

***New Jersey Noise Control Council  
Meeting Minutes  
May 12, 2009***

**NCC Attendees:**

Joe Lepis (Chair), John Kapferer (Vice Chair), Arnie Schmidt, John Surmay, Steve Szulecki, Dr. Udasin, Tom Pitcherello (DCA), Randy Hauser (DOL), Mike Klewin (MVC)

**Other Attendees:**

David Triggs (NJDEP), Eric Zwerling (RNTAC), Eugene Kim (Citizen)

**Minutes:**

The meeting minutes for April were approved with minor changes.

**Emergency Generators:**

A request was made by a representative from Verizon for a change in the noise control regulations regarding the testing of emergency generators. Verizon claims that they can not meet the limits established in N.J.A.C. 7:29 with a 60KW generator. While they believe a 30 KW generator would be compliant, they want to use the larger generator for reliability. Joe Lepis suggested 70 dBA if the unit is tested between 11 AM and 3 PM as an option. The regulations do not sunset until 2010, so there will be no changes to the regulations until that time. It is doubtful that the decibel levels will be raised and changes for individual sound sources can't be made or it would set a precedent for individuals to seek exemptions for other sources. Some of the burden for reducing the sound should be put on the manufacturer which may make quieter models than those currently used by Verizon, or proof that Verizon inquired of the manufacturer that a unit be delivered "muffled". Joe Lepis will forward additional questions to Verizon. A Verizon representative may attend the next meeting to discuss the matter further.

**Sea Bright:**

It appears that a judge has rendered a Sea Bright nuisance code invalid because it was not reviewed and approved by the DEP. David Triggs explained that he had spoken to a representative from Sea Bright and explained that the Department does not review nuisance codes (based on plainly audible). The Department only reviews noise ordinances which are based, among other things, on sound level readings. Mr. Triggs has since received a copy of Sea Bright's proposed model noise ordinance which has subsequently been approved by the Department. Chairman Lepis recommended some language in the updated Model be added to explain the approval process.

**Public Comment (Church noise):**

Citizen Eugene Kim requested the Council's advice on how to handle noise from a church adjacent to his home. An addition was recently added to the church which included an HVAC system. The system is loud and in conjunction with service activities such as loud music and amplified voices, the noise is continuous for much of the weekend and some week nights. The Council explained that only chimes, bells and carillons are exempt while being used in conjunction with religious service as stated in 7:29-1.5(2.) HVAC, music and the amplified human voice are measurable sources of sound. David Triggs said that he would contact the Bergen County Health Department to have them take measurements from the complainant's property line.

**Model Noise Ordinance:**

Eric Zwerling handed out copies of his suggested changes to the Model Noise Ordinance. The Council accepted most of his suggestions, although the meeting ended before the review was completed.

**NEXT MEETING**

The next meeting will take place on Tuesday June 9<sup>th</sup>. The meeting may be held at the Rutgers Opt. Center to attempt some outdoor sound level measurements.

Respectfully Submitted: David Triggs, NJDEP Liaison to the Council