

October 13, 2022

The Town Board of the Town of Warwick held a Public Hearing to Amend Chapter 82 of the Code of the Town of Warwick, "Fire Prevention and Building Code Administration". Said public hearing was held on Thursday, October 13, 2022 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor opened the public hearing at 7:15 p.m.

**ATTENDANCE:** Supervisor Michael Sweeton  
Councilman James Gerstner – Absent  
Councilman Floyd DeAngelo  
Councilman Russell Kowal  
Councilman Kevin Shuback

Attorney for the Town, Jay Myrow

**LEGAL NOTICE:** The Clerk read the legal notice, which was duly published in the Warwick Valley Dispatch on September 28, 2022.

(Copy of this legal notice is printed at the end of these minutes.)

Supervisor Sweeton – The purpose of this law, this is a question that came to us from the Town Planning Board they had an application they had a question about. We did look at the code and there's a section of the code that seemed a bit antiquated based on current regulations. We also recognized that there was no reference to New York State DEC regulations. I had our Engineer, Laura Barca from HDR contact the DEC to find out what the regulations were. They referred her to the New York State DEC DER-10 which is a technical guidance for site investigation and remediation for the removal of underground storage tanks. The sections of our code that are being amended to reflect that we will comply with New York State DEC Regulations is 82-31A which says no person, firm or corporation shall render out of service, abandon in place or remove from the ground or the premises any Underground Storage Tank enclosure without complying fully with the NYS Department of Environmental Conservation DER-10 regulations for site investigation and removal. Section 82-8 F which says when tanks are removed from the ground, they shall be rendered safe and removed from the Town of Warwick in compliance with NYS Department of Environmental Conservation DER-10 Technical guidance for site Investigation and Remediation. Once tanks are uncovered, the property owner shall erect secure barricades around the excavation and shall provide twenty-four hour per day security for the site until the tanks are removed and the hole is completely filled and graded. The local law will take effect upon the filing of same with the New York State Secretary of State. This is a public hearing and if you have a comment that you would like to make on the proposed change to the Chapter 82, please step forward, give us your name for the record and let us record your comments.

Marie Pillmeier – Resident, Florida, NY – Mike, I think one of the things in that code is that the tanks had to be removed immediately and the deal is those tanks may have to be

inspected by an insurance company rendering whether they have holes or what the reason is to have them removed.

Supervisor Sweeton – Let me just state that by following that DER-10 regulation of the DEC it gives up to 90 days for a tank to be removed from the town.

Marie Pillmeier – Ok.

Supervisor Sweeton – We want to make sure we're in compliance with New York State DEC.

Marie Pillmeier – Understood. Thank you.

Supervisor Sweeton – Got it?

Marie Pillmeier – Got it.

Supervisor Sweeton – Is there anyone else who would like to make public comment on the proposed changes?

Michael R. Pillmeier – Florida, NY – The tanks that are removed by a tank removal company and if they are stored in a dumpster on a property prior to the removal from the town, is that an issue?

Supervisor Sweeton – I don't have an answer as long as they're done in compliance with the DER-10 regulations, which gives someone 90 days to remove them and after being thoroughly clean etc. A professional tank removal companies or licensed understand what those regulations are.

Michael R. Pillmeier – So again, a tank removal company that removed a tank from the State of New Jersey and brings it into the Town of Warwick and puts it into a dumpster has the right to leave that tank in that dumpster for 80 or 90 days?

Supervisor Sweeton – I don't know the technical answer, but it would have had to be removed in conformance with New York State DEC Section 5.2 of DER-10 regulations. They would have to show proof of that, if in fact it was done in New Jersey, Pennsylvania, Connecticut or wherever in order to comply with our code. This section referencing New York State DER-10 replaces the section of the code that referred to the removal within a day.

Michael P. Pillmeier – I'm just concerned about the possible gray area of the tank being removed from another state and being brought into New York State.

Supervisor Sweeton – I don't know what the DEC regulations are if somebody brings it in from another state, but to comply with our code it would have had to complied with these regulations.

Michael R. Pillmeier – Ok.


Supervisor Sweeton – Got it?

Michael R. Pillmeier – Yes, thank you.

Supervisor Sweeton – You're welcome.

**CLOSE PUBLIC HEARING:** Motion Councilman DeAngelo, seconded Councilman Shuback that the public hearing be closed.

Motion Carried (4 ayes, 0 nays & 1 absent Councilman Gerstner absent) 7:22 p.m.  
10-13-22 CP

  
Eileen Astorino, Town Clerk

**PLEASE TAKE NOTICE** that the Town Board of the Town of Warwick will be holding a Public Hearing to consider Proposed Introductory Local Law No. 5 of 2022 entitled, "Amend Chapter 82 of the Code of the Town of Warwick in relation to Fire Prevention and Building Administration by changing Section 82-31 A and 82-31 F in respect to removing underground tanks in compliance with the New York DEC regulations". Said public hearing to be held on Thursday, October 13, 2022 at 7:15 p.m. at the Town Hall, 132 Kings Highway, Warwick, NY or as soon thereafter as the matter may be heard.

A complete copy of the Introductory Local Law is available for inspection at the Clerk's Office and/or the Town of Warwick website, [townofwarwick.org](http://townofwarwick.org).

All interested persons will be given the opportunity to be heard.

DATED: September 28, 2022

**BY ORDER OF THE TOWN  
BOARD OF THE TOWN OF WARWICK  
EILEEN ASTORINO  
TOWN CLERK**