

NEW JERSEY NOISE CONTROL COUNCIL (NCC)
NOVEMBER 12, 2014
MEETING MINUTES

MEETING ATTENDEES: Arnold Schmidt (Chairman, Public Member), Joseph Lepis (Vice Chairman, Civil Engineer), Eric Lieberman (Department of Health), Jerome Feder (Public Member, Secretary), Steven Szulecki (Public Member, Ecologist), Dr. Iris Udasin (Public Member, Medical Doctor), Norm Dotti (Public Member, Industrialist), Dr. John Kapferer (Public Member), Eric Zwerling (Director, Rutgers Noise Technical Assistance Center) and David Triggs (Department of Environmental Protection, Noise Control Council Liaison) **GUEST:** Joseph DiFillipo (Middlesex County Public Health Department).

I. MEETING MINUTES

The draft minutes for the October 2014 meeting were approved with minor changes.

II. CHAIR REPORT

- Some articles were handed out by members of the NCC pertaining to noise from airports and helicopter pads, the latter of which may move from New York to Bayonne. Another article pertained to noise from drumming in a residential home.
- There was a discussion on shooting ranges. 13:1G-21.2 apparently exempts gun ranges except when the noise is “willful, wanton, or a grossly negligent act of commission or omission.” This is contradictory to the exemption in the regulations under 7:29-1.5(13) which states “Normal operation of a handgun, rifle, shotgun, skeet-shooting or trapshooting range which has been maintained continuously in the same location since January 24, 1972.”

III. OLD BUSINESS

- *Council Member Appointment:* Tabled until the next meeting.
- *Website Update Regarding Municipal Model Noise Ordinance (Model):* Wording was provided by Steve Szulecki to use on the Department’s noise website and the Model to clarify the reasons for the penalty reduction. The NCC approved the language.
- *Meadowlands Commission (MC) Noise Policy:* Vice Chairman Joseph Lepis has volunteered to draft a letter to the MC, requesting clarification on their noise policy and the standards used.

IV. GUIDANCE DOCUMENT

- Most of the discussion pertained to changes to the section on “Weather Conditions” and the use of shall/should as it pertains to taking measurements at alternate locations.
- Norm Dotti provided language for the section on C-scale measurements.
- Part of the discussion involved vehicles entering and exiting a commercial/industrial facility. Norm Dotti objected to the idea that once a vehicle crosses the property line it then becomes part of the facility’s operation and can therefore be considered a source of noise, which is currently the Department’s policy.

V. PART 150 NOISE STUDY

Vice Chairman Lepis indicated that no roundtable meeting date has been set.

VI. STAKEHOLDERS MEETING (EMERGENCY GENERATORS)

Due to time constraints, weather and preparation, the NCC has decided to push back the date of the stakeholder's meeting to June. Steve Szulecki is trying to reserve the Rutgers Extension Conference Center which is directly across from the Operator Training Center. The room is big enough to accommodate a large group and there is no fee. Adequate parking is also available. Eric Zwerling will announce the meeting in the next Rutgers Noise Technical Assistance Center newsletter once a meeting date has been selected.

VII. NEW BUSINESS

- *Noise Sources within Residential Complexes (Condos and apartments):* A county representative requested the NCC's advice on noise from an HVAC system serving a common area of a condominium complex. The person was unsure if a condo association can be considered commercial and therefore be subject to a noise violation. Eric Lieberman proposed the following language to be voted on: *An owner of a condominium unit (that is part of six or more units) has rights relative to being a receptor of noise generated by a condo association and said association can be held liable for being that source of noise.*

Voting in favor (Yes): Dr. Iris Udasin, Eric Lieberman, Norm Dotti, John Kapferer, Arnold Schmidt and Steve Szulecki.

Voting against (No): Joseph Lepis (Mr. Lepis wanted it stated that he wrote the language for the definition of multiple living accommodations in response to re-defining apartment buildings as commercial sources and residential receptors, a concept that did not exist in the state code prior to 1990)

Abstaining: Jerome Feder

Motion carries: A condo association can be considered a "commercial" source of noise.

- Eric Zwerling participated in a noise study in New York City comparing a standard jackhammer against the noise created by an electric jackhammer. The electric jackhammer was 15 decibels quieter on average than the standard jackhammer.

VIII. AGENDA ITEMS NOT DISCUSSED

Bylaws review/revisions

IX. NEXT MEETING

The next meeting date is scheduled for December 9th.

Respectfully submitted:

David E. Triggs, NJDEP, NCC Liaison

