

**NEW JERSEY  
NOISE CONTROL COUNCIL (COUNCIL)  
December 10, 2024  
MEETING MINUTES**

**ATTENDEES**

*Council Voting Members:* 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), Dr. Iris Udasin (Public Member, Medical Doctor), Arnold Schmidt (Public Member), Norm Dotti (Public Member, Industrialist).

*Rutgers and NJDEP Representatives:* Michelle Feasel (NJDEP Liaison to the Council), and Christy Choo (NJDEP Co-Liaison to the Council).

**MEETING MINUTES**

*November 2024:* David Triggs suggested a few grammatical corrections to the meeting minutes. *Arnie Schmidt motioned to approve the minutes as amended, with David Triggs seconding. A vote was taken, all were in favor, except Sal Fama who abstained due to being absent at the November meeting. The motion carried.*

**CHAIR REPORT/ COMMUNICATIONS**

*N.J.A.C. 7:29 comments:* Michelle Feasel stated that she has not received any updates on the proposed amendments.

*Bill S507:* Jack Zybura stated following the November meeting Chaiman Szulecki sent the council the template for a letter in support of the Bill, that members could send to their local representatives as individuals. Sal Fama asked if the letter to the DEP Commissioner had been sent out in support of the Bill. Michelle Feasel confirmed that the letter had been approved at the November meeting, and she sent it out a few days later. Mr. Fama asked if the council was copied on the letter and stated that he would have like to have seen what was sent. Arnie Schmit asked if the bottom of the letter stated that the council was to be copied. Ms. Feasel stated that it did not, and that the letter that was sent was identical to the one discussed at the November meeting, the council had voted to make no changes, so she did not email it to everyone before mailing it. She stated that Chaiman Szulecki should have an electronic copy he could provide. Mr. Zybura pulled out his hard copy from the November meeting and passed it around for those who had not been in attendance.

**PUBLIC DISCUSSION**

There was no one present from the public to comment.

**NEW BUSINESS**

*NCO guidance:* Jack Zybura stated that since Eric Zwerling was not in attendance, he had no updates to share. Arnie Schmidt asked if the guidance document should just be aimed at police enforcement. Mr. Zybura stated that the police officers would have a course manual once they have gone through training, which includes the guidance document. Sal Fama stated that a violation found by local Noise Control Officers (NCO)/ Noise Control Investigators (NCI) would need to go to the prosecutor's office eventually. Mr. Zybura stated that the council had agreed it should be delt with by the local prosecutor's office at the November meeting. Mr. Fama stated that he has previously spoke about how he would like the Model

Ordinance expanded to have NCO's and NCI's enforce noise that is hurtful to human hearing, and have citizens verify the complaints that they could bring to their local prosecutor's office, adding that it would fall under a nuisance provision. He stated that there are a large group of cars with modified exhausts on his street, and the sound they produce when they drive by hurts his ears. He was asked how a citizen enforcing this provision would be able to pull a car over. Mr. Fama stated that the citizen would not need to pull the car over, but could take a video as evidence, verify the plate number and gather other evidence to take to the prosecutor's office. Phil Makrelis asked how they would know if the video wasn't altered and added that the phone's volume could be adjusted. Michelle Feasel asked if Mr. Fama's town had adopted the Model Ordinance, stating that there is already a provision that does not allow cars with modified exhausts to be operated stationary or in motion on a public right-of-way. Adding that it would help his town enforce against this noise issue. Mr. Fama stated that they did not. Mr. Zybura stated that adding a provision in the Model Ordinance that would allow citizens to enforce these kinds of hurtful noises would not be beneficial to Mr. Fama's situation, as the town would still need to adopt the Model.

*Octave guidance:* Jack Zybura handed out an updated octave band guidance sheet, with proposed amendments from Chairman Szulecki. Norm Dotti who was not present at the November meeting asked what the guidance document was aimed at clarifying. Mr. Zybura stated that old octave ranges are found in older codes, he added that these ranges are obsolete and that guidance from the DEP would hold more weight in clarifying the issue. Michelle Feasel asked if Eric Zwerling had seen Chairman Szulecki's proposed amendments and if he had any additional comments, since at the November meeting he was the one who proposed the guidance be tabled. Mr. Zybura stated that Mr. Zwerling was copied on the email but did not respond with any comments. Dan Lefkowitz suggested adding a statement that the table with the octave bands was just an example, to indicate that not all outdated octave ranges may look exactly like that. There was some discussion on the title of the guidance document. Mr. Zybura suggested "Obsolete Frequency Ranges." Mr. Zybura stated he would make the changes, to be voted on at the next council meeting.

## **OLD BUSINESS**

*Model Update:* Jack Zybura stated that allowing municipalities to lower the permissible decibel limit in their ordinance was a topic Chairman Szulecki brought to the council. He stated that it may be desirable for rural towns with low ambient noise but added because the ambient is so low that the more restrictive decibel limits still may not be helpful. Arnie Schmidt stated that it would be closer to a nuisance code. Norm Dotti asked what the procedure would be for allowing townships to adopt the more restrictive limits, and that he would need the town to provide reasonable proof for needing the lower limits. Michelle Feasel stated that sometime when she reviews ordinances where towns request a different decibel limit, it is an arbitrary number and that she believes townships do not always understand what the decibel limit they are requesting amounts to in terms of sound level. Mr. Zybura stated that since this was Chairman Szulecki's topic and he was not present the discussion would be tabled.

*Gun Range Guidance:* Jack Zybura asked if this still needed to be topic for the agenda. Michelle Feasel stated she recently received a question from a county regarding the gun range exemption and stated that a guidance document would be useful. Arnie Schmidt stated that this kind of guidance document would likely need legal review. He gave the Sussex gun range example that was brought to the council and stated that there were a lot of factors like the footprint expansion, and it possibly being closed for ten years that all would have been taken into consideration. Ms. Feasel stated that Sussex was one example of a gun range and that the council would need to come up with guidance applicable for all. David Triggs asked if a gun range maintained the lawn, would that constitute being maintained continuously. Mr. Schmidt stated that the normal operation of a gun range is shooting guns. Mr. Zybura asked if the "operation" or the "range" needed to be maintained continuously. Mr. Fama stated that if the original concrete pads were still there,

he felt the facility would be exempt. Mr. Zybura asked if only the noise originating from those pads would be exempt, rather than the whole facility. He then read the noise statute Chapter 13:1G which clarified that the range needs to be maintained continuously. Ms. Feasel stated that there were some questions drafted to help determine if the range was exempted, she agreed to email the list to Jack Zybura, Steve Szulecki and Eric Zwerling so that they can use it to help with drafting a guidance document.

*Entering and Exiting:* Norm Dotti stated that trucks entering and exiting a facility still needs further consideration. Arnie Schmidt stated that when entering or exiting a property it is considered a function of the property. Sal Fama suggested that entrances and exits be downhill slopes, with the trucks using their breaks, the sound would be reduced. Jack Zybura stated that would be difficult with grading and that some facilities only have one entrance. Mr. Fama stated that it would be easier to implement on a new site as opposed to an existing one. Mr. Dotti stated he wanted to bring it up because it is not a dead issue, and it continues to come up. He added that it is a frequent problem at gas stations during the night with the coming and going. Adding, it is also an issue with traffic, the ambient noise is higher, but it is not always continuous especially if there is a traffic light used to allow the truck to pull out onto the road. Michelle Feasel asked if a document or guidance had previously been drafted. Mr. Zybura found a document from Mr. Dotti from 2021, which outlined the issue rather than suggesting guidance language. It was asked if a solution is to give trucks a setback limit, suggesting they could be exempt until 100 or 50 feet back. Mr. Schmidt stated that would be helpful to the trucks and facility but not residents. Mr. Zybura stated that a sound barrier cannot be put to the road as it creates a sight line issue.

*Citizen NCI/NCO:* Sal Fama stated he wants the definition of the NCO and NCI expanded to allow citizens of a municipality with an approved noise ordinance to be able to enforce noise that is painful to human hearing. Allowing them to take the violation to the prosecutor's office on their own. Arnie Schmidt stated that was what the plainly audible standard in the nuisance code it used for and asked how a citizen would prove the threshold for pain and the distance at the time of a potential violation. Jack Zybura stated Mr. Fama is proposing the addition of a third category of enforcement officer for citizens. David Triggs asked what citizens would be able to do in terms of enforcement. Mr. Schmidt stated that they would need to fill out a form at their local police department, adding that anyone can do that at any time. Michelle Feasel stated that a town would already need to be proactive and concerned about noise to adopt the latest model, and that they would have enforcement officers and would not need citizens also enforcing. Mr. Fama stated that the current model does not address the threshold of pain for human hearing. David Triggs stated that the manual references the threshold for human hearing pain. Mr. Schmidt stated that pain is subjective. Ms. Feasel suggested that if citizens are given as much enforcement authority as a municipal NCO/NCI, towns could start pushing enforcement off onto the residents who complain. She added that almost everyone who calls describes how loud and unbearable the noise is, the town could state that they need to collect evidence themselves and take it to the prosecutor's office under painful human hearing. She also added that the model is a template for the entire state. Mr. Zybura stated that he felt a standalone guidance on how a citizen can bring a noise complaint may be more helpful.

## **ADJOURNMENT**

*Dan Lefkowitz motioned to end the meeting with Norm Dotti seconding. All were in favor, the motion carried. The meeting adjourned.*

## **NEXT MEETING**

The next meeting is scheduled for Tuesday, January 14th at 9:30 A.M.

Respectfully submitted by Michelle Feasel, NJDEP Liaison to the Council.