

**NEW JERSEY
NOISE CONTROL COUNCIL (COUNCIL)
OCTOBER 14, 2025
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), Chris Bergacs (Public Member), Dr. Iris Udasin (Public Member, Medical Doctor), Gina Fischetti (Department of Community Affairs), and Syed Rashid (Department of Labor).

Rutgers and NJDEP Representatives: Eric Zwerling (Director of the Rutgers Noise Technical Assistance Center), Michelle Feasel (NJDEP Liaison to the Council), Christy Choo (NJDEP Co-Liaison to the Council), and Megan Adams (NJDEP Representative).

MEETING MINUTES

September 2025: No comments were submitted. *David Triggs motioned to approve the minutes, with Jack Zybura seconding. A vote was taken, and all were in favor except Arnold Schmidt and Gina Fischetti who abstained due to being absent at the September meeting. The motion carried.*

CHAIR REPORT

7:29 Amendments: Chairman Szulecki stated there are no new updates, and the council will continue to work on addressing the public comments.

Modified Muffler Bill S507: Chairman Szulecki stated that there are no updates on the Modified Muffler Bill.

NCC Election: Chairman Szulecki stated that 2025 is an election year for the Council and elections will take place during the November meeting. Chairman Szulecki stated that the open positions are Chair and Vice Chair. Chairman Szulecki stated that the November meeting will be held on Wednesday, November 12th, since the Tuesday is Veterans Day.

PUBLIC DISCUSSION

There was no one present from the public to comment.

EXECUTIVE SESSION

The DEP Office of Legal Affairs stated that the Council must be in Executive Session to discuss the public comments. *Joseph DiFillippo motioned to go into Executive Session, with Philip Makrelis seconding. All were in favor, so the motion carried.* 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 leave Executive Session, with Philip Makrelis seconding. All were in favor, so the motion carried.*

NEW BUSINESS

Modify Model Ordinance: Eric Zwerling proposed to change the definition of minor violation in the model ordinance. He provided the Council with handouts of his amendment and the Grace Period Law. Mr. Zwerling proposed adding “knowing” to the definition of minor violation in the Model Ordinance to make it consistent with the Grace Period Law. Mr. Zwerling stated that “knowing” is also missing from the state code and it should be added next time. Mr. Zwerling stated that having a sound production device is a knowing act, because it must be purchased and installed, and that the 30-day minimum is excessive. Chairman Szulecki stated that the Grace Period Law provides three options: minor, non-minor, and a special non-minor category, with the special non-minor category allowing for a less than 30-day grace period. Chris Bergacs suggested that each town can make their own decision. He stated that the investigator would need to make a determination, and it could be subjective. Chairman Szulecki gave an example between a nightclub and a house party, where it is easy for the house party to turn off or lower the music, but for the nightclub the music is a part of their business operations. He added that he has worked on similar cases and that he was able to bring the nightclub into compliance, but it took time. They might need to close in a skylight, or change how people enter and exit, stating that those are involved processes, and that forcing them to not play music while making changes is not in the spirit of the Grace Period law. Arnold Schmidt stated that a house party currently has 30 days, while the model ordinance promises to protect public health. He added violators can play music for up to 29 days until the inspection on day 30 when they have to stop. David Triggs stated that it can be handled under the nuisance code. Eric Zwerling stated there are criteria based on cooperation that can influence the penalty amount. Mr. Schmidt suggested giving towns the option to put the grace period in their ordinance or not, since towns know their demographic and businesses. Chairman Szulecki stated that there are components that are needed for the business like HVAC and music for night clubs. Mr. Schmidt stated that HVAC is needed for business, and that it takes time for a contractor to fix it or replace it, however, a bar can just turn down the volume of the music. Chairman Szulecki stated that patrons expect a certain level of music and that requiring them to immediately reduce it could hurt businesses. Mr. Zwerling stated that he has not seen situations where a 10 dB drop in music is noticeable to patrons, and that a business would not shut down for lowering the music. Jack Zyburka gave an example of a gym with apartments above it, where the corporate company has a set volume for the gym, and that it can take a while to put the proper ceiling in. Mr. Zyburka asked if this is better suited for the guidance document. Chairman Szulecki stated that the Council can add “knowing” to the definition and use the rest as a jumping point for the guidance document. Mr. Zwerling stated that the Council have separate votes for “knowing” and “operation.” Sal Fama asked that based off this proposal, an investigator can cite a business without the 30-day notice, and the business gets hit with a fine and must go to court right away. Mr. Zwerling stated an example where there was music from an outdoor bar under someone’s window, and the outdoor bar was given 30 days to play music before they were hit with a violation. Chairman Szulecki stated that there was more to the story, and that the music was not needed for the outdoor bar, so it should be framed that way. Michelle Feasel stated that the investigator would need to make a determination if the music is part of the business or not, and that it could be subjective, along with it being “knowing”. Mr. Schmidt stated that if the investigator finds a violation and if they come back and it is still loud then it is knowing. It was discussed that this would be additional strain on investigators’ time. Mr. Schmidt read the preamble to the model noise ordinance, which includes the phrase “hazard to public health.” Chairman Szulecki stated that public health needs balance, and while it is essential to noise regulation, it is not the only factor. Mr. Zyburka stated that if there is a 30-day grace period, people can apply for an extension

if they are making an effort to take corrective action. He asked if it is a special non-minor violation, can they also ask for an extension. Chairman Szulecki gave an example of a loudspeaker for football games next to a house, and they had to take time to move the speaker since they could not lower the volume. Mr. Zwierling stated that there should be a special category for minor violations, which could be added to the operation of sound production devices, where a grace period would be offered if compliance could not be achieved immediately. Mr. Triggs stated the Grace Period law gives us the leverage to create a special category but asked if the council wants to. Chairman Szulecki stated that a subcommittee will meet outside of the Council before the November meeting to further discuss this. Mr. Zwierling will write the first draft and then send out dates for a Zoom meeting. The Council decided that Chairman Szulecki, Arnold Schmidt, Eric Zwierling, David Triggs, Sal Fama and potentially Jack Zybura will be on the subcommittee. Chairman Szulecki stated that the Council should wait to vote on adding “knowing” until the subcommittee figures out the definition and the special non-minor violation category.

Guidance Document for Authorized Enforcement: Eric Zwierling stated that local enforcement officers who attend the noise certification training have asked him about enforcement of *N.J.A.C. 7:29* in local court. Chairman Szulecki stated that Mr. Zwierling should refer them to *N.J.A.C. 7:29-2.11* and their local prosecutor. It was agreed that this agenda item will be removed moving forward.

Grace Period Law Regarding Nonmetered Enforcement: Chairman Szulecki stated that most provisions under the Restricted Uses section do not need a 30-day grace period, such as a dog barking. He suggested the section header could state the listed violations are non-minor. Michelle Feasel stated that commercial landscaping is included under that section and may need a Grace Period to be consistent with *N.J.A.C. 7:29*. Eric Zwierling stated that boom boxes are included under the definition of a sound production device in relation to subsection F. Chairman Szulecki stated that if the model ordinance is changed to have no grace period, it will be reasonable in some instances and unreasonable in others. Chairman Szulecki stated that anything that is not non-minor is minor by definition. Chairman Szulecki stated that the subcommittee can discuss what falls in the non-minor category.

Model Ordinance Formatting: Jack Zybura proposed using “standards set forth herein do not apply” instead of “Section VII” throughout the entire document. *Jack Zybura motioned to accept the change, with Chairman Szulecki seconding. All were in favor; so the motion carried.*

OLD BUSINESS

There was no old business to discuss.

ADJOURNMENT

Arnold Schmidt 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 Wednesday, November 12th at 9:30 AM.

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