

**BUILDING AND FIRE CODES APPEALS  
AND ADVISORY BOARD MINUTES  
March 24, 2010**

The Building and Fire Codes Appeals and Advisory Board Meeting, duly advertised in accordance with law, was called to order by the Chief Building Inspector, Randy Hindman, at 8:37 a.m., Wednesday, March 24, 2010, in the Board of Commissioners' Meeting Room, Township Municipal Building, 1820 McLaughlin Run Road.

**PRESENT: BOARD MEMBERS**

Michael P. McDonnell  
David J. McLean  
James A. Sampey  
Robert T. Stevens, Sr.  
Joseph F. Valvo  
John L. Rizzi, Alternate Member

**TOWNSHIP STAFF**

Scott Brillhart, Director of Community Development  
Randy Hindman, Chief Building Inspector  
Deborah Waller, Fire Marshal  
Kathleen R. Oberle, Recording Secretary

**TOWNSHIP ATTORNEY**

Christopher W. Cahillane, Representing the Township Attorney

**PUBLIC:** None

**ELECTION OF OFFICERS**

Mr. Hindman requested nominations for Chairman. On motion by Mr. McLean, seconded by Mr. Valvo, Mr. McDonnell was nominated and elected Chairman by unanimous voice vote, 6-0.

Mr. Hindman then turned the meeting over to Chairman McDonnell. Mr. McDonnell asked for nominations for Vice Chairman. On motion by Mr. Valvo, seconded by Mr. Sampey, Mr. McLean was nominated and elected Vice Chairman by unanimous voice vote, 6-0.

**CONSIDERATION OF MINUTES OF APRIL 22, 2009**

Mr. Valvo commented that after the issue of legal representation was raised, at the request of the Board, staff forwarded emails that further clarified the matter. Mr. McDonnell requested that this comment be added to the April 22, 2009 minutes.

On motion by Mr. McLean, seconded by Mr. Valvo, carried by unanimous voice vote, the minutes were approved and accepted as modified.

**OTHER BUSINESS**

At the Chairman's request, Mr. Hindman briefly reviewed the changes from the 2006 to the 2009 International Building Code (IBC) and International Residential Code (IRC), the most significant of which involves residential fire sprinklers and energy requirements. The Builders Association has challenged the constitutionality of the IRC as to the sprinkler requirements. As of January 1, 2011, all single family residences must have sprinkler systems. Mr. Sampey questioned the "lag time" if he begins designing a home now and it is under contract prior to January 1, 2011.

Mr. Hindman responded that Labor & Industry takes the position that as long as someone was "under contract with a builder or design professional" prior to that date, the 2009 Code would apply with the exception of sprinkler systems. He anticipates a surge of applications at the end of this year.

Mr. Rizzi requested the Township's opinion on the need for residential sprinklers. Mr. Hindman's personal opinion is "if it saves one life, it's a great idea." As a volunteer fireman for the past 30 years, he noted that their ranks are decreasing. Where there used to be six or seven firemen responding, there are now one or two.

As a member of the Governor's Uniform Construction Code Review and Advisory Council, Deborah Waller noted that she has attended many meetings in Harrisburg. She commented that the new Code allows light weight construction and a change in construction type so there is good technical reason for the sprinkler requirement. It is a trade off as to how a structure acts under fire when the sprinklers come into play in order to provide that safety layer. Ms. Waller added that the Review and Advisory Council held public hearings last April. The only one to present objections was the Pennsylvania Builders Association regarding residential fire sprinklers, energy provisions and mechanical provisions. They want the fire sprinkler requirement to be deleted from the IRC. The energy provisions are linked to federal stimulus dollars which are only available to states who have adopted the most recent code. Federal funds would be jeopardized if any exceptions are granted. Ms. Waller reported that there were no deletions to the International Code.

As to accessibility, Ms. Waller explained that there is a separate Accessibility Board to handle those issues. Mr. McDonnell noted that you can no longer take a reduction in egress width that used to come along with a fully sprinklered building. Mr. Sampey stated that problems have existed in California during earthquakes where sprinkler systems did not work, so the Code provides for the maximum capacity for exits.

Mr. McDonnell expected that the Township will see push back from the community on this issue. While not grounds for granting an appeal, people will plead that this is a financial burden. He therefore requested that the Township Attorney provide the Board with some parameters on what constitutes grounds for relief. Mr. Cahillane replied that he can research the legal ramifications. However, if this provides a new hot bed of appeals, it most likely will need to be dealt with on a case by case basis.

Mr. Hindman noted that recently legislation was passed in a House Bill which specifically states what you can and can't do. The House Bill also contains a statement that there is no relief for sprinkler systems. He will forward this information to the Board. Mr. Cahillane will confirm the same and follow up by email.

Mr. McLean expected that most of arguments will be less about the Code and more about having a contract on December 31<sup>st</sup> for homes that won't be built for 2 years. In order to buy time, a client could hire an architect to design some sort of house somewhere, without any chosen location or program to design the home. He asked if a letter of intent warrants a contract. Mr. Cahillane replied that it may or may not; there is always a way around an issue.

The sprinkler requirements do not pertain to additions and renovations, nor do they pertain to crawl spaces, unfinished attics and garages. Ms. Waller noted that a single family dwelling is covered under NFPA 13-D which is completely different from commercial in that the requirements are intended as life safety measures and not for property conservation.

Mr. Rizzi explained that as an architect and home builder as well as a member of the Builder's Association, he sees cost as a big concern. He is also concerned about the lack of skilled craftsmen because there are not enough sprinkler contractors on the residential end. He could foresee more insurance claims for frozen pipes. A question was raised as to who is authorized to install residential sprinkler systems. In commercial construction, only a certified sprinkler contractor can install systems. Mr. Hindman replied that there are no requirements; the system can be installed by anyone, but it would most likely be a plumber. Drawings would need to be submitted to the Fire Marshal for approval. Ms. Waller explained that the Township is still working through the process of handling these permits.

In response to a question as to whether the sprinkler installation would affect the ability to obtain home owners insurance, Mr. Hindman replied that the Township has nothing to do with residential insurance. Inspections would be in accordance with the International Plumbing Code and would involve Allegheny County.

Mr. Hindman explained that the IRC is State law and because the Township Code contains amendments which existed prior to 1999, they are grandfathered. However, no further changes can be made without submission to and approval by Labor and Industry. ....

Mr. Valvo felt that as far as this Board is concerned, it would have to operate on a case by case basis. Mr. Hindman noted that basically the two types of appeals would be for an extension of a permit due to expire or a challenge of the interpretation by the Building Official or Fire Marshal. The Township can obtain written opinions from the International Code Council on gray areas.

Mr. McLean acknowledged that Mrs. Oberle would be recording secretary.

There was a brief discussion concerning the warehouse construction at 1387 McLaughlin Run Road.

**ADJOURNMENT**

There being no further business, it was moved, seconded and carried unanimously that the meeting be adjourned at 9:01 a.m.

Prepared by Kathleen R. Oberle  
Recording Secretary