

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

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), Dr. Iris Udasin (Public Member, Medical Doctor), Chris Bergacs (Public Member), Syed Rashid (Department of Labor), and Daniel Lefkowitz (Department of Health).

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

MEETING MINUTES

February 2026: Eric Zwerling submitted an edit regarding his example of the City of Cape May before the meeting. Chairman Szulecki stated that it should say the full date “2/2/26” under the *Status of 7:29 Amendments* for clarity purposes. Chairman Szulecki stated that it should say “some older facilities” instead of “these facilities” under *Guidance Documents*. Under the gun range subsection, Arnold Schmidt stated that Chairman Szulecki’s suggestion to him regarding putting the penalty matrix in the guidance document was omitted from the minutes. *David Triggs motioned to approve the minutes as amended, with Jack Zybura seconding. A vote was taken to approve the minutes. All were in favor, so the motion carried.*

CHAIR REPORT

Status of 7:29 Amendments: Michelle Feasel stated that there are still no updates and the noise rule will likely have to wait the full 90-day period, put in place for all regulations by Governor Sherrill, since she did not hear anything about the justification letter. Ms. Feasel stated that she submitted the rule adoption memo in February to make sure that it does not expire, and it should be published in the 3/16/26 Register.

Modified Muffler Bill: Chairman Szulecki stated that there are no modified muffler updates.

Vacant Position/Re-appointments: Chairman Szulecki stated that Norm Dotti’s industrialist position is vacant. Dr. Iris Udasin stated that industrialist means that they would not be a professor or a government worker and instead work for a private industry. Chairman Szulecki stated that Chris Bergacs meets the criteria and proposed that the Council look for someone to fill Mr. Bergacs’s public member role as he can take the industrialist role. Chairman Szulecki stated that he is unsure if Eric Zwerling sent out a newsletter or feelers about the vacant role. David Triggs suggested it would be nice to have a police officer as a member of the Council. Chairman Szulecki stated that the Council has tried in the past, but that it is difficult for police officers to attend meetings because of their schedule as they usually work swing shifts. Jack Zybura suggested that Mr. Zwerling may know a recently retired police officer. Mr. Triggs stated that there was a former member and chairman who he believes held emeritus status that was a police officer. In regard to

the re-appointments, Michelle Feasel stated that she did not get any additional information about the term limit issue.

PUBLIC DISCUSSION

There was no one present from the public to comment.

OLD BUSINESS

Model Ordinance: Michelle Feasel and Christy Choo finalized the Model Noise Ordinance (MNO) document from the February meeting so the Council could review it with all the changes. Eric Zwerling and Jack Zybura both submitted edits before the March meeting. Chairman Szulecki stated that he hoped for distribution of the MNO by May 2026. The Council agreed to only vote on major changes.

Jack Zybura's Edits: When referring to dBA and dBC, Jack Zybura stated that he reverted on his proposed language for consistency purposes because *N.J.A.C. 7:29* does not use parentheses so the MNO should not use parentheses. *Jack Zybura motioned to not use parentheses throughout the MNO for dBA and dBC, with Chairman Szulecki seconding. All were in favor, so the motion carried.* Mr. Zybura suggested that there was punctuation missing and it should read “a part thereof. Noise ordinances” instead of having the sentences joined. There was a consensus that the period should be added. David Triggs stated that “NCO” and “NCI” use the acronyms in the definitions and also redefine them later on in the document. Ms. Feasel stated that originally the Council agreed to keep the first use of each term as the whole phrase and then use the acronym after that. Mr. Zybura proposed a grammatical change where “is” is changed to “be” in the definition of NCO. Mr. Zybura stated that NCI is spelled out in full in the NCI definition after already being defined, and that it should be changed to the acronym. Mr. Zybura proposed a grammatical change where “a” is changed to “an” in the definition of plainly audible. There was general agreement about the changes to this definition.

Jack Zybura proposed that a roof should be added to the example of a property line in the definition of real property line. Arnold Schmidt asked if the last line would apply to two tenants in a strip mall. Chairman Szulecki stated that it is making a distinction, for example two commercial units that are side by side, in which case it is not an enforcement action but rather a landlord and tenant lease issue. Sal Fama provided a scenario where there is noise on the roof and the noise travels through multiple properties/owners (so there is a buffer) before it reaches the complainant. Chairman Szulecki asked if Mr. Fama was asking if property lines have to be adjacent or non-adjacent. Mr. Zybura stated that this is covered by (b) in the definition of real property line. Mr. Fama asked what if the source is another condominium unit and the noise travels through the walls; how would the investigator know it is the source if all they have access to is the receiving residential property. Mr. Zybura stated that this is the definition of real property line and that NCOs are taught how to take noise measurements in the Rutgers certification course taught by Eric Zwerling. *Jack Zybura motioned to add “and/or roof” to the definition of real property line, with Philip Makrelis seconding.* Michelle Feasel stated that the way that example is written, she felt it was to distinguish it from the HVAC example since the HVAC is a standalone unit; it may not have a wall directly against it there could be space between it, so it clarifies the boundary is the wall between units. David Triggs stated that it says “and/or.” Chairman Szulecki stated that it is speaking about the boundary line, which is the envelope of the receiving property. Mr. Fama stated

that it could be a roof or ceiling. Chairman Szulecki asked if everyone agreed that the extent of the envelope of a receiving property includes the roof, ceiling and walls. Mr. Zybura suggested that they get rid of the whole example in parentheses and put it in the guidance document. Mr. Schmidt suggested putting an asterisk behind “performed” and removing the example from the paragraph. Chairman Szulecki provided an example where it is residential on the second floor and commercial on the first floor and stated that this is a common issue which is the situation described in (a). Chairman Szulecki stated that in the definition (a) is fine, but (b) and (c) need clarification and examples. Chairman Szulecki stated that (b) is just defining the boundary and (c) takes it one step further; he stated that (b) does not distinguish property category while (c) does. Chairman Szulecki suggested that (b) start with “on a multi-unit residential property” so it is uniform with (c). Ms. Feasel stated that (c) is the only one not starting with the boundary and instead starts with “on a multi-use property.” Mr. Fama stated that the definition does not account for the property owner’s deed which has the property line in it. Chairman Szulecki stated that the Council is defining what a property line is. Chairman Szulecki stated that (a) is deeded and (b) and (c) are not. Chris Bergacs suggested removing all of the examples and letting the enforcement officers make the determinations and they can fight it in court. Chairman Szulecki stated that the regulated public wants to understand how regulations affect them, and that enforcement officers want guidance as well. Mr. Schmidt stated that it gives guidance to the court. Mr. Bergacs asked if there are any case laws or examples that enforcement agencies are using in the field for the examples the Council are discussing. Chairman Szulecki suggested separating (a), (b), and (c) into their own sections and starting off each section with what type of scenario is affected by them. He stated that (a) would be properties that are defined by lot and block; (b) would be residential units in a multi-dwelling unit building; and (c) would be residential and commercial on a multi-use property. Mr. Fama stated that he would like enforcement officers to go to the complainant to ask for their deed to get the real property line. Chairman Szulecki stated that the deed is not needed as that is only one example of a real property line. Chairman Szulecki stated that they do not have to put parentheses for “e.g.” and that it can be a comma. Daniel Lefkowitz stated that it could be a bracket. Mr. Zybura suggested replacing “the boundary lines is the exterior wall” with “the real property line is the exterior boundaries of the receiving unit.” *Jack Zybura motioned to change the last part of the sentence to the proposed phrasing, with David Triggs seconding.* Chairman Szulecki stated that the proposed language follows the example before it. Daniel Lefkowitz proposed the phrasing “, then the real property line would be the exterior boundaries of the receiving unit.” *All were in favor, so the motion carried.* Mr. Triggs asked if the last sentence has to start with “Note-”. The Council agreed to remove “Note-”.

Chairman Szulecki stated that they do not need the comma that Jack Zybura proposed after “to” instead of “any” under the definition of sound production device. Daniel Lefkowitz suggested that they remove the comma after “including.” Chairman Szulecki asked why there is a comma after “sound.” Sal Fama suggested using a semi colon after “limited to:”. Philip Makrelis suggested using a regular colon instead. Mr. Makrelis stated that it should be consistent with the rest of the document so it should be “including, but not limited,” since that is how it is written. The Council agreed to move the comma after “to” instead of “any.” Jack Zybura stated that the text should not be bolded and underlined for “(B) 1. Outdoors and 2. Indoors.” Mr. Zybura also stated that “standards” in Table I should not be crossed out. Mr. Zybura suggested moving “Outdoors” down a line to be aligned with the rest of the words in Table III. Mr. Zybura suggested making Table IV say “Weekday Nights” instead of “Weeknights” so it is consistent. Mr. Zybura stated that it should

be a period and not a semicolon at the end of the paragraph in Section IX(F). David Triggs asked if the Council will give the counties an opportunity to review the MNO draft, adding that it would be good to have their perspective and fresh eyes on it. Chairman Szulecki stated no because it would be logistically very difficult, but perhaps in the future. Chairman Szulecki also stated that the Council has solicited comments that the counties might have at the beginning of the process. Mr. Makrelis suggested that the Council put in the guidance document that they can reach out to them with suggestions or comments. Chairman Szulecki stated that Eric Zwerling receives comments from counties and municipalities. Mr. Triggs stated that the date at the top of the document still has “current version”. Michelle Feasel stated that she will take that out once it is ready to be published.

Eric Zwerling's Edits: Eric Zwerling suggested adding in a citation for the statute. Jack Zybura motioned to add the citation, with David Triggs seconding. All were in favor, so the motion carried. Mr. Zwerling suggested adding an introductory statement. Ms. Feasel asked if the Council decided on using “limits” or “standards.” The Council decided to change it from “limits” to “standards.” Jack Zybura suggested that they delete the second sentence about nuisance codes. Chairman Szulecki suggested folding it into one sentence instead of two. Ms. Feasel stated that she likes the suggested phrase “nuisance noise codes” because people often don’t recognize their noise code is nuisance based when they only see the two terms “nuisance code” and “noise ordinance”. Chairman Szulecki stated that using “nuisance noise codes” is fine. *Chairman Szulecki motioned to use the sentence: “Nuisance noise codes which do not establish specific decibel-denominated standards do not require NJDEP approval,” with Jack Zybura seconding.* The Council agreed to delete the first suggested sentence. Arnold Schmidt stated that Franklin Township just got rid of their noise ordinance and has a nuisance code instead, which includes noise in it. Mr. Triggs stated that most municipalities include a noise section in their nuisance code and that it is not just all noise in the nuisance code. Mr. Schmidt stated that using the phrase “nuisance noise code” takes away from that. Chairman Szulecki suggested putting “noise” in parentheses because there are many variations of nuisance codes out there. Mr. Schmidt stated that “nuisance code” is more general than “nuisance noise code.” Daniel Lefkowitz stated that perhaps Mr. Zwerling considered this confusion and chose to write it generally, saying that “municipalities may adopt noise codes.” Mr. Triggs stated he did not think a statement needed to be added and that it complicates it for municipalities and many have nuisance codes. Chairman Szulecki stated that this tells them they have options. Mr. Schmidt asked if municipalities submit nuisance codes to the DEP with no decibel limits. Mr. Triggs stated that they tell municipalities that they do not have to submit nuisance codes. Mr. Triggs read the statement “The Department does not, nor have the authority to, review or approve municipal noise nuisance codes or those based upon the “plainly audible” standard (i.e., codes without specific decibel standards). Municipal authority to promulgate nuisance noise code is derived from N.J.S.A. 26:3-45 et seq. for codes enforced by health departments and N.J.S.A. 40:48-1 et seq. for codes enforced by other departments” from the municipal noise ordinance master list. Mr. Zybura suggested that they repeat that in the MNO. It was also suggested to update the municipal master list to include citations. Ms. Feasel stated that there is a nuisance vs noise ordinance document on the noise website. Chairman Szulecki suggested putting the wording from the municipal master list there to be consistent. *Chairman Szulecki motioned to have the second paragraph replaced by the suggested sentence and to add a citation at the end, with Daniel Lefkowitz seconding. All were in favor, so the motion carried. Jack Zybura motioned to change “limits” to “standards” and “is” to “are” in Section B, with David*

Triggs seconding. All were in favor, so the motion carried. Mr. Zwerling added a reference to the IEC standard in dBC to make it consistent with N.J.A.C. 7:29. *David Triggs motioned to accept the change to dBC as written, with Daniel Lefkowitz seconding. All were in favor, so the motion carried.* Chairman Szulecki stated that there is a space in the second line of “plainly audible.” The Council agreed to remove the extra line between “plainly audible” and “public right of way.” Mr. Triggs asked if they need the last line of “plainly audible” which mentions determining the title and artist. Chairman Szulecki stated yes and that many states have this wording. Mr. Zwerling’s amendments suggested changing the footnote in Section VI into a note where readers can find the guidelines and MNO. *Jack Zybura motioned to change the footnote into a note, with Daniel Lefkowitz seconding.* Sal Fama asked if it needs to say “Note:”. Chairman Szulecki stated that this is a standalone and is just directing readers to where they can find additional information. *All were in favor, so the motion carried.* Chairman Szulecki stated that they should not break a table across a page. Mr. Zwerling suggested moving Table IV up in the document to where it is referenced.

David Triggs asked how they will get word out about the updated MNO. Chairman Szulecki stated that first they must send it to the DEP for review. Mr. Triggs asked who specifically it will be sent to. Michelle Feasel stated that it may get sent to the director level. Chris Bergacs asked if they need to make a summary note when the updated MNO goes out, with explanations for all the changes. Chairman Szulecki stated that a summary may need to be done for the municipalities but not for the DEP. Ms. Feasel stated that she had a phone conversation with a municipality that suggested they contact LINCIS which gets the information out to the county health departments and they can spread the word to the municipalities. Arnold Schmidt asked if the guidance documents are on a different timetable. Chairman Szulecki stated that the Council will need to revisit the guidance documents and go through them carefully to make sure they are consistent with the changes made. Jack Zybura asked if there could be a Word document version of the guidance document so it can be edited, because everything on the noise website are pdfs except for the MNO. *Jack Zybura motioned for this version to be the final MNO, with Philip Makreliis seconding.* Sal Fama stated that he thought that this version of the MNO was too restrictive and that he would not recommend a municipality adopting this model as it currently stands. *All were in favor, except Sal Fama who opposed. The motion carried.*

NEW BUSINESS

Gun Guidance Document: Chairman Szulecki stated that he wants the Council to review the gun guidance document he sent out for the next meeting.

Noise Enforcement Data: Chairman Szulecki stated that the Council still has to review Philip Makreliis’s Middlesex County noise enforcement data. Daniel Lefkowitz asked if Mr. Makreliis can share the data with the Council. Philip Makreliis stated that he will share it closer to when it will be discussed.

ADJOURNMENT

David Triggs motioned to end the meeting, with Jack Zybura seconding. All were in favor, so the motion carried. The meeting was adjourned.

NEXT MEETING

The next meeting is scheduled for Tuesday, April 14th at 9:30 AM.

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