

**NEW JERSEY  
NOISE CONTROL COUNCIL (COUNCIL)  
NOVEMBER 12, 2025  
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), 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).

*Members of the Public:* Ridge Kennedy, West Orange

**PUBLIC DISCUSSION**

*Arnold Schmidt motioned to open Public Discussion, with Daniel Lefkowitz seconding. All were in favor, so the motion carried.* Chairman Szulecki read aloud a statement regarding the Council's role and how it makes use of comments from the public. Ridge Kennedy from West Orange stated that the mayor of his town vetoed an ordinance to ban gas powered leaf blowers, over concerns from landscapers and replacing their equipment. Mr. Kennedy emphasized that his problem was with the noise from the gas-powered leaf blowers, not the leaf blowers themselves. Mr. Kennedy stated that nearby municipalities Maplewood, South Orange, and Montclair have passed gas powered leaf blower ordinances. Mr. Kennedy stated he found the Department's model noise ordinance online and asked if it deals with bass noise. Chairman Szulecki stated that indoor C-scale noise is included in the model and covers bass. Chairman Szulecki stated that the model ordinance does not ban specific landscaping equipment. He suggested adjusting the curfew hours on landscaping instead of banning it, since they can operate during daytime hours unabated. Mr. Kennedy asked about the 50 dB nighttime and 65 dB daytime limits. Michelle Feasel stated that the residential category needs to adhere to the decibel limits during the curfew hours, and that the limits apply to landscaping on commercial properties at all times. Mr. Kennedy suggested creating a version of the model ordinance that deals with leaf blowers as it is a growing issue. Jack Zybura stated that leaf blowers are still enforced for commercial and community service properties in the state code and the model ordinance, and that they are just not enforced for residential properties in the model outside the curfew hours. Chairman Szulecki stated that the town itself can regulate leaf blowers as they see fit, citing the examples of municipalities previously given, and recommended that Mr. Kennedy go to the mayor and town council. Mr. Zybura recommended using a phasing out approach and not an immediate outright ban. Mr. Kennedy stated that the noise is mainly during the workday and wants the 65 dB daytime limit to be enforceable. Chairman Szulecki stated that West Orange can adopt the model ordinance without the landscaping section because it is optional. Mr. Kennedy asked about the difference between Noise Control Officers (NCOs) and Noise Control Investigators (NCIs). Eric Zwerling stated that NCOs receive training while NCIs do not

receive training and can only enforce non-metered sections of the ordinance. Mr. Kennedy asked about the cost to get involved with metered enforcement. Mr. Zwerling stated that it is approximately \$1,000 for equipment, \$200 to get each piece of equipment calibrated annually, \$500 for each officer to take the certification course, and \$200 for each officer to get recertified every 2 years. Mr. Zwerling stated that frequent turnover can also be an issue, but that Noise Control Officers can be police officers, health officers, or municipal employees. Mr. Zwerling suggested that Mr. Kennedy look into seasonal ban options, only allowing leaf-blower usage for a few weeks in the spring and fall. Arnold Schmidt stated that a lot of residents need to go to the town council and show a lot of support for the ban. Sal Fama stated that if there is a code on the books, Mr. Kennedy can bring it to the prosecutor's office if a violation has occurred. Mr. Zybura stated that if West Orange adopts the Model ordinance, there are other things that they are adopting like HVAC or generator rules that they should be aware of. Mr. Kennedy stated that he feels there should be an optional clause that addresses noise from leaf blowers. Chairman Szulecki stated that there is to the extent of it being used as landscaping equipment. *David Triggs motioned to close Public Discussion, with Arnold Schmidt seconding. All were in favor, so the motion carried.*

### **MEETING MINUTES**

*October 2025:* Arnold Schmidt motioned to approve the minutes, with Joseph DiFillippo seconding. David Triggs asked who was being referenced as "DEP" under the Executive Session subsection. Michelle Feasel stated that it was Legal Affairs. Jack Zybura proposed that it should state "DEP Office of Legal Affairs" instead. Eric Zwerling stated that it should be an outdoor bar and not a restaurant in his comment in the "Modify Model Ordinance" subsection. *Jack Zybura motioned to approve the minutes as amended, with David Triggs seconding. A vote was taken, and all were in favor except Daniel Lefkowitz who abstained due to being absent at the October meeting. The motion carried.*

### **EXECUTIVE SESSION**

*Jack Zybura motioned to go into Executive Session, with Arnold Schmidt seconding. All were in favor, so the motion carried.* This meeting was closed to the public and held in accordance with the Open Public Meetings Act. *Jack Zybura motioned to approve the minutes, with David Triggs seconding. A vote was taken, and all were in favor except Daniel Lefkowitz who abstained due to being absent at the October meeting. The motion carried. Joseph DiFillippo motioned to leave Executive Session, with Arnold Schmidt seconding. All were in favor, so the motion carried.*

### **CHAIR REPORT**

*Status of 7:29 Amendments:* Michelle Feasel stated that her and Christy Choo drafted a response to the public comments and submitted it to Legal Affairs at the DEP. Ms. Feasel also stated that she will request an update regarding the re-appointment of members to the Council.

*Modified Muffler Bill:* Chairman Szulecki stated that there are no modified muffler updates.

*2026 Schedule:* Chairman Szulecki looked at the schedule for 2026 and stated that there are no conflicts on the second Tuesdays of the month for NCC meetings. Gina Fischetti asked about having virtual meetings. Michelle Feasel stated that the Council was previously going to try having one virtual meeting, but they got the public comments back and they took priority. David Triggs stated that it would be difficult to allow members of the public to attend. Ms. Fischetti stated that

it may allow more members of the public to attend, since they would not need to take time off from work. Arnold Schmidt stated that he would be in favor of at least one test meeting. Daniel Lefkowitz stated that the Clean Air Council does virtual meetings and will find out the logistics. Ms. Feasel asked about using transcription tools for virtual meetings. Chairman Szulecki asked what the Council would do for Executive Session if the meeting were virtual. Eric Zwerling stated that they may need to set up a second room for Executive Session. Ms. Feasel asked if the DEP will run the virtual meeting or if the Chair does and if they post the Teams link on the website. Jack Zybura asked how long the Council has to give notice of a meeting being virtual. Mr. Lefkowitz stated he would find out who the DEP liaison is for the Clean Air Council and send it to Ms. Feasel so she could get more information. *David Triggs motioned to accept the second Tuesday of the month for the NCC meetings for 2026, with Arnold Schmidt seconding. All were in favor, so the motion carried.*

### **ELECTIONS:**

Chairman Szulecki stated that every two years, there is an election for Chair and Vice Chair of the Council. He read the by-laws regarding the election. David Triggs nominated Steve Szulecki for Chair. Sal Fama nominated Jack Zybura for Chair, but Jack Zybura declined. A vote was taken, and Steve Szulecki was re-elected to the position of Chair. Chairman Szulecki nominated Jack Zybura for Vice Chair. A vote was taken, and Jack Zybura was re-elected to the position of Vice Chair.

### **NEW BUSINESS**

*Model Ordinance:* Chairman Szulecki summarized the discussion and consensus at the subcommittee meeting, which included changes to Section VIII, Section IX, and Section XI. Chairman Szulecki stated that during the subcommittee, Sal Fama proposed a provision for municipalities where they could have a permitting process for house parties to have a noise waiver. Eric Zwerling stated that lifetime events are a separate issue. Mr. Zwerling also proposed language to clarify that a NOV (“notice of violation”) and NOPA (“notice of penalty assessment”) can be issued if there are two violations in the same day for a non-minor violation. He stated that there are several distinct topics that need to be addressed by the subcommittee. Jack Zybura stated that he was not opposed to the proposed changes on the surface but wanted to know why Mr. Fama was making his proposal. Mr. Fama stated that the current proposed language would subject a property immediately up to a \$2,000 fine if the enforcement officer finds a violation. Mr. Zybura stated unless the violators comply on the spot. Mr. Fama stated that he wants people to remedy the situation with a reasonable grace period. He gave the example of a barking dog, stating that it takes time to get training or find the dog a new home. Mr. Zybura stated he can see that point, but that all the other Restricted Uses sections could be immediately corrected. Daniel Lefkowitz stated that the phrases “restricted” and “non-minor” use very strong language. Mr. Zwerling stated that the recipient of a NOPA gets a hearing in court, and the penalty can be mitigated. Mr. Fama stated that he previously worked for a health officer who would issue the maximum penalty and that a NOPA a day can add up. Arnold Schmidt stated that the Council could add the penalty matrix to the guidance document and asked if it should also be in the model ordinance. Mr. Zwerling stated that the Noise Council’s web page has the model ordinance, but not the penalty matrix and suggested having it as an attachment when you download the model. Chairman Szulecki stated that it should be added that the penalty matrix is not to be modified or altered. Michelle Feasel stated that the Model is a word document, so the municipalities can fill in their information, and the penalty

matrix is a pdf, stating it would be difficult to have them download together. Gina Fischetti asked about situations where a dog has anxiety or there is a chicken coop that needs time to be moved. Chairman Szulecki suggested that to immediately correct the situation they could bring the dog in the house or address the reason it is barking. Mr. Fama suggested that they make different grace periods for different sources. Philip Makrelis stated that if they had different categories, it would put a burden on enforcement officers. Mr. Zybura proposed that violations of the Restricted Uses section be considered non-minor and leave out paragraph G regarding animals. Mr. Zybura added that that section is not based off decibels, but the number of vocalizations and the dog could still bark inside the house. David Triggs stated the counties submit a list of noise complaints they received for the year to the DEP. Ms. Feasel clarified that they only receive the total number of noise violations and there is no breakdown for each source category. Mr. Makrelis stated that the counties often have their own spreadsheet and notes for noise.

Mr. Fama stated that if there is a graduation party in someone's backyard, it is hard to come into compliance at the property line. Mr. Fama stated that lifetime events should have a permit system that the town council can approve and provided an exemption where a party is allowed to be at 80 dB for 4 hours. Mr. Triggs stated that municipalities probably do not want to get involved with permitting and that anyone who gets a permit wouldn't know what is 80 dB to stay in compliance. Ms. Feasel stated that there are already several hurdles to adopting the Model such as the cost, and that the permit should be opt-in and not mandatory because municipalities will be less likely to adopt the model ordinance if they have to implement a permitting process. Ms. Feasel asked if the permitting process would have set requirements about how often they can be given and for what events. She asked who would regulate these policies since the Council has never done a waiver program before. Mr. Fama stated that the property owner would need to inform the DJ of the permit and 80 dB limit. Mr. Zwierling stated the permit hearing would need to be given in advance to allow neighbors time to object. Ms. Feasel stated that the higher decibel limit would make designated outdoor event spaces less desirable since they would have the lower limit which could hurt businesses. Chairman Szulecki stated that the best option is to invite the neighbor to the party, adding that they should have peaceable enjoyment of their property. Mr. Triggs stated the Council can't force municipalities to adopt a permitting process.

Sal Fama asked where the proposed violations sentence came from in Restricted Uses section. Chairman Szulecki stated that the violations sentence originated from the Motor Vehicle section, so it already existed in the model ordinance. Chairman Szulecki suggested adding "which would require immediate compliance" at the end of the sentence, which Mr. Fama disagrees with. David Triggs stated he agrees but that section G should not be non-minor, and he suggested adding "with the exception of G" to the violations sentence. Chairman Szulecki stated paragraph G is optional so it would be up to the municipalities to adopt it as non-minor. Jack Zybura asked if the violations sentence could be removed by municipalities upon adoption. Chairman Szulecki stated no because only paragraphs can be removed. Philip Makrelis stated that it is technically a paragraph since they removed "numbered" before "paragraph" in the violations sentence.

Eric Zwierling suggested that in section VII(B)2 they should state the Grace Period Law "as defined herein and subject to section XI."

Eric Zwerling suggested that the Council create a wraparound document for the model ordinance which would include explanations, recommendations, and implications of the changes. David Triggs stated that it should only be for substantive changes. Sal Fama stated that dBA may be abstract for members of the Council and suggested that Chairman Szulecki or Mr. Zwerling teach the Council what 50 dBA and 65 dBA sounds like. Chairman Szulecki and Mr. Zwerling stated that time, frequency, and context would also be relevant. Eric Zwerling stated he would send his amendments to the council ahead of the next meeting.

### **OLD BUSINESS**

There was no old business to discuss.

### **ADJOURNMENT**

*Joseph DiFillippo motioned to end the meeting, with Jack Zybura seconding. All were in favor, so the motion carried. The meeting was adjourned.*

### **NEXT MEETING**

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

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