

**N.J. NOISE CONTROL COUNCIL  
MARCH 8, 2022  
MEETING MINUTES**

**ATTENDEES**

*NCC Voting Members:* Arnold Schmidt (Chairman, Public Member), Steve Szulecki (Vice Chairman, Public Member, Ecologist), Randy Hauser (Department of Labor), Salvatore Fama (Motor Vehicle Commission), Daniel Lefkowitz (Department of Health), Dr. Iris Udasin (Public Member, Medical Doctor), Norm Dotti (Public Member, Industrialist), Mark Roskein (Public Member) and Jack Zybura (Public Member).

*Rutgers and NJDEP Representatives:* Eric Zwierling (Director of the Rutgers Noise Technical Assistance Center), David Triggs (NJDEP Liaison to the NCC) and Michelle Feasel (NJDEP Co-Liaison to the Council).

*Members of the Public:* George Hseeh (3<sup>rd</sup> year medical student at Rutgers, came with Dr. Udasin), 3 Anonymous complainants regarding a gun range in Wantage, Sussex County.

**MEETING MINUTES**

*February 2022:* Jack Zybura motioned to approve the February meeting minutes with Steve Szulecki seconding. The motion was now open for discussion. Prior to the meeting, Jack Zybura, Salvatore Fama, Chairman Schmidt, and Steve Szulecki emailed the NCC their proposed revisions to the February meeting minutes. Additionally, Mr. Zybura pointed out that the date in the header had the wrong year. The changes were discussed, and a vote was taken to approve the minutes as amended. All were in favor, so the motion carried.

**CHAIR REPORT**

Chairman Schmidt informed the NCC that he will not be able to attend April's meeting. He also asked that new members Daniel Lefkowitz and Gina Fischetti submit a short bio to David Triggs to post on the NCC's page on the DEP's website.

**COMMUNICATIONS**

David Triggs summarized a recent noise issue in Hoboken involving a dog park owned and operated by the city. The complainant, a pastor, lives and works across the street from the park. Hoboken has a DEP-approved noise ordinance but according to him the township has refused to investigate the complaint. Mr. Triggs later found out that although they have an approved ordinance, they do not have an investigator certified in noise enforcement. Hudson County could take sound level readings on the city's behalf but chose not to as they believe it is Hoboken's jurisdiction and it would result in a conflict of interest. Mr. Triggs stated that he had the CEHA coordinator reach out to the county to inform them that if they refuse to help, they could not only be sued under the Environmental Rights Act by the complainant, but CEHA funding could be withheld for failing to complete their contractual obligation.

## **PUBLIC DISCUSSION**

Mark Roskein motioned to open the meeting to the public with Dr. Udasin seconding. All were in favor except Salvatore Fama who was opposed because three members of the public who want to speak chose to remain anonymous. He stated that it would be in violation of Robert's Rules. Mr. Szulecki agreed that it might compromise the process. Chairman Schmidt stated that the complainants will give their background and information about themselves, just not their names. He then read the NCC's opening statement to the public. The complainants came to discuss loud noise from a skeet shooting range in Wantage, Sussex County. The first complainant spoke with the aid of a google map image of the gun range. He stated that the noise has been a problem for five years, and that the owner of the gun range does not live in the area. The complainant stated that he has lived in the area for 20 years, and his fellow complainants for 40, and 60 years. He lives in an historic farmhouse that sits on 50 acres of land, directly across the street from the range, which occupies 90 acres. The presenter grows apple trees on his property, which he is working to turn into a small apple cider business. He stated that the range was built in the 1960's and was relatively small with just 4 stations. The days and hours of operations were minimal. In 2005, the range was reportedly sold to the current owner, "Mike" Atliers. The business was then closed for eleven years. In 2015 Mr. Atliers hired a professional to upgrade the course and a year later it opened as a skeet shooting range with a "golf theme," with twenty-seven stations, called "Golf with a shot gun." Participants travel around the course in golf carts and shoot skeet at different stations. Mr. Fama pointed out from the Google image that Mr. Atlier kept the original stations in place and separate from the course. The complainant stated that the hours of operation are now 9am to 5pm, Wednesday through Sunday, so the noise is constant all weekend. He added that it is not just shotguns, but rifles and handguns as well. The facility also packs their own shot which, to him, is louder than the store-bought version. The original range owner would only allow one person to shoot at once, but the expansion allows for up to nine people at a time. Chairman Schmidt stated that if the new owner closed the facility for a period of time, he believes that they would need a new permit to expand and operate. The Complainant added that he is a member of the NRA and owns guns. He's also a small business owner and his goal is not to shut down the business, but to find a way to curtail the noise. He even helped design barriers with a contractor and offered to pay half the cost to plant trees and build a sound wall with hay bales. Chairman Schmidt asked if anyone from the county came out to investigate. The Complainant stated that he was in touch with Candace Morgan, a representative from the Sussex County Health Department (SC) who told him that the exemption on gun ranges overrides any local ordinance. Mr. Triggs then read aloud an email between him and Anita DeMatteo from SC, where Mr. Triggs recommended that the county take sound level measurements. Chairman Schmidt stated that the real issue is whether they still qualify for the exemption. If the exemption no longer applies, they can still operate if the noise, as measured from the complainant's property line, is below the permissible limits. The complainant stated that they do not believe it was "maintained continuously," as the facility was closed for over a decade. Salvatore Fama stated that the complainant indicated that the range has been operated for as long as he has lived there but it has become busier over the years. He can see the parking lot from his property and can predict the kind of noise coming from the range by the number of cars in the lot. Steve Szulecki disputed that this was ever stated by the complainant, and notes taken by either of the NCC Liaisons does not reflect this. Norm Dotti stated that an LLC must be registered in New Jersey. If the business was closed for a period of time, the original

license to operate should have been terminated. Mr. Zwerling stated that the key word in the exemption is “maintained.” He read the definition from Webster’s Dictionary and stated that once the range expanded the facility, they lost their exemption. Mr. Fama stated that he felt that since the original stations are still there, and the original concrete slabs have been maintained, then the range still qualifies for the exemption. Dr. Udasin, asked if the complainants considered hiring a private noise investigator to take readings. The complainant said that if the gun range is exempt, it wouldn’t matter what a noise investigator found. Mr. Triggs noted that the NRA has a program to help gun ranges manage/reduce noise. The complainant stated that Ms. Morgan had told Mr. Atlier about the NRA program. Mr. Atlier told the complainants that he was working with the program, but when the complainant contacted the NRA representative, she said no one from the range had contacted her. The complainant added that the geography around the range is a valley, so if Mr. Altier built three sided barriers at each station, that would dampen the noise significantly. He added that he knows the problem won’t go away, but he just wants a reduction in the noise. If he could get 50% less noise, he would consider it a success. The complainant added that due to the range’s hours of operation, he can’t enjoy his own home or have people over before 5 P.M., as the sound is loud, and it would make it difficult to converse. He also shared that he sometimes hears phantom shotgun noises when he sleeps, which wakes him up in the middle of the night. He stated that the noise from the range has had a negative impact on property values. He brought two letters from former residents of the area who had to sell their houses for under market value. One woman named Kelly sold her house for \$20,000 below its value and another unnamed person sold their home for \$60,000 under the value. He claims this was because of the noise impact from the gun range. The complainants also brought a copy of a business application signed by Mr. Atlier in 2005 which states that expansion or intensification are not allowed without board approval. It is the complainants claim that the zoning board never heard the case, and zoning officials approved it without notifying residents. Norm Dotti said that without zoning board approval, they should speak to a land use attorney. The first speaker then stepped down and the second complainant came up to speak. He said that he called Mr. Atlier in April of 2021. They spoke for less than five minutes, and Mr. Atlier ended the call without concessions. He’s contacted the mayor who claims he is “working on it” but nothing has changed. In August he sat outside and counted 200 shots in a 15-minute period on a Sunday afternoon, and he lives about a half a mile away from the range. He said that the noise from the gun range impacts his quality of life and asked why gun ranges are exempt? Mr. Triggs read the statute and explained that older ranges were exempted because residential areas were expanding closer to where gun ranges had already been built and then the new residents would complainant about the noise. The third complainant spoke about how he’s lived in the town since 1974. He added that the original gun range was only open a few hours on Saturday and on Wednesday nights making it much less disruptive.

Norm Dotti motioned to end the public session with Mark Roskein seconding. All were in favor, so the motion carried.

### **NEW BUSINESS**

No new business was discussed.

## **OLD BUSINESS**

- *Open NCC positions:* There are currently two open positions on the NCC, one for a Public Member and the other for a Public Member/Civil Engineer. The NCC intends to move current Public Member Jack Zybura, a licensed professional engineer, into the Public Member/Civil Engineer vacancy. Current Public Member/Local Governing Body Joseph DiFillippo, now retired, will slide into the Public Member vacancy. Two of the six candidates being interviewed in April and May would then fill the other Public Member vacancy and the vacancy for Public Member/Local Governing Body. Chairman Schmidt reached out to the applicants who had submitted a resume in 2020. He asked them to send an updated resume and cover letter. He received five responses. Mr. Triggs added that during his county audit there was interest from another potential candidate, and she was going to send in a resume and letter of interest. The April meeting will be comprised of 15-minute time slots for the interviews to take place. The final interview will be held at the May meeting and the discussions, and a decision will follow. Since Chairman Schmidt will be traveling during April's meeting, Vice-Chairman Steve Szulecki will be chairing the meeting. Mr. Zwerling stated that he also will not be able to attend the April meeting but stated that he would have liked to have participated in the interviews.
- *Vehicles entering and exiting:* Due to a lack of time this topic was tabled.

## **EXECUTIVE SESSION**

The NCC did not meet in Executive Session.

## **ADJORNMENT**

Randy Hauser motioned to end the meeting with Mark Roskein seconding. All were in favor, so the motion carried, and the meeting ended.

## **NEXT MEETING**

The next meeting is scheduled for Tuesday, April 12<sup>th</sup> at 9:30 A.M. possibly at the building across the street from the Operator Training Center, as there is more room available for social distancing.

Respectfully submitted by Michelle Feasel with edits by David Triggs, NJDEP Liaisons to the NCC.