

# MISCELLANEOUS NOTICES/HEARINGS

## Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311  
or visit our web site at:  
[www.osc.state.ny.us](http://www.osc.state.ny.us)

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

## PUBLIC NOTICE Deferred Compensation Board

Pursuant to the provisions of 9 NYCRR, Section 9003.2, authorized by Section 5 of the State Finance Law, the New York State Deferred Compensation Board, beginning Wednesday, February 5, 2014, is soliciting proposals from Public Accounting Firms to conduct audits of the Deferred Compensation Plan for Employees of the State of New York and Other Participating Public Jurisdictions, a plan meeting the requirements of Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law, including all rules and regulations issued pursuant thereto.

A copy of the request for proposals may be obtained from Sharon Lukacs, Associate Director, New York State Deferred Compensation Board, Empire State Plaza Station, P.O. Box 2103, Albany, NY 12220-2103, (518) 473-6619 or on the Board's web site: [www.goer.ny.nysdcp](http://www.goer.ny.nysdcp).

All proposals must be received no later than the close of business on March 14, 2014.

## PUBLIC NOTICE Deferred Compensation Board

Pursuant to the provisions of 9 NYCRR, Section 9003.2, authorized by Section 5 of the State Finance Law, the New York State Deferred Compensation Board, beginning Wednesday February 5, 2014, is soliciting proposals from financial organizations to provide (i) a separately managed fixed income portfolio with wrap coverage arranged by the Board's advisors, and/or (ii) an insurance company separate account funding agreement to be invested in fixed income securities. The proposal selected will be a portion of the Stable Income Fund of the Deferred Compensation Plan for Employees of the State of New York and Other Participating Public Jurisdictions (the "Plan"). The Stable Income Fund is offered as an investment option under the Plan, a plan meeting the requirements of Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law, including all rules and regulations issued pursuant thereto.

A copy of the request for proposals may be obtained from Karen McKechnie, Vice President, Callan Associates, 1 Deforest Avenue, Suite 101, Summit, NJ 07901, (908) 522-3880 or on the Board's web site: [www.goer.ny.gov/nysdcp](http://www.goer.ny.gov/nysdcp).

All proposals must be received no later than the close of business on Friday, March 14, 2014.

## PUBLIC NOTICE Department of Health

On July 15, 1997, New York State's Medicaid demonstration program "The Partnership Plan" was approved by the Federal government under Section 1115 of the Social Security Act. This waiver has been extended to reflect programmatic needs. Under the waiver, the State is required to seek Federal approval of any amendments. New York is seeking to extend the effective period of the Designated State Health Programs (DSHPs) in the current Partnership Plan Waiver that supports New York State's transformation of the Office for People with Developmental Disabilities (OPWDD) service delivery system through December 31, 2014. The DSHPs were approved in the current waiver for the period of April 1, 2013 through March 31, 2014.

The additional funding is needed to continue to provide assistance with the multi-year transformation that has as its core the following key elements:

1. Deinstitutionalizing and transitioning people into the most integrated settings possible to meet their housing and support needs.
2. Ensuring that existing and new community based services meet CMS' Home and Community Based Standards and that all services developed through NYS' OPWDD People First Waiver-1915 (b) (c) will be the result of person centered planning with a particular emphasis on self-direction, competitive employment and integrated housing. Also, a greater focus on care coordination and quality measurement and improvement using personal outcome data will also be operationalized as part of the OPWDD People First Waiver.
3. Facilitating aggressive expansion in the number of people who:
  - a. self-direct at least part of their services;
  - b. are competitively employed;
  - c. are transitioning from institutions to qualifying HCBS settings or those settings that meet Money Follows the Person criteria.

To help NYS support this major multi-year system transformation that will better support New Yorkers with developmental disabilities, we are seeking Federal approval to extend the funding for the previously approved DSHPs. The approximate annual value of these state expenditures is \$500 million with Federal Financial Participation (FFP) at \$250 million. NYS is requesting that FFP be provided for the related DSHP expenditures for the period April 1, 2014 through the Partnership Plan's current expiration date, December 31, 2014.

Additional information concerning the Partnership Plan and any proposed amendments can be obtained by writing to the Waiver Management Unit at: [1115waivers@health.state.ny.us](mailto:1115waivers@health.state.ny.us).

Partnership Plan information is also available to the public on-line at [www.health.state.ny.us](http://www.health.state.ny.us) or [www.cms.hhs.gov](http://www.cms.hhs.gov).

## PUBLIC NOTICE

Homes and Community Renewal  
Consolidated Annual Performance and Evaluation Report  
Public Comment Period Notice

In accordance with the provisions of the National Affordable Housing Act, the State of New York is making a draft of its Consolidated Annual Performance and Evaluation Report (CAPER) for Program Year 2013 available for public comment. The CAPER analyzes New York State's progress in implementing its HUD-approved Annual Action Plan for 2013. The public is invited to review the draft New York State CAPER and to offer comments on the document. The draft 2013 CAPER, as published for public comment, will be available during the public comment period on the New York State Homes and Community Renewal (HCR) website at [www.nyshcr.org](http://www.nyshcr.org). In addition, copies can be requested by e-mail at [HCRConPln@nyshcr.org](mailto:HCRConPln@nyshcr.org) or by telephoning 1-518-474-8782. The public comment period will begin on Wednesday, February 19, 2014 and end on Wednesday, March 5, 2014. Written comments must be postmarked no later than March 5, 2014 and addressed to: Alison Russell, Homes and Community Renewal, Hampton Plaza, 38-40 State St., Albany, NY 12207. E-mail comments must be sent by that date and e-mailed to: [HCRConPln@nyshcr.org](mailto:HCRConPln@nyshcr.org)

## PUBLIC NOTICE

## Department of State

F-2013-0966 (DA), F-2014-0019 (DA), F-2014-0020 (DA),  
F-2014-0021 (DA), F-2014-0022 (DA), F-2014-0023 (DA)  
and F-2014-0024 (DA)

Date of Issuance - February 5, 2014

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The U.S. Army Corps of Engineers, Buffalo District (Corps) has determined that the proposed activity will be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of the New York State Coastal Management Program. The applicant's consistency determination and accompanying supporting information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue in Albany, New York.

The Corps has received funding through the Disaster Relief Appropriations Act (Hurricane Sandy) to conduct maintenance dredging at several harbors on Lake Ontario in fiscal year (FY) 2014. The funds allocated under this program are intended to allow the Corps to remove shoals that have accumulated within the Federal navigation channels in these harbors and restore them to 'pre-storm conditions' to the extent practical in order to maintain sufficient depth for shallow and/or deep-draft vessels, as appropriate to each harbor's authorized depths. Each harbor proposed to be dredged as follows:

F-2013-0966 (DA) – Irondequoit Harbor / Irondequoit Bay at Lake Ontario (Monroe County) – Authorized channel depths in Irondequoit Bay Harbor are 9 feet below LWD in the Entrance Channel and 8 feet below LWD in the Bay Channel. The area that will be dredged during this operation is located within the Entrance Channel, and will be dredged to an estimated 6 feet below LWD in order to return this portion of the channel to pre-storm conditions. Up to an additional one foot of material may be removed to insure the minimum depth is achieved and account for inaccuracies in the dredging process. Approximately 10,000 cubic yards of material will be dredged from the Federal navigation channel during the FY14 operation. Due to the clean, sandy nature of these sediments, material dredged from the Federal navigation channel will be placed in the existing, authorized nearshore placement area established and historically used for the Harbor, returning the sediments to the littoral drift. This area is located approximately 2,400 feet east of the East Breakwater.

F-2014-0019 (DA) – Little Sodus Harbor / Little Sodus Bay at Lake Ontario (Cayuga County) - Authorized channel depths in Little Sodus

Harbor are 15 feet below low water datum (LWD1); however the channel will be maintained to an estimated depth of up to 12 feet below LWD during this operation in order to return this portion of the channel to pre-storm conditions. Up to an additional one foot of material may be removed to insure the minimum depth is achieved and account for inaccuracies in the dredging process. Approximately 35,000 cubic yards of material will be dredged from the Federal navigation channel during the FY14 operation. Due to the clean, sandy nature of these sediments, material dredged from the Federal navigation channel will be placed in the existing, authorized nearshore placement area established and historically used for the Harbor, returning the sediments to the littoral drift. This approximately 53 acre area is located immediately adjacent to the East Breakwater.

F-2014-0020 (DA) – Oak Orchard Harbor / Oak Orchard Creek at Lake Ontario (Orleans County) - Authorized channel depths in Oak Orchard Harbor are 10 feet below LWD in the West Lake Approach and Entrance Channel and 7 feet below LWD in the East Lake Approach Channel. The area that will be dredged during this operation will be dredged to authorized depths in order to return this portion of the channel to pre-storm conditions. Up to an additional one foot of material may be removed to insure the minimum depth is achieved and account for inaccuracies in the dredging process. Approximately 15,000 cubic yards of material will be dredged from the Federal navigation channel during the FY14 operation. The material from Oak Orchard Harbor has been evaluated and the Corps has determined that the material is suitable for open-lake placement. Therefore, material dredged from the Federal navigation channel will be placed in the existing, authorized open-lake placement area established and historically used for the Harbor. This 160-acre area is located 1.5 miles north-east of the East Jetty Light at an azimuth of 015°00'.

F-2014-0021 (DA) – Olcott Harbor / Eighteen Mile Creek at Lake Ontario (Niagara County) - Authorized channel depths in Olcott Harbor are 12 feet below LWD. The area that will be dredged during this operation will be dredged to authorized depths in order to return this portion of the channel to pre-storm conditions. Up to an additional one foot of material may be removed to insure the minimum depth is achieved and account for inaccuracies in the dredging process. Approximately 12,000 cubic yards of material will be dredged from the Federal navigation channel during the FY14 operation. The material from Olcott Harbor has been evaluated and the Corps has determined that the material is suitable for open-lake placement. Therefore, material dredged from the Federal navigation channel will be placed in the existing, authorized open-lake placement area established and historically used for the Harbor. This 160-acre area is located 1.5 miles due north of the Olcott Harbor Light at an azimuth of 0°00'.

F-2014-0022 (DA) – Oswego Harbor / Oswego Creek at Lake Ontario (Oswego County) - Authorized channel depths vary within the Harbor. The Federal channels will be dredged to authorized depths and up to an additional one foot of material may be removed to insure the minimum depth is achieved and account for inaccuracies in the dredging process. Approximately 100,000 cubic yards of material will be dredged from the Federal navigation channels during the FY14 operation. The material from Oswego Harbor has been evaluated and the Corps has determined that the material is suitable for open-lake placement. Dredged material from the Oswego Harbor Federal navigation channels would be discharged into the northwest quadrant of the existing, authorized 160-acre open-lake site located 1.5 miles from the harbor's West Breakwater Light at an azimuth of N22°E.

F-2014-0023 (DA) – Rochester Harbor / Genesee River at Lake Ontario (Monroe County) - Authorized channel depths in Rochester Harbor are 21 feet below LWD. The exact extent of the 2014 dredging operation at Rochester Harbor has yet to be determined. The Federal channels will be dredged to authorized depths and up to an additional one foot of material may be removed to insure the minimum depth is achieved and account for inaccuracies in the dredging process. Approximately 100,000 cubic yards of material will be dredged from the Federal navigation channel during the FY14 operation. The material from Rochester Harbor has been evaluated and the Corps has determined that the material is suitable for open-lake placement. Dredged material from the Rochester Harbor Federal navigation channels would be discharged into the center of the northwest quadrant of the

existing, authorized 160-acre open-lake site located 1.5 miles from the harbor's West Pierhead light at an azimuth of 060°00'.

F-2014-0024 (DA) – Wilson Harbor / Tuscarora Bay at Lake Ontario (Niagara County) - Authorized channel depths in Wilson Harbor are 8 feet below LWD in the Entrance Channel and 6 feet below LWD in the Inner Harbor Channel. The area that will be dredged during this operation is depicted in Figure 5 and will be dredged to authorized depths in order to return this portion of the channel to pre-storm conditions. Up to an additional one foot of material may be removed to insure the minimum depth is achieved and account for inaccuracies in the dredging process. Approximately 9,000 cubic yards of material will be dredged from the Federal navigation channel during the FY14 operation. The material from Oswego Harbor has been evaluated and the Corps has determined that the material from the entrance channel is suitable for open-lake placement. However, the majority of the material within the Inner Harbor Channel upstream of the dredging area has not yet been determined to be suitable for open-lake placement. Further testing will be required in the portion of the harbor prior to any future dredging. Suitable material dredged from the Federal navigation channel will be placed in the existing, authorized open-lake placement area established and historically used for the Harbor. This 160-acre area is located 1.5 miles due north of the Wilson Pierhead Light 2 at an azimuth of 0°00'.

Additional information, including maps of the proposed dredging, placement areas and anticipated schedule can be found at: [http://www.lrb.usace.army.mil/Portals/45/docs/CivilWorks/PublicReview/LOHD-14\\_PN.pdf](http://www.lrb.usace.army.mil/Portals/45/docs/CivilWorks/PublicReview/LOHD-14_PN.pdf)

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, February 20, 2014.

Comments should be addressed to the Department of State, Office of Coastal, Local Government and Community Sustainability, One Commerce Plaza, 99 Washington Av., Suite, 1010, Albany, NY 12231. (518) 474-6000; Fax (518) 473-2464. Electronic Submissions can be made to [CR@dos.ny.gov](mailto:CR@dos.ny.gov).

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

## PUBLIC NOTICE

### Uniform Code Regional Boards of Review

Pursuant to 19 NYCRR 1205, the petitions below have been received by the Department of State for action by the Uniform Code Regional Boards of Review. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollsens, Building Standards And Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2014-0007 Matter of All State Tire Pros; Mohamed Khalil, 411 Walden Avenue, Buffalo, NY 14211 for a variance concerning requirements for outdoor storage of tires.

Involved is the alterations to an existing two story auto-repair shop of wood frame construction, located at 411 Walden Avenue, City of Buffalo, County of Erie, State of New York.

2014-0008 Matter of F & K Express Tire; Fakhri Hamideh, 1235 Filmore Ave, Buffalo, NY 14211 for a variance concerning requirements for outdoor storage of tires.

Involved is the alterations to an existing one story auto-repair shop of non-combustible construction, located at 1235 Filmore Avenue, City of Buffalo, County of Erie, State of New York.

2014-0009 Matter of The Montante Development, 2760 Kenmore Avenue, Buffalo, NY 14150 for a variance concerning requirements for standpipe system in buildings.

Involved is the alterations and change on occupancy in an existing three story building of ordinary construction for permanent multiple

dwelling occupancy with approximate gross floor area of 44,000 square feet, Located at 141 Elm Street, City of Buffalo, County of Erie, State of New York.

2014-0017 Matter of Ellen Vachon, 223 Death Valley Road, Johnson City, NY 13790, for an appeal of a code official's decision regarding a property, located at 499 Fredericks Road, Town of Maine, County of Broome, State of New York.

2014 -0024 Matter of The Beckwith Group 1380 RT 44, Pleasant Valley, NY 12569 for a variance concerning building and fire code requirements, including sprinklering.

Involved are (7) new buildings, R1 and R2 occupancy classifications, located at 200 Brandt Road Westbrookville, County of Orange, State of New York.

2014-0025 Matter of Meehan Architecture, PC, Robert Meehan, P.O. Box 391, Mendon, NY 14506, for a variance concerning safety requirements, including elevator requirements in a building located at 317 Main Street, Village of East Rochester, County of Monroe, State of New York.

