

**NEW JERSEY  
NOISE CONTROL COUNCIL (COUNCIL)  
JUNE 10, 2025  
MEETING MINUTES**

**ATTENDEES**

*Council Voting Members:* Steve Szulecki (Chair, Public Member, Ecologist), Sal Fama (Motor Vehicle Commission), Philip Makrelis (Public Member, Local Governing), David Triggs (Public Member), Arnold Schmidt (Public Member), Randolph Hauser (Department of Labor), Joseph DiFillippo (Public Member), Daniel Lefkowitz (Department of Health), Chris Bergacs (Public Member), Norm Dotti (Public Member, Industrialist), Dr. Iris Udasin (Public Member, Medical Doctor), Gina Fischetti (Department of Community Affairs).

*Rutgers and NJDEP Representatives:* Michelle Feasel (NJDEP Liaison to the Council), and Christy Choo (NJDEP Co-Liaison to the Council).

**COMMUNICATIONS:**

*Norm Dotti resigning:* Norm Dotti stated he intends to resign from the noise control council, after the July meeting. The council expressed its appreciation for Mr. Dotti's contribution to the noise program over the years. Mr. Dotti mentioned his desire to discuss the truck entering and exiting topic.

**MEETING MINUTES**

*May 2025:* Arnie Schmidt stated he believed the comment to ask Mr. Velzy about the Public Hearing was made by Jack Zybura but was attributed to him in the meeting minutes. Jack Zybura was not present to clarify. Chairman Szulecki suggested that the comment should be kept general. Michelle Feasel clarified that Bruce Velzy is not the contact for the public hearing, Amanda Parker is. *Arnold Schmidt motioned to approve the minutes as amended, with Randolph Hauser seconding. A vote was taken, and all were in favor, except David Triggs, Norm Dotti, Philip Makrelis, and Chairman Szulecki who abstained due to being absent at the May meeting. The motion carried.*

**CHAIR REPORT**

*Modified Muffler Bill S507:* Chairman Szulecki stated that he spoke with sponsors of the Bill and that it is still alive in the 2025 session with the same numbering in the Assembly and Senate. Chairman Szulecki stated that the Bill needs to be called for a floor vote and that June 23<sup>rd</sup> is the first time it could be called for the Assembly vote. After the Assembly it will need to be voted on by the Senate. Chairman Szulecki stated that if any Council members are interested, they can contact the Bill's sponsors or their local representatives and ask that the Bill be put on the agenda for a vote. He added that there are several sponsors on the Bill.

*7:29 Amendments:* Michelle Feasel stated that the *N.J.A.C. 7:29* amendments will be published on Monday, June 16<sup>th</sup> in the New Jersey Register. Ms. Feasel stated that the public hearing will be held on Monday, July 7<sup>th</sup> at 6 PM and council members and members of the public with comments are encouraged to attend. She stated that it will be held as a Teams meeting. The Department and Council will not respond to comments during the meeting but instead will write down the questions

and respond after the public comment period ends. Ms. Feasel stated that the comment period ends August 15<sup>th</sup>, and the Council has one year to publish the final rule and comments. Ms. Feasel stated that the public can email her with questions or comments, as well as register for the public hearing. Arnold Schmidt stated at the last meeting, Eric Zwerling stated he could send the public hearing link to the Chamber of Commerce and his noise contacts.

Ms. Feasel stated she received the final copy of *NJAC 7:29* that will be published and there is an incorrect citation referring to Section 1.3, when it should be Section 1.4. She added that the Department can make an administrative change to correct it. Ms. Feasel also stated that there were several small grammatical changes, as well as changing “chapter” to “subchapter” in Section 1.2.

Chris Bergacs stated that the Noise Council’s webpage posted the 2024 meeting minutes and agendas twice. Christy Choo will notify their website contact to have it corrected.

## **PUBLIC DISCUSSION**

There was no one present from the public to comment.

## **NEW BUSINESS**

*Guidance for police to enforce N.J.A.C. 7:29:* There was no discussion during the May meeting and the Council agreed to table it for when Eric Zwerling is present.

*Applicability of the Grace Period Law regarding non-metered enforcement:* Chairman Szulecki stated that the model is stand-alone, and it is local compared to *N.J.A.C. 7:29*. Gina Fischetti asked if it is up to the municipality to enforce the local ordinance. Mr. Dotti asked if someone called in a complaint but were told by the police or health department that they will not come out and enforce the local ordinance, can they fall back on the state’s noise regulations. Chairman Szulecki stated that if the source is not residential, the complainant can call the county to enforce *N.J.A.C. 7:29*. He stated that if a town is not enforcing the model ordinance, the complainant can get a lawyer to sue the municipality as it cannot selectively enforce its ordinances. David Triggs added that it would be enforced under the Environmental Rights Act. Arnold Schmidt stated that the county can enforce the local model ordinance if they have a uniform shared service agreement.

*Applicability of the Grace Period Law in the Model Ordinance:* Section XI(C) in the model ordinance states, “It shall also indicate whether the violator has a period of time to correct the violation before a penalty is sought.” Chairman Szulecki stated that if the violation has occurred again within a year, they are not entitled to a grace period. The example of a house party was used, it was stated that 30-days to come into compliance is too long to be beneficial. Chairman Szulecki stated that simply adjusting the volume is not the same as fixing industrial equipment. David Triggs stated that if there is a party, the police can cite it under the nuisance code. Chairman Szulecki added that towns with the model ordinance usually also have a nuisance code. Philip Makrelis stated that it is easier for towns to lean on the nuisance code. Arnie Schmidt stated that may deter towns from adopting the Model and instead update their nuisance code. Mr. Schmidt asked about the \$1,250 penalty issue in the Grace Period Law from the May meeting minutes. Ms. Feasel stated that that provision of the Grace Period Law is only for housing and zoning code violations, so it does not apply to the Model noise ordinance. Chairman Szulecki stated Section XI(C) of the Model Ordinance states the enforcement officer shall indicate the period of time allotted to correct the violation, but that it does not address the issue of the second offense until the section XI(E). Ms.

Feasel stated that it is two separate offenses and therefore two separate paragraphs. Mr. Schmidt stated that the Model states the Grace Period is up to 30 days. Ms. Feasel stated that 30 days is the minimum and suggested the Council remove “up to” because it is misleading and could cause confusion. Ms. Feasel stated that non-minor violations do not get a grace period because they are considered purposeful. She asked if there is a house party with loud music, when the cops arrive, could they issue a warning, not an NOV, and if they get called out again and the music was not turned down could the offense be considered purposeful and therefore non-minor requiring no grace period.

Mr. Makrelis stated that local enforcement agencies, such as police departments, have told Mr. Makrelis that they often need a “mountain” of nuisance code violations to get it to a judge. Ms. Feasel agreed, adding she had a recent noise call where the complainant was told the same thing by their municipality, that nothing could be done unless they kept calling in the complaint. Chairman Szulecki stated that it is often repeat offenders and that officers should look in their records to see if it has happened before and then accelerate their course of action. Chairman Szulecki stated that for parties that are residential sources, the best approach is for police to handle it as nuisance. He stated that if the council wants to address party noise it could be handled like motor vehicles are in the model.

Ms. Feasel stated she wants to wait until after the public comment period has ended to finalize the updates to the Model Ordinance in case there are any issues or comments brought up from *N.J.A.C. 7:29* that might reflect in the Model. Chairman Szulecki agreed with this approach.

*Modify outdoor impulsive language:* Ahead of the meeting, Jack Zybura proposed modifying the language for outdoor impulsive to coincide with the new language for indoor impulsive in the Model Ordinance. Mr. Zybura proposed that the last sentence in outdoor impulse be changed to “Between 10:00 p.m. and 7:00 a.m., impulsive sounds that repeat four or more times in any hour shall not equal or exceed 50 dBA for residential receptors,” which is slightly more restrictive than *N.J.A.C. 7:29*. Chairman Szulecki stated that it mimics the change made to indoor impulsive and that the time periods are the same. The Council stated that the proposed language was not sent to everyone ahead of the meeting and that this will be tabled until the July meeting when everyone has a chance to look at it.

Sal Fama asked if facility owners would have to ensure that their facility is compliant with the 50 dBA standards proposed. Chairman Szulecki stated that it is the same concept as *N.J.A.C. 7:29* but it makes the local rule slightly more restrictive by making it “equal to or exceed”, instead of just “exceed”. Mr. Fama then asked if a facility owner would have to design their operation to be in compliance with the regulations, even if they are not new regulations. Arnold Schmidt stated that they would not have to do anything unless there is a complaint, and if there is, it is now the difference between one decibel. Mr. Fama asked if operations should be designed to be in compliance with the decibel standards. David Triggs stated the facilities should be proactive. Mr. Fama asked if it matters if there is no compliance. Chairman Szulecki stated that the regulations were written for facilities to comply with them, and enforcement is used to get at those that do not comply, adding the system is set up to address complaints. Norm Dotti suggested a situation where a commercial property is rezoned to residential, so they may now be out of compliance if noise spills over the property line. Chairman Szulecki stated that the facility should own enough property to cover its needs. Chairman Szulecki stated that *N.J.A.C. 7:29* is not a zoning or planning document, but rather an enforcement document. Gina Fischetti stated that it should be on the

municipality to make sure they are not putting properties next to each other to create noise issues. She stated that if an area is recovered, recommendations should be a part of the renewal process to make sure it is allowed. Mr. Schmidt stated there are mandates to find places to build housing. Chairman Szulecki stated that proper buffers between differing land uses should go in the Land Use law, as municipalities will not do it since there are always competing interests and developers want to maximize the use of the parcel being developed.

## **OLD BUSINESS**

*Model Ordinance Review:* Chairman Szulecki stated that when the Department had an Office of Noise Control, there was more flexibility with various provisions in the Model Ordinance. He stated he believes the 65/50 dB standard is not as protective for rural areas as it is in urban areas. He believes that municipalities should be able to adopt lower limits in their ordinance. David Triggs stated that the training class is specific to 65/50 dB and that it would be difficult to determine which municipalities qualify for the lower limits when reviewing the ordinance. Chairman Szulecki stated that while the numbers could change, the scheme of enforcement does not and that it would be up to the town to decide if they want the lower limits. Michelle Feasel stated that municipalities adopting an ordinance have not yet gone through training or understand enforcement and therefore have no sense of what the lower limits equate to. She added that she often sees requests for low decibel levels. Chairman Szulecki stated that if the Council allows for flexibility, they can have a “floor,” so the requested levels are not unrealistically low. Arnold Schmidt stated there may be pushback from the Chamber of Commerce. Randy Hauser stated that some towns have a busy town square and more rural outskirts. Ms. Feasel agreed and stated ordinances are often only adopted to address a specific concern and that towns may be shortsighted. She proposed a scenario where a lower limit is adopted to address a specific concern, once the facility is in compliance, the municipality could then adopt the higher standard limit. The facility would have already spent money on making adjustments to come into compliance. David Triggs stated they could reach out for an opinion from their Deputy Attorney General. Mr. Schmidt asked if there were ordinances with 40 dB limits. Chairman Szulecki stated that New York state has X above the ambient level to determine what is the regulatory limit and this allows for variability in the area based on how quiet or loud the ambient level is.

Ms. Feasel had a comment on the language change from “Tables I, II, and III” to “Section VII” from the May meeting. She stated some municipalities put the tables at the end of the ordinance instead of in Section VII. This is a formatting change which is considered minor and does not need to be reviewed by the Department prior to the ordinance being adopted. Ms. Feasel stated now that the ordinance refers to “Section VII”, if the tables are moved to the end, the ordinance will need to be disapproved and corrected. She stated this could be discussed at the next meeting.

## **ADJOURNMENT**

*Randolph Hauser motioned to end the meeting, with David Triggs seconding. All were in favor; the motion carried. The meeting was adjourned.*

## **NEXT MEETING**

The next meeting is scheduled for Tuesday, July 8th at 9:30 AM.

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