

**NEW JERSEY NOISE CONTROL COUNCIL MEETING  
OCTOBER 9, 2012  
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), R. Hauser (DOL, Member), N. Dotti (Public Member), I. Udasin (Public Member – Medical Doctor), Drake Rizzo (Member-NJDCA), Eric Zwerling (RNTAC), D. Triggs (NJDEP).

**I. ADMINISTRATIVE**

Draft minutes of the January 10, 2012, February 14, 2012, April 10, 2012, May 8, 2012, and September 11, 2012 meetings were reviewed and approved with minor modifications. Mr. Triggs indicated that both this years' and prior years' meetings will be available on the NJDEP website.

Mr. Triggs requested that Chairman Lepis contact the Motor Vehicle Commission and the Department of Health and Senior Services, since neither of these were sending members to NCC meetings.

Due to conflict with the upcoming League of Municipalities meeting, the November meeting was cancelled; the next planned meeting is in December.

**II. "BEACH BARS"**

As part of the prior minutes regarding the recently passed legislation regarding "Beach Bars," it had been noted that the legislation does not define "Beach Bar." Mr. Triggs stated that the NJDEP, is not defining this term at this time, leaving the legislation subject to being challenged. NJDEP has indicated that interpretation and enforcement have been deferred to the County units.

**III. NOISE REGULATION ON BOARDWALKS AND IN PUBLIC SPACES**

A question arose as to whether a tourist on a boardwalk near the ocean had the legal right, under the New Jersey noise regulation, to complain about noise from a business establishment. The answer is "no," since a member of the public, transiently walking on the boardwalk is not defined as a receptor category in the legislation and therefore not an "affected party." However, proprietors and employees of adjacent businesses do have such rights. There then arose the questions regarding what localities could do regarding such noise. A number of members present felt that the locality could adopt regulations regarding such noise, if they provided appropriate justification. It was also pointed out that provisions limiting noise could be adopted by localities as part of their local permitting process. The Atlantic City Health Department has received complaints regarding noise from businesses on the boardwalks and has been quite interested in what enforcement actions are possible. Mr. Triggs reported that he had invited a representative from Atlantic City to attend an NCC meeting to present concerns and receive feedback.

**IV. NCC LETTER OFFERING HELP TO NJDEP IN REVIEWING EIS**

A letter had been drafted earlier in the year offering help to the NJDEP in reviewing Environmental Impact Statements (EIS). Members present reviewed the latest draft, made some minor changes, and voted unanimously to adopt and send it.

## **V. EFFORT FOR SADC TO PROVIDE GUIDELINES FOR REGULATING NOISE FROM WIND TURBINE ELECTRIC GENERATORS**

Mr. Zwerling reported that he and Mr. Szulecki had submitted their report with recommendations for regulating noise from wind turbine electric generators to the SADC, but they have not yet received any feedback on their recommendations.

## **VI. AVAILABILITY OF LOW COST SOUND METERS FOR USE IN NOISE ENFORCEMENT**

Sound level meters are a key element of enforcement of the New Jersey noise regulation. Mr. Zwerling provided further information on meter availability and also his efforts to stimulate vendors to bring to market, at attractive prices, meters with features appropriate and convenient for noise regulation. In order to be usable, such meters must be available with calibrators that can be used in conjunction with measurements to assure that the meters are reading accurately so that the measurements can hold up in court proceedings. Furthermore, services must be available for checking both the meters and calibrators to assure that these remained accurate over years of use. Quest and Larson Davis have been among the more commonly used vendors. Mr. Zwerling reported that the Soft dB “Piccolo,” priced at not much over \$300, was a Type 2 meter, that was very small and portable, and incorporated data logging as well as other features usable for sound regulation enforcement. Unfortunately, Soft dB does not appear to make available a calibrator, which would preclude this use. Mr. Zwerling has made appropriate recommendations to Soft dB and hopefully, these could lead to availability of enforcement kits including meter and calibrator, priced well under \$1000.

Mr. Zwerling also reported on some of the problems in maintaining enforcement meters. Among these are that some of the established companies, such as Quest, gradually withdraw support for their older products. Warrantee extension is standard when calibrating the newer meters, but not the old. Furthermore, Quest refuses to repair some of their older meters at all.

## **VII. NEXT MEETING**

The next meeting scheduled for December 11, 2012.

Respectfully submitted:

Jerome Feder, Secretary

Attested to: Joseph Lepis, Chairman