

**NEW JERSEY NOISE CONTROL COUNCIL (NCC)  
OCTOBER 9, 2018  
MEETING MINUTES**

**ATTENDEES:** Arnold Schmidt (Chairman, Public Member), Steve Szulecki (Vice Chairman, Public Member, Ecologist), Salvatore Fama (Motor Vehicle Commission), Eric Lieberman (Department of Health), Randy Hauser (Department of Labor), John Kapferer (Public Member), Jerry Feder (Public Member), Eric Zwerling (Director, Rutgers Noise Technical Assistance Center), David Triggs (NJDEP Liaison to the Council) and Michelle Feasel (NJDEP Co-Liaison to the Council).

**PUBLIC:** Mark Roskein (Bridgewater) and Amy Black (Englewood).

**MEETING MINUTES**

Arnold Schmidt motioned to approve the June Executive Session meeting minutes and Salvatore Fama seconded. All were in favor, so the motion passed. There was no discussion so the NCC did not have to go into Executive Session.

Arnold Schmidt motioned to accept the July meeting minutes with minor changes and Eric Lieberman seconded. All were in favor, so the motion passed.

Arnold Schmidt motioned to accept the September meeting minutes and Steve Szulecki seconded. Salvatore Fama was in favor. Randy Hauser, Eric Lieberman, Jerry Feder and John Kapferer abstained since they missed the meeting.

**CHAIR REPORT**

- Chairman Schmidt spoke with a representative from the Governor's Office on September 18<sup>th</sup> regarding membership renewal and appointments. He emphasized the need for the NCC to meet with a quorum since N.J.A.C. 7:29 sunsets in June 2019. They will try to expedite the process.
- Chairman Schmidt was copied on an e-mail to David Triggs from a resident regarding noise from landscaping equipment, in particular leaf blowers. Mr. Triggs invited her to a NCC meeting to present her concerns. He also gave assurances that this would be part of the NCC's discussions as they draft proposed amendments to 7:29.

**NCC COMMUNICATIONS/CORRESPONDENCE**

Refer to the Chair Report.

**OLD BUSINESS**

- *Proposed Amendments to N.J.A.C. 7:29:* The following proposed amendments were voted on:

Proposed by Eric Zwerling:

7:29-2.1 Definitions

"Neighborhood residual sound level" means that measured value which represents the sum of sound at the property of an affected person, as measured pursuant to 7:29-2.9(b)2, from all sound sources exclusive of extraneous sound and the sound from the source property under investigation. Neighborhood residual sounds are differentiated from extraneous sounds by the fact that neighborhood residual sounds are being emitted the majority of the time although they may not be continuous. Examples of neighborhood residual sounds may

include: off-site traffic of properly muffled vehicles; the surf; mechanical equipment not on the property under investigation; and, summer insects in the distance.

Vote: Steve Szulecki motioned to approve, and Arnold Schmidt seconded. All were in favor, so the motion passed.

Proposed by Steve Szulecki:

7:29-1.4 Stationary emergency signaling devices

Refer to the Subcommittee notes for the October 1st meeting for details or request a copy from David Triggs of 7:29 with the highlighted and NCC-approved amendments.

Eric Zwerling suggested that the exemption should be listed in the exemption section of the code. Salvatore Fama agreed and suggested it should be further discussed at the next subcommittee meeting.

Vote: Arnold Schmidt motioned to accept the changes as presented by Steve Szulecki, and John Kapferer seconded. All were in favor except Salvatore Fama, who stated that it should be discussed further at the subcommittee meeting and listed as a stand-alone exemption as Eric Zwerling suggested. The motion passed.

- *Part 150 Sound Study:* Jerry Feder informed the NCC that the Round Table Committee will be holding a meeting on October 10<sup>th</sup> at 6:00 P.M. at Newark International Airport. All are welcome to attend.

## **NEW BUSINESS**

- David Triggs informed the NCC that he contacted the DEP's Office of Administrative Law to find out if anything needs to be done to prepare for 7:29 sunseting in June 2019. He was told that noise was not considered a priority and that 7:29 would likely be re-adopted without change. His bureau chief subsequently presented this to the director of their program who gave assurances that they would try to get it included on the "list of priorities" for rule amendments in 2019. The procedures for achieving this have begun.
- David Triggs shared a new form that will have to be filled out by a noise investigator who is requesting an extension on their noise re-certification. The form will be posted on the DEP Portal. Only one extension will be granted on a case-by-case basis. The NCC agreed that an investigator would be able to continue to respond to complaints during the three-month extension period. Because of the form, N.J.A.C. 7:29-2.11 will be amended and the changes presented at the next subcommittee meeting.
- Eric Zwerling stated that impulsive noise regulations should be included in 7:29 when a commercial and residential property are joined by a common wall or ceiling. An example of this type of noise would be the dropping of weights on a gym floor. The NCC agreed to explore this further, but it may not be a part of the current proposed amendments due to time constraints.

## **PUBLIC DISCUSSION**

Amy Black from Englewood New Jersey voiced her concerns and opposition to noisy landscaping equipment, in particular, leaf blowers used by commercial landscaping services. Measurements reportedly taken in her neighborhood by the Bergen County Department of Health Services (Bergen) were as high as 82 dBA. The measurement was taken as a courtesy since Bergen cannot enforce resident-to-resident complaints. Ms. Black emphasized that N.J.S.A. 13:1G was created to "insure an environment free from noise which unnecessarily degrades the quality of life," and that the Department is not fulfilling their obligations to protect citizens. Her attempts to contact local officials for assistance have not reduced the noise. Part of the problem is that residents

have the right and are in fact required to maintain their property. Members of the NCC stated that the regulations do not pertain to resident-to-resident complaints and therefore, this type of noise must be handled locally under a Department-approved Model Noise Ordinance, a local nuisance code or a stand-alone ordinance that addresses landscaping equipment through curfews or banning certain types of equipment entirely. Ms. Black uses quieter equipment for her yard work, such as rakes and electrically-powered tools. Randy Hauser recommended contacting the OSHA office in Hasbrook Heights if she feels that workers are being exposed to unreasonably loud noise. Forming a local advocacy group would be helpful, as local governing bodies are more inclined to address citizen's concerns when greater numbers are present at meetings. It was pointed out that the Statute is the law and the Regulations are how you enforce that law. The DEP is constrained by what the Statute allows it to do. Ms. Black's concerns were that the Regulations are not protective enough and N.J.S.A. 13:1G was written at a time when these types of equipment were not in frequent use. She stated that the Model Noise Ordinance passes the responsibility of noise control to the local municipalities, which can then choose not to enforce by not adopting it. She recommended that the state provide funding locally to promote enforcement. It was pointed out that the Department no longer has an Office of Noise Control and it does provide grant funding through the County Environmental Health Act to the twenty-one counties to, among other things, enforce noise. Chairman Schmidt gave assurances that the subcommittee, formed to review and recommend amendments to N.J.A.C. 7:29, would discuss the issue at its next meeting. There will also be a public hearing on the proposed amendments to 7:29 that will offer citizens the opportunity to comment.

#### **EXECUTIVE SESSION**

Refer to the Chair report.

#### **NEXT MEETING**

The next meeting is scheduled for Tuesday, November 13th at 9:30 A.M.

Respectfully submitted by David Triggs, NJDEP Liaison to the NCC