

**NEW JERSEY
NOISE CONTROL COUNCIL (COUNCIL)
JANUARY 14, 2025
MEETING MINUTES**

ATTENDEES

Council Voting Members: Steve Szulecki (Chair, Public Member, Ecologist), Jack Zybura (Vice Chair, Public Member), Daniel Lefkowitz (Department of Health), Sal Fama (Motor Vehicle Commission), Philip Makrelis (Public Member, Local Governing), David Triggs (Public Member), Arnold Schmidt (Public Member), Randolph Hauser (Department of Labor), Gina Fischetti (Department of Community Affairs), Joseph DiFillippo (Public Member).

Rutgers and NJDEP Representatives: Eric Zwerling (Director of the Rutgers Noise Technical Assistance Center), Michelle Feasel (NJDEP Liaison to the Council), Christy Choo (NJDEP Co-Liaison to the Council), and Bruce Velzy (Deputy Attorney General) via Microsoft Teams.

MEETING MINUTES

December 2024: Jack Zybura sent his proposed amendments to the council ahead of the meeting. *David Triggs motioned to approve the minutes as amended, with Arnold Schmidt seconding. A vote was taken, and all were in favor except Randolph Hauser, Joseph DiFillippo, and Steve Szulecki who abstained due to being absent at the December meeting. The motion carried.*

CHAIR REPORT

There was no Chair report.

NEW BUSINESS

Octave guidance: Chairman Szulecki emailed the council the amended version ahead of the meeting. *Steve Szulecki motioned to accept the octave guidance as written, with Jack Zybura seconding.* The motion was now open for discussion. Eric Zwerling spoke to support the guidance regarding discontinuing regulatory reference to an archaic measurement methodology. He then discussed the last paragraph which deals with zoning ordinances utilizing octave band standards. He noted that the proposed guidance states that going forward such ordinances “may reference N.J.A.C. 7:29 *Noise Control*”, instead of “must reference N.J.A.C. 7:29 *Noise Control*.” Mr. Zwerling posed the question as to whether a jurisdiction could establish more stringent standards in a zoning ordinance than is allowed/required in a noise ordinance adopted pursuant to NJAC 7:29, as “ordinances or resolutions” are not specific to noise. He asked if a municipality wanted to adopt a more stringent octave-based ordinance like a zoning code, would they need to submit it to the DEP for approval. Chairman Szulecki stated that construction standards are not submitted to the DEP, as zoning codes are not enforcement documents. Michelle Feasel stated that if a zoning code with an octave band was brought to the DEP for approval, she would need their legal department to weigh in. David Triggs stated that it must be discussed how the municipality would enforce it. Chairman Szulecki stated that municipalities would need to adopt the model ordinance and that the purpose of this guidance document is to officially inform them that older octave standards are obsolete. *Steve Szulecki moved to accept*

the guidance document as written, with Jack Zybura seconding. A vote was taken, and all were in favor. The motion carried.

PUBLIC DISCUSSION

There was no one present from the public to comment.

EXECUTIVE SESSION

The council called Bruce Velzy, the assigned Deputy Attorney General, via Microsoft Teams. *Steve Szulecki motioned to go into Executive Session to discuss the N.J.A.C. 7:29 rule text amendments from the Governor's office with Jack Zybura seconding. All were in favor, so the motion carried.* This meeting is closed to the public and held in accordance with the Open Public Meetings Act. Meeting minutes are recorded separately from the regular meeting minutes.

Jack Zybura motioned to leave Executive Session, with Joseph DiFillippo seconding. All were in favor, so the motion carried. Chairman Szulecki formed a subcommittee consisting of Eric Zwerling, Jack Zybura, Steve Szulecki, David Triggs, Arnold Schmidt, and Phil Makrelis.

OLD BUSINESS

No old business was discussed.

ADJOURNMENT

David Triggs motioned to end the meeting with Daniel Lefkowitz seconding. All were in favor, and the motion carried. The meeting adjourned.

NEXT MEETING

The next meeting is scheduled for Tuesday, February 11th at 9:30 AM.

Respectfully submitted by Christy Choo, with edits by Michelle Feasel, NJDEP Liaisons to the Council.