

NEW JERSEY NOISE CONTROL COUNCIL (NCC)
APRIL 9, 2019
MEETING MINUTES

ATTENDEES: Arnold Schmidt (Chairman, Public Member), Steve Szulecki (Vice Chairman, Public Member, Ecologist), Randy Hauser (Department of Labor), Eric Lieberman (Department of Health), Salvatore Fama (Motor Vehicle Commission), John Lago (Department of Community Affairs), Joseph Lepis (Public Member, Civil Engineer), Dr. Iris Udasin (Public Member, Medical Doctor) Norm Dotti (Public Member, Industrialist), Joseph DeFillippo (NCC member candidate to replace John Surmay), Eric Zwerling (Director of the Rutgers Noise Technical Assistance Program) and David Triggs (NJDEP Liaison to the Council).

PUBLIC: Jack Zybura (Lewis Goodfriend and Associates).

MEETING MINUTES

After some minor changes, Joseph Lepis motioned to approve the March meeting minutes and Randy Hauser seconded. All were in favor, so the motion carried.

CHAIR REPORT

- Eric Zwerling offered to add his cell phone number to the NCC contact list.
- There was no update from the Governor's Office regarding NCC appointments and re-appointments.
- Chairman Schmidt asked Eric Zwerling for an update on his suggestion to screen law enforcement candidates for NCC membership. He will query for interest in the next Rutgers Noise Technical Assistance Center News Letter.
- Chairman Schmidt asked David Triggs of the NJDEP to discuss a recent conference call he had with UPS at their request. Mr. Triggs explained that representatives from the NJDEP conversed with representatives from UPS and a lobbyist, to explain the status of 7:29 amendments. Mr. Triggs stated that the Commissioner chose to readopt the Noise Control Regulations without change, with the option of reopening them later to address the NCC's proposed amendments. UPS's suggested amendment regarding zoning changes was not included, due to time constraints and the complexity of the issue. He did say that the NCC would continue to evaluate their proposal.
- Mr. Triggs received an e-mail from a resident requesting information regarding a public hearing for the re-adoption of 7:29. He informed her that there would not be a public hearing, since the Regulations were readopted without change. He would keep her informed if anything changes. The resident, concerned mainly with landscaping equipment, is in frequent contact with the DEP and Chairman Schmidt regarding how to control this type of noise through amendments to 7:29.
- Chairman Schmidt asked Eric Zwerling about indoor impulse noise, which came up in a recent e-mail sent to him. Mr. Zwerling stated that he would like to address this in the Model, since it frequently comes up in the noise enforcement course that he teaches. Jack Zybura stated that the Model already addresses this in Table II. Chairman Schmidt suggested that some members of the NCC meet to discuss this and then present their

findings at the next meeting. While not all NCC members, Eric Zwerling, Norm Dotti and Jack Zybura agreed to work together to draft something.

OLD BUSINESS

N.J.A.C. Re-adoption: The Commissioner elected to re-adopt N.J.A.C. 7:29 without change with the option to re-open the Chapter later to review the NCC's proposed amendments. The target date for publication in the New Jersey Register is May 6th.

Guidance Document: There was a brief discussion regarding the need to address residential duality properties such as dormitories. Steve Szulecki will draft something to present to the NCC.

Model Noise Ordinance Review: While landscaping equipment is partially addressed in the "Restricted Uses and Activities" section through curfews, Chairman Schmidt suggested possibly reducing the decibel levels and adjusting the hours in Table II. Eric Zwerling pointed out that Table II is only applicable when a common wall is present, so landscaping equipment would not apply. A more practical approach would be to let the towns regulate landscaping equipment in a stand-alone ordinance. Some municipalities have introduced ordinances that ban their use at certain times of the year. It has also been done to control light pollution, according to John Lago.

PUBLIC DISCUSSION

There was no public discussion.

NEW BUSINESS

Ocean Seismic Testing: Eric Zwerling discussed a recent Congressional hearing in which the assistant administrator of the National Oceanic and Atmospheric Administration (NOAA) was called upon to discuss and defend NOAA's plan to approve ocean seismic testing for oil exploration. Noise from the testing off the Atlantic coast, including the Jersey shore, could have very significant impacts on marine life, especially whales. A Congressman used an air horn (at 120 dB) to demonstrate how disruptive loud noise can be and then stated that underwater seismic testing is 16,000 times as intense (at 260 dB). The NOAA Administrator noted that whales could swim to the next section of ocean during the ten-second interval between blasts, which the NCC members considered to be not feasible, as sound can travel hundreds of miles underwater.

EXECUTIVE SESSION

The NCC did not meet in Executive Session.

NEXT MEETING

The next meeting is scheduled for Tuesday, May 14th at 9:30 A.M.

Respectfully submitted by David Triggs, NJDEP Liaison to the NCC