

**NEW JERSEY NOISE CONTROL COUNCIL (NCC)**  
**JUNE 12, 2018**  
**MEETING MINUTES**

**ATTENDEES:** Arnold Schmidt (Chairman, Public Member), Steve Szulecki (Vice Chairman, Public Member, Ecologist), John Lago (Department of Community Affairs), Salvatore Fama (Motor Vehicle Commission), Eric Lieberman (Department of Health), Joseph Lepis (Public Member, Civil Engineer), Norm Dotti (Public Member, Industrialist), John Kapferer (Public Member), Jerry Feder (Public Member) Joseph DiFillippo (Candidate Member for vacancy left by John Surmay), David Triggs (NJDEP Liaison to the Council) and Michelle Feasel (NJDEP Co-Liaison to the Council).

**PUBLIC:** Jack Zybura (Lewis S. Goodfriend & Associates) and Mark Roskein (Manville)

**MEETING MINUTES**

John Kapferer motioned and Joseph Lepis seconded approving the April meeting minutes. All were in favor with Norm Dotti and Eric Lieberman abstaining. The motion passed.

Norm Dotti motioned and Eric Lieberman seconded approving the May meeting minutes. All were in favor with Jerry Feder abstaining. The motion passed.

**CHAIR REPORT**

- In accordance with Robert's Rules, Chairman Schmidt instructed non-members in attendance to hold off on commenting until the public portion of the meeting is open, unless a NCC member specifically requests their opinion.
- Chairman Schmidt was contacted on May 9th by Walter Beland of the NJDEP's Bureau of Local Environmental Management and Right to Know. He was asked to provide NCC member term information, which was requested by the DEP's Commissioner's Office. Chairman Schmidt responded promptly with the requested information.
- Chairman Schmidt was contacted on June 1<sup>st</sup> by a resident living near the Mercer County Park Fair Grounds (Park). The resident has complained in the past about concert noise and has sought the NCC's advice on how to address it. The resident was recently informed by the Mercer County Division of Public Health (MC) that she should first contact the DEP hotline with any noise complaints, which is contrary to the advice that Chairman Schmidt and David Triggs of the DEP gave her. Chairman Schmidt recommended that she contact the MC afterhours hotline to save time. The resident also requested a copy of the Notice of Violation (NOV) that was issued by MC last year to the Park. A copy of the NOV was subsequently sent to her by Mr. Triggs.
- David Triggs was contacted by a representative from UPS, requesting that they be added to the June NCC agenda to discuss their proposed amendment to N.J.A.C. 7:29. The proposal would exempt/protect existing facilities from noise complaints coming from residential developments that were constructed on adjacent property that was re-zoned from industrial/commercial to residential. Mr. Triggs informed them that the June agenda was set and that while they were welcome to attend the meeting and speak during the public session, there was not enough time to allow for a presentation or a lengthy discussion. Mr. Triggs recommended that they attend the July meeting, which UPS agreed to.

**NCC COMMUNICATIONS/CORRESPONDENCE**

Refer to the Chair Report.

**OLD BUSINESS**

- *Part 150 Noise Study:* A projected 20-billion-dollar expansion of the Newark Liberty International Airport could impact noise for area residents.
- *Proposed Amendments to N.J.A.C. 7:29:*

Norm Dotti provided draft wording on a possible exemption for facilities impacted by the re-zoning of adjacent property from industrial/commercial to residential. A brief discussion included the possibility of requiring a developer to include

an easement or other provisions to address potential noise complaints. Joseph Lepis, who is a Title Enforcement Officer, recommended including restrictions in the "Contract of Sale." Restrictions on individual residential lots would then show up during the title search, which would trigger the developer to notify prospective buyers that the residential property is adjacent to an industrial/commercial facility. This was not voted on by the NCC.

Amendments to N.J.A.C. 7:29 suggested by Steve Szulecki for the following definitions were voted on and approved by the NCC. Details regarding the specific amendments can be provided by NCC Liaison David Triggs through an OPRA request.

#### **7:29-1.1**

"Emergency" (All were favor with Joseph Lepis opposed)

"Emergency energy release device" (All were in favor)

"Emergency services personnel" (All were in favor)

"Community service facility" (All were in favor with Joseph Lepis opposed)

"Continuous airborne sound" (All were in favor with Jerry Feder abstaining).

"Residential property" (All were in favor)

Joseph Lepis motioned to add the word "facility" to the definition of "Emergency" and Salvatore Fama seconded. There was no discussion. Norm Dotti was in favor of the motion and Arnold Schmidt, John Lugo, John Kapferer, Eric Lierberman and Steve Szulecki were opposed, so the motion did not pass.

David Triggs reminded the NCC that N.J.A.C. 7:29 sunsets in about one year, so any members with proposed amendments should e-mail them to either Chairman Schmidt, Vice Chairman Steve Szulecki or David Triggs.

#### **NEW BUSINESS**

There was no new business to discuss.

#### **PUBLIC DISCUSSION**

Joseph DiFillippo suggested that the NCC consider the accuracy of the current impulse noise permissible limits, as he believes there are some discrepancies.

#### **EXECUTIVE SESSION**

The NCC met in Executive Session. The meeting minutes are recorded separately and will be numbered and distributed at the July meeting and then collected after they are reviewed and approved. The minutes will then be kept on file at the NJDEP.

#### **NEXT MEETING**

The next meeting is on July 10<sup>th</sup> at 9:30 A.M.

Respectfully submitted by David Triggs, NJDEP Liaison to the NCC