

New Jersey Noise Control Council (Council)
November 14, 2023
Meeting Minutes

ATTENDEES

Council Voting Members: Arnold Schmidt (Chair, Public Member), Steve Szulecki (Vice Chair, Public Member, Ecologist), Randy Hauser (Department of Labor), Salvatore Fama (Motor Vehicle Commission), Dr. Iris Udasin (Public Member, Medical Doctor), Joseph DiFillippo (Public Member, Local Governing Body), Jack Zybura (Public Member).

Council Candidate Members: David Triggs (Public Member Candidate), Philip Makrelis (Public Member Candidate), Chris Bergacs (Public Member Candidate)

Rutgers and NJDEP Representatives: Eric Zwerling (Director of the Rutgers Noise Technical Assistance Center)

Public: Fletcher Platt Jr. (Washington Twp., Morris County)

ELECTIONS

Arnold Schmidt read the by-laws regarding the procedures for Council elections. He then opened the meeting to nominations for Chair and Vice Chair. Jack Zybura nominated Steve Szulecki for Chair with Arnold Schmidt seconding and he accepted. There were no other nominations. A handwritten vote was cast and he was elected.

Arnold Schmidt nominated Jack Zybura for Vice Chair with Dr. Udasin seconding. There were no other nominations. A handwritten vote was cast and he was elected.

2024 MEETING SCHEDULE

Steve Szulecki motioned to accept the schedule with Joseph DiFillippo seconding. All were in favor, so the motion passed.

PUBLIC DISCUSSION

Randy Hauser motioned to open the meeting to the public with Steve Szulecki seconding. All were in favor, so the meeting was open to the public. Arnold Schmidt read the Council's procedural statement to the public. Fletcher Platt Jr. returned to speak about drone racing on a residential property next to his. He requested DAG review on the matter to determine whether the Model can be updated with language to address drones. Eric Zwerling stated that he tried to contact the FAA regarding this matter and received no response. Salvatore Fama stated that while in the air drones may be regulated by the FAA, but what about when they are powering up on the ground? This may be enforceable. Eric Zwerling recommended an easier alternative would be to have the town approve an ordinance that bans or restricts drones. Steve Szulecki suggested that it would be easier to adopt an ordinance that has setbacks to residential properties. Arnold Schmidt motioned to request DAG assistance on the matter with Steve Szulecki seconding. All were in favor, so the motion was carried. Randy Hauser motioned to close the public discussion with Joseph DiFillippo seconding. All were in favor, so the motion carried.

OCTOBER MEETING MINUTES

There were some minor changes (spelling errors, some lines deleted, post it on the website without "Draft" once approved). Arnold Schmidt motioned to accept the minutes with Steve Szulecki seconding. All were in favor except Salvatore Fama who abstained since he was not present at the October meeting.

CHAIR REPORT

* No new information concerning appointments.

* Arnold Schmidt stated that he received a phone call from the gun range complainant who stated that he would provide information that showed that the facility in question was not in continuous use for approximately five years. Salvatore Fama stated that his research disputed this. No documents were submitted by the complainant as of the November meeting.

LANDSCAPING

Jack Zybura introduced revised language for the Model regarding landscaping in the Restricted Uses Section to address contradictory language to 7:29 regarding landscaping on commercial property that currently makes the Model less restrictive than the regulations, which is contrary to the Statute. He also wanted to formally address "Impulse sound" and amend the current language by removing "measured as continuous sound," which was previously discussed and approved with revised language by the Council. While this change is necessary immediately for the same reasons (less restrictive), additional changes will be forthcoming during the Model revision stage. Arnold Schmidt pointed out that OEM should be clarified as "Original equipment manufacturer" to avoid confusion with "Office of Emergency Management." Mr. Zybura motioned to accept the amendments and publish as an updated Model Noise Control Ordinance with Randy Hauser seconding. All were in favor, so the motion carried.

OLD BUSINESS

N.J.A.C. 7:29 (Response to DEP attorney's comments): The Council responded to the DEP attorney's comments on the proposed revisions. A detailed accounting of the discussion, response and vote will be prepared on a separate document which is available to the public via an Open Public Records Act request. The Council ended its review after completing Section 1.1 Definitions in the Rule text portion of the regulations (i.e., not the summary).

PUBLIC DISCUSSION

There was no need to open the meeting to the public a second time as the one member left after the initial discussion regarding drones (see above).

ADJOURNMENT

Jack Zybura motioned to adjourn the meeting with Salvatore Fama seconding. All were in favor so the meeting ended.

NEXT MEETING

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

Respectfully submitted by David Triggs (Public Member Candidate) in DEP Liaison Michelle Feasel's absence.