

NEW JERSEY NOISE CONTROL COUNCIL (NCC)
JULY 11, 2017
MEETING MINUTES

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

PUBLIC: Jack Zybura (Lewis S. Goodfriend and Associates)

MEETING MINUTES

Randy Hauser motioned to accept the June meeting minutes and Norm Dotti seconded. Joseph Lepis requested that wording be included regarding the “at or within” controversy. It was pointed out that an entire paragraph captures the exchange and the other members felt that nothing needed to be added. The minutes were subsequently unanimously approved as is.

CHAIR REPORT:

- There was nothing new to report on NCC appointments.
- The NCC decided not to meet in August due to a projected low attendance.
- The penalty matrix and emergency generator guidance documents were posted on the CEHAN Portal. The emergency generator guidance was also posted on the DEP’s noise website. Both were also e-mailed to the municipal clerks for local distribution. They will be added to the next Rutgers Community Noise Enforcement Training Manual.
- Arnold Schmidt contacted a Rutgers’ representative from Transportation Services regarding parking, as a result of a Rutgers police officer distributing warnings to some NCC members at the last meeting. After filling out a form and providing a meeting schedule, Chairman Schmidt was informed that the NCC members will be allowed to park in front of the building and on nearby Lot 94 without requiring a parking permit during meeting times. Steve Szulecki stated that, in the future, any problems associated with the building should be handled by either he or Eric Zwerling, as they are Rutgers employees, and Rutgers hosts the meetings.

NCC COMMUNICATIONS/CORRESPONDENCE:

There was no correspondence to the NCC.

OLD BUSINESS:

- *Roundtable Part 150 Study:* The Roundtable is on summer recess. Draft noise exposure maps are available online for public comment.
- *Motor Vehicles Entering and Exiting Properties:* Norm Dotti informed the NCC that no progress has been made. Chairman Schmidt stated that he would leave it on the agenda until told otherwise.
- *N.J.A.C. 7:29 Revisions:* Most of the meeting was dedicated to reviewing N.J.A.C. 7:29 for amendments.
Chairman Schmidt: He felt that the best way to approach the amendments would be to allow each member to propose an amendment(s) which would then be voted on by the attending members. If accepted, the amendments

will then be tracked in a master document maintain by Chairman Schmidt. Everyone agreed to this approach. Brackets should be used to demonstrate the removal of wording in the code and underlines for adding anything.

Salvatore Fama: Mr. Fama felt that since the racetrack exemption does not have a grandfathered date, then firing ranges shouldn't either. Firing ranges that have been maintained continuously at the same location since January 24, 1972 are currently exempt, while all others are not. Other members did not agree with the analogy. He feels that the regulation is biased and discriminatory based on the fact that racetrack noise is exempt and other recreational activity is not. He considers this unconstitutional. Racetracks are permitted locally and the permits regulate the type of activity. Only racing is exempt, not activities such as concerts. Mr. Fama felt that the current regulations impede local entrepreneurs from starting a new firing range. He also felt that current ranges with new homes constructed nearby would be unduly subjected to the regulations as a result of poor planning. Norm Dotti motioned to leave the exemption as is, but to keep the discussion alive during the amendment process, which could be nearly two years. Randy Hauser seconded. All members were in favor of the motion with Mr. Fama opposed. The wording for the firing range exemption will therefore remain unchanged for now. Dr. Udasin felt that the NCC should take into account other health hazards associated with firing ranges, such as lead poisoning, especially for people cleaning indoor facilities.

Eric Zwerling: Mr. Zwerling proposed the following addition to the Agricultural Activity exemption: *"with the exception of the production of amplified sound for any purpose other than relocating wildlife as per N.J.A.C. 7:29-1.5(a)4."* He would also like to add the following wording to the exemption for Public Celebrations: *"for which a government permit has been issued."* None of the members were opposed to these amendments. Mr. Zwerling had more suggested changes but the floor was yielded to Joseph Lepis.

Joseph Lepis: Mr. Lepis proposed adding a definition for Beach Bar. The other NCC members objected since it isn't part of the current regulations. It was created through a separate bill passed by the State Assembly approximately five years prior, without any input from the NCC, The Rutgers Noise Technical Assistance Center or the NJDEP. Chairman Schmidt motioned that since no regulatory action has been taken thus far, he recommends that the proposed amendment be denied. Vice Chairman Szulecki seconded. All were in favor with Mr. Lepis opposed. The motion therefore passed. Mr. Lepis also proposed changes to the definition of Commercial Facility, to help address the "at or within" issue. He proposed adding the following language: *"On any commercial parcels larger than five acres on the town assessor list, the portion of said commercial property which is actively used as part of facility operations."* He also proposed similar wording for the definition of "Industrial facility." The other members were against the change as it would make only the portion of the facility used to be subject to the regulations. They also felt the addition was overly worded and confusing. Mr. Lepis withdrew the suggestions and will re-word and possibly resubmit it at another meeting. Mr. Lepis also suggested adding a definition for C-weighted Sound Level; however, the other members felt that it was not necessary, as the C-scale is not mentioned in the regulations, only the local code. Mr. Lepis proposed adding "or peak hold" to the definition of "Maximum sound level." Norm Dotti pointed out that it should not be included for an impulse measurement.

Norm Dotti: Mr. Dotti motioned to remove the definition for "Electricity generation" since it is already included under the definition of "Industrial facility." John Lago seconded and all of the members were in favor, so the motion passed.

- *Model Revisions:* Revisions to the Model were not discussed.

NEW BUSINESS:

There was no business to discuss.

PUBLIC DISCUSSION

There was no public discussion.

EXECUTIVE SESSION:

There was no need to go into Executive Session.

NEXT MEETING:

The August meeting was canceled and the cancellation will be posted on the DEP noise website. The next meeting is on September 12th at 9:30 A.M.

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