

**NEW JERSEY  
NOISE CONTROL COUNCIL (COUNCIL)  
April 9, 2024  
MEETING MINUTES**

**ATTENDEES**

*Council Voting Members:* Steve Szulecki (Chair, Public Member, Ecologist), Randy Hauser (Department of Labor), Daniel Lefkowitz (Department of Health), Gina Fischetti (Department of Community Affairs), Sal Fama (Motor Vehicle Commission), Norm Dotti (Public Member, Industrialist), David Triggs (Public Member), Arnold Schmidt (Public Member), and Joseph DiFillippo (Public Member)

*Rutgers and NJDEP Representatives:* Eric Zwerling (Director of the Rutgers Noise Technical Assistance Center), and Michelle Feasel (NJDEP Liaison to the Council)

**MEETING MINUTES**

*March 2024:* Jack Zybura had emailed a copy of his proposed amendments ahead of the meeting. David Triggs, Chairman Szulecki, Eric Zwerling and Arnie Schmidt all had modifications that were discussed. *Arnie Schmidt motioned to accept the meeting minutes as amended with Norm Dotti seconding. All were in favor. The motion carried.*

**COMMUNICATIONS**

*Council Appointments:* Chairman Szulecki shared that both Philip Makrelis and Dr. Iris Udasin were contacted by the Governor's office to be appointed. Michelle Feasel stated that she would find out if she could now submit the re-appointment memo for Arnie Schmidt and Jack Zybura whose term expired in January.

*NJ Senate Bill:* Chairman Szulecki stated that he is still working on the council's letter to the Commissioner about Senate Bill S507 regarding modified exhaust systems. He stated that he has not been able to contact the Chief of Staff for the Senate. He added that he thinks Assembly Bill A1855 is a poor simile to the Senate Bill and is not as supportive. Chairman Szulecki asked if Arnie Schmidt could talk to an Assemblyman and have them read the Senate Bill. Mr. Schmidt suggested Chairman Szulecki state the specific issues he has with the Assembly Bill, suggesting it might be a more straightforward approach. Chairman Szulecki stated that the Assembly Bill only touched on one of the three main points, it addressed enforcement on roadways and increasing the penalty but left out motor vehicle inspection stations as well as private inspection stations.

*N.J.A.C. 7:29 Drones:* Eric Zwerling shared that he finally received a response from the FAA on drones in regards to his October email asking if drones were considered aircrafts. The council agreed that the response did not directly address the question and could be interpreted in a variety of ways. Chairman Szulecki stated that he thinks that any drone under 50 pounds has no FAA regulations in general. Gina Fischetti stated it would not preclude the state's regulations. Michelle Feasel stated that drones still align with the DOT's definition of aircrafts. Eric Zwerling asked if the statement could be sent to a DEP lawyer for interpretation. Ms. Feasel asked if enforcement officers would be required to weigh the drone during an investigation to ensure it is under 50 pounds. Chairman Szulecki stated that they would issue the violation and the violator would have to prove that in court. Ms. Feasel stated it may be difficult to verify what drone was used during the violation. Arnie Schmidt stated he believed that drones are not regulated under 400 feet. Norm Dotti stated that there are restrictions on drones under 400 feet.

**PUBLIC DISCUSSION**

There were no members of the public present to comment.

### **CHAIR REPORT**

Chairman Szulecki had nothing to report.

### **OLD BUSINESS**

*NJ Planning Commission Warehouse guidelines:* Chairman Szulecki stated that since the last meeting, Jack Zybura was able to speak with the NJ Planning Commission's executive director and heard they may develop a Model Ordinance. He added that Norm Dotti had drafted a letter for the NJ planning Commission on the issues with their warehouse guidance document. He asked the council if they thought they should be advising the planning commission. David Triggs stated he thought that they should not. Chairman Szulecki stated that the planning commission sent the warehouse guidance to the Department for review and there were no comments made about noise. He stated he thought that the best avenue to offer support may be through the Department. Chairman Szulecki asked Michelle Feasel if she could reach out to the Department's representative to the NJ Planning Commission and let them know that the council has issues with the guidance document and offer support on future guidance that may contain noise limits.

### **NEW BUSINESS**

*N.J.A.C. 7:29 comments:* The proposed amendments were with the council for review. Eric Zwerling suggested creating a sharable document for the council members to make their edits in. He proposed a second document to track which comments needed to be addressed. Chairman Sulecki stated that each person could comment on an existing comment that way it could all be in one document. There was a brief discussion on if a subcommittee formed would the minutes be shared with the public. Gina Fischetti stated that they would not, but that the findings of the subcommittee would be brought to the council and go in the council's minutes. The council then began to go through the comments and assign members to address them.

### **PUBLIC DISCUSSION**

There were no members of the public present to comment.

### **ADJOURNMENT**

*Arnie Schmidt **motioned** to end the meeting with Norm Dotti seconding. All were in favor, so the motion carried.*

### **NEXT MEETING**

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

Respectfully submitted by Michelle Feasel, NJDEP Liaison to the Council.