

New York State Building Standards and Codes Application for Appeal of Determinations Concerning the  
Rand Hall Fine Arts Library at Cornell University  
Petitioner: Jonathan Ochshorn

**Exhibit 8**

Decision of the Capital Region-Syracuse Board of Appeal, August 12, 2015 (Petition No. 2015-0432)

*Summary:* This 2015 variance allowed 2-hour fire barriers, instead of a 3-hour fire wall, to effectively create a separate “Rand Hall” building with non-fireproofed steel (Type IIB) construction. The library spaces proposed at the time consisted of two stories, each with a mezzanine, so the building—including the first-floor F-1 shop occupancy—was still considered to be three stories high.

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DEPARTMENT OF STATE

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ANDREW M. CUOMO  
GOVERNOR

CESAR A. PERALES  
SECRETARY OF STATE

CAPITAL REGION – SYRACUSE BOARD OF REVIEW

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In the Matter of the Petition of:  
CORNELL UNIVERSITY – RAND HALL  
For a Variance to the New York State  
Uniform Fire Prevention and Building Code  
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DECISION

PETITION NO. 2015-0432

Upon the application of Cornell University – Rand Hall, filed pursuant to 19 NYCRR 1205 on August 12, 2015, and upon taking testimony and hearing argument thereon at a duly noticed hearing before the Capital Region – Syracuse Board of Review held at the Hughes State Office Building, 333 East Washington Street, Syracuse, New York, on September 17, 2015, and upon all other papers in this matter, the Board makes the following determination.

NATURE OF GRIEVANCE AND RELIEF SOUGHT

The petition pertains to the renovation to the existing Rand Hall Fine Arts Library, Type 2B, three story academic building, A3 first and second story occupancy, F1 basement occupancy, constructing a fire barrier to separate Milstein Hall, a two-story 2B academic building, thus creating two legal structures, located at 947 University Avenue, City of Ithaca, County of Tompkins, State of New York.

The petitioner is seeking relief from:

**19 NYCRR Part 1227, The Existing Building Code of New York State, Section 912.5.1**, which states When a change of occupancy classification is made to a higher hazard category as shown in Table 912.5, heights and areas of buildings and structures shall comply with the requirements of Chapter 5 of the *Building Code of New York State* for the new occupancy classification.

**Exception:** In other than Groups H, F-1, I and S-1, in lieu of fire walls, use of fire barriers having a fire-resistance rating of not less than that specified in Table 705.4 of the *Building Code of New York State*, constructed in accordance with Section 706 of the *Building Code of New York State*, shall be permitted to meet area limitations required for the new occupancy in buildings protected throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 of the *Fire Code of New York State*.

[The petitioner requests relief to allow an existing fire barrier to be accepted as a fire wall.]



Department  
of State

### FINDINGS OF FACT

1. The Building Code Section Table 705.4 allows that an A occupancy shall be separated from an F1 occupancy with a three hour fire rated separation. Exception allows for fire barrier in lieu of fire walls from exception for F1 occupancy.
2. The petitioner proposes the following alternatives to strict compliance with the Code:
  - A. Maintain two-hour fire barrier between Rand Hall and Milstein hall.
  - B. Provide non-required one-hour horizontal fire barrier to separate the first floor from the second floor.
  - C. Provide increased fire sprinkler flow densities and quick response sprinklers.
  - D. Provide secondary water supply as presented in the documentation.
  - E. Provide additional fire detection exceeding the Code requirements.

### CONCLUSIONS OF LAW

This proposed variance will not substantially adversely affect the Uniform Code's provisions for health, safety and security. Strict compliance Uniform Fire Prevention and Building Code with the provisions of the Uniform Fire Prevention and Building code would entail practical difficulties or unnecessary hardship and would otherwise be unwarranted because such would not achieve the Code's intended objectives.

### DETERMINATION

WHEREFORE IT IS DETERMINED that the application for a variance from 19 NYCRR Part 1227, Section 912.5.1, be GRANTED with the following conditions:

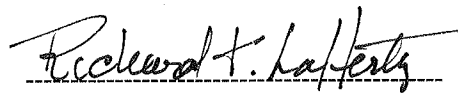
1. That the two-hour fire barrier is maintained between Rand Hall and Milstein Hall.
2. That a non-required one-hour horizontal fire barrier is to be provided to separate the first floor from the second floor.
3. That a sprinkler system be provided with increased fire flows.
4. That a secondary water supply be made available.
5. That additional fire detecting system exceeding Code requirements be installed.
6. That fire shutters and/or fire rated glass windows be installed in Rand Hall.

Furthermore, it should be noted that the decision of the Board is limited to the specific building and application before it, as contained within the petition, and should not be interpreted to give implied approval of any general plans or specifications presented in support of this application.

Chairman Richard Lafferty, and members, Michael Hrab, and Robert Almy all concur.

So ordered.

Capital Region – Syracuse Board of Review

Handwritten signature of Richard H. Lafferty in black ink, written over a horizontal dashed line.

By: Richard Lafferty, Chairman

Date: 10/13/15

NMC: nc