

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

**ATTENDEES**

*Council Voting Members:* Steve Szulecki (Chair, Public Member, Ecologist), Jack Zyburra (Vice Chair, Public Member), Randy Hauser (Department of Labor), Daniel Lefkowitz (Department of Health), Dr. Iris Udasin (Public Member, Medical Doctor), Norm Dotti (Public Member, Industrialist), David Triggs (Public Member), and Chris Bergacs (Public Member)

*Council Candidate Members (Pending confirmation from the Governor's Office):* Philip Makrelis (Public Member, Local Governing Body Candidate),

*Rutgers and NJDEP Representatives:* Michelle Feasel (NJDEP Liaison to the Council)

**MEETING MINUTES**

*December 2023:* Arnie Schmidt sent the council his proposed edits to the meeting minutes prior to the meeting. Jack Zyburra added that there was a typo, “quiet” was written and should have been “quite”. *David Triggs motioned to accept the meeting minutes as amended with Randy Hauser seconding. All were in favor, except Dan Lefkowitz who abstained due to being absent at the December meeting. The motion carried.*

**COMMUNICATIONS**

*Council Appointments:* Michelle Feasel stated that she reached out to her appointment memo contact and was informed that there have been no updates on the missing appointment letters for Philip Makrelis, Dr. Iris Udasin and Joe DiFillippo but that they are all still being processed. She also inquired about sending in another memo for Arnie Schmidt and Jack Zyburra whose terms expired January 1, 2024, and was told it is best to hold off until the original set has been finalized. Chairman Szulecki reminded the council that even if your term expires you are still a voting member until you resign or are replaced.

*NJ Senate Bill:* Chairman Szulecki passed around a copy of the proposed senate bill No. 2674. He stated that the bill is being introduced by the senate transportation committee. The bill would do two things first, within the inspection system it will check the muffler exhaust for excessive noise and second it will have a penalty for private inspection stations that pass a vehicle with a modified muffler. He added that the bill has two primary sponsors one representative is from Ocean County the other Middlesex County. He stated that they are re-introducing it to the legislature and that there will be a new number for the bill. He added that he feels that this is a good solution to the problem and we will see if it has traction in the legislature. He stated that the council could send a letter to the DEP commissioner stating that the Council supports the bill. He also advised that if anyone wanted to send a letter on their own personal behalf they could mention they were a member of the noise council but be clear that they are writing the letter as a citizen and not on behalf of the council. Norm Dotti stated that he feels that the bill deals with autobody shops that replace muffler systems. Chairman Szulecki stated that was a third issue that it covered and read aloud the passage in the bill where it discussed inspections. Mr. Dotti then asked what constitutes “excessive and unusual noise”. He then told a personal anecdote of his first camero which originally failed inspection even though the muffler was stock, he then returned to the same facility having done nothing further to the car and it passed. Chairman Szulecki stated that the council could recommend the standards and that this is just a piece of legislation that will need to have regulations put in place, which will likely be done through the MVC. Mr. Dotti stated he felt that the concept of the bill was good, and that if the council was to send a

letter to the DEP commissioner in support it should also state that further regulations are needed. Chris Bergacs stated that he felt the bill is a good start and that in California there are super cars and even if they are stock they need to prove it in court. David Triggs gave the example of the beach bar legislation that was passed without DEP or the council's input and then they came to him after it was passed for a definition of a beach bar. *Chris Bergacs motioned to send a letter to the Commissioner of the DEP that the council supports this bill and will help in the creation of further regulation. David Triggs seconded, the motion was now open for discussion.* Mr. Dotti again stated that the letter should note the need for further regulation. Chairman Szulecki stated that it was noted by stating the council would help. Dr. Iris Udasin gave a personal example of when a pension bill was passed, they did not ask her about timeframes and what they ended up with was not adequate. She added that legislators do not always go to the experts for advice. Dr. Udasin added that she felt the council should endorse the bill and we should make sure Sal Fama, the council's MVC member, is involved and support him. Mr. Triggs asked if we should copy the MVC commissioner on the letter. Chairman Szulecki stated that it may seem that we are trying to side-step the DEP commissioner. Mr. Triggs asked Chairman Szulecki if he was going to draft the letter. Chairman Szulecki agreed to write the letter. Mr. Bergacs asked that when the letter is finalized, a copy is shared with the council. Chairman Szulecki agreed. *A vote was taken and all were in favor so the motion passed.*

### **PUBLIC DISCUSSION**

There were no members of the public present to comment.

### **CHAIR REPORT**

Chairman Szulecki stated that the state of the council was good, and that there were more voting members than ever and hopefully there will be more soon.

### **OLD BUSINESS**

*N.J.A.C. 7:29 (Response to DEP attorney's comments):* The Council was able to finalize the discussion on the comments made by the DEP's attorney in response to their most recent round of proposed amendments.

### **NEW BUSINESS**

*Letter from Norm Dotti to the NJDEP:* Copies of a letter sent from Norm Dotti to DEP noise coordinator Michelle Feasel asking for clarification on where sound level limits apply were provided to the council. Norm Dotti stated that he wanted it to be clear that he sent the letter as an individual and not as a member of the council. He added that he knows that this topic has been discussed at length in the past and voted on but that the issue still seems to come up especially with zoning boards. David Triggs stated that there is a section on this issue in the guidance document and added that the inspector has discretion on where the measurement should be taken. Chairman Szulecki stated that there are so many factors that go into the decision of where a measurement should be taken. Mr. Dotti agreed and stated that the letter outlines two very specific scenarios. Chris Bergacs stated that residents should be allowed to enjoy their property outside at night. Mr. Dotti stated that the nighttime limit of 50 decibels is based on disruption of sleep, and people typically do not sleep outside. Mr. Bergacs stated that the limit should be anywhere on the property as residents should have the ability to sleep anywhere on their property if they wish. Chairman Szulecki stated that the council has tried to refine where measurements should be taken with "at or within" but it is ultimately up to the investigator. Jack Zybura stated that the current language of N.J.A.C. 7:29 states "at" the property line and the proposed amendments state "at or within". He added that when he is doing prospective investigation, they look at the decibel limits "at" and "within" the property line. Chairman

Szulecki stated that the guidance document outlines many possible factors that can be considered when deciding where the measurement should be taken, and he doesn't feel that the council should advise Ms. Feasel to respond to a specific set of circumstances. Mr. Dotti gave an example of a hotel which is mixed use and asked, does the sound apply to the parking lot? Chairman Szulecki stated that a parking lot is not where people engage in activity. Mr. Triggs added that patrons of hotels are not staying there for 30 days, which is the grace period for a violation. Mr. Dotti then gave an example of a skinny property that is 450 feet long, and at the end of it is a swamp, with a road so the inspector could get back there. Jack Zybura stated he remembers when Jerry Feder was a member, and this was discussed, Mr. Feder had stated that if a resident was to buy five-acres of land to buffer out sound and then we decide that sound doesn't count at the edge of the property then we've just negated the buffer. Chairman Szulecki again stated that the guidance document states that there are a large variety of factors, adding that it would be nice if it was black and white, but it depends. Mr. Triggs then gave an example of a home daycare that had complained about recycling bins that were against her wooded property line. The measurement was taken from the area outside her daycare and a violation was not found, she wanted the measurement taken against her property line in the heavily wooded area, but the investigator stated that that would not be appropriate as that area received no use and was hard to get to. Mr. Bergacs stated that many of the cases would need to be resolved in court. Chairman Szulecki stated that there is a stack of guidance on the issue and that if it is being overlooked by planning boards and other officials then having another piece of clarification would also likely not be recognized. Mr. Dotti stated that the discussion was helpful and that many situations are not hard and fast but felt the hotel example was more concrete while the house example varied.

#### **ADJOURNMENT**

*Norm Dotti **motioned** to end the meeting with Randy Hauser seconding. All were in favor, so the motion carried.*

#### **NEXT MEETING**

The next meeting is scheduled for Tuesday, February 13th at 9:30 A.M.  
Respectfully submitted by Michelle Feasel, NJDEP Liaison to the Council.