015 IRC, requires the minimum depth of treads to be 9 inches versus 10 inches in the IRC. Over the length of a stair it would have an effect of lengthening the run of the stair in a conventional home by about 2 feet, or, in lieu of that, might require an intermediate landing to get to the next level. This has been a special concern for modular homes, where the widths are limited for transportation on highways. The Department of State recommends maintaining the existing provisions in New York State.

Mr. Hamlin moved to proceed with the development of rulemaking documents, incorporating the 2015 IRC by reference with a modification establishing provisions to maintain the riser and tread dimensional requirements for stairs equal to those that exist in the 2010 RCNYS. Mayor Kennedy seconded. There was no discussion, and the motion passed.

Return to 4. Accessible Parking Spaces.

Mr. Sauerwein moved that we remove this item from the table, seconded by Mr. Flanigan, all Ayes. There was some discussion to clarify the application of the Vehicle and Traffic law requirements for handicap parking, and regarding accessible parking width per IBC. The Vehicle and Traffic Law does not apply to all accessible parking, it applies where there are at least 5 retail stores and at least 20 parking spaces available for public parking. Where the NYS Vehicle and Traffic Law applies, it requires 8-foot aisles and requires signage. The IBC requires a 16-foot combined width for accessible parking and access aisle. There was some discussion about the need for signage when snow covers the pavement, and regarding potential confusing regarding differing requirements in the NYS Vehicle and Traffic Law and the adopted building code. There was no further discussion, and the motion passed.

6. Residential Sprinkler Systems

Mr. Blanke introduced this topic. The current RCNYS requires automatic fire sprinklers in one- and two-family dwellings and townhouses having a height of three stories above grade. The 2015 IRC requires that an automatic residential sprinkler system be installed in all one- and two-family dwellings and townhouses regardless of height. The Department of State recommends maintain the existing provisions of the RCNYS that only requires a residential sprinkler system in homes having a height of three stories above grade.

Mr. Weber moved to proceed with the development of rulemaking documents incorporating the 2015 IRC by reference, with a modification establishing provisions to maintain the requirement for residential sprinkler systems in buildings three stories in height. Mr. Tuyn seconded. There was clarification that this motion is to maintain the current RCNYS provisions for when a sprinkler system is required. There was much discussion in support and in opposition of this motion. There was discussion supporting developing a compromise that would require sprinklers in some structures covered by the residential code, with suggestion of townhouses or houses that are over a certain size, such as 4500 square feet (SF) or 4000SF. There was some agreement that we would need to develop that idea and bring it back to the Code Council. Mr. Hamlin asked that we dispense with the motion on the floor. Mr. Wen, Mr. Sauerwein and Ms. Rice said they would abstain from voting on this issue until seeing the compromise language. Mayor Kennedy indicated she would also be interested in compromise language. Mr. Piester said based on the discussion, the Council is not prepared to proceed on this issue without additional information and consideration of some of the options that were presented. We have another unresolved issue, the gas station fire suppression systems issue, which still needs direction from the Council. Mr. Sauerwein moved that we postpone vote on this issue to another meeting. Mayor Kennedy seconded. It was clarified that this motion is to postpone motion on the floor, not withdraw. The motion to postpone carried in a roll call vote.

B. Conceptual Approval

Mr. Blanke introduced this topic as a request for confirmation from the Council to proceeding with updating the Uniform Code by directly adopting the 2015 codes published by the International Code Council (2015 I-codes) with only NYS updates that can be justified as needed due to special conditions in NYS. Staff prepared for the Code Council

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members a document that compares the current NYS codes with the 2015 I-codes, including a description of NYS modifications that staff recommends removing and NYS modification that staff recommends maintaining. There are issues that require more discussion and decision by the Code Council, including residential sprinkler systems and fire suppression at gas stations, and other issues may be identified in public comments. Mr. Martin moved to proceed with the development of rulemaking documents, incorporating the 2015 Codes published by the International Code Council by reference with modifications establishing provisions to maintain amendments recommended by the staff of the Division of Building Standards and Codes in their memo to the Code Council dated November 12, 2014. Second by Mr. Flanigan. After some discussion, the motion passed with all ayes.

Agenda Item 8 – Public Comment Period

The following people spoke during the public comment period

Christopher Mehrman, Chief Fire Marshal of the Town of Brookhaven, representing the Town of Brookhaven and the Fire Marshals Association of Suffolk County, and Walter Dunn, Senior Fire Marshal of the Town of Brookhaven, both spoke from the New York City location with comments regarding the CO detection emergency rule that they would like considered in development of the permanent rule. Mr. Dunn also spoke in favor of mandating fire suppression sprinklers in all dwellings.

Lew Dubuque of the NYS Builders Association, postponed his public comments until another meeting.

Larry Levine, of the Natural Resources Defense Council, urged the code council to follow the recommendation of the NYS technical subcommittee for plumbing to incorporate EPA's WaterSense fixture standards. The ICC committee rejection stated that it should be up to the states. USEPA WaterSense program products with labeling are widely on the market at the same or lower price point as less-efficient products. These saves both water and energy, savings for residents individually, and collectively due to reduced costs for water supply and distribution.

Tom Perkins, Fire Chief of the Baldwinsville, New York, Fire Department, spoke in support of mandating fire suppression sprinklers in all dwellings.

Jerry DeLuca of the NYS Association of Fire Chiefs was joined by Don Corkery, Tom Rinaldi, and Steve Klein spoke in support of mandating fire suppression sprinklers in all dwellings.

Annemarie Mitchell, a builder in Saratoga and representing the Capital Region Builders and Remodelers Association, spoke in support of the amendment to maintain NYS's current position regarding residential sprinklers, and in support of compromise.

Bill Collins, from the Vandervort Group, representing both the Fire Districts Association and the State Association of Fire Chiefs, spoke in support of fire suppression sprinklers.

Eric Lacey, of Responsible Energy Codes Alliance, supported the actions to move forward with the energy provisions of the actions. In a couple of states all the code update has slowed by the debate over sprinklers and other things. If it is possible to move the different codes separately, he urge updating the provisions of the energy code.

Adam Prizio, for the Center for Disability Rights, thanked the code council for preserving the NYS accessibility modifications, and to urge the Council and to make it a priority to address the lack in NYS of accessible, affordable, integrated housing.

David Mann from Alta Industries, spoke in favor of an amendment to allow an alternate energy path for log homes, using ICC standard 400 in lieu of some or all energy provisions.

Agenda Item 9 - Future meetings.

Mark Blanke announced that he sent the Code Council members a meeting schedule for 2015, with the dates of August 19th and November 10th. He asked that Code Council members keep in mind the possibility of a special meeting which may be scheduled in upcoming months before August, to discuss potential NYS amendments to the 2015 I-codes.

Agenda Item 10 - Other Business.

Mark Blanke reminded those attending about the need for speakers to complete the Notices of Appearance and for those seeking continuing education credits to complete the sign-in sheet.

Mr. Wen said he would like at the next meeting to reconsider the issue presented by Larry Levine.

The meeting adjourned at 2:24 PM.

Record of the meeting prepared by: Miriam McGiver, PE, Senior Building Construction Engineer, Division of Building Standards and Codes, Code Development Unit

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