

**NEW JERSEY  
NOISE CONTROL COUNCIL (COUNCIL)  
JULY 8, 2025  
MEETING MINUTES**

**ATTENDEES**

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

*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).

**MEETING MINUTES**

*June 2025:* Chairman Szulecki, Sal Fama, and Philip Makrelis sent amendments ahead of the July meeting. *David Triggs motioned to approve the minutes as amended, with Sal Fama seconding. A vote was taken, and all were in favor. The motion carried.*

**CHAIR REPORT**

*Public Hearing:* The noise rule's public hearing was held on July 7<sup>th</sup>, via Teams. Michelle Feasel stated that the purpose of the public hearing was to allow the public to make comments which will be addressed later in the register. Ms. Feasel stated that the public could also mail in comments or submit them online, but she currently does not have access to those. Eric Zwerling asked when the comment period ends. Ms. Feasel stated that the public comment period ends on August 15<sup>th</sup>, noting it is after the August NCC meeting. Sal Fama asked if the public knew about the meeting, considering attendance was low. Norm Dotti stated that he had clients reach out to him about the amendments, which show that the public did see the notice. Chairman Szulecki stated that there are representatives from commercial and industrial groups who watch the NJ Register and raise questions and concerns regarding their respective groups. Chairman Szulecki stated that it is individuals who may not see the notice, since no one is representing them. Arnold Schmidt asked if the Council sent it to the Chamber of Commerce. Chairman Szulecki stated that nothing was sent from the council. Mr. Dotti stated that he did not ask where his clients heard about the amendments. Mr. Zwerling stated that the amendments to the noise rule were not substantive and there were no changes to the limits. Philip Makrelis stated that if a bigger corporation had an issue or comment they would be more likely to send a letter instead of going to the public hearing. Ms. Feasel stated that the notification was sent out two weeks prior and the public hearing must be held within a certain time frame of being published in the register.

*Next Steps:* Ms. Feasel stated that in terms of the next steps, they must wait for the public comment period to end, and then the Department has up to one year to publish comments. David Triggs asked if the process ends with a meeting with the Commissioner. Chairman Szulecki asked about the sunset time as June 2026 would be seven years from when the Council readopted without

change in 2019. Mr. Triggs asked about the launch meeting. Ms. Feasel stated that she believes that step was taken at the beginning of the amendment process. Mr. Triggs stated that they had the stakeholders meeting. Ms. Feasel stated that she will clarify the next steps.

*August Meeting:* Chairman Szulecki discussed the option of cancelling the August NCC meeting. Sal Fama stated that the public comments would be addressed in the September meeting, since it is the meeting after the public comment period ends. Michelle Feasel stated that she will not be present during the August meeting. She added that the Model Ordinance should not be finalized until the public comment period is over. Norm Dotti asked how many comments were submitted so that the Council could decide if they will meet in August. Ms. Feasel stated the electronic and written comments are not addressed to her, but she will clarify if she can access them before the end of the comment period. She stated they would need to be discussed in executive session. Chairman Szulecki stated that the Council will decide on holding the August meeting after more information is provided.

*Modified Muffler Bill S507:* The comments regarding this Bill were that it was voted out of committee in the Assembly and Senate and awaiting to be put on the agenda for a floor vote. The Assembly would need to vote on it first, followed by the Senate. Chairman Szulecki stated that any member who is interested in supporting the Bill can contact their state representatives and/or the Assembly Speaker.

*Commercial Farm:* Discussion was had regarding the definition of commercial facility property including commercial farm in the source category. Eric Zwerling stated that farmland is not a listed source category, but the Council could clarify in the guidance document that preserved farmland could classify as commercial property. Chairman Szulecki stated that it would fall under the definition of commercial. Mr. Zwerling stated the commercial facility definition states the trafficking of goods or services and that it could be clarified in the guidance document. Mr. Zwerling stated that “farm” may be under industrial, not commercial, based on its definition which says, “production of non-durable goods.” Chairman Szulecki stated that the Right to Farm Act only protects against local ordinances, farms need to meet federal and state regulations, adding that the noise rule gives them an exemption they would not normally have.

*Vehicles Entering/Exiting:* Norm Dotti stated that Jack Zybura reached out to him stating he wanted to be present to discuss this topic. Since it is Mr. Dotti’s last meeting as a council member and Mr. Zybura could not be present, Mr. Dotti stated that they might discuss this topic over Teams. Chairman Szulecki stated that there is a consensus on the issue. Mr. Dotti agreed and stated that it was about writing it out in a logical and coherent way. Chairman Szulecki agreed stating a solution was difficult to address due to the issues being circumstantial.

## **PUBLIC DISCUSSION**

There was no one present from the public to comment.

## **NEW BUSINESS**

*Model Ordinance and Grace Period Law:* Eric Zwerling stated that he sent out emails to the council regarding amending the grace period language in the model ordinance. Mr. Zwerling stated that he wanted to make it quicker and easier for enforcement for sound production devices

violations. Mr. Zwerling stated that the definition of “minor violation” does not have “knowing” after “purposeful” in the model ordinance or state code, but the grace period law does. Additionally, Mr. Zwerling proposed after “;” to add “or the operation of a sound production device.” Chairman Szulecki stated that this issue can be handled by the nuisance code. Mr. Zwerling stated that based on comments from police officers in his noise certification classes, some municipalities remove their nuisance code, after adopting the model ordinance. Mr. Zwerling stated that it is not controversial to add “knowing.” Chairman Szulecki stated that it would be an immediate violation then, and that “knowingly” or “sound production device” can apply to a nightclub or bar. Mr. Zwerling referenced the example Michelle Feasel gave in the May meeting and stated that if the police issue a verbal warning and then later return to the party and the noise is still ongoing, it is “knowing.” He added that the Council should add something in the guidance document that states that once a verbal warning has been issued, the DEP considers it knowing and it is no longer a minor violation. Randy Hauser suggested the word “intentional” instead of “knowing or purposeful.” Mr. Zwerling stated that the Grace Period Law states that “there are equally effective alternative methods to promote compliance with environmental laws, such as establishing grace (compliance) periods, which are especially well-suited for minor violations that have minimal, if any, effect upon public health.” Mr. Zwerling stated that the Grace Period Law has a special category for minor violations if there is minimal effect on public health, so that the minimum could be less than 30 days. Arnold Schmidt stated that the model ordinance says, “up to 30 days”. Ms. Feasel clarified 30 days is the minimum for a minor violation and that the “up to” language should be removed. Mr. Zwerling stated that it is better for the police to have more options for quicker responses to sound sources with minimal to no effect on public health. Sal Fama gave an example with continuous noisy neighbors and asked if the model covers repetitive behavior. Chairman Szulecki stated that the penalty increases. Mr. Schmidt asked how police differentiate between a once-off event and a continuous problem. Mr. Fama shared an example from his town and stated they won’t adopt the model ordinance or enforce the reoccurring source. He added this is why he had previously proposed that anyone could act as an enforcer for their town’s ordinance. Norm Dotti stated that if the town has a nuisance ordinance, anyone can sign a complaint, however, if a citizen is able to enforce a noise ordinance, people will use their phones and not proper methodology. Mr. Zwerling suggested getting the Department’s opinion on the minimum being less than 30 days since special categories can exist like in the penalty matrix. Mr. Zwerling stated that the categories can be based on intensity and impact of emissions. If they exceed the decibel limits by 5dB or 10dB it would decide the grace period length. Chris Bergacs stated that in his experience the police do not care to enforce nuisance laws, as it comes down to the town level and each town is different. Mr. Schmidt stated that the Council’s job is to make sure that police have the tools. Ms. Feasel stated that many of the calls she receives are about a lack of enforcement on a local level and agreed that it is heavily dependent on the town. Chairman Szulecki stated that the Council provides tools but cannot force the action. David Triggs stated the Environmental Rights Act and that residents can sue for lack of enforcement. Chairman Szulecki expressed concern about unintended consequences and that the council has only discussed this change in the context of a house party. Mr. Zwerling stated that for commercial permitted uses, if a special category is created, the grace period could be less than 10 days for example, so a bar would have to fix it in 10 days. Chairman Szulecki stated that 10 or 30 days may not be enough to bring a bar into compliance. Mr. Zwerling stated that they can offer extensions, however, the bar needs to make an effort and have a legitimate reason. Mr. Bergacs stated that when working on a site, they can write

in for an extension. Mr. Makrelis stated that sometimes an extension is needed to install equipment and that the county worked with them to make it feasible.

*Service Recognition:* Chairman Szulecki had prepared a resolution to recognize Norm Dotti's over 20 years of service to the Noise Control Council. He read it aloud and thanked Mr. Dotti for his participation and dedication to the council. Norm Dotti gave a short speech and thanked the Council for their work over the years. *Arnold Schmidt motioned to pass the resolution, with Philip Makrelis seconding. All were in favor; the motion carried.* Sal Fama had prepared a list of Normisms that he read to the council.

### **OLD BUSINESS**

There was no old business to discuss.

### **ADJOURNMENT**

*Norm Dotti motioned to end the meeting, with Joseph DiFillippo seconding. All were in favor; the motion carried. The meeting was adjourned.*

### **NEXT MEETING**

The next meeting is scheduled for Tuesday, August 12th at 9:30 AM.

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