

**NEW JERSEY
NOISE CONTROL COUNCIL (COUNCIL)
July 9, 2024
MEETING MINUTES**

ATTENDEES

Council Voting Members: Jack Zybura (Vice Chair, Public Member), Randy Hauser (Department of Labor), Daniel Lefkowitz (Department of Health), Sal Fama (Motor Vehicle Commission), Norm Dotti (Public Member, Industrialist), Dr. Iris Udasin (Public Member, Medical Doctor), Philip Makrelis (Public Member, Local Governing), David Triggs (Public Member), Arnold Schmidt (Public Member), Joseph DiFillippo (Public Member) and Chris Bergacs (Public Member),

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

Attendees from the Public: Lisa Bukachevsky and Mark Bukachevsky, Edison

MEETING MINUTES

June 2024: Chairman Szulecki and Sal Fama emailed their proposed amendments to the council ahead of the meeting. *Arnie Schmidt motioned to approve the meeting minutes as amended, Dr. Iris Udasin seconded.* David Triggs and Eric Zwerling had additional minor amendments. *David Triggs motioned to approve the meeting minutes as additionally amended, Arnie Schmidt seconded. A vote was taken, all were in favor, except Jack Zybura who abstained due to being absent at the June meeting. The motion carried.*

CHAIR REPORT/ COMMUNICATIONS

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

Drone Email: Jack Zybura stated that Fletcher Platt had sent the council an email, regarding drone regulations. Mr. Zybura stated that Mr. Platt indicated that he would be attending the August meeting. He stated that the council would wait to discuss the letter until the next meeting when Mr. Platt may be present.

Amazon Warehouse: Jack Zybura stated that Philip Makrelis sent out an email about an Amazon warehouse. He asked if the members of the public were here to discuss that topic.

PUBLIC DISCUSSION

Jack Zybura read the council's statement to the public aloud. *Arnie Schmidt motioned to go into Public Session with David Triggs seconding. All were in favor.* The meeting was now open to the public. Mark Bukachevsky stated that he is dealing with a noise issue with an Amazon warehouse that was put up about 300 feet away from their property. He stated that they now struggle with quality of life and have trouble sleeping. He added that Edison has a noise ordinance, and that they attend town council meetings. He stated that Amazon took down a 10-foot stockade fence and built a 20-foot attenuation sound barrier. He stated that experts testified that there is a six-decibel improvement. Chris Bergacs stated he found Edison's nuisance code and there is a loading and unloading curfew. Arnie Schmidt asked if a noise study had been done. Lisa Bukachevsky stated that investigators have come out two times, and the sound is just under the nighttime limit of 50 decibels. She added that the investigators came on quieter nights. Eric Zwerling stated that Edison's noise ordinance is from 1991, before impulse noise was added to the ordinances. He stated that he recently trained an Edison officer. He asked if they took the measurement from the second-floor

window. Ms. Bukachevsky stated they did not. Mr. Zwerling advised her to keep a log to figure out when activity is at its highest to help enforcement know when to come out. He added that his comments are personal and do not represent Rutgers or the council. Ms. Bukachevsky stated it is loudest when there is a sale, such as Prime Day which will begin in the upcoming weeks. She added that the 20-foot wall does not protect against noise like it is supposed to. Philip Makrelis stated that Edison has control of the investigations since there is a noise ordinance and the county does not have a unified shared services agreement with them. Mr. Zybura stated that Edison could enforce the state's noise code's impulse provision. David Triggs added that the county could also go out and enforce the state's noise code. Mr. Zwerling added that they should request the measurement be taken from the second floor and they should put that request in writing. Mr. Bergacs asked if a third-party investigator had been out. Mr. Bukachevsky stated that they met with a land use lawyer who suggested they hire a noise consultant and added that it was not cheap. Ms. Bukachevsky stated that many neighbors are impacted as well but have given up. Mr. Zwerling called it "complaint fatigue". Mr. Schmidt stated the Amazon warehouse has not been found in violation at present, therefore they do not need to mitigate further, he stated that the next step is to determine if the warehouse is in violation. *Norm Dotti motioned to end Public Session with Chris Bergacs seconding. All were in favor.*

NEW BUSINESS

August meeting: Jack Zybura asked the council if they wanted to meet in August or cancel the meeting. Michelle Feasel stated that in the past two years the council has held the August meeting and cancelled the September meeting. It was determined that the amendments to *N.J.A.C 7:29* need to be a priority. Arnie Schmist asked what notice needed to be given to cancel a meeting. Ms. Feasel stated 48 hours, she added that with Mr. Platt planning to attend the meeting more time should be given for her to let him know of the cancellation. Mr. Zybura stated that she could let the council know the week before the meeting when she typically sends out the meeting minutes. *Arnie Schmidt motioned to keep the August meeting on the schedule and if the N.J.A.C 7:29 amendment's do not come back a week before the meeting, it would be cancelled, Chris Bergacs seconded. All were in favor. The motion carried.* Ms. Feasel asked if any member would be unable to attend the September meeting, making sure that two meetings would not be cancelled. Mr. Triggs stated now that all the positions on the council are filled, attendance in September should not be a problem.

OLD BUSINESS

Model Update: Eric Zwerling passed out the proposed language for the interior impulse section that he and Jack Zybura worked on. Norm Dotti asked if it specified the measurements needed to be done on the "fast setting". Mr. Zwerling stated that this section stands on the shoulders of the state noise code and the measurements need to be done as outlined in *NJAC: 7:29-2*. He added that the Model Ordinance always covered dwelling to dwelling units but only for continuous noise, not impulsive. Sal Fama asked if adding this section could put a building that currently was operating with no noise violations in violation. Mr. Fama asked if a town did not update their ordinance to the last model would the building still be in violation. Mr. Zwerling stated that buildings/ businesses are not grandfathered into a noise exemption. Mr. Fama gave the example of a mechanical room that could not be abated. Jack Zybura stated it was the same as a town who did not have a model ordinance and then adopted it, now they would have limits they need to adhere to. Mr. Zwerling added that townships adopt the model because they want to correct something. Randy Hauser stated that in Mr. Fama's example any knocking from a mechanical room would go away once it is up to temperature. Mr. Dotti added that persistent knocking would signal there is an issue in the mechanical room that would need to be addressed. He added that impulse noise is an issue he has run into, such as high heels walking on wood floors. Mr. Zwerling added that the proposed language specifically does not cover footfalls. Mr. Zybura stated that the building code would deal with that. David Triggs pointed out that the council has changed the language to "sound level standards" from "limit". A few other grammatical changes were suggested. *Philip Makrelis motioned to adopt the proposed paragraph as read, David Triggs*

seconded. The motion was now open for discussion. Mr. Fama stated that he wanted to exclude maintenance equipment. Mr. Zwerling stated that the proposed section was meant to cover those types of sounds and added that the Model has always covered maintenance equipment such as HVAC units. A vote was taken all were in favor except Sal Fama who abstained. The motion carried. Mr. Zybura stated that in the paragraph limiting construction it states that "Tables 1, 2 and 3 do not apply," adding that impulse should also be included. He stated that it could read instead as the "standards listed in section VII." Michelle Feasel stated that when towns submit their ordinance for review sometimes the tables are at the end and not always in one section. Arnie Schmidt motioned to add "and the impulse sound level standards", Jack Zybura seconded. All were in favor, so the motion carried.

David Triggs made a motion to add "attention noise coordinator" to the procedures for written approval for the Department portion of the model noise ordinance. Jack Zybura seconded. All were in favor so the motion carried. He added that any amendment made by the municipality are considered invalid, unless approved by the Department. Norm Dotti suggested the DEP send a letter to all the municipalities. Mr. Triggs stated that that is not how the Department operates if it is not approved. Eric Zwerling stated that written approval by the Department was only required in 2000. He asked if an ordinance from 1990 that was not approved would be considered invalid? Jack Zybura gave the example of Edison's ordinance without impulse. Arnie Schmidt added that when submitting an ordinance for review the entire ordinance needs to be submitted not just the amendments.

ADJOURNMENT

Randy Hauser motioned to end the meeting with Dan Lefkowitz seconding. All were in favor, so the motion carried.

NEXT MEETING

The next meeting is scheduled for Tuesday, September 10th at 9:30 A.M.
Respectfully submitted by Michelle Feasel, NJDEP Liaison to the Council.