

**NEW JERSEY NOISE CONTROL COUNCIL (NCC)**  
**JUNE 14, 2016**  
**MEETING MINUTES**

**ATTENDEES:** Arnold Schmidt (Chairman, Public Member), Steve Szulecki (Vice Chairman, Public Member, Ecologist), Randy Hauser (Department of Labor), Salvatore Fama (Motor Vehicle Commission), Norm Dotti (Public Member, Industrialist), Joseph Lepis (Public Member, Civil Engineer), John Kapferer (Public Member), Jerome Feder (Public Member) and David Triggs (Department of Environmental Protection, Noise Control Council Liaison).

**PUBLIC:** Jack Zybura (Lewis S. Goodfriend and Associates) and Mark Roskien (Somerset County Department of Health)

**MEETING MINUTES:**

The May meeting minutes were approved with minor changes (Randy Hauser motioned and Norm Dotti seconded).

**CHAIR REPORT:**

- Salvatore Fama provided a certificate for completing his on-line ethics training. A recent e-mail from the DEP's Regulatory Officer stated that training should occur every three years and within 100 days for new members.
- Due to expired terms Chairman Schmidt requested updated resumes from Norm Dotti, Steve Szulecki and Jerry Feder.
- Chairman Schmidt again asked Joe Lepis for the contact person for the League of Municipalities. He also requested that if he receives noise questions from the public that he should forward them to David Triggs.
- The meeting minutes still haven't been posted on the DEP or the Rutgers Noise Technical Assistance Center's websites.

**NCC COMMUNICATIONS/CORRESPONDENCE:**

- An e-mail from Jack Zybura requested clarification on the approval of a noise ordinance submitted by Roxbury in 2015. The e-mail provided a copy of the ordinance he felt was approved which had some discrepancies with the current Model. Upon examination, Mr. Triggs determined that the ordinance forwarded by Mr. Zybura was not the same as the ordinance approved by the Department, which was identical to the current Model, including the \$2,000 maximum penalty. Mr. Zybura indicated that he obtained the ordinance from the township's website which may not have been updated. Therefore no explanation was needed for the approval.

**OLD BUSINESS:**

- *Roundtable Part 150 Study:* The Technical Advisory Committee (TAC) meets every other month. Meetings are open to the public. The Newark Aviation Advisory Roundtable Committee also meets to discuss issues related to the airport, not necessarily related to the Part 150 Study. The FAA has changed

the Newark International Airport designation from “slot control” to “scheduled interval” flights. The New Jersey Coalition Against Airport Noise (NJCAAN) has projected a 15% increase in noise as a result of the change plus growth. The FAA study seems to indicate that more planes taking off and landing would result in less noise. Some of the roundtable discussions seem more concerned with air pollution rather than noise. The long-term goals seem to be geared toward an increase in passengers but not flights and to use quieter aircraft.

- *Motor Vehicles Entering/Exiting Facilities:* Norm Dotti had no update.
- *Penalty Assessments:* The penalty matrix guidance table was discussed further with Steve Szulecki’s recommended changes discussed. Arnold Schmidt is looking for state-wide consistency. Some concerns include whether to differentiate between residential and commercial and the wording for “timely implementation” as opposed to “addressing the violation “immediately.” Mr. Szulecki expressed reservations on whether the guidance document is even needed as there are too many factors to consider that are not covered by the form. Regardless he will submit another revised template for Chairman Schmidt to consider before the next meeting.
- *Emergency Generators:* There was no discussion.
- *By-Laws:* The by-laws were tabled until the next meeting.

### **NEW BUSINESS:**

- *Pickle ball Noise Complaint:* The issue of noise from pickle ball courts near residential homes was discussed. The courts were built and are maintained by an association of residential homes. The issue is whether the courts can be considered a source of noise with the association being the responsible party. Steve Szulecki felt that N.J.A.C. 7:29 doesn’t directly address it but the Model probably applies. Norm Dotti agreed and it should be considered commercial to residential. It is a repeating impulse noise that he has encountered with tennis courts, golf courses and other sporting events. Arnold Schmidt cited the decision voted on at the NCC’s November 2014 meeting as a similar situation that justifies enforcement here although further discussion is warranted to review the language in the code further as one definition seems to indicate it pertains to heating and conditioning, pool filter unit or system, or outdoor amplified sound systems. Joseph Lepis felt that if the town does not have an adopted, DEP-approved Model, then the noise is unenforceable. The NCC requested more information such as is the complainant part of the community? Did the association have to vote on constructing the courts? Are the courts open to the public? Since an association is considered a legal entity that collects dues, pays taxes and manages the property, it might be considered commercial. While the NCC seems to be more inclined to consider it a source of noise, no definitive interpretation can be made without further information and discussion at this time.
- Joe Lepis recommended that we involve the Department of Health to review and support the Model Noise Ordinance since noise can be considered a health related issue. He volunteered to contact them.
- Salvatore Fama volunteered to supply a list of police chiefs in the state which could be used as a point of contact for the dispensation of information.

### **PUBLIC DISCUSSION:**

- Mark Roskien of the Somerset County Department of Health introduced himself as a potential candidate for the NCC vacancy left by Carl Accettola. He has been with the county for twenty-eight years and is certified through Rutgers as a noise investigator. He is retiring from the county in October and would be able to dedicate his time to the NCC. He mentioned that the county rarely goes to court for noise violations. Most penalties are settled with a grace period. They have a 99 % compliance rate.

**EXECUTIVE SESSION:**

The NCC did not need to go into Executive Session.

**NEXT MEETING:**

The next meeting is scheduled for July 12th

Respectfully submitted by: David Triggs, NJDEP Liaison to the NCC