

**NEW JERSEY
NOISE CONTROL COUNCIL (COUNCIL)
FEBRUARY 10, 2026
MEETING MINUTES
Virtual**

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), Keith Henderson (Department of Community Affairs), Syed Rashid (Department of Labor), 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), Christy Choo (NJDEP Co-Liaison to the Council), and Walter Beland (NJDEP).

Members of the Public: Xingmei Liu (Massachusetts DEP), Madelyn Perez (Union City)

MEETING MINUTES

January 2026: Chairman Szulecki had edits to the January meeting minutes that he shared on the screen. David Triggs stated that he did not ask “what the alternative is to re-adopting without change.” Chairman Szulecki stated that the statement could be amended to attribute the question to him. Mr. Triggs stated the rule change for “industrial source” was done in 2019. Chairman Szulecki stated that it was changed before that, potentially in the 2012-2015 range. After some discussion, Mr. Triggs stated that it was changed in 2012, and proposed the minutes be updated to the correct date. Jack Zybura suggested using different phrasing instead of “kicking the members of the public out of the meeting.” Chairman Szulecki suggested “temporary removal.” Arnold Schmidt suggested “excusing.” Sal Fama suggested “moving out of the Executive Session room.” Michelle Feasel clarified that this statement was not about the breakout rooms, it was about removing the public members from the meeting and have them rejoin through the original link. Keith Henderson suggested “closing the meeting to the public and then re-opening it.” Mr. Schmidt asked for an update to the reappointment status because his term is until the end of this year. Chairman Szulecki stated they will discuss that issue during the Chair Report. Chairman Szulecki stated that “facilities” should be “facility’s” under Old Business. He also stated that “Szulecki” was spelled incorrectly several times throughout the document. Chairman Szulecki suggested adding “in the MNO” when explaining that exemptions are carried over. Mr. Schmidt stated that “and” should be changed to “so” in Section IX. Chris Bergacs stated that “citizen” should be changed to “police officer” in Section X(A). In reference to “whoever issues the summons must appear in court,” Mr. Schmidt suggested that all CEHA personnel be trained on appearing in court because a lot of NCOs/NCIs/health officers are not trained. Chairman Szulecki stated that many health officers take odor training in addition to noise training, and the odor training has someone with a law background who goes over testifying and preparing for court. Chairman Szulecki stated that the training is not focused on noise, and that municipal enforcement officers would not have this opportunity for the training. Mr. Fama stated that when he worked for Passaic County, the

county prosecutor would brief them on how to appear in court. Walter Beland stated that there used to be an all-day training course from the DAG's office. Mr. Beland suggested that they have something for the next CEHA meeting, however, not every officer attends. Eric Zwerling stated that in the current noise course, they have testimony development as they learn how to make observations and defend those observations. Mr. Zwerling stated that NCOs are required to take the course as they take measurements, while NCIs do not do metered enforcement, so there is no opportunity to train them. The Council stated that they will discuss this further during the March meeting. Mr. Zwerling stated that it should say "changes in referring to the NJ noise code as *N.J.A.C. 7:29* for over 50 years" instead of "changes in its time." Chairman Szulecki added the specific abbreviations "NCO/NCI" in Section X(A). *David Triggs motioned to approve the minutes as amended, with Arnold Schmidt seconding. A vote was taken to approve the minutes. All were in favor, except Keith Henderson who abstained since he was not present at the January meeting. The motion carried.*

CHAIR REPORT

Status of 7:29 Amendments: Michelle Feasel stated that the new governor put a 90-day pause on all new rules with Executive Order No. 7, so she had to write a justification letter for why the noise rule should not have to wait 90 days. Ms. Feasel explained the justification she used, which was that the noise rule protects the welfare and safety of the public; the Council is also waiting for the *N.J.A.C. 7:29* Amendments to pass to update the Model Noise Ordinance. Daniel Lefkowitz asked if there are updates to the existing rule, will it still get held up. Ms. Feasel stated that she was told everything past the 2/2/26 New Jersey Register is held up. Chairman Szulecki stated that once the Model Noise Ordinance is approved, the Council must update the guidance document.

Modified Muffler Bill: Chairman Szulecki stated that there are no modified muffler updates. Chairman Szulecki stated that he was unable to ask one of the legislative aides to see if S507 will continue as S507 in the new legislature. He stated that he will circle back and discuss it during the March meeting.

Vacant Position/Re-appointments: Chairman Szulecki stated that the Council needs to fill the Industrialist position since Norm Dotti left and suggested moving Chris Bergacs to that designation so his Public Member designation can be for anyone. Jack Zybura stated that the oath for the reappointment did not contain the term length and suggested that each member's term could be adjusted without additional paperwork. David Triggs asked if the Council members should continue with the reappointments. Chairman Szulecki stated yes and that they should get the reappointment letter notarized, signed, and submitted, and have the date changed later. Arnold Schmidt stated that his reappointment is for one year and it ends January 1, 2027, but that it should be for four years. Ms. Feasel stated that she will send Chairman Szulecki a list with the Council members' terms and will indicate where the term length was incorrect. Chairman Szulecki asked if there was any update on the Noise Control Council's webpage. Walter Beland stated that every webpage for the Department needed to be updated and that he estimates they are about 60-70% done. He added that there is probably going to be some delays as the Department's new Commissioner transitions.

PUBLIC DISCUSSION

Arnold Schmidt 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. There were no comments from the public. Arnold Schmidt motioned to close Public Discussion, with Dr. Iris Udasin seconding. All were in favor, so the motion carried.

NEW BUSINESS

Middlesex Noise Data: Chairman Szulecki suggested that the Council hold off on reviewing the noise citations in Middlesex County for the March meeting.

Review Guidance Document: Chairman Szulecki stated that the Council should keep in mind that they will need to update the guidance document.

OLD BUSINESS

Model Ordinance: Chairman Szulecki stated that the Model Noise Ordinance must be consistent with the upcoming amendments to the state code and asked the Council if they would like to discuss providing flexibility for decibels that are lower, provided that ambient levels are lower such as in a rural area. Chairman Szulecki discussed X above ambient and stated that the ambient level is lower in rural areas and higher in urban areas, so there is a large difference in ambient levels and what is permitted which can be an annoyance. Chairman Szulecki stated that some municipalities want lower permissible limits, and that in the 90's, the DEP had an Office of Noise Control that allowed them to lower the limits. He stated that that office had a full staff, and once it was removed, it made it more difficult to allow for flexibility from the Model. Jack Zybura stated he is open to discussion but does not want to hold up the Model Noise Ordinance and that the Council can tackle this in a future revision. David Triggs, Arnie Schmidt and Phil Makrelis all stated they agreed with Mr. Zybura's stance. Mr. Triggs stated that he was not in favor of letting municipalities lower the limits at random as it will overcomplicate it, also suggesting it would make it difficult to approve and train. Mr. Triggs stated that rural areas are different than urban areas but there are rarely noise complaints from rural areas. Eric Zwerling stated that the Council should promulgate the Model Noise Ordinance as written. Mr. Zwerling stated that for many jurisdictions, the main issue is sound reproduction devices. He stated that any modification would have to be a 60dB and 45dB limit, where there is a statement that says the model needs to be adopted verbatim and only allow modifications to the cover sheet if the Council went forward with this. Chairman Szulecki agreed that if they moved forward with this, the decibel would be limited to 5dB or 10dB lower. Sal Fama stated that he wants to explore X above ambient. Chairman Szulecki stated that New York state uses X above ambient, but it has pros and cons. He stated that it allows adjusting levels for the soundscape; when ambient levels are low, levels from the factory must be low and when ambient levels are high, levels from the factory are high. Chairman Szulecki stated that noise control is dictated by N.J.S.A. 13:1G and that changes here would change the ruling.

Chairman Szulecki asked if there were any other proposed changes to the Model Noise Ordinance. Chairman Szulecki stated that they should prepare a final document for review and be prepared to vote on it in March. Jack Zybura asked if there could be a clean version with the accepted changes for internal review to see what the final document would look like. Mr. Zybura suggested having a final tracked changes document and a final accepted text pdf so there are two versions. Chairman

Szulecki and Arnold Schmidt suggested having the changes underlined in the clean copy so that the changes are identified. David Triggs and Mr. Zybura suggested having all the changes accepted in the clean copy. Michelle Feasel stated that the Model Noise Ordinance draft was manually changed and not completed with tracked changes. Daniel Lefkowitz stated that you can toggle different markups using tracked changes. Ms. Feasel stated that they will make a copy with the tracked changes and the Council can toggle which way they want to view it, and that she can also make specific copies upon request. Keith Henderson asked if the MNO defines A-weighting, since it references A-weighting throughout the document, adding he did not see C-weighting mentioned but that the C-weighting is defined. Mr. Zybura stated that there is a reference to dBC in Table IV. Mr. Zybura stated that A-weighting is defined in the state code and that the MNO does not duplicate definitions. Chairman Szulecki requested that the Council review the final MNO document before the March meeting.

Guidance Documents: Gun Ranges: Eric Zwerling gave an update on the gun range in Sussex County; he was told measurements were taken and found in violation of exceeding the limits in *N.J.A.C. 7:29*. He stated that documentation was provided to the prosecutor's office, but they did not want to get involved. He also stated that the gun range was initially a couple of acres but has expanded to 200 acres to house golf with shotguns. Mr. Zwerling stated that there are allegations that the gun range was dormant for a period of time, as well as questioned if significant expansion is included in the definition of "unmaintained" for the exemption for gun ranges. He stated that since it is legal language it needs to be fleshed out in court. Mr. Zwerling provided another recent situation where a private person opened a gun range on his property and used an LLC for insurance purposes. Chairman Szulecki stated that they should provide guidance for counties and municipalities for what the regulations and statute say, and what is needed to make the determination if a gun range is exempt or not. Chairman Szulecki read his proposed gun range guidance document aloud. Arnold Schmidt stated that #2 addressed the Sussex County issue. Chairman Szulecki stated that over the years, some older facilities close and new ones open, which means that compliance is achieved over decades. David Triggs asked if the site plan approval is the same as the permit to operate. Mr. Zwerling asked if expansions are considered maintenance or if it goes beyond it and suggested having a judge weighing in on this. Michelle Feasel stated that the DAG gave advice on this topic in the past. Mr. Triggs suggested looking in his old filing cabinet or past meeting minutes for information on the subject. He stated that the DAG's advice they received was not helpful. Chairman Szulecki stated that his proposed guidance is a roadmap to help gather information and not a legal document, and the real decision-making happens in a court of law. Mr. Triggs stated that some counties are reluctant to enforce because gun ranges are often used by the military and state and local police. Mr. Zwerling provided an example where the City of Cape May had a municipal garage that was the subject of noise complaints, and they would not enforce upon their own source. The county, with overlapping jurisdiction stepped in and did. Mr. Triggs stated that the counties sign the CEHA contract so they must enforce it or they could be threatened with having funding withheld. Joseph DiFillippo asked if the county can enforce if the source of noise is the state. Chairman Szulecki stated he thinks so. Mr. DiFillippo provided an example where a major state university was investigated but claimed they were the state so it would not be enforced. Mr. Schmidt asked for the name of the act where they can be prosecuted if they are not doing their job. Mr. Triggs stated that it is the Environmental Rights Act. Mr. Triggs stated that the National Rifle Association (NRA) can send out a team to the facility to reduce noise and proposed that they include the phone number for the NRA site technical team in the guidance

document. Chairman Szulecki stated that would be guidance for the facility and that they need to be careful if they include it so that the facility doesn't say "you told me to do this"; he suggested that they think about how to include it. Chairman Szulecki stated he would send out the document for everyone to review.

Modified Exhaust Systems/Backfiring MVs: The Council decided to table this topic.

Vehicles Entering and Exiting: Chairman Szulecki stated that him and Jack Zybura can offer guidance language for trucks entering and exiting facilities prior to the March meeting. Chairman Szulecki stated that if all tires are on the facility, the facility is the noise source. He provided an example where a house across the street is impacted but they cannot remedy it because there is no barrier in front of the house and they cannot re-orient the drive path. Chairman Szulecki stated that there is no easy way to force a facility to be compliant.

By-Laws Review: Chairman Szulecki stated that the Council should review the by-laws. David Triggs stated that he previously proposed some changes. Sal Fama asked for a copy via email. Syed Rashid stated that he does not have a copy of the by-laws. Christy Choo stated the latest version of the by-laws is from November 2021. Michelle Feasel stated they will send the by-laws to the Council with the tracked changed Model Noise Ordinance ahead of the next meeting.

PUBLIC DISCUSSION

David Triggs motioned to open Public Discussion, with Philip Makrelis seconding. All were in favor, so the motion carried. Xingmei Liu discussed Massachusetts' noise policy. Chairman Szulecki stated that it is similar to New York state as they can have a sliding scale over 10 dB above the ambient sound level. Eric Zwerling stated that Philadelphia and New York City also use X above ambient. Arnold Schmidt asked why the Massachusetts Department of Environmental Protection attended this Noise Council meeting. Ms. Liu stated that Massachusetts DEP wants to update their noise policy, and Michelle Feasel invited her to the meeting. Mr. Zwerling stated that he teaches a noise certification course where he goes over *N.J.A.C. 7:29* and the Model Noise Ordinance line by line if Ms. Liu is interested. *Arnold Schmidt motioned to close Public Discussion, with Chairman Szulecki seconding. All were in favor, so the motion carried.*

ADJOURNMENT

Joseph DiFillippo motioned to end the meeting, with Arnold Schmidt seconding. All were in favor, so the motion carried. The meeting was adjourned.

NEXT MEETING

The next meeting is scheduled for Tuesday, March 10th at 9:30 AM. The March meeting will be in person.

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