

NEW JERSEY NOISE CONTROL COUNCIL (NCC)
MAY 14, 2019
MEETING MINUTES

ATTENDEES: Arnold Schmidt (Chairman, Public Member), John Lago (Department of Community Affairs), Salvatore Fama (Motor Vehicle Commission), Norm Dotti (Public Member, Industrialist), Joseph DeFillippo (NCC member candidate to replace John Surmay), Eric Zwerling (Director of the Rutgers Noise Technical Assistance Program) David Triggs (NJDEP Liaison to the Council) and Michelle Feasel (NJDEP Co-Liaison to the Council).

PUBLIC: Jack Zybura (Lewis Goodfriend and Associates).

MEETING MINUTES

The NCC did not have a quorum, therefore the April meeting minutes were discussed but not voted on. Eric Zwerling submitted changes. He did not attend the ocean seismic testing meeting and clarified that the advocate for underwater seismic testing was a NOAA Administrator.

CHAIR REPORT

- Chairman Schmidt has not received any update from the Governor's Office regarding NCC appointments and re-appointments. Neither has David Triggs.
- NCC member John Kapferer is still out due to medical issues. Chairman Schmidt collected contributions from the NCC members and sent flowers on their behalf.
- David Triggs received a phone call from a resident requesting information regarding compression engine release braking. This issue is usually caused by a faulty muffler, or a muffler that has been modified. Truckers will do this to reduce wear on their brake pads. Only the State Police can pull them over to inspect the muffler but not the brakes. This can serve as a deterrent to other drivers who alter their mufflers. Municipalities can also pass an ordinance that makes engine compression braking illegal in some areas unless it is an emergency.

OLD BUSINESS

N.J.A.C. Re-adoption: N.J.A.C. 7:29 was published on May 6th in the New Jersey Register. It was re-adopted without change. The new sunset date is April 11, 2026. Chairman Schmidt will draft a letter to the Commissioner asking the Department to re-open the Chapter to include the NCC's proposed amendments. There may also be a possibility to add additional amendments if they are presented to the NCC and voted on in a timely manner. Any new changes will likely require a stakeholder's meeting and a public hearing. Eric Zwerling suggested that the Interior Impulse Standard and Table II from the Model Noise Ordinance be added to the State Code. He gave an example in Asbury Park, where a resident lived above a bar and the police refused to take indoor sound level measurements. Norm Dotti has interior common wall data from a study he did at a restaurant with a kick-boxing class next to it, that he can share with the NCC. There was also some discussion and concern for the safety and willingness of Noise Control Officers entering homes to take interior measurements.

Model Noise Ordinance Review: Chairman Schmidt asked the NCC if anyone wanted to add anything to the discussion on landscaping equipment. None of the members came forward. He then suggested that the NCC be proactive and send a letter out to the township clerks to inform them about the issue with landscaping equipment noise and offer options to address it, either through the Model or in a stand-alone ordinance banning landscaping equipment outright during certain times of the year. Eric Zwerling and Salvatore Fama both felt that it was not the NCC's place to advise municipalities. John Lago suggested that instead, a bulletin could be added to the website, but Chairman Schmidt argued that complainants do not check the website, they instead call their local health department for assistance. Norm Dotti suggested that guidance could be added to the newsletter for planners or the League of Municipalities' magazine. Mr. Zwerling stated that if a letter was going to be sent out, it should contain all the recent noise issues; such as landscaping equipment, engine release braking and emergency generators. The NCC did not have a quorum and therefore this issue could not be voted on and will likely be discussed further at the next meeting.

NEW BUSINESS

Norm Dotti drew a graph of dB(A) vs. time on the chalkboard, which depicted two lines on the graph representing neighborhood residual and spikes in noise from trucks. He asked if spikes in truck traffic that are not constant but a common occurrence, are part of the neighborhood residual sound. Eric Zwerling teaches that if the intermittent spikes occur more than 50% of the time, they would be included as part of the neighborhood residual, otherwise it would be considered extraneous. It would depend on how it was measured, and it would be at the discretion of the investigator to determine if it is a violation.

PUBLIC DISCUSSION

Norm Dotti motioned open the meeting to the public, and Salvatore Fama seconded. Jack Zyburra, representing Lewis Goodfriend and Associates, offered revisions to the Model Noise Ordinance. The NCC did not have a quorum, so his suggested amendments, while found to have merit, were not voted on and will therefore be re-introduced at the next meeting.

EXECUTIVE SESSION

The NCC did not meet in Executive Session.

Norm Dotti motioned to adjourn the meeting and Arnold Schmidt seconded, so the meeting was adjourned.

NEXT MEETING

The next meeting is scheduled for Tuesday, June 11th at 9:30 A.M.

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