

**NEW JERSEY
NOISE CONTROL COUNCIL (COUNCIL)
APRIL 14, 2026
MEETING MINUTES**

ATTENDEES

Council Voting Members: Steve Szulecki (Chair, Public Member, Ecologist), Jack Zyburra (Vice Chair, Public Member), Philip Makrelis (Public Member, Local Governing), David Triggs (Public Member), Joseph DiFillippo (Public Member), Syed Rashid (Department of Labor), and Gina Fischetti (Department of Community Affairs).

Rutgers and NJDEP Representatives: Eric Zwerling (Director of the Rutgers Noise Technical Assistance Center) and Christy Choo (NJDEP Co-Liaison to the Council).

MEETING MINUTES

March 2026: Chairman Szulecki submitted comments before the April meeting. *David Triggs motioned to approve the minutes with Chairman Szulecki's amendments, with Jack Zyburra seconding.* Eric Zwerling stated that "Eric Zwerling's course" should be "the Rutgers certification course taught by Eric Zwerling" instead. Chairman Szulecki suggested that it could say "the Rutgers course." *David Triggs motioned to amend his motion to include Eric Zwerling's change, with Jack Zyburra seconding. A vote was taken to approve the minutes as amended, and all were in favor, except Joseph DiFillippo who abstained due to being absent at the March meeting. The motion carried.*

CHAIR REPORT

Status of 7:29 Amendments: Christy Choo stated that the rule adoption memo for the re-adoption without change, to prevent the rule from expiring, was published in the NJ Register on 3/16/26. Ms. Choo stated that there were no other *N.J.A.C. 7:29* updates.

Status of Model Noise Ordinance: Christy Choo stated that the Model Noise Ordinance (MNO) will be reviewed by the DEP.

Modified Muffler Bill: Chairman Szulecki stated that there are no modified muffler updates.

Re-appointments/Vacancies: Christy Choo stated that there were no updates regarding the reappointment letters. Chairman Szulecki stated that the Council had a discussion regarding filling the vacant position for the Council before the meeting began. Eric Zwerling suggested emailing everyone who took the Rutgers noise course to see if anyone is interested or can make a referral to someone who would be. Joseph DiFillippo asked if there are restrictions for where open positions can be posted and suggested using Idealist.org because he used it for another group. David Triggs asked if it is for New Jersey, and Mr. DiFillippo stated it is a national site. Chairman Szulecki stated that before Mr. Zwerling and Mr. DiFillippo send out solicitation, the Council should decide on how those who are interested will respond. Chairman Szulecki suggested having applicants send an email of interest to Michelle Feasel. Mr. Zwerling stated that the solicitation should come through Chairman Szulecki's signature as it would be more official. Jack Zyburra stated that the Council's webpage has a section that says where to submit resumes to join the

Council, however, it only has the mailing address and general phone number, so he suggested having this updated to include an email address. Mr. DiFillippo stated that Idealist.org is a nonprofit organization that posts job openings and the Council would have to make an account to post one. Mr. Zybura stated that they may receive applications not based in New Jersey since it is a national site. Chairman Szulecki stated that they should work under the assumption that they are filling the public member role, not the industrialist role. Gina Fischetti asked about finding someone who has worked closely with a municipality and suggested using the League of Municipalities job posting board. Mr. Zybura stated that the Council was planning on distributing the MNO through the League of Municipalities, so posting the job opening through them would also work. Chairman Szulecki stated that this would fill the public member role. Mr. Zwerling stated that the noise course mailing list would target the enforcement side, which is covered by current Council members; Mr. DiFillippo's idea would target residents and complainants; and the League of Municipalities would target the municipal side, which is not currently covered. Chairman Szulecki stated that the municipal side and the police are two gaps in the Council. Chairman Szulecki asked if there is a list of police chiefs or an organization of police chiefs the Council can send the listing to. Mr. Zwerling suggested contacting the NJ State Association of Chiefs of Police and that they have a retired section. Ms. Fischetti suggested that the police union may be a good way to reach out to retired police officers. Mr. Triggs suggested that if the Council reaches out to police chiefs, they may be aware of officers under them who are interested. Chairman Szulecki suggested tailoring solicitation to recently retired officers or sergeants who have time to serve on the Council. Mr. Zwerling stated that it would look more official if it came from the Chairman, and Chairman Szulecki stated that he will draft something. Ms. Choo stated that she will talk to Michelle Feasel about updating the contact information on the noise website. Mr. Zwerling asked if the applications will go to Chairman Szulecki or the DEP. Chairman Szulecki stated that the applications should go to the DEP.

PUBLIC DISCUSSION

There was no one present from the public to comment.

NEW BUSINESS

Model Noise Ordinance: Chairman Szulecki asked if the Council needs to do anything to address the changes to the MNO. Eric Zwerling stated that Rutgers Cooperative Extension published a document about the MNO in 1997 and shared it with the Council as an example. Chairman Szulecki stated that there are a substantial number of changes and suggested at least providing a bullet list of what the changes were. David Triggs stated that in the past, they gave a presentation to the League of Municipalities about the changes to the regulation. Chairman Szulecki stated that the changes to *N.J.A.C. 7:29* should be addressed as well. Mr. Triggs stated that the League of Municipalities has an event in November which they would need to get on the speaker list in advance. Gina Fischetti stated that the Council would need to contact the League of Municipalities in May or June about what session they want to do. Mr. Triggs stated that the Council does not necessarily have to do a presentation and can have a table instead. Mr. Zwerling stated that the table may not get traction because he did it in the past and no one showed. Chairman Szulecki suggested creating an introduction to the changes in the MNO and *N.J.A.C. 7:29*. Philip Makrelis stated that the counties will appreciate it because they will know where to look for the changes. Chairman Szulecki stated that the justification document could be paired down and summarized to a few pages. Mr. Zwerling agreed that something has to be written and stated that he will think

about the value of having a publication and the amount of work it requires because he wrote the publication in 1997. Eric Zwerling stated that he plans to retire soon, and Chairman Szulecki suggested that Mr. Zwerling become a voting member on the Council after retirement.

Philip Makrelis left the meeting at 10:45 AM, so there was no longer a quorum. The Council moved from a formal meeting to general discussion.

LINCS and Notifying the Counties: David Triggs stated that all the health officers are connected through LINCS. Chairman Szulecki suggested that LINCS can be another resource for distributing the MNO.

Noise Enforcement Data: The Council agreed to table this topic for the May meeting.

Review Guidance Document: The Council agreed to discuss this at a later date because the *N.J.A.C. 7:29* Amendments and MNO are not finalized yet.

OLD BUSINESS

Guidance Documents – Gun Ranges: Chairman Szulecki summarized the Sussex County gun range case and stated that it showed how difficult it is for enforcement officers to determine if a gun range is exempt under the regulations. Chairman Szulecki stated that the guidance document was to provide enforcement officers and judges with what information should be reviewed to determine if a gun range is exempt. Chairman Szulecki stated that if the gun range is not exempt, it must comply to the limits of *N.J.A.C. 7:29*. Chairman Szulecki went over the guidance document for gun ranges. Gina Fischetti asked if a permit to operate typically has the date the gun range was created. Chairman Szulecki stated that it could show the history from when it was first issued. Ms. Fischetti stated that she presumes it is issued by the town and they would have a record of it. Chairman Szulecki stated that a variety of information is needed to ascertain if a facility has been operating for an amount of time. Ms. Fischetti asked why a gun range must be in operation since January 24, 1972, to be exempt. Chairman Szulecki stated that January 24, 1972, was when the act was first passed. Ms. Fischetti asked if there was a list of gun ranges that were created at that time in 1972. Chairman Szulecki stated that if a gun range was in existence on or before that date, it would be exempt. Ms. Fischetti asked if a gun range changed ownership, would it be grandfathered in. David Triggs stated that it had to have continuous operation.

Bullet Point 1: Chairman Szulecki read the examples of documentation that may indicate if a gun range has been in continuous operation. Gina Fischetti suggested property tax coding or records and asked if there is a special code for gun ranges because often times all the properties in a town will be coded with the type of property it is. Chairman Szulecki stated that if the property were under investigation, they would look at the lot and block and trace it back. David Triggs stated that these are all good suggestions but that he cannot see an inspector doing all of them. Chairman Szulecki stated that the inspector can ask the business for records; the onus is on the facility because they have the records. Jack Zybura stated that the inspector can issue an NOV and the facility can provide the documentation to get the exemption. Chairman Szulecki stated that these examples are for courts to have an idea of how to view this as well. Mr. Zwerling stated that the paragraph above bullet point one addresses this in a restrained way. Mr. Triggs asked if it should

be included that the inspectors do not have to do all of the heavy lifting and they can issue an NOV to put the responsibility on the facility.

Bullet Point 2: Eric Zwerling asked if expansion fits under the definition of maintenance. Chairman Szulecki stated that expansion is a factor but questioned if it is determinative. Chairman Szulecki compared how the racetrack and gun range exemptions were written, stating that if the legislature wanted gun ranges exempt without any restrictions, they could have done that, like they did for racetracks which have no specific criteria for that exemption. A way to interpret this choice is that over time gun ranges would lose their exemption and come into compliance, and that this should occur in an organic way where the gun ranges expand or there is encroachment. David Triggs asked if the NRA would have information about gun ranges as a source. Jack Zyburka asked how many ranges are expected to still be operated by the state from the 1970s and stated that the state should have a list. Gina Fischetti asked if the state has a permit. Chairman Szulecki stated that the town would have a permit. Mr. Zyburka asked if this applies to Fish and Wildlife ranges and stated that there should be a list of these. Chairman Szulecki stated that the DEP should have a list for state property, and that they maintain wildlife management properties. Chairman Szulecki asked if the DEP is required to file something for lead clean ups that are periodically required at a gun range.

Bullet Point 3: Jack Zyburka asked if someone brings in a non-exempt gun, is the facility still exempt. Chairman Szulecki stated that the rest of the facility would be exempt and the shooting of those particular guns would not be. He stated that when the non-exempt guns are being used, the exemption is not active. Chairman Szulecki stated that they could design the facility to be compliant. Eric Zwerling provided an example where an inspector has to prove with certainty that the gun shooting is coming from a gun range spanning 200 acres and stated that sometimes it is difficult to access. Mr. Zwerling stated that the Sussex County case raised the question of how the inspector proves that the source is the source, so the Council had to give them guidelines. Mr. Zwerling stated that he has some grammatical changes to the guidance document.

Guidance Documents – Trucks Entering and Exiting: Chairman Szulecki displayed the proposed guidance document for trucks entering and exiting. David Triggs asked what a last mile delivery carrier is. Chairman Szulecki stated that for trucks entering and exiting, under DEP policy, if all of the wheels are on facility property, they are considered part of the facility source. He stated that the moment half a tire leaves the property line, it is no longer considered part of the facility source. Chairman Szulecki stated that in some scenarios, it is impossible to comply with permissible limits of a truck that is exiting a facility's drive path for a number of reasons. For instance, he stated that there are line of sight limitations as they cannot put a sound barrier in front of a house or a stop sign; a possible solution is to redirect the entrance and exit of the facility. He also provided another example where the tires leave the property and are now on a public roadway; once a truck is off the facility's property, a nearby receptor property's exposure is going to go up since the truck is closer to that property. He stated that they should assume any of the houses could be a complainant. Chairman Szulecki stated that the noise limit should be less than or equal to the maximum that occurred when the vehicle was on the roadway. He stated that for enforcement purposes, wherever the complainant is, the enforcement officer should take a measurement there, while the truck is passing by on the public roadway, and compare it to a measurement while the truck is on the property of the facility. Chairman Szulecki stated that it should only apply to where the point of

limitation is i.e., where mitigation is not possible. Mr. Triggs asked if there is time to take a measurement before the vehicle is on the move. Chairman Szulecki stated that there are practical aspects to doing enforcement and there has to be some regularity to it. Jack Zybura stated that measuring the truck on the road is beyond the point of mitigation and it is exempt. Eric Zwerling suggested setting a permissible limit per vehicle and investigators would have to take measurements of that truck exiting and entering that facility. Mr. Zwerling stated that vehicles leaving the property would accelerate to merge into traffic. Chairman Szulecki asked what the setback distance is and suggested that it may not be a fixed number but rather a function of what is possible. Chairman Szulecki stated that right of ways are considerably wider than the road, and that there are line of sight concerns. Jack Zybura suggested including a setback, such as 100 feet, which Chairman Szulecki stated was too much. Mr. Zybura stated that he had discussions with a traffic engineer and that if the barrier is kept short of 50 feet of the property line, it will work and there will still be sight line access even if the road is curved. Mr. Zybura stated that he prefers using a set distance because it is easier for the investigator to measure. Chairman Szulecki stated that it could vary depending on right of way. Mr. Zybura stated that the sight line is 50 feet from the curb. Mr. Zwerling asked if a vehicle should be considered the facility if all four wheels are on the facility and proposed that it should not apply to transit to and from the facility within 50 feet of entering the facility. Mr. Zwerling stated that all other activities in this area are subject to the regulation, like loading and unloading. Chairman Szulecki stated that there may be unintended consequences of using a set distance because it is a fixed number that may not make sense at all facilities. Mr. Zybura stated that the fixed number is now the property line and it is just being moved. Chairman Szulecki stated that the property line is interpreted to be the curb line. Mr. Zwerling stated that it should be 50 feet from the curb. Mr. Triggs asked why the postal service is included because they have federal immunity. Chairman Szulecki stated that there is no way to capture one offs. Mr. Zybura stated that the issue is with the planning board, not enforcement. Chairman Szulecki stated that one issue he has is if the setback is measured from the curb, the right of way or the property line. He also asked if the vehicle is not registered or contracted by the facility, such as for making a delivery, could there be an exemption for these types of vehicles. Mr. Triggs stated that for site plan approval, they would need a traffic study. Chairman Szulecki stated that company registered and contracted vehicles would be considered the facility's operations, and that non-contracted vehicles and customer vehicles would not be. Mr. Zybura stated that employee vehicles would not be considered too. Mr. Triggs asked how they would remediate employees' cars coming and going. Chairman Szulecki stated that this discussion was to start conversation on these topics and suggested that the Council come back with comments for the May meeting.

ADJOURNMENT

There was no official adjournment because the meeting ended when the quorum was lost.

NEXT MEETING

The next meeting is scheduled for Tuesday, May 12th at 9:30 AM.

Respectfully submitted by Michelle Feasel and Christy Choo, NJDEP Liaisons to the Council.