DIVISION OF BUILDING STANDARDS AND CODES
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DRAFT Minutes of the NYS Fire Prevention and Building Code Council meeting on Friday, March 5, 2021, commencing at 10:09 a.m. and held by videoconference call (WebEx).

Council members and designees present:

Matthew Tebo, Presiding
Benjamin Keller
Michael Weber
Vincent Rapacciuolo
Keith Wen
Claudia Braymer
David Seeley
Joseph Toomey
Shawn Hamlin
Timothy DeRuyscher
Robert Hughes
William Tuyn
Patrick Dolan
Dominic Marinelli
Joseph DeStefano

Guest speakers present:

Daniel Nichols, PE representing the Metropolitan Transportation Authority (MTA)
Dorothy Mazzarella representing the International Code Council

Staff present: John Addario, Panagiota Hyde, Kevin Duerr-Clark, Gregory Benton, China Clarke, Emma Gonzalez-Laders, and Chad Sievers.

Agenda Item 1. Welcome.

Chairperson Tebo called the meeting to order and welcomed all participants including Mayor Joseph DeStefano from the City of Middletown as the newly appointed Code Council representative for cities with a population under 100,000.

Kevin Duerr-Clark called the roll and announced that 15 Council members were present. Chairperson Tebo noted that there was a quorum. Kevin Duerr-Clark explained the general rules and procedures for the videoconference.

Agenda Item 2. Minutes of the meeting of December 4th, 2020. Consideration of motion to approve.

Chairperson Tebo asked if anyone wished to propose changes to the minutes of the December 4th, 2020 meeting. Hearing none, Chairperson Tebo asked for a motion to adopt the minutes, and Joseph Toomey made the motion and it was seconded by Dominic Marinelli. The motion was approved unanimously by voice vote with Mayor DeStefano abstaining because he was not present at December 4th meeting.

Agenda Item 3. Town of Bedford More Restrictive Energy Code Filing LL No. 2 of 2021 (Energy Law §11-109)

Emma Gonzalez-Laders presented a summary of the filing of the local energy code adopted by the Town of Bedford through Local Law No. 2 of 2021, which adopted the 2020 NY Stretch Code with

additional more restrictive energy provisions. Based on the information submitted and the presentation by NYSERDA at the July 10, 2020 meeting, Emma Gonzalez-Laders relayed the recommendation of the Division that the Council determine that the local energy code, as adopted by the Town of Bedford, is more restrictive than the current version of the State Energy Conservation Construction Code (the "State Energy Code").

David Seeley requested confirmation that the entire local energy code, including the additional provisions added by the Town to the NYStretch Code, was more restrictive than the current version of the State Energy Code. Staff confirmed.

Hearing no additional questions nor discussion, Chairperson Tebo made a motion, read by Panagiota Hyde, to determine that the local energy code as amended by Local Law No. 2 of 2021, is more restrictive than the current version of the State Energy Code. The motion was seconded by Joseph Toomey and Benjamin Keller. The motion carried unanimously.

Agenda Item 4. Uniform Code Provisions for Rail Stations

Kevin Duerr-Clark provided a short narrative stating the purpose of this proposed rule making to amend the Uniform Code to include certain specific provisions related to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of rail stations. The proposed rule making would amend 19 NYCRR Part 1219 and add a new Part 1228 which would incorporate by reference the publication "Uniform Code Provisions for Rail Stations" (publication date: March 2021) and the referenced standard NFPA 130 Standard for Fixed Guideway Transit and Passenger Rail Systems. The proposed rule would address the unique nature of rail stations within the State, minimize the need for repetitive variances, and help to align the State's construction provisions with the nationally recognized standard for design and construction of rail stations, NFPA 130.

Daniel Nichols, representing the MTA, presented further technical information in support of the proposed rule, thanked Keith Wen, the New York City Department of Buildings, and DOS legal and technical staff for their efforts in preparing the proposed rule.

Benjamin Keller asked about other standards referenced within NFPA 130 and Daniel Nichols confirmed that where NFPA 130 references other provisions, the Uniform Code and the versions of standards incorporated by reference into the Uniform Code would apply. Benjamin Keller also asked what would be the occupancy classification of spaces and Daniel Nichols responded that the public areas would be classified as A-3 and that back of house locations that are not open to the public would be classified by the appropriate occupancy type to address their fire protection needs. Benjamin Keller asked why ICC has excluded these types of structures from the codebooks. Daniel Nichols explained that the open tunnel systems, commonly known as a trainway, cannot comply with underground provisions for depths of 30 foot or below and were therefore absent from ICC code books. Daniel Nichols added that MTA has previously submitted a code change proposal to ICC to include NFPA 130 in their recognized standards but the proposal was rejected in part, because of coordination issues with the remaining ICC language. The proposed publication addresses these coordination issues.

Claudia Braymer asked whether this would apply to all rail stations throughout the State and only for new construction or where substantial improvement was made to existing structures. Kevin Duerr-Clark and Chairperson Tebo explained that it would apply to all new and renovated "rail stations," as such are defined in the rule, with limited application to existing rail stations that are not undergoing renovation. Claudia Braymer also asked about the subsequent steps in the process beyond the conceptual approval of this rule making and whether other documents would be issued. Chairperson Tebo answered that this is a preliminary step in the rule making process that would open the official public comment period prior to the Notice of Adoption.

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Timothy DeRuyscher noted that NFPA 130 is primarily a performance-based document, and asked Daniel Nichols if any of the amendments proposed would be eliminating the ability to utilize the NFPA 130 performance-based features rather than prescriptive. Daniel Nichols answered that performance-based features are not being removed. Chairperson Tebo indicated that this provides more detailed and descriptive features than the prescriptive path and Daniel Nichols agreed with the statement.

Michael Weber asked what would be included in the definition of "rail station" and whether it would include facilities located in Western New York. Daniel Nichols noted that he sought input from Niagara Frontier Transit Authority which has underground and above-grade rail stations to which the proposed rule making would apply. Michael Weber asked if the proposed rule would apply to the AirTran to JFK and Daniel Nichols confirmed that it would.

Keith Wen thanked Daniel Nichols for proactively reaching out to the NYC Department of Buildings to review and comment on the proposal and for Daniel Nichols' efforts to address the comments received.

Chairperson Tebo made a motion that the Code Council grant conceptual approval to proceed with this Notice of Proposed Rule Making. The motion was seconded by William Tuyn and Dominic Marinelli. The motion carried unanimously.

Agenda Item 5. Director Update

John Addario spoke about the following:

- Thanked the MTA and staff for the development of the proposed rule making relating to the Uniform Code provisions for rail stations;
- Noted that the basic training and in-service training are all online via webinars with over 1,500 people signed up for some of these events;
- Noted that there is an Energy Efficiency and Housing advisory panel for the Climate Action Council and that Kevin Duerr-Clark, Emma Gonzalez-Laders, and John Addario are part of the staff workgroup supporting the panel; that NYSERDA has included recommendations relating to energy efficiency and reduction/elimination of fossil fuel use; and that there are proposals to the 2021 codes relating to the use of A2L refrigerants and that the DBSC has been tracking such proposals;
- Noted that staff has been appointed to ICC Committees with China Clarke appointed to the ICC/NEHA Pandemic Task Force, Emma Gonzalez-Laders and China Clarke appointed to a Residential Code Committee, Kevin Duerr-Clark appointed as an alternate to the Existing Building Code Committee, and Brian Tollisen appointed as Chair to the Sustainable Energy Action Committee;
- Noted that the DBSC submitted about 23 proposals to be heard at the ICC hearings which will be held virtually and that the DBSC will be attending and participating in the hearings; and
- Noted that the IECC development process has changed from the governmental consensus process to a standards process and asked if Dorothy Mazzarella, representing the ICC, wished to offer further detail.

Dorothy Mazzarella confirmed that the IECC development will follow the standards process, which is a committee-based process, in contrast to the previously used governmental consensus process that reserved the final vote for the ICC governmental members. Dorothy Mazzarella noted that there will be a call for committee members to the IECC development committee in March and encouraged DBSC staff to apply.

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Chairperson Tebo noted that significant energy conservation work will take place in the next 5-10 years that will impact the development of the State Energy Code and expressed his wish for the IECC to keep pace with that work.

Agenda Item 6. Workgroup Update

Chairperson Tebo thanked the members of the workgroup for their time and expertise, meeting monthly over the last year, and reviewing possible changes for the next code.

Kevin Duerr-Clark provided an update on the two meetings held since the last Code Council meeting that focused on the Performance Code and Townhouse Sprinklers. The next meetings are scheduled for April and May to complete work on Townhouse Sprinklers and to issue a draft summary.

Timothy DeRuyscher asked that the 13 items the workgroup has focused on be stated for the benefit of those present and Kevin Duerr-Clark listed them as follows:

1. Fire Code Section 903.2.11.3 of sprinkler pipe of 55 vs 30
2. Heat detection and alarm connection for multiple station smoke alarms for attached garages vs 45 minute separation
3. Deletion of emergency responder radio coverage in existing buildings
4. Deletion of mobile fueling operations
5. Deletion of several exceptions in ICC language about fire partitions when they are and are not required
6. Changes to fire command center sizing charts
7. Updating to the current sprinkler standards for NFPA 13, 13R, 13D, 14, 20, 24 and 72 updating to the 2019 versions as opposed to versions currently in the code.
8. Townhouse sprinkler discussion
9. Sprinkler provisions for new bed and breakfasts
10. The use of 10 year battery backups in smoke detectors
11. Interconnection of new smoke alarms using wireless technology
12. Updating reference standard NFPA 72 to use 7th edition of UL 217 regarding smoke alarms and 8th edition of UL 268 regarding smoke detectors
13. Performance Code

Agenda Item 7. Public Comment Period

There were no public comments.

Agenda Item 8. Future Meetings

Future meetings were announced for June 25, September 17, and December 3.

Agenda Item 9. Other Business

Hearing no other business, Chairperson Tebo made a motion to adjourn. The motion was seconded by Timothy DeRuyscher and David Seeley and carried by unanimous voice vote.

The meeting adjourned at approximately 11:17 a.m.

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