

NEW JERSEY
NOISE CONTROL COUNCIL (COUNCIL)
JANUARY 13, 2026
MEETING MINUTES

ATTENDEES

Council Voting Members: Steve Szulecki (Chair, Public Member, Ecologist), Jack Zybura (Vice Chair, Public Member), Sal Fama (Motor Vehicle Commission), Philip Makrelis (Public Member, Local Governing), David Triggs (Public Member), Arnold Schmidt (Public Member), Joseph DiFillippo (Public Member), Dr. Iris Udasin (Public Member, Medical Doctor), Chris Bergacs (Public Member), Gina Fischetti (Department of Community Affairs), Syed Rashid (Department of Labor), and Daniel Lefkowitz (Department of Health).

Rutgers and NJDEP Representatives: Eric Zwerling (Director of the Rutgers Noise Technical Assistance Center), Michelle Feasel (NJDEP Liaison to the Council), and Christy Choo (NJDEP Co-Liaison to the Council).

PUBLIC DISCUSSION

There was no one present from the public to comment.

MEETING MINUTES

December 2025: David Triggs motioned to approve the minutes, with Arnold Schmidt seconding. Sal Fama submitted comments prior to the meeting. Jack Zybura suggested adding the word “proposed” before “provision” in the first sentence of the Backyard Parties Permit section. A vote was taken to approve the minutes as amended, and all were in favor. The motion carried.

CHAIR REPORT

Guidance Document: Chairman Szulecki stated that after the Council has finished amending the Model Ordinance, they will need to review the guidance document. He added that the guidance referring to the weather conditions like wind and temperature will need to be updated.

Status of 7:29 Amendments: Michelle Feasel stated that the adoption memo came back from the DAG’s office with some comments; her group addressed them and sent it back to the DAG.

NEW BUSINESS

Status of 7:29 sunset date: The N.J.A.C. 7:29 sunset date is April 11, 2026. Michelle Feasel stated that the Council must decide if they want to re-adopt the noise rules with or without change because she must draft the response memo with 60 days’ notice. Jack Zybura asked what is holding up the amendments getting approved. Ms. Feasel stated that she sent the amendments back yesterday. Daniel Lefkowitz stated that there will be a governor change in the next week so it may take a while to process. Chairman Szulecki asked what the alternative is to re-adopting without change. Ms. Feasel stated that making changes would require the same process as the previous rule making, which includes stakeholder meetings, the launch memo, and a public hearing. Chairman Szulecki stated that if they re-adopt without change, the changes the Council has been working on will still get promulgated. Chairman Szulecki stated once the final document is published in the register, it may take 60 days to take effect. Gina Fischetti stated that it can take effect immediately. Mr. Zybura

asked if they could get an extension on the sunset date. Chairman Szulecki stated they cannot. *Chairman Szulecki motioned to advise the DEP that the Council supports re-adoption of the rule without change, with David Triggs seconding.* Chris Bergacs asked if they re-adopt without change now, could the rule still be modified later. Chairman Szulecki stated that once it is re-adopted, the Council can prepare modifications in a few years and adopt it before the next sunset date. Mr. Bergacs asked if the Council could modify it earlier, if they saw a major need. Mr. Triggs stated they could, but the governor must open it, and they must meet with the Commissioner. Chairman Szulecki stated that they did it for “industrial source” in 2012 to remove it as a receptor. Sal Fama asked if that change was made in response to planning, stating that industry plans around the noise regulations and that it is not always complaint driven. Chairman Szulecki stated that noise investigations are solely complaint driven. *A vote was taken, and all were in favor. The motion carried.*

Modified Muffler Bill: Chairman Szulecki stated that there are no modified muffler updates. Chairman Szulecki stated that the legislative session ended and he is not sure if the Bills that were proposed will carry over under the new administration. He stated he will follow up with the legislative aide of one of the sponsors before the February meeting.

Re-appointment Notification: Dr. Iris Udasin asked if they must get the re-appointment letter notarized. Michelle Feasel stated that those who recently got a re-appointment letter have been re-appointed for 3 years, which is incorrect, since the statute dictates Council members serve 4-year terms. Ms. Feasel stated that they should not send the letters back yet since they have the wrong term length, and that members should wait until she receives guidance back from the Governor’s office. Ms. Feasel stated that many Council members will be re-appointed in 2027, so the staggering of re-appointments has been disrupted. Chairman Szulecki stated that Norm Dotti’s position is still vacant and proposed having Chris Bergacs take his spot as the industrialist so that the opening could be for a public member which is easier to fill.

Virtual Meetings: Chairman Szulecki stated that the Council should be timely logging on for the February virtual meeting. Joseph DiFillippo asked about having Executive Session during the virtual meeting. Chairman Szulecki suggested having a second link or breakout rooms. Ms. Feasel stated that the breakout rooms did not work in the test meeting, as she was unable to assign everyone to a room depending on the version of Teams they were using. Jack Zybura suggested closing the meeting to the public and then re-opening it, requiring them to re-join and wait in the lobby until the Executive Session is over. David Triggs suggested having Executive Session at the end of the meeting, allowing public members to leave without signing back in. Gina Fischetti stated that the Council would have to go back into Public Session to close the meeting. Dr. Iris Udasin asked if Council members can still join the Teams meeting if they join late. Chairman Szulecki stated they can join late. Chris Bergacs asked if they need to have 2 Public Sessions. Chairman Szulecki re-stated what Gina Fischetti said about closing the meeting in Public Session. David Triggs asked if Michelle Feasel or Christy Choo attended a Clean Air Council meeting. Ms. Feasel stated they did not. Daniel Lefkowitz asked how they can differentiate people who call in. Chairman Szulecki stated that Council members who call in must notify the Council ahead of time and provide their phone number so they can be distinguished from the public. Ms. Feasel stated that everyone would be muted at first but then they will do roll call to have the public announce themselves. Eric Zwerling asked about the frequency of virtual meetings. Chairman Szulecki

stated they do not know yet, but the March meeting will be in person. Ms. Feasel stated that the noise website will have her email so the public can contact her for the link to join the meeting. Ms. Feasel also stated that she will send the email invite to the Council, but they won't be able to forward the invite.

Middlesex Noise Data: Philip Makrelis sent Middlesex County's noise enforcement data to Chairman Szulecki and Michelle Feasel ahead of the meeting. Chairman Szulecki suggested that the Council hold off for now and discuss the data during the February or March meeting instead. Michelle Feasel stated that the data might not be representative of the county if many towns or bigger cities have their own noise ordinances. Chairman Szulecki stated that if they find Middlesex's data useful, they may ask other counties and towns for their data as well.

OLD BUSINESS

Applicability of Grace Period Law to Non-metered Enforcement: Chairman Szulecki asked if this topic needed more discussion. Eric Zwerling stated that the amendments make it clear what is minor and non-minor.

Model Ordinance: Private Right of Way: Michelle Feasel explained a noise complaint the DEP received regarding an emergency generator on a private roadway that was servicing a residential property. Ms. Feasel stated that in the model ordinance, a private roadway is listed as a source category, but since it is part of the property that owns it, listing it separately is misleading. Chris Bergacs posed a scenario where a truck uses a facility's driveway and asked if it is the site's fault if there is a noise complaint. Chairman Szulecki stated that this would happen too quickly for measurements to be taken. Mr. Bergacs asked what would happen if the truck parked there overnight. Chairman Szulecki stated that the complainant does not know if the truck is just waiting, and if the inspector talks to the truck driver, it could be a ticket for idling instead. Chairman Szulecki proposed having no trespassing or no idling signs on the property. He added that it might be beneficial to know if someone is using your property when you are not there as they could be illegally dumping or doing other activities the facility would be liable for. Mr. Bergacs suggested it was reasonable that enforcement officers ask if they are with the facility. Chairman Szulecki stated that enforcement officers can use discretion. Mr. Bergacs stated that Amazon trucks often turn into driveways next to Amazon warehouses and wants to protect property owners. Chairman Szulecki stated that they can issue trespassing violations. He added that if it occurs regularly, the facility should be monitoring their property, and some burden must fall on the facility. Ms. Feasel stated that private right of ways are lumped as a source category with public right of ways in Section III(A)6. Jack Zybura suggested that they keep public right of ways but get rid of private right of ways as a source category. Mr. Zybura stated that Section III(A) must meet Tables I, II, and III, and asked if trucks would fit this. Eric Zwerling stated that public roadways are exempt in *N.J.A.C. 7:29*. Chairman Szulecki stated that exemptions are carried over except where the definition differs in the MNO. Mr. Zwerling asked what the difference is between roadways and right of ways. Mr. Zybura stated that the state code regulates sidewalks which are included in right of ways. Chairman Szulecki *motioned to remove the definition of "private right of way" in Section II and "and private" in Section III(A)6, with Jack Zybura seconding. All were in favor, so the motion carried.*

Table IV: Eric Zwerling stated that under Table IV it should say “Sound Production Device” because new language has been added to the section and the phrase is now half a page above it, so people may not know that this table is only for sound production devices. *Jack Zybura motioned to include “Sound Production Device” under Table IV, with Sal Fama seconding.* Chairman Szulecki suggested putting it in the title. David Triggs suggested putting it under Table IV in a separate line from the title. *All were in favor, so the motion carried.*

Section IX: Chairman Szulecki proposed adding a sentence from Section X, Motor Vehicle, under the heading of Section IX. *Chairman Szulecki motioned to include the sentence in Section IX, with Jack Zybura seconding. All were in favor, except Sal Fama who opposed. The motion carried.* Chairman Szulecki proposed changing the formatting of the lettering so that “A.” becomes “(A)” so it is consistent with the rest of the model ordinance. *Chairman Szulecki motioned to change the formatting of the lettering in Section IX, with David Triggs seconding. All were in favor, so the motion carried.*

Section X: *Chairman Szulecki motioned to include the phrase “that require immediate compliance,” with Daniel Lefkowitz seconding.* Daniel Lefkowitz proposed changing “which” to “that”, so it is grammatically correct. *All were in favor, except Sal Fama and Chris Bergacs who opposed. The motion carried.*

Section X(A): Chairman Szulecki stated that it is not reasonable for an officer to make the determination if a vehicle has been rendered inoperative. Chris Bergacs asked if there was an immediate summons and if this is all subjective. Chairman Szulecki stated yes to both. Mr. Bergacs stated that if someone has an illegally modified muffler and they are parked five blocks away, their only option is a ticket or to tow their car. He stated there should be a “fix-it” ticket which allows for 30 days since there is no way to immediately correct it. Chairman Szulecki asked how they would track the violator down five towns away after 30 days. Eric Zwerling stated that New York City uses noise cameras, but there is a low-ticket response rate. Chairman Szulecki stated that the minimum fine in New York is \$800. Sal Fama asked if the definition of enforcement officer includes noise control investigators (NCIs) because he thinks it should not be limited to just police and enforcement officers. Mr. Fama proposed expanding enforcement officers to include NCIs and expanding NCIs to include citizens of the state, so they can enforce the model ordinance. Mr. Fama stated that the Motor Vehicle Commission does this when they inspect buses; they team up with local officers and State Troopers where the motor vehicle personnel enforce the laws, but the summons can be written by either of them. Chairman Szulecki stated that whoever issues the summons must appear in court, and that police officers are trained to do this. Jack Zybura stated NCIs can enforce non-metered sections of the Model like this one. Chairman Szulecki stated that he is not opposed, as long as the enforcement officer is authorized to issue a summons. Mr. Bergacs stated that if a police officer were to stop someone, they cannot detain someone for that long to wait for enforcement officers to come. Mr. Zwerling stated that relevant expertise is needed for the non-metered sections; police officers are the best trained because they are on the road all the time while county enforcement officers are not as knowledgeable because public roadways are exempt from the state code and neither are citizens.

Threshold of pain: Mr. Fama proposed language regarding cracking and popping that included a threshold of pain. Mr. Zwerling stated that he also suggested similar language for cracking and

popping but that a threshold for pain is an unworkable standard. Chairman Szulecki stated that publications vary between 20 – 30dB on what might be considered the threshold of pain. Mr. Fama suggested a straw poll on the topic of threshold of pain, where the measure of intensity of a noise is so loud, you'd exhibit physical symptoms. *Chris Bergacs motioned to discuss threshold of pain, with Philip Makrelis seconding.* Mr. Zwerling stated this may be more appropriate in the nuisance code and suggested writing a model nuisance code for the state. David Triggs stated that there is a page in the manual about threshold of pain and he does not think it needs to be added to the Model. Mr. Bergacs stated that some parts of the Model are subjective. Chairman Szulecki stated that threshold of pain varies depending on how you measure it. Chairman Szulecki stated that some parts of enforcement rely on practicality, and it is not practical to have a sound meter in every vehicle as they must be calibrated and the officers must be trained. Sal Fama read his proposed definition from the August 2025 meeting. Mr. Fama stated that as a citizen, if a car passes by crackling and popping and the noise level passes the threshold of pain, it would be a violation just as an NCI would do and they can take it to the prosecutor's office. Mr. Triggs asked how they could tell that the citizen is not lying, to get back at a neighbor, and the noise level is accurate since the threshold of pain varies per person. Mr. Zwerling stated that for many, the threshold of annoyance equals the threshold of pain, and asked if prosecutors would take these cases. *Chris Bergacs modified the motion so that going forward, the Council will not use the language "threshold of pain" in the Model Noise Ordinance, with Chairman Szulecki seconding. All were in favor, except Sal Fama who opposed. The motion carried.*

Section X(A) continued: *Chairman Szulecki motioned to add "as determined by an NCO or NCI to be causing excessive or unusual noise, pursuant to NJS 39:3-70," with Jack Zybura seconding.* Sal Fama proposed including "NCI" in "enforcement officer." Jack Zybura stated that NCO and NCI are already defined. Daniel Lefkowitz suggested what Eric Zwerling proposed earlier: "reference to State Law 39:3-70 Title: Mufflers." Arnold Schmidt stated that it should say "Title 39" because if any parts are changed, Title 39 still covers that section. Mr. Zwerling stated that they should search the legal database for excessive or unusual noise to see what has and has not been successful in court. Mr. Fama asked if they will use NCO/NCI. Chairman Szulecki stated yes. Chris Bergacs asked if the state has jurisdiction for county-to-county noise issues. Philip Makrelis stated that the counties work together and look to the DEP for guidance. Chairman Szulecki stated that putting the whole reference (Title 39) directs people to the original law more precisely, and if it changes, they can put a note. Mr. Schmidt suggested putting "as of XYZ date." Chairman Szulecki stated that it would date the document. Mr. Zwerling stated that there have not been changes in referring to the NJ noise code as N.J.A.C. 7:29 for over 50 years and proposed "pursuant to N.J.S.A. 39:3-70." Chairman Szulecki stated that abbreviations for NCO/NCI are defined in the Definitions section should not have to use its full name in the document. The Council looked through the document to find where it is spelled out and where the NCO/NCI abbreviations are used, as it is inconsistent. Chairman Szulecki suggested that "an NCO or NCI" replaces "an enforcement officer." Mr. Schmidt stated NCI is alphabetically first instead of NCO. *All were in favor, so the motion carried. Jack Zybura motioned to use the acronyms "NCO/NCI" throughout the document, except in the definitions section or where it is first used in Section V, with David Triggs seconding.* Daniel Lefkowitz stated that grammatically, it should be "an NCO/NCI." *All were in favor, so the motion carried.*

ADJOURNMENT

Chairman Szulecki motioned to end the meeting, with Arnold Schmidt seconding. All were in favor, so the motion carried. The meeting was adjourned.

NEXT MEETING

The next meeting is scheduled for Tuesday, February 10th at 9:30 AM. The February meeting will be virtual and those interested in attending must email Michelle.Feasel@dep.nj.gov to request the Teams meeting invitation.

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