

**NEW JERSEY  
NOISE CONTROL COUNCIL (COUNCIL)  
MAY 12, 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), Joseph DiFillippo (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:* Eric Zwerling (Director of the Rutgers Noise Technical Assistance Center), Michelle Feasel (NJDEP Liaison to the Council), and Christy Choo (NJDEP Co-Liaison to the Council).

**MEETING MINUTES**

*April 2026:* Chairman Szulecki submitted comments ahead of the May meeting. *Jack Zybura motioned to accept the minutes as amended, with David Triggs seconding. All were in favor, except Daniel Lefkowitz, Chris Bergacs, Dr. Iris Udasin, and Arnold Schmidt, who abstained due to being absent from the April meeting. The motion carried.*

**CHAIR REPORT**

*Status of 7:29 Amendments:* Michelle Feasel stated that the *N.J.A.C. 7:29* amendments are still at the Governor's office and while she is unsure when they will go through, the Governor's office is aware of the deadline. Ms. Feasel stated that the *N.J.A.C. 7:29* amendments have to be filed within one year from when they were originally published, which was June 16<sup>th</sup>, so they will need to be published in the June 15<sup>th</sup> or July 6<sup>th</sup> New Jersey Register to meet the deadline. Chairman Szulecki stated that the Council has to make changes to the Model Noise Ordinance (MNO) and the guidance document to reflect the changes in *N.J.A.C. 7:29*.

*Modified Muffler Bill:* Chairman Szulecki stated that there are no modified muffler updates. Chairman Szulecki stated that there is a new sponsor for the Bill. Michelle Feasel asked if the Council should send a letter to the new DEP Commissioner. Chairman Szulecki stated that he is unsure if the Commissioner is the right person to send it to, but that it is good for the Commissioner to be aware of and that he will think about it. David Triggs asked why there is a new sponsor. Chairman Szulecki stated that he is unsure.

*Re-appointments/Vacancies:* The Council agreed to go into Executive Session to review Eric Zwerling's application. Chairman Szulecki stated that the Council can make appointment recommendations to the DEP and the DEP makes recommendations to the Commissioner.

**EXECUTIVE SESSION**

*Jack Zybura motioned to go into Executive Session, with Arnold Schmidt seconding. All were in favor, so the motion carried. Eric Zwerling excused himself from the meeting. This meeting was*

closed to the public and held in accordance with the Open Public Meetings Act. Meeting minutes were recorded separately from the regular meeting minutes. *Jack Zybura motioned to close Executive Session, with Daniel Lefkowitz seconding. All were in favor, so the motion carried.*

## **PUBLIC DISCUSSION**

There was no one present from the public to comment.

## **NEW BUSINESS**

*Model Noise Ordinance:* Michelle Feasel stated that the Council received comments on the MNO from the DEP. The first comment was that the definition of emergency did not match the amended definition in *N.J.A.C. 7:29*. Ms. Feasel read the amended definition. Jack Zybura stated that the definition is repeated if it is already in *N.J.A.C. 7:29* and asked if it needed to be in the MNO. Eric Zwerling stated that it emphasizes that it is at the site of the emergency only. Ms. Feasel stated that she believes the Council added it because it is referenced in “emergency work.” Chairman Szulecki asked if both “emergency” and “emergency work” are in *N.J.A.C. 7:29*. Mr. Zybura stated that just “emergency” is in *N.J.A.C. 7:29*. Arnold Schmidt stated that “emergency” and “emergency work” can be different. Chairman Szulecki stated that the definition’s wording in *N.J.A.C. 7:29* and the MNO need to be the same and asked if there is a reasonable need to have “emergency work” defined in the MNO. Jack Zybura stated the term is used in the Restricted Uses section. Chairman Szulecki stated that it is fine to leave “emergency work” in. *David Triggs motioned to make the definition of “emergency” in the MNO the same as the amended definition in N.J.A.C. 7:29, with Arnold Schmidt seconding.* Chairman Szulecki stated that there is no need to vote of the definition of “emergency work” because the Council decided to leave it. *All were in favor, so the motion carried.*

The second comment was that the State does not grant the new Exemption C in *N.J.A.C. 7:29*, so it seems less stringent. Chairman Szulecki stated that it could be corrected by specifically applying to residential sources. Michelle Feasel stated that limiting it to indoors would make it more stringent. Jack Zybura stated that *N.J.A.C. 7:29* can still be enforced indoors as per past discussion. Eric Zwerling gave an example of where a bar was downstairs from a complainant. Mr. Zybura suggested using the phrasing “on residential property/when used on residential property.” Chairman Szulecki suggested using “dwelling” because a dwelling is residential. *Jack Zybura motioned to use the phrasing “within a dwelling,” with David Triggs seconding.* Sal Fama stated that assisted living facilities or hospitals may need this. Mr. Zwerling stated that there is no property line in a hospital. He added that facilities centered around this equipment can treat the floors to make it less impactful. Joseph DiFillippo asked if assisted living is considered multi-residential. Chairman Szulecki stated it is considered a community service facility. Mr. Zybura stated not if it is a private facility and asked about renting. Chairman Szulecki stated that when there is a first floor to second floor complaint, it would be a landlord and tenant issue. *All were in favor of modifying the exemption, except Sal Fama who opposed. The motion carried.*

The third comment was that the impulsive indoor timeframe for 70 dBA and 60 dBA needed to be clarified. Jack Zybura stated that those limits were at all times. Michelle Feasel stated that it is confusing because there is a 10:00 p.m. to 7:00 a.m. timeframe for impulsive sounds that repeat four or more times in an hour, so the first two limits could be interpreted to apply to the daytime since there are limits carved out for the nighttime. Ms. Feasel suggested clarifying that it is for

daytime or all day. David Triggs suggested combining the two sentences into one. Chairman Szulecki suggested breaking them up into separate paragraphs, saying a. at all times and b. for the others to make it clear when it applies. Chairman Szulecki stated that they will have to use the same language for Outdoors and Indoors to make it consistent. Mr. Zybura stated that there is no need for two sentences in the Outdoors section and proposed the change to add “at all times, impulsive sound shall not equal or exceed 80 dBA” and remove the second sentence. *Jack Zybura motioned to combine the two sentences, with Sal Fama seconding.* Mr. Zybura asked if it needs to say “between 7:00 a.m. and 10:00 pm” for impulsive sound. Chairman Szulecki suggested “For residential receptors, between 10:00 pm and 7:00 am...” to make the distinction right away. Chairman Szulecki asked if the term “residential receptor” or “residential property” would fit better. He stated that residential property is the category in Section III. Mr. Zybura suggested the phrasing “residential receiving properties.” Chairman Szulecki asked if there is any other instance where the phrase “receptor” is used. Mr. Zybura stated that “receptor” was used for Indoor Impulsive Sound, the “real property line definition,” and the footnote after Table II. Chairman Szulecki asked if “receptor” could be incorporated in the list of property categories. Mr. Triggs stated that the list in Section III.(A) makes it all receptors. Chairman Szulecki suggested using “i.e. receptors” since it is for reference purposes and not redundancy purposes. Ms. Feasel stated that it is intuitive and there is no need to spell it out. Daniel Lefkowitz stated that the document uses “commercial receptor.” Chairman Szulecki removed “for residential receptors” at the end of the sentence. Arnold Schmidt and Mr. Zybura stated that the second sentence currently refutes the first one and suggested using “except for.” Chairman Szulecki suggested saying “for all times, for all receptors” in the first sentence. Mr. Triggs suggested combining the sentences and adding “except for.” Mr. Lefkowitz suggested “however” instead of “except for.” Chairman Szulecki suggested starting with residential and then saying at all other times. The Council proposed “For residential receptors, 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. At all other times and all receiving property categories...” Eric Zwerling stated that this provision only covers residential. Mr. Zybura suggested using “at all other times and receiving property categories.” Chris Bergacs suggested putting it into a table instead of writing it out. Chairman Szulecki suggested breaking it apart into subsections, a. all property and b. residential. Chairman Szulecki asked the Council if they prefer making it text or table based. Mr. Zybura and Mr. Triggs stated that they prefer text. Chairman Szulecki suggested separating Indoors into a. for all receptor categories, b. for the residential property category, and c. for the provision. Ms. Feasel stated that it should be all “receptors” for a. because “sources” could include a commercial property. Chairman Szulecki suggested “for all receptor categories and for all times.” Chairman Szulecki suggested putting it at the end of a. so it reads “This applies to all receptors and at all times, except as provided in VII.(B)2.b.” The Council proposed that b now reads “Between 10:00 p.m. and 7:00 a.m., for residential receptors...”. The Council proposed using “this section” instead of “this provision” for c. *Jack Zybura motioned to include this language, as written on the projector screen, with Arnold Schmidt seconding. All were in favor, so the motion carried.* Mr. Zybura suggested copying the Indoors section for the Outdoors section to make it consistent, with the limits and occurrences updated accordingly. *Jack Zybura motioned to change the language for Section VII.(B)1 to what was written on the projector screen, with Philip Makrelis seconding. All were in favor, except Arnold Schmidt who abstained because it still did not make sense. The motion carried.* Ms. Feasel stated that she will go through the document and fix reference formatting (for example, it should be VI.(B) instead of VI(B)). Mr. Zybura stated that it should say “impulsive sound that repeats” to make it grammatically correct

and consistent. Mr. Zwering stated that the four times an hour only applies to residential and it should be “impulsive sound shall not equal or exceed 80 dBA.” *Jack Zybura motioned for the Outdoors language, with Daniel Lefkowitz seconding. All were in favor, so the motion carried.*

Eric Zwering stated that 10 p.m. is late for a lot of people and asked about changing the hours to 8:00 p.m. for people with children. He also asked if the Council should be more restrictive on indoor impulsive noise. Michelle Feasel stated that this could make the MNO less adoptable because it would apply to everyone since it is not in the optional section. Chairman Szulecki asked about making the hours optional. Jack Zybura stated that he prefers the hours as written, and that they are consistent with the hours for continuous sound. Chairman Szulecki stated there was not a lot of momentum for this change.

The fourth comment was about spelling out the acronym OEM throughout the document. Chairman Szulecki stated that the sub-section with the full term is optional and could be removed; the other sub-sections that have the acronym will remain but no longer have the term defined. Jack Zybura suggested putting “OEM (original equipment manufacturer)” in the definitions section. Daniel Lefkowitz asked if there are other acronyms in the document that operate this way. David Triggs suggested spelling out OEM every time since it is only in this optional section. Sal Fama stated he prefers spelling it out so that readers do not need to go back to the top of the document. Chairman Szulecki suggested putting a note at the end of Section IX with what OEM means. Philip Makrelis suggested dropping the acronym if they spell it out. *Chairman Szulecki motioned to spell out original equipment manufacturer in each paragraph and retain the (OEM), with Jack Zybura seconding. Arnold Schmidt, Philip Makrelis, and David Triggs stated they should get rid of (OEM). All were in favor without (OEM), so the motion carried.*

David Triggs asked if it should say “curfew hours” in the optional note in Section IX. Philip Makrelis stated that the DEP still reviews curfew hours and can reject anything ridiculous. *Arnold Schmidt motioned to add hours, with David Triggs seconding. All were in favor, so the motion carried.*

Michelle Feasel stated that in terms of next steps, she will send it back to the DEP to review the new changes. Ms. Feasel stated that she is unsure of what is after, depending on how the review goes. Ms. Feasel stated that they can publish the MNO without *N.J.A.C. 7:29* being published, and that they are hoping that *N.J.A.C. 7:29* will be published in June. David Triggs asked if that is without change. Ms. Feasel stated the rule without change has been adopted, and the adoption with the proposed amendments will hopefully be in the June register. Ms. Feasel asked if the Council wants to hold the MNO until *N.J.A.C. 7:29* is adopted. Sal Fama asked about how to find the public comments online. Ms. Feasel stated that the public comments will be published in the adoption document. Chairman Szulecki asked if there is a 60-day waiting period to be enforced after promulgation. Ms. Feasel stated that she is not sure.

*Data Centers:* Michelle Feasel stated that she has been getting questions about data centers and that there is one being built in Gloucester County. Ms. Feasel stated she read an article about a data center in Minnesota where the data center was recorded at decibels that exceed the levels of the state code. Chairman Szulecki asked where the measurements were taken. Eric Zwering stated that octave band limits are non-protective and restrictive. Mr. Zwering provided an example

regarding fans from a pizza place, where the fans are in violation, but they can turn the fan off when the oven is shut off. He added that data centers go on all night and do not power down. Philip Makrelis stated that he has been getting calls about data centers, where residents raise noise concerns as well as air pollution and water use concerns. He stated that sometimes the planning board vote “no” on data centers, but towns approve them anyway. Chris Bergacs suggested lowering the octave band levels. Jack Zybura stated that would be an across-the-board change, requiring bars and other sources to also comply with the lower levels. Mr. Zybura stated that his town voted against having data centers built and suggested that towns have other protective measures they can take beyond the noise regulation.

### **OLD BUSINESS**

There was no old business to discuss.

### **ADJOURNMENT**

*David Triggs motioned to adjourn the meeting, with Chairman Szulecki seconding. All were in favor, so the motion carried.*

### **NEXT MEETING**

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

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