

**DIVISION OF BUILDING STANDARDS AND CODES**

STATE OF NEW YORK

**DEPARTMENT OF STATE**

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**DRAFT** Minutes of the New York State Fire Prevention and Building Code Council meeting on Friday, June 25, 2021, commencing at 10:20 a.m. and held by videoconference at:

- ❖ 99 Washington Avenue, Albany, NY, Conference Room 505
- ❖ 65 Court Street, Buffalo, NY, Conference Room 208
- ❖ videoconference call (WebEx)

**Council members and designees present:**

Matthew Tebo, Presiding  
Benjamin Keller  
Michael Weber  
Vincent Rapacciuolo  
Joseph DeStefano

Claudia Braymer  
Joseph Toomey  
Robert Hughes  
Dominic Marinelli (Buffalo)

**Guest speakers present:**

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

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

**Agenda Item 1. Welcome.**

Matthew Tebo called the meeting to order and introduced himself as the chair and designee for the Secretary of State. Chairperson Tebo indicated that the Governor announced the lifting of the Covid-19 State Disaster Emergency and that the meeting was therefore being conducted in-person as a result. Chairperson Tebo thanked the Council members for making themselves available to meet in-person on such short notice.

Kevin Duerr-Clark called the roll and announced that nine (9) Council members were present. Chairperson Tebo noted that there was a quorum. Kevin Duerr-Clark explained that the meeting was being held via videoconference at two locations, with an option for the public, presenters, and staff to attend either in-person at either location or remotely via WebEx.

**Agenda Item 2. Minutes of the meeting of March 5, 2021. Consideration of motion to approve.**

Chairperson Tebo asked if anyone wished to propose changes to the minutes of the March 5, 2021 meeting. Hearing none, Chairperson Tebo asked for a motion to adopt the minutes without changes. The motion was approved unanimously by voice vote.

**Agenda Item 3. Department of Health Presentation of Standards Established by Commissioner's Rules and Regulations to Implement General Business Law S322-c(a)(ii) - consideration of motion to approve (Executive Law §375(7)).**



**Department  
of State**

Kevin Duerr-Clark presented a summary of the Notice of Proposed Rule Making from the Department of Health (DOH) pertaining to the labeling of space heating appliances using natural and/or manufactured gas fuel used in any building used or occupied as a residence. Kevin Duerr-Clark then introduced Todd Crawford (DOH).

Todd Crawford, representing the NYS DOH explained the details of the rule and its correlation to the Uniform Code.

Claudia Braymer asked if public comments had been received regarding the use of existing labels on products and Todd Crawford responded that the DOH had conducted outreach to manufacturers' representatives and that based on such outreach, and the public comments received, he anticipated that the one-year time frame for the rule to take effect will give manufacturers adequate time to use existing labels in circulation.

Hearing no additional questions nor discussion, Chairperson Tebo made a motion, read by Panagiota Hyde, to approve the standards that would amend subdivisions (a) and (c) of §71.3 of Title 10 of the Official Compilation of Codes, Rules, and Regulations of the State of New York (NYCRR) and would repeal Section 71.4 as set forth in the Notice of Proposed Rule Making filed by DOH. The motion was seconded by Joseph Toomey. The motion carried unanimously.

#### **Agenda Item 4. Uniform Code Provisions for Rail Stations (19 NYCRR Part 1228) – consideration of motion to proceed with Notice of Adoption.**

Kevin Duerr-Clark provided a short summary stating the purpose of this rule 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. Kevin Duerr-Clark then introduced Daniel Nichols (MTA).

Daniel Nichols, representing the MTA, thanked DOS staff for their efforts and announced the development of a training course on the code provisions of Part 1228 for code enforcement officials.

Benjamin Keller asked Daniel Nichols to consider proposing this language at the national level. Daniel Nichols noted that MTA has been working with ICC and NFPA and will continue to do so for the next code cycle update.

Chairperson Tebo made a motion, read by Panagiota Hyde, that the Code Council determine that no significant environmental impact would result from this rule and that the Code Council authorize Kevin Duerr-Clark to file the State Environmental Assessment Form, the NYS Department of State Coastal Management Program Coastal Assessment Form, and the Certification of no significant coastal impact. The motion was seconded by Benjamin Keller and carried unanimously.

Chairperson Tebo made a second motion, read by Panagiota Hyde, that the Code Council authorize the adoption of Part 1228 as a permanent rule effective 90 days after publication in the State Register and that applicants be given the option to comply with either the current rule or with the new rule during those 90 days. The motion was seconded by Joseph Toomey and carried unanimously.

#### **Agenda Item 5. Director Update**

John Addario spoke about the following:

- Offered condolences to the State of Florida and its residents in light of the recent building collapse which, regardless of the cause, highlights the importance of building codes.

- Notice of Proposed Rule Making for Part 1203 was filed on May 12<sup>th</sup>, a public hearing is scheduled for July 15<sup>th</sup>, and that the public comment period will end 5 days after. Also noted that a Notice of Rule in Development had also been filed earlier, that changes were made to the rule as a result of comments received at that time, and that the effective date for the rule will be a year after publication to allow municipalities sufficient time to update their local laws.
- DOS received redlined copies of the 2021 ICC codes in May and secured an ICC Premium Access subscription enabling staff to utilize additional resources.
- The Energy Efficiency and Housing advisory panel, which John Addario, Kevin Duerr-Clark, and Emma Gonzalez-Laders have supported, issued its recommendations to the Climate Action Council relating to energy efficiency to enable New York Climate Action goals.
- Division staff participated in the ICC Spring Hearings and submitted 23 proposals with approximately 50% being approved, which is the highest number of approvals the Division has ever had. Those proposals will be finalized at the Fall Hearings and staff will continue to participate and submit public comments.
- The 2024 IECC will be developed through a Standards Development Process instead of the Governmental Consensus Process and that Emma Gonzalez-Laders was selected to the Residential Committee and Emily Hoffman from NYC to the Commercial Committee. He asked if Dorothy Mazzarella, representing the ICC, wished to offer further detail.

Dorothy Mazzarella indicated that from over 350 applications received, 48 members were appointed to the residential committee and 45 were appointed to the commercial committee of the 2024 IECC standards development process. Dorothy Mazzarella indicated that a third of the appointees are governmental members with a good representation across all sectors; and congratulated the Division on getting 50% approval and Emma Gonzalez-Laders on the appointment.

## **Agenda Item 6. Workgroup Update**

Kevin Duerr-Clark provided an update on the two meetings held since the last Code Council meeting focusing on completing the last topic on Townhouse Sprinklers. The next meetings are scheduled for July, August, September, and October to work on the overall summary with the goal to be ready to provide a copy of the summary to the remainder of the Code Council at the December 2021 meeting. Kevin Duerr-Clark provided the list of all of the topics being reviewed by the workgroup 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 7<sup>th</sup> edition of UL 217 regarding smoke alarms and 8<sup>th</sup> edition of UL 268 regarding smoke detectors
13. Performance Code.

Claudia Braymer asked if short-term rentals had been considered by the workgroup and Kevin Duerr-Clark responded that this had not been a topic of discussion but that the Division has issued a guidance document on this topic.

#### **Agenda Item 7. Public Comment Period**

49 members of the public attended remotely, none in-person, and there were no public comments offered at the meeting.

#### **Agenda Item 8. Future Meetings**

Future meetings for 2021 were announced for September 17 and December 3.

A tentative schedule for 2022 was announced (March 4, June 24, September 23, and December 9) and Chairperson Tebo asked Code Council Members to indicate their availability.

#### **Agenda Item 9. Other Business**

Chairperson Tebo thanked staff for the quick transition to coordinate today's meeting and thanked the Council members who traveled with such short notice. Hearing no other business, he made a motion to adjourn.

**The meeting adjourned at approximately 11:06 a.m.**