

**NEW JERSEY
NOISE CONTROL COUNCIL (COUNCIL)
DECEMBER 9, 2025
MEETING MINUTES**

ATTENDEES

Council Voting Members: Steve Szulecki (Chair, Public Member, Ecologist), Jack Zybura (Vice Chair, Public Member), Sal Fama (Motor Vehicle Commission), Philip Makrelis (Public Member, Local Governing), David Triggs (Public Member), Arnold Schmidt (Public Member), Joseph DiFillippo (Public Member), Dr. Iris Udasin (Public Member, Medical Doctor), Chris Bergacs (Public Member), and Daniel Lefkowitz (Department of Health).

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

Members of the Public: Madelyn Perez, Union City

PUBLIC DISCUSSION

David Triggs motioned to open Public Discussion, with Jack Zybura seconding. All were in favor, so the motion carried. Chairman Szulecki read aloud a statement regarding the Council's role and how it makes use of comments from the public. Madelyn Perez from Union City stated that she has an issue with noisy neighbors who play loud music until the early morning. Ms. Perez stated that she has had several conversations with the neighbors. Ms. Perez lives in a multifamily dwelling and is the owner of her property, but the other unit is owned by an LLC, and it is the renters in that unit that are causing the noise problem. David Triggs explained the 30-day compliance period for Notice of Violations as well as the potential elimination of this grace period for loud parties in the model ordinance. Ms. Perez stated that she had complained to the city, but they did not come out to investigate. Chairman Szulecki asked if Union City has an approved noise ordinance. Jack Zybura stated they were not on the DEP's list. Eric Zwerling stated that Ms. Perez should look up the municipal code, searching for "noise", "nuisance" and "disturbance" and cite it to the city council if the cops rejected her complaints. Jack Zybura stated that the code number is 296-12. Mr. Triggs stated that Ms. Perez can use the Environmental Rights Act and sue the town or threaten to hire an attorney if they are not enforcing it. Chairman Szulecki stated that since Union City has regulations on the town level, they can enforce noise from residential properties. Ms. Perez stated that the police came to her residence but could not hear the noise since they measured it from the street, but you can hear it better from the backyard. Ms. Perez stated that she had a court date for mediation but it was rescheduled, and once the second ticket was issued, the first mediation was finally scheduled but was eventually dropped. Ms. Perez stated that the neighbors will still occasionally play music through the night. Mr. Triggs suggested that Ms. Perez keep a log of the noise. Ms. Perez stated that the police recorded the noise but did not show up in court. Chairman Szulecki stated that Ms. Perez can get body camera footage if the police do not provide it during discovery because the judge can put in an official order to get discovery information. *David Triggs motioned to close Public Discussion, with Daniel Lefkowitz seconding. All were in favor, so the motion carried.*

MEETING MINUTES

October 2025: Jack Zybura motioned to approve the minutes, with David Triggs seconding. Arnold Schmidt stated that the word “be” should be added in between “should” and “added” under Model Ordinance in New Business. Eric Zwerling stated that the word “here” should be changed to “herein” and “Section II” should be changed to “Section XI” under Model Ordinance in New Business. A vote was taken to approve the minutes as amended, and all were in favor except Chris Bergacs who abstained due to being absent from the November meeting. The motion carried.

CHAIR REPORT

Status of 7:29 Amendments: Michelle Feasel stated that they are waiting for the adoption document to get approved.

NEW BUSINESS

Virtual Meetings: Michelle Feasel stated that she and Christy Choo met with the NJDEP liaison for the Clean Air Council to discuss the logistics of having virtual meetings. Ms. Feasel stated that the Clean Air Council sends out the Teams meeting invites at the beginning of the year so that Council members could have it in their calendar. It is not used as an alternative meeting option for weather-related issues. The Clean Air Council does not meet in Executive Session so they could not provide insight into removing the public from the meetings. The Clean Air Council also utilizes the raise hand function on Teams to determine who speaks, as well as only brief summaries for the meeting minutes. The Clean Air Council has their NJDEP liaisons’ email on their website so the public can contact him directly for the link to the meeting. David Triggs suggested having the February meeting be virtual to try it out. Daniel Lefkowitz stated that there is a lobby in Teams that the host can control. Chairman Szulecki suggested that either Michelle Feasel and Christy Choo sit in on the next virtual Clean Air Council meeting or the NJDEP liaison from the Clean Air Council sits in on the Council’s trial run. Eric Zwerling stated that potential issues with having the virtual meeting can include connectivity issues, noise echoing, and Teams being shut down. Chris Bergacs asked how the Council will meet in virtual Executive Session. Mr. Zwerling suggested having a second meeting. Mr. Triggs suggested having it at the end of the meeting. Mr. Lefkowitz suggested adding and removing the public from the lobby as needed. Philip Makrelis suggested using breakout rooms. Ms. Feasel stated that she will set up a trial run meeting and send the link to the Council. Chairman Szulecki emphasized that the test meeting is not a Noise Control Council meeting and that no council business will be discussed. Mr. Triggs asked if the public will be able to call in and use the functions, namely the raise hand function. Mr. Lefkowitz suggested that Michelle Feasel update her away message if she is away before a Council meeting so that the public can email Christy Choo to attend the meeting. Mr. Bergacs asked if there is an email address for noise on the website. Ms. Feasel stated there is just the number to their groups mainline on the website. Jack Zybura suggested creating an email for noise so that Michelle Feasel and Christy Choo do not have to put their own emails on the website.

Middlesex Noise Data: Philip Makrelis brought Middlesex’s noise data to review with the Council so the Council could see which citations were violated and the distribution of the citations. Chairman Szulecki stated that the Council would have to make OPRA requests for each county if Middlesex’s noise enforcement data is helpful. Chris Bergacs asked if the DEP has access to this information. Mr. Makrelis stated that the DEP just receives the total number of complaints. Ms. Feasel stated that some counties have more municipalities with approved noise ordinances so the

total number of inspections a county does may not be representative of the counties' noise issues. Mr. Makrelis stated that Edison does their own in Middlesex and that they will keep them informed if there is overlap.

Status of 7:29 sunset date: Jack Zybura stated that *N.J.A.C 7:29* is set to sunset in 2026. He asked how that was going to work with the previous version still not finalized. He added that it could light a fire to get it completed.

OLD BUSINESS

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

Vehicles Entering and Exiting: Chairman Szulecki stated that this topic was recently brought up to Jack Zybura from a member of the public and asked if there was a timeline on the issue. Jack Zybura stated that they do not have a timeline. David Triggs stated that the Council never put it in the guidance document. Chairman Szulecki stated that the Council previously discussed how there is a consensus on the issue but that it was difficult to address. He stated there are line of sight issues preventing barriers, and that a house across the street has no option for boundary mitigation. He stated that once a tire is out of the facility, it would be louder across the street. He asked if the facility should need to come into compliance if it is exempted once on the street since it is a public roadway. Mr. Zybura stated that he would try and draft some language. Chris Bergacs asked if the motor vehicle code references this and regulates how loud a muffler can be. Mr. Zybura stated that the Council would not reference it because it might be 50 dB beyond the limit, essentially exempting it. Mr. Zybura agreed to formulate language and Mr. Bergacs stated that he would put together his thoughts on the topic as well.

Model Ordinance:

Section II: *Jack Zybura motioned to add "knowing" to the definition of minor violation, with David Triggs seconding.* Jack Zybura stated that in the Grace Period Law, the correct order is "purposeful, knowing, reckless, criminal," so it should be the same in the model. *All were in favor, so the motion carried.*

Section III: Chairman Szulecki stated that Section III had a few grammatical changes.

Section VIII: *Joseph DiFillippo motioned to incorporate the text in the model, with Jack Zybura seconding. All were in favor, so the motion carried.*

Backyard Parties Permit: Sal Fama submitted edits to the model ordinance before the December meeting regarding a special permitting provision for special events, and read the proposed provision out loud for the group, "Residential special provision: For a residential special event such as a backyard party where dancing is desired (graduation party, birthday party, etc.), where a sound production device will be utilized, the A-weighted sound level standard, when measured outdoors, shall be 80dBA during one continuous 4-hour period between 7:00am and 10:00pm, contingent upon the approval of a formal application made by the residential property owner to the town council or local governing body within three weeks (21 days) of the special event. The residential property owner shall be in possession of the written approval for this provision prior to

commencement of the utilization of the sound production device.”. Jack Zybura stated that the state noise code already exempts permitted public celebrations, so it is not too dissimilar to something already in place. Chairman Szulecki stated that there are criteria to what is considered a public celebration. Eric Zwerling stated towns could hand out these permits freely to everyone and the events could become fairly regular. Mr. Fama stated that the local governing body will handle the permit, and that neighbors can show up to the town council to prevent the permits from being issued. Arnold Schmidt stated that the local governing body may delegate it to a clerk. Mr. Schmidt stated that the municipality must have their council approve the permits and not delegate it to someone else. Chairman Szulecki asked what the implications would be, why would one party get more rights, and even if it could be limited to once a year, each neighbor in a community adds up. David Triggs asked if homeowners would know that they need a permit and what would happen if they did not get a permit. Mr. Zwerling stated that if a municipality adopts the model, the section this language is being proposed in is not optional so it would require towns to adopt a mechanism for the permit. Mr. Zybura stated that the Council can put the party permit in the optional section. Michelle Feasel stated that most towns adopt the entire model as is, and they focus on the issue they are trying to address by adopting it. Chairman Szulecki stated that setting a maximum level and duration is not practical. Chairman Szulecki asked how the start and end of the party would be managed, and who would determine it was on time and monitor it. Adding that four hours can be in any window of the day and would require someone to monitor the party to make sure it does not exceed 80 dB in that timeframe. Arnie Schmidt stated that he was not in favor of an 80 dB limit. Mr. Fama stated that it would be enforced by the same investigators enforcing the model ordinance. Chairman Szulecki stated that there is a difference between monitoring and enforcement, and this would be a monitoring issue. Mr. Zwerling stated that court cases for noise are very detail oriented and there would need to be party measurement protocols. He added that he feels enforcement officers are not likely to come out if they think there is a permit for the event. Mr. Fama stated that 80 dB is the maximum and it is not harmful to human hearing and it would be enforced just like any other noise limit in the model. Chairman Szulecki stated that human health is impacted at 80 dB. Mr. Fama suggested that everyone in the Council should know what 50, 65, and 80 dB are and suggested for someone to demonstrate these levels to council members who may not realize what they actually sound like. Mr. Zwerling stated that 65 dB is what the EPA determined is difficult to have a conversation at, and that 80 dB requires cupping a hand around your ear to be able to speak to someone across from you, adding that it is not inconsequential. Philip Makrelis stated that these permits would require framework, procedure, and overhead. Mr. Makrelis stated that people may wait for months for the permit. Mr. Fama stated that the noise officers must go out anyways to enforce resident to resident in the model. Mr. Makrelis suggested having a flowchart in the guidance document for procedures because towns handle noise differently. David Triggs stated that the human voices at the party while talking and singing would also need to be considered.

Chris Bergacs asked what must be in the model ordinance for it to be approved. Ms. Feasel stated that towns cannot change much in the model ordinance, they can select optional sections and adjust curfew times. Mr. Bergacs asked how many towns have ordinances that are not recognized. Chairman Szulecki stated that there are many, however, they are technically not legally enforceable. Mr. Bergacs asked what happens if a town changes the model after approval. Mr. Triggs stated that the town would have to resubmit it for DEP approval if they amend the model. Mr. Bergacs asked if the model goes to public notice. Mr. Triggs stated it does not, and Chairman

Szulecki stated that it goes on the website. Mr. Zybura stated it would be on towns' public notice if they want to adopt it. Chairman Szulecki stated that previously approved ordinances are still valid, after the model is updated. Mr. Bergacs suggested a paragraph-by-paragraph breakdown of the model and what needs to be included for it to be approved. Mr. Zwerling stated that synopsis of the changes made to the model and the state noise code, would be beneficial.

Mr. Zwerling added that with the complexities of the permitting process and enforcement, if he could vote, he would not be in favor of the proposed amendment. Mr. Fama stated that a NOPA could be provided to the residential property owner having a party that included the use of a sound production device, which is up to \$2,000 without a 30-day grace period. Chairman Szulecki stated that they are subject to turning down the volume or getting a fine. Mr. Zwerling stated that they can bring the party into compliance if there is a written warning. Mr. Fama stated his proposal is to allow parties without being subjected to the \$2,000 fine. Mr. Triggs asked how that is fair to the neighbors. *David Triggs motioned to not include a permitting process for backyard parties in the model, with Jack Zybura seconding. All were in favor, except Jack Zybura and Sal Fama who opposed. The motion carried.*

Section VIII(B): Chairman Szulecki shared his proposed edits to this section on the overhead projector. *Chairman Szulecki motioned to adopt the language as written, with Jack Zybura seconding.* Jack Zybura stated that it should say "standards" instead of "limits." *All were in favor, except Sal Fama who opposed. The motion carried.*

Section XI(D)2: Chairman Szulecki proposed the wording "minimum 30 days; maximum 90 days." *Jack Zybura motioned, with David Triggs seconding. All were in favor, except Sal Fama who opposed. The motion carried.*

Section XI(E): *Jack Zybura motioned, with Philip Makrelis seconding.* Arnold Schmidt asked if the phrase "issued without penalty" is redundant, because the definition of an Notice of Violation (NOV) means without a penalty. Chairman Szulecki stated that it is more for the public because any certified person would know what an NOV is. David Triggs stated that they don't have to issue an NOV if there is no violation, so it is misleading. Chairman Szulecki proposed making it "a warning without penalty." Daniel Lefkowitz stated that it should be "an NOV" instead of "a NOV," as well as "i.e." instead of "e.g." so it is grammatically correct. Joseph DiFillippo suggested moving "is issued" to after the parentheses. Michelle Feasel will fix the "an NOV/NOPA" issue throughout the document. Jack Zybura asked if "December 2014" in the penalty amount is dating the document, and if it should be updated to the most recent version of 2024. Mr. Triggs stated that December 2014 was when the error in penalty amounts was found, so as of that date it has been corrected. *David Triggs motioned to vote on this language, with Arnold Schmidt seconding. All were in favor, except Sal Fama who opposed. The motion carried.*

PUBLIC DISCUSSION

Arnold Schmidt motioned to open Public Discussion, with Philip Makrelis seconding. All were in favor, so the motion carried. Madelyn Perez said thank you to the Council. *Jack Zybura motioned to close Public Discussion, with Daniel Lefkowitz seconding. All were in favor, so the motion carried.*

ADJOURNMENT

Jack Zybura motioned to end the meeting, with Daniel Lefkowitz seconding. All were in favor, so the motion carried. The meeting was adjourned.

NEXT MEETING

The next meeting is scheduled for Tuesday, January 13th at 9:30 AM.

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