

NEW JERSEY NOISE CONTROL COUNCIL (NCC)
AUGUST 10, 2021
MEETING MINUTES

ATTENDEES

NCC Voting Members: Arnold Schmidt (Chairman, Public Member), Steve Szulecki (Vice Chairman, Public Member, Ecologist), Randy Hauser (Department of Labor), Salvatore Fama (Motor Vehicle Commission), Dr. Iris Udasin (Public Member, Medical Doctor), Joseph DiFillippo (Public Member, Local Governing Body), Mark Roskein (Public Member)

Rutgers and NJDEP Representatives: David Triggs (NJDEP Liaison to the Council) and Michelle Feasel (NJDEP Co-Liaison to the Council).

Public: Christopher Bergacs (Robbinsville, NJ)

MEETING MINUTES

March 2020: Dr. Iris Udasin motioned to approve the meeting minutes with Steve Szulecki seconding. All were in favor, except for Mark Roskein, Salvatore Fama, and Joseph DiFillippo, who all abstained because they were absent. The motion therefore carried.

July 2021: Jack Zybrura couldn't make the meeting, but he emailed his suggested changes beforehand. He stated that Mark Roskein, had been left out of the NCC member appointments section of the minutes. Chairman Schmidt stated that during the July meeting he suggested more diversity on the NCC, if possible. He also mentioned that "playing time" needed to be amended to "game time" for marching bands to be exempt. Randy Hauser motioned to approve the minutes. All were in favor except Dr. Udasin, who abstained because she was absent. The motion therefore carried.

CHAIR REPORT

Chairman Schmidt read Rutgers' Covid policy for holding meetings on campus.

PUBLIC DISCUSSION

Randy Hauser motioned to go into public session and Mark Roskein seconded. All were in favor, so the meeting was open to the public. Christopher Bergacs stated that he had took the Rutgers Noise Enforcement Certification Course before Covid and that he was interested in the issues associated with noise. He came to the meeting to observe and learn more.

Randy Hauser motioned to close the meeting to the public and Steve Szulecki seconded it. All were in favor, so the motion carried.

NEW BUSINESS

- *Inexpensive Noise Meters for the Public:* The topic of inexpensive noise meters designed for public use was brought up by NCC member Norm Dotti at a previous meeting. Since he was not present, it was agreed that this would be tabled until the next meeting that Mr. Dotti is present.

- *Gun Range Exemption:* DEP liaisons David Triggs and Michelle Feasel had requested guidance from their DAG regarding the current language of the gun range exemption in N.J.S.A. 13:1G, in particular, the term “continuous use” which is vague and begs the question of what constitutes continuous use. For instance, does the exemption apply if a facility expands its footprint, allows more shooters or more automated weapons? The current language is for the NCC to review and amend if it determines that further clarification is needed to uphold the exemption. Salvatore Fama mentioned that the DEP owns and operates several gun ranges throughout the state for hunter safety training and hunter practice, and that any change to the exemption would likely impact State-Owned and Operated Ranges. Steve Szulecki stated that he felt the footprint of a firing range is what is exempt and that if they expand it significantly the exemption should no longer apply. Steve Szulecki remarked that the Central Jersey Rifle and Pistol Range purchased more land around it to further increase the buffer between the source and potential receptors. Sal Fama indicated that this was likely done to further reduce the likelihood of noise reaching receptors at complaint levels. Sal Fama indicated that the noise code is based on parcels, and that the parcel has the exemption. Steve added that they could have carved out a blanket exemption for ranges, if the intention was to exempt the facility no matter what occurs. The current language only excludes those facilities in continuous operation since 1972. This offers some protection to the ranges where new neighborhoods were being built closer to them. It does not address range expansion or a change in operation. Arnold Schmidt gave a hypothetical example of a range that doubles its footprint. Would that nullify the exemption? Steve Szulecki argued that they don’t need to expand to eliminate the exemption. Expanding the facility’s operation (hours, number of shooters), and the intensity (types of weapons used) may do this. It was discussed that the only way to verify this would be to have sound pressure level readings taken before and after the change to make it relevant. David Triggs agreed and added that these were the types of things that people called to complain about. Randy Hauser added that for OSHA the equivalent of intensity is called “dose”. Salvatore Fama asked, “What if they close to do repairs such as adding a new toilette facilities for an extended period of time, would they lose their exemption?” Arnold Schmidt suggested that if they lose their permit, they would no longer be in continuous use and would therefore not qualify for the exemption. Steve Szulecki mentioned that section 13:1G-21.1 defines what a handgun and a rifle are and that an automatic weapon would not be considered exempt. Michelle Feasel pointed out that the DAG stated that we could come up with a policy statement that can be added to the guidance document and thus avoid amending N.J.A.C. 7:29. Chairman Schmidt asked the NCC to vote on whether they want to open the issue up for discussion again to clarify the existing language. Mark Roskein, motioned to explore the feasibility to further clarify the exemption for gun ranges and Randy Hauser seconded. All were in favor with the exception Salvatore Fama who was opposed.
- *Hunting Exemption:* Salvatore Fama asked the Council to consider creating a new exemption for “Hunting” in *N.J.A.C 7:29-1.5*. Mr. Fama mentioned that to hunt on someone’s private property you only need written permission from the owner and

maintain 450 feet between you and the nearest house in addition to following all New Jersey Hunting Laws promulgated by the DEP, that require the use of specific rifles and shotguns for the taking of different game species. Steve Szulecki mentioned that the only impactful hunting that could possibly need an exemption, is duck hunting. Most forms of hunting consist of random single shots fired infrequently. Duck hunting is more organized with groups of hunters which results in more intense, rapid-fire shooting. Mr. Fama added that culling of game also happens in accordance with special DEP permits for such activities, and that it can be noisy, which should also be part of the exemption. Chairman Schmidt pointed out that if they are hunting from a boat, who would you give the notice of violation to? Mr. Fama asked the NCC if they believed this would be enforceable with the current language. The NCC responded that it could possibly be enforced on commercial property, but not on a private land or on a boat. It was agreed that *N.J.A.C 7:29* was approved for technical changes and that even if the NCC decided to make this an exemption, the amended Code would no longer be considered technical in nature. So, this exemption may have to wait until 7:29 Sunsets, or the Department could develop a policy statement. Municipalities could also create their own ordinance with a blanket exemption for duck hunting, similar to what was done for leaf blowers.

OLD BUSINESS

N.J.A.C. 7:29 Draft Amendments Update: Michelle Feasel is still working on drafting the document to submit to the DEP attorney for further comments.

Public celebration: This issue was tabled until Eric Zwerling is present to share his amended definition.

Vehicles entering and exiting: This issue was tabled as Norm Dotti and Stephen Szulecki have not had an opportunity to discuss this in detail.

Model Impulse issue: A letter of interpretation has yet to be created, since the NCC is in the process of amending the Model. The NCC decided to hold off on notifying the municipalities regarding this for now. Until the Model is revised, the NCC may draft a statement in the guidance document to clarify its concerns. Since Jack Zybura and Eric Zwerling noticed this contradiction, they should prepare the statement.

By-laws: The review and update of the NCC By-laws should be a priority since this is an election year for Chair and Vice Chair.

EXECUTIVE SESSION

The NCC did not meet in Executive Session.

PUBLIC COMMENT

Salvatore Fama motioned to open the meeting to the public and Randy Hauser seconded, all were in favor, so the motion carried. There was no public comment, so Mr. Fama motioned to close the public session with Randy Hauser seconding. All were in favor, so the motion carried.

ADJORNMENT

Randy Hauser motioned to end the meeting and Steve Szulecki seconded. All were in favor, so the motion carried, and the meeting ended.

NEXT MEETING

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

Respectfully submitted by Michelle Feasel with edits by David Triggs, NJDEP Liaisons to the NCC.