

NEW JERSEY NOISE CONTROL COUNCIL (NCC)
FEBRUARY 13, 2018
MEETING MINUTES

ATTENDEES: Arnold Schmidt (Chairman, Public Member), Steve Szulecki (Vice Chairman, Public Member, Ecologist), Randy Hauser (Department of Labor), John Lago (Department of Community Affairs), Salvatore Fama (Motor Vehicle Commission), Dr. Iris Udasin (Public Member, Medical Doctor), Norm Dotti (Public Member, Industrialist), Jerome Feder (Public Member), Eric Zwerling (Director, Rutgers Noise Technical Assistance Center) and David Triggs (Department of Environmental Protection, Noise Control Council Liaison).

PUBLIC: Jack Zyburra (Lewis S. Goodfriend and Associates), Mark Roskein (Bridgewater) and Mark Parisi (Howell Township).

MEETING MINUTES

Due to extensive revisions to the January meeting minutes proposed by Chairman Schmidt, John Lago, Salvatore Fama, Eric Zwerling and Jerome Feder, the approval was tabled until the changes are added.

CHAIR REPORT

There has been no update from the Governor's Office regarding pending appointments or re-appointments.

NCC COMMUNICATIONS/CORRESPONDENCE

Mark Parisi, a resident of 2 Castle Court in Howell Township, N.J., contacted NCC Liaison David Triggs regarding a noise issue involving a movie theater near his home. Mr. Triggs invited him to the NCC's meeting to present his case, which he accepted. As a result, Randy Hauser motioned to open the meeting to the public and Salvatore Fama seconded it. All were in favor except Norm Dotti, who abstained. Mr. Parisi stated that in 2014 he and his wife purchased a home near a mall. The mall had empty lots which were subsequently rezoned from agriculture to HD-1. A movie theater, which was originally planned to be built two miles away, was instead constructed in 2016 a few hundred feet from his home. The new facility, which consists of fourteen theaters, two of which are IMAX, was supposed to be soundproof. Mr. Parisi began to hear a "rumbling" noise, similar to thunder, during certain movies playing in the IMAX theaters. In June of 2016, theater representatives came to his home to observe the noise and stated that they would address the problem. When the theater plan was presented in 2015, the township's noise code included plainly audible language that the theater would likely violate. In fact, the town issued the theater a plainly audible violation which it never enforced, since the Code was updated with the NJDEP's Model Noise Ordinance, which no longer includes the plainly audible language. The Model does include indoor measurements for C-scale, although the township does not have the personnel or equipment to take sound level measurements. Mr. Parisi believes that the Monmouth County Health Department (Monmouth) has a Unified Shared Services Agreement with Howell Township to assist with taking sound level measurements, but he did not have a copy. It's unclear whether the agreement includes taking indoor measurements, which Monmouth is not required to do under N.J.A.C. 7:29. Mr. Parisi hired Eric Zwerling to take sound level measurements and Mr. Zwerling conducted sound level measurements on the C-scale inside the residence. He found that levels exceeded the permissible limits in the Model Ordinance, which had not yet been adopted by Howell Township. The owners of the movie theater agreed to make some modifications to lower the sound. While the changes did reduce the indoor noise, the outdoor noise is still noticeable. Mr. Parisi would like the township to add the plainly audible language into their newly-adopted noise ordinance (which had not been reviewed and approved by the DEP at the time of this meeting). Some members of the NCC felt that the plainly audible language would be

more appropriate in a nuisance code. The NCC recommended getting a copy of Howell's agreement with Monmouth. Additional measurements also need to be taken to determine if a violation exists. Mr. Zwerling recommended that in the meantime, Mr. Parisi should use "masking noise," which is available via phone apps to help filter out the theater sound. The NCC would like to hear the theater's side of the story and would encourage their representatives to attend a meeting to present their case.

OLD BUSINESS

- *Round Table Part 150:* Because of public comments on the revised draft 2016 Noise Exposure Map (NEM), the Technical Advisory Committee (TAC), Port Authority (PA) and Project Team, decided to not submit the NEM to the Federal Aviation Administration (FAA) and instead will prepare a 2019 NEM with 2019 and 2024 aircraft operations that represents the existing and forecast conditions respectively. The PA will also continue with the development of the Noise Compatibility Program. The Project Team determined that the 2016 actual operations at EWR were not consistent with the aircraft operations included in the 2016 NEM document. This could be due to changes from a Level 3 slot controlled airport to Level 2, less flight cancellations in 2016 than in any previous year and a general increase in aviation activity.
- *Revisions to N.J.A.C. 7:29:* Due to the amount of time spent on the public portion of the meeting, Chairman Schmidt referred to sections of the Regulations that were tabled from prior meetings.

Agricultural Exemption: Steve Szulecki did not prepare a presentation. He will invite the State Agricultural Development Committee to a future NCC meeting to discuss how they address noise issues at farms.

Backup Beepers: Randy Hauser provided some background information via NIOSH and OSHA links. OSHA requires the use of "audible" backup beepers, although there are viable options to reduce the noise they create. Salvatore Fama will provide additional information to the subcommittee which is scheduled to meet on March 2nd.

Public Celebration: Steve Szulecki handed out a draft definition for "Public Celebration." The proposed definition reads as follows: *An event such as a festival or parade commemorating a special occasion where the event is open to attendance by all residents of the sponsoring governmental entity and there is no entrance fee or a minimal entrance fee to offset basic costs associated with the event. A government entity may establish their sponsorship of a public celebration through a resolution of the governing body or by permit.* The definition was widely accepted but not voted on. Some members felt that it shouldn't apply to fireworks at a ballpark or a block party. It should also not pertain to practices. "Basic costs" would cover things such as police protection and staff overtime. It was not clear what the "minimal" amount should be. Further evaluation is needed but due to time constraints, the discussion ended without a vote.

NEW BUSINESS

No new business was brought up.

PUBLIC DISCUSSION

Refer to Communication/Correspondence

EXECUTIVE SESSION

There was no need to go into Executive Session.

NEXT MEETING

The next meeting is on March 13th at 9:30 A.M.

Respectfully submitted by: David Triggs, NJDEP Liaison to the NCC