

**NEW JERSEY NOISE CONTROL COUNCIL (NCC)
SEPTEMBER 17, 2018
MEETING MINUTES**

ATTENDEES: Arnold Schmidt (Chairman, Public Member), Steve Szulecki (Vice Chairman, Public Member, Ecologist), John Lago (Department of Community Affairs), Salvatore Fama (Motor Vehicle Commission), Norm Dotti (Public Member, Industrialist), Dr. Iris Udasin (Public Member, Medical Doctor), Joseph DiFillippo (Candidate Member for vacancy left by John Surmay), 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 Jack Zyburia (Lewis S. Goodfriend and Associates).

MEETING MINUTES

The July regular meeting minutes and the June Executive Session meeting minutes were not approved as the NCC did not have a quorum.

CHAIR REPORT

- Chairman Schmidt has not received a response from NCC member Nancy Tanella, despite sending her a certified letter requesting her to contact him to determine whether she wants to remain as a member. As a result, the DEP has proceeded with a memo to the Commissioner, requesting that she submit to the Governor's Office on behalf of the NCC, the suggested re-appointment of Arnold Schmidt, Joseph Lepis and Jerry Feder and the removal of Nancy Tanella as a member due to her excessive absence. She has not attended a meeting since December 2017 and the NCC By-laws state that missing three consecutive meetings is grounds for dismissal. The memo also recommends that Joseph DiFillippo be appointed into John Surmay's position (Mr. Surmay has passed away) and Mark Roskein be placed in Nancy Tanella's expected vacancy.
- Chairman Schmidt received an e-mail on August 8th from U.P.S.'s Director of State Public Affairs Axel Carrion. The e-mail included an updated version of their proposed exemption for commercial/industrial facilities that are adjacent to lots that were re-zoned from commercial/industrial to residential. Chairman Schmidt informed Mr. Carrion, that while the NCC could not directly advise a member of the public, the proposed amendment would be discussed at a future subcommittee meeting.

NCC COMMUNICATIONS/CORRESPONDENCE

Refer to the Chair Report.

OLD BUSINESS

- *Proposed Amendments to N.J.A.C. 7:29:* While the proposed amendments to N.J.A.C. 7:29 were discussed, the NCC did not have a quorum and therefore could not vote to approve any of the suggested changes. Chairman Schmidt asked the attending members if anyone had additional amendments that haven't been presented yet. There were none.

David Triggs presented the following amendment:

§ 7:29-2.11 Qualifications of enforcement personnel

For the purposes of this chapter, an employee representing an authorized enforcement agency shall be considered qualified to make noise measurements and enforce the State's Noise rules or a municipal noise ordinance approved by the Department, as the case may be, if such person completes a noise certification course, and is recertified, at least once every two years, at a noise certification course which is offered by the Department of Environmental Sciences of Cook College, Rutgers, the State University. The Department of Environmental Protection ~~shall~~ may provide ~~an~~ one extension for recertification on a case-by-case basis beyond the two-year period for a person until the next time the recertification course is offered. Such requests shall be made in writing to the Department at least 10 working days prior to the expiration of the person's certification. The Department will only consider requests involving work-related emergencies, illness, family matters or scheduling conflicts for other mandatory training. All other reasons, such as forgetting the date of the class, will not be considered.

After a brief discussion it was decided that the added criteria are not needed and that instead, inspectors seeking an extension for their Noise Recertification be required to fill out and submit a form that outlines why they are missing the class. The form will acknowledge that only one extension will be given and that failure to extend the makeup recertification course will result in having to take the three-day certification course over again. A supervisor will have to approve the request. Eric Zwerling and Steve Szulecki volunteered to draft something. The approved form will be posted on the CEHAN Portal.

Eric Zwerling informed the NCC that he was able to replace most references to background and ambient noise with neighborhood residual in the Rutgers Community Noise Enforcement Manual. He will re-work the definition of neighborhood residual and present it at the next subcommittee meeting.

Steve Szulecki stated that his recommended changes to the section on Emergency Signal Devices was not voted on by the subcommittee because he did not include an explanation for the changes. The amendments predominantly consist of removing redundant verbiage. He will provide an explanation at the next subcommittee meeting.

Norm Dotti discussed his recommended exemption for backup beepers. Most of the NCC members, except for Salvatore Fama, felt that an exemption was unnecessary for a problem that historically has been correctable through various measures.

Norm Dotti gave a background for drafting the following exemption:

When a receiving property potentially affected by an existing source use on another property undergoes a use change through rezoning to residential, such that the receiving use becomes more restrictive regarding sound level limits, the sound level limits for the source(s) in effect at the time the source use was established shall remain. Additional or replacement sources added after the receiver use change occurs, however, must meet the residential receiver limits for those newly added sources.

Most of the NCC members present were in favor of his proposal except for Steve Szulecki, who felt that it would result in a reduction of protection. In addition, 7:29 does not address zoning issues, only the use of the source/receptor property. Noise, odor and dust coming from an industrial facility onto re-zoned residential property would be considered trespassing. It is inconsistent with the stated goals of 7:29, which protects sleep disturbance. A better solution might be to include Mr. Dotti's proposal into the guidance document.

Eric Zwerling pointed out that 13:1G-2. Legislative findings is vague on this subject. He also felt that the NCC should consider adopting interior limits set at 35 dBA and that buildings located in re-zoned areas should be required to be built to that standard.

John Lago pointed out that nearly sixty percent of residential buildings are now attached to commercial facilities.

NEW BUSINESS

No new business

PUBLIC DISCUSSION

There was no public discussion.

EXECUTIVE SESSION

The NCC did not meet in Executive Session.

NEXT MEETING

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

Respectfully submitted by David Triggs, NJDEP Liaison to the NCC