

**NEW JERSEY NOISE CONTROL COUNCIL MEETING**  
**March 12, 2013 (DRAFT)**  
**MINUTES**

**NCC ATTENDEES:** J. Lepis (Chairman, Civil Engineer), A. Schmidt (Vice Chairman, Public Member-Registered Environmental Health Specialist), J. Feder (Secretary, Public Member-pending confirmation), I. Udasin (Public Member – Medical Doctor), R. Hauser (DOL, Member), C. Accettola (Public Member-pending confirmation), J. Kapferer (Public Member), S. Szulecki (Public Member-pending confirmation, Ecologist), Eric Zwerling (RNTAC), D. Triggs (NJDEP).

**I. ADMINISTRATIVE**

Draft minutes of the December 11, 2012 and February 12, 2013 meetings were reviewed and approved with minor corrections. It was questioned whether there had been any response to the letter offering help by the NCC to the DEP in reviewing EIS. No response has yet been received and Mr. Triggs volunteered to investigate. A continuation of the discussion of emergency generators from the last meeting had originally been planned, but was deferred due to a new HUD issue which was given priority.

**II. NCC MEMBERSHIP AND QUORUM DEFINITION**

To address that the member approval mechanism in the 1971 Noise Control Act (NCA) has been non functional for many years, as a follow up to action begun at the February 12 meeting, Secretary Feder with Vice Chairman Schmidt and Mr. Dotti completed and circulated via email a Resolution which would move to full membership status, candidates whose membership applications had been properly prepared and submitted, but who had experienced a lack of response for six months. It was brought out in the email discussion, that although membership applications had been submitted to prior Governor Administrations, they had never been introduced to the current one. It was therefore decided that applications for Secretary Feder, Mr. Accettola, and Mr. Szulecki as public members should be resubmitted. As part of this, Mr. Triggs requested updated resumes, and agreed to resubmit these membership applications as soon as possible.

As an interim method for partially alleviating the situation, Chairman Lepis proposed that that an Adjunct Advisory Committee to the NCC be created, as allowed by Bylaws Section V (2) and (3), and that this committee would consist of Secretary Feder, Mr. Accettola, and Mr. Szulecki, who have been long awaiting approval. This action was approved by the group and the affected people. Secretary Feder pointed out that his was only a temporary solution, since the NCA directs that there be 9 public members, yet for many years the public constituency has been represented by only 6 voting members.

The consensus of the group was that even if Governor approval was rapidly obtained for the 3 pending members, a Resolution covering extended non-functionality of the member approval mechanism was still needed, since there was no assurance that a similar situation to that being experienced currently would not occur in the future. However, review, refinement, and voting on this Resolution was deferred to allow time the priority HUD issue, below.

**III. HUD REQUIREMENT FOR NOISE EVALUATION OF SITES AND CONSTRUCTION AS A CONDITION FOR FUNDING**

New Jersey has experienced extensive damage as a result of superstorm Sandy and is trying to repair the damage as rapidly as possible. Businesses at the New Jersey shore especially wish things fixed by Memorial Day to minimize impacts to the vacation season. The rebuilding effort depends in part on funding from the Department of Housing and Urban Development, which has environmental requirements to assess whether the area in question is suitable and desirable for the intended use. Chairman Lepis stated that other funding sources such as flood insurance payments and small business loans may have similar requirements.

Mr. Triggs has been contacted within the DEP to help on the issue of satisfying HUD requirements. Mr. Triggs distributed some of HUD information to NCC members via email in advance and was awaiting further details from the DEP on what is needed. Three members of NCC have experience in preparing HUD environmental reports, and a fourth had previously held a management position within HUD in New York State; the NCA has much potentially useful background. Mr. Szulecki gave a presentation, lasting almost an hour, to the NCC members on HUD requirements and techniques for satisfying them. HUD prefers modeling of noise situations rather than those involving measurements, which can be quite protracted and expensive. HUD tends to use DNL 65 as their primary eligibility requirement, with more complex rules for dealing with situations where noise exceeds this value.

The three most common noise sources of concern are airports, rail lines, and highways. Airports generally have noise contour maps which can facilitate this part of the evaluation. Airports generally do not need to be of concern unless within 15 miles of a proposed site. Similarly, sites more than 3000 feet of a rail line and 1000 feet of a roadway generally can be assumed to meet HUD noise requirements. When sites do not meet these criteria, more extensive analysis may be necessary. HUD has models which can be used to compute highway noise based on traffic data. Mr. Zwerling suggested that assigning an individual to be responsible for collecting existing airport, rail and highway data from various agencies could speed things.

There may also be industrial or other sources of noise that may need to be investigated individually. Several NCC members raised the question of “beach bars” which are prominent in the shore communities that were damaged and could potentially affect HUD status of nearby residential sites.

HUD also has rules and possible exemptions when restoring a site to essentially its prior state following an emergency. The NCC is awaiting further information on what is required by the DEP and HUD and what its possible role might be. Several NCC members thought it would be a good idea to hold, and were willing to attend, a meeting between NJ state officials and HUD

## **V. NEXT MEETING**

The next meeting scheduled for April 9, 2013.

Respectfully submitted:  
Jerome Feder, Secretary

Attested by: J. Lepis, Chairman