

# MISCELLANEOUS NOTICES/HEARINGS

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## 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 7:00 a.m. to 5:00 p.m., at:

1-800-221-9311 (In New York State)  
(518) 270-2200 (Outside New York State)

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 Office of General Services

Pursuant to Section 30-A of the Public Lands Law, the Office of General Services hereby gives notice to the following:

Notice is hereby given that the New York State Office of General Services has declared that 171-175 Washington Ave. located in the City of Albany, County of Albany, is no longer useful for State program purposes and has been declared abandoned to the Commissioner of General Services for sale or other disposition as unappropriated State land. This abandonment was approved October 20, 2003.

*For further information, contact:* Thomas A. Pohl, Office of General Services, Legal Services, Corning Tower, Empire State Plaza, 41st Fl., Albany, NY 12242, (518) 474-8831, fax: (518) 473-4973

## PUBLIC NOTICE Division of Housing and Community Renewal

This Operational Bulletin implements regulations adopted by the Division of Housing and Community Renewal by Notices of Adoption published in this issue of the *New York State Register*.

OPERATIONAL BULLETIN 2003-1  
Conversion from Master to Individual Metering of Electricity with

Direct Payment by Tenant;  
Schedule of Rent Reductions Affecting:  
New York City Rent Stabilization Code (RSC)  
Emergency Tenant Protection Regulations (TPR)  
New York City Rent and Eviction Regulations (CRER)  
New York State Rent and Eviction Regulations (SRER)

This Operational Bulletin is issued under authority of Sections 2522.4 and 2527.11 of the RSC; Sections 2502.4 and 2507.11 of the TPR; Sections 2202.16 and 2209.8 of the CRER, and Sections 2101.4 and 2109.8 of the SRER.

This Operational Bulletin establishes a schedule of rent decreases for rent stabilized and rent controlled housing accommodations, where, with the approval of DHCR, there is a conversion from master metering of electricity, with inclusion of the cost of electricity in the rent, to individual metering whereby the tenant becomes responsible for the cost of his or her own electrical consumption. This Operational Bulletin supersedes Operational Bulletin 96-2 (issued August 28, 1996), and Administrator's Interpretation No. 7 (issued March 21, 1975 and applicable to New York City rent controlled housing accommodations), and any other outstanding formula or schedule for setting rents upon electrical conversion of rent regulated housing accommodations.

### Background

The State of New York has long recognized the broad social and economic goal of conservation of energy, a policy that was last enunciated by the New York State Energy Planning Board, in its 1998 New York State Energy Plan and Final Environmental Impact Statement. Accordingly, State and city agencies have sought wherever possible to fashion their policies and procedures to be supportive of this goal.

Since the 1970s, there have been increases in the cost of electricity due to international market conditions, and in consumption of electricity due to a proliferation of electrical home appliances. Rent regulated tenants in master-metered buildings receive unlimited electric current as a service included in the rent, and there is no incentive to the tenants to moderate their consumption of electricity.

A proven incentive for moderation of such consumption is individual metering of electricity, as it makes each user responsible for the cost of his or her own consumption. Thus, DHCR (and its predecessor agencies) has had a long-standing policy of permitting, and indeed encouraging, owners of master-metered buildings to undergo the substantial expense of converting their buildings to individual metering, thereby transferring responsibility for the cost of their consumption of electricity to the tenants.

Recognizing that assuming the cost of their own electricity could also be a financial burden on the tenants, DHCR has sought to mitigate that burden by imposing building-wide rent reductions as a condition to conversion. The reductions were established by a formula that was designed to provide owners with an incentive to undergo the expense of conversion while at the same time ameliorating the financial impact of

direct billing on the tenants.

Over the years the rent reduction formula has been subject to revision based on prevailing considerations of policy and economic conditions. Most recently, DHCR's experience has shown that the formula has tended to discourage owners from undergoing the expense of conversion. This has been confirmed by the relative dearth of conversion applications filed with the agency, and a 1996 report by the New York State Energy Research and Development Agency (NYSERDA) entitled *Facilitating Submetering Implementation*.

Recognizing the need for a new rent reduction formula, DHCR consulted with NYSEDA, and joined with that agency to commission a study by a recognized architectural and engineering firm, Wendel Duchschere. Upon completion of the study, entitled *Rent Reduction Analysis*, DHCR, with the advice and guidance of NYSEDA, developed the rent reduction formula described herein.

#### **Direct Metering and Submetering**

There are two types of individual metering: Direct metering and submetering. Under direct metering the tenant purchases electricity directly from a utility or energy service company at a residential rate. Under submetering the tenant purchases electricity from the owner or a contractor retained by the owner, who in turn purchases it from a utility or energy service provider at a bulk rate.

Submetering has the advantage of reducing the cost of electricity to the tenant, since the bulk rate paid by the owner, even when combined with the owner's meter-reading and billing costs, is generally significantly less than the residential rate. Submetering can also contribute to energy conservation when combined with "advanced metering" under which the submeter is capable of measuring not only the amount of electricity consumed, but also the time of day in which it was consumed. Since the bulk rate may vary depending on demand and time of usage, this permits the tenant to schedule the use of high consumption appliances such as dishwashers and clothes dryers during off-peak hours of usage such as late evenings when the rates may be lower.

State policy of promoting energy conservation includes encouraging owners of master-metered buildings to convert to individual metering. NYSEDA believes that individual metering, under which each consumer is responsible for his or her own electrical consumption, provides a significant incentive for conservation of electricity, and that submetering further enables consumers to benefit from lower bulk electric rates and the ability to concentrate use during times of day when rates are lowest. Accordingly, NYSEDA has developed programs to provide information, technical assistance, and monetary incentives for owners who undergo the expense of conversion.

#### **Rewiring the Building in Connection with Electrical Conversion**

It has been long standing DHCR policy to require owners who wish to convert from master metering to direct metering to rewire the building as part of the conversion process. This requirement is continued as it promotes the public safety and provides tenants with the energy necessary to run modern appliances. Accordingly, owners intending to convert to direct metering are required to rewire the building unless they can establish to DHCR's satisfaction that rewiring is unnecessary. DHCR is mindful that there are owners such as cooperative or condominium apartment corporations who are unable to take on the economic burden of rewiring, but who nevertheless find submetering to be an attractive option to reduce energy costs and promote energy conservation. Accordingly, DHCR will not require rewiring where an owner seeks to convert to submetering. However, the owner must provide DHCR with an affidavit sworn to by a licensed electrician that the existing wiring is safe and of sufficient capacity for the building.

#### **Rent Reduction Formula**

Upon granting an owner's application to convert from master to individual metering of electricity, DHCR will apply schedules of rent reductions for rent controlled and rent stabilized housing accommoda-

tions that are converted to individual metering. The schedules are derived from the New York City Rent Guidelines Board's tabulation of data from the United States Census Bureau's "2002 New York City Housing and Vacancy Survey" (HVS) which is the most recent survey, having been published in 2003. That data is available on the New York City Rent Guidelines Board's website at [www.housingnyc.com](http://www.housingnyc.com). In future, upon publication of a new HVS and tabulation of the new data by the Rent Guidelines Board, DHCR will promulgate a new Operational Bulletin that will incorporate data from that survey in the same manner as is set forth herein.

Recognizing that under submetering the tenant will be able to incur a lower cost for electricity, and in order to provide the owner with an incentive to convert to submetering rather than direct metering, the schedule of rent decreases for submetering is lower than the schedule for direct metering.

#### **Direct Metering**

Where the conversion is to direct metering, the schedule of rent reductions is based on the median monthly cost of electricity to tenants derived from the data from the 2002 HVS. When applied outside New York City, the schedule of rent reductions is adjusted where appropriate to reflect differences in electric rates outside New York City.

#### **Submetering**

Where the conversion is to submetering, the schedule of rent reductions is based on the median monthly cost of electricity to tenants in the 2002 HVS, adjusted to reflect the bulk rate plus a maximum reasonable service fee of \$4.00 for the cost of meter reading and billing. That fee is based on an estimated maximum charge set forth in the Residential Electrical Submetering Manual (revised October, 2001) prepared for the New York Energy Research and Development Authority, and available on its website at [www.nyserda.org](http://www.nyserda.org). When applied outside New York City, the schedule of rent reductions is further adjusted where appropriate to reflect differences in electric rates outside New York City. Under submetering the owner or contractor retained by the owner is not permitted to charge the tenant more than the bulk rate for electricity plus a reasonable service fee to cover the cost of meter reading and billing. However, after the conversion, the cost of electricity and service fee are not part of the legal regulated rent, and billing disputes are not under the jurisdiction of DHCR.

#### **Protection of Senior Citizens**

After the conversion, all tenants are responsible for their own electric bills except those who, on the date of the conversion, are receiving a Senior Citizen Rent Increase Exemption (SCRIE) under Section 26-509 of the Rent Stabilization Law (applicable to rent stabilized housing accommodations inside New York City), Section 26-406 of the City Rent and Rehabilitation Law (applicable to rent controlled housing accommodations in New York City), or pursuant to local law as authorized by Section 467-b of the Real Property Tax Law (applicable outside New York City). For those tenants the rent is not reduced and the cost of electricity remains included in the rent, although the owner is permitted to install any equipment in such tenant's housing accommodation as is required for effectuation of the electrical conversion. After the conversion, upon the vacature or the tenant, the owner is required to reduce the legal regulated rent or maximum rent for the housing accommodation in accordance with the schedule of rent reductions set forth in this Operational Bulletin or any update thereto which is in effect at the time of the vacancy, and thereafter the tenant is responsible for the cost of his or her consumption of electricity, and for the legal regulated rent as reduced, including any applicable major capital improvement rent increase based upon the cost of work done to effectuate the electrical conversion.

After the conversion, if a tenant ceases to receive SCRIE benefits, the owner may reduce the rent and the tenant becomes responsible for electric bills for the period in which the tenant is not receiving SCRIE

benefits. However, if the tenant is later reinstated in the SCRIE program, the owner is required to eliminate the rent reduction and resume responsibility for the tenant's electric bills.

**Additional Charges for Appliances**

After the conversion, for every unit that becomes individually metered, the owner will not be permitted to collect any previously authorized appliance charges to offset the cost of operating appliances which consume large quantities of electricity (i.e., air conditioners), but will be permitted to impose any surcharge or other additional charge that is permitted for an individually metered building. The schedules of rent adjustments set forth herein, along with the elimination of the authorized appliance charges, will be the only decreases in rent allowed and will not be followed by any additional decreases, except for any adjustments that are permitted for the protection of senior citizens as described above.

**SCHEDULE OF RENT REDUCTIONS**

	Direct Metering	Submetering
<b>New York City</b>		
1 Room	\$40.00	\$30.81
2 Rooms	\$40.00	\$30.81
3 Rooms	\$45.00	\$35.27
4 Rooms	\$50.00	\$39.59
5 Rooms	\$55.00	\$44.06
6 Rooms	\$60.00	\$48.38
Over 6 rooms add	\$ 5.00	\$ 4.39 per room
<b>Westchester</b>		
1 Room	\$40.00	\$30.81
2 Rooms	\$40.00	\$30.81
3 Rooms	\$45.00	\$35.27
4 Rooms	\$50.00	\$39.59
5 Rooms	\$55.00	\$44.06
6 Rooms	\$60.00	\$48.38
Over 6 rooms add	\$ 5.00	\$ 4.39 per room
<b>Rockland</b>		
1 Room	\$32.14	\$21.54
2 Rooms	\$32.14	\$21.54
3 Rooms	\$36.03	\$24.47
4 Rooms	\$39.78	\$27.29
5 Rooms	\$43.67	\$30.22
6 Rooms	\$47.43	\$33.04
Over 6 rooms add	\$ 3.82	\$ 2.88per room
<b>Nassau</b>		
1 Room	\$31.72	\$26.09
2 Rooms	\$31.72	\$26.09
3 Rooms	\$36.06	\$29.77
4 Rooms	\$40.26	\$33.33
5 Rooms	\$44.60	\$37.01
6 Rooms	\$48.80	\$40.57
Over 6 rooms add	\$ 4.27	\$ 3.62 per room
<b>Albany</b>		
1 Room	\$38.71	\$24.57
2 Rooms	\$38.71	\$24.57
3 Rooms	\$42.58	\$28.00
4 Rooms	\$46.31	\$31.32
5 Rooms	\$50.18	\$34.74
6 Rooms	\$53.91	\$38.06
Over 6 rooms add	\$ 3.80	\$ 3.37 per room
<b>Erie</b>		
1 Room	\$38.71	\$24.57
2 Rooms	\$38.71	\$24.57
3 Rooms	\$42.58	\$28.00
4 Rooms	\$46.31	\$31.32

5 Rooms	\$50.18	\$34.74
6 Rooms	\$53.91	\$38.06
Over 6 rooms add	\$ 3.80	\$ 3.37per room

**PUBLIC NOTICE**

Department of State  
F-2003-0775

Date of Issuance - November 12, 2003

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 applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at 41 State Street in Albany, New York.

**In F-2003-0775, Kevin McMahon from Brewer Yacht Yards of 128 Shore Rd., Glen Cove, NY 11542,** proposes to maintenance dredge approximately 20,000 cubic yards of sandy silt from an approximately 174,000 square foot area in Glen Cove Creek. The targeted depth is 10 feet in one area and 8 feet in another. Work would be conducted via barge supported crane/clamshell and disposal would be at the Central Long Island Sound disposal site. The applicant states that the US Army Corps of Engineers have determined that approximately 11,400 cubic yards, of the 20,000 cubic yard total, would need to be capped at a 3:1 ratio. The total cap volume would be 34,200 cubic yards. The site would have approximately 10,000 cubic yards available as cap, the other 24,200 cubic yards of cap material would have to be obtained elsewhere. A total of 45,600 cubic yards would ultimately be deposited at the Central Long Island Sound Disposal Site. The stated purpose of the activity is return marina depths to reported depths of the past, and to allow for proper berthing and safe navigation in and around this marina. The project site is located at the Brewer Yacht Yard at 128 Shore Road, in the City of Glen Cove, Nassau County.

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., **30 days from the date of publication of this notice, or December 12, 2003.**

Comments should be addressed to the Division of Coastal Resources and Waterfront Revitalization, New York State Department of State, 41 State Street, Albany, New York 12231. Telephone (518) 474-6000; fax (518) 473-2464.

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

**PUBLIC NOTICE**

Department of State  
F-2003-0833

Date of Issuance - November 12, 2003

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 applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency

certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at 41 State Street in Albany, New York.

In F-2003-0833, Britannia Marina of 81 Fort Salonga Road, Northport, NY 11768, is proposing to maintenance dredge 9,500 cubic yards of mud to muddy sand from the marina entrance and basin. Dredging depth would range from 6N to 8N with no anticipated overdepth dredging. Up to two additional maintenance dredging events would be scheduled to occur in years 5 and 10, depending upon necessity. The marina basin would be dredged hydraulically with the aid of a clamshell. The expected duration of dredging is 7 days, including set up and breakdown. Applicant reports that sediment samples revealed no significant source of contaminated sediments. Dredge spoils would be de-watered in an upland bermed site. The proposed de-watering site is located in the southwestern corner of the marina's secondary gravel lot. Once the dredge spoils have been de-watered, they would be trucked to an approved upland disposal site. Pumped water would be returned into the marina basin upon screening and filtering to ensure that fines and suspended solids do not re-enter the waterway.

During the screening process, coarse particle (sand grained size material) would be separated from the fines silts and silty mud spoil to be used as fill for a mitigation project on site. The mitigation project seeks to stabilize and/or restore approximately 245 linear feet of eroding shoreline to a native coastal vegetative community and 180 linear feet of degrading tidal high marsh. In addition to the stabilization of the existing high marsh, approximately 2,300 square feet or 0.053 acres of smooth cordgrass marsh would be created within the upper 1/3 of the intertidal zone. The project site is located at the head of Northport Harbor at 82 Fort Solonga Road in Northport, in the Town of Huntington.

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 November 27, 2003.

Comments should be addressed to the Division of Coastal Resources and Waterfront Revitalization, New York State Department of State, 41 State Street, Albany, New York 12231. Telephone (518) 474-6000; fax (518) 473-2464.

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

PUBLIC NOTICE

Department of State
Public Notice - F-2003-0465

Date of Issuance - November 12, 2003

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

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at 41 State Street in Albany, New York.

In F-2003-0465, Allison Mayer, 109 Lake Road, Webster, NY, is proposing the upgrade and expansion of docks at, in Irondequoit Bay in the Town of Webster. The docks will be constructed with treated timber frame and deck. Floats, which will be built off-site and launched,

will be polyethylene shell with foam fill. Galvanized steel pipe will hold the docks in place and gangways will connect the docks to shore. There will be no construction beyond the high water mark except for the pipes. Fifteen (15) parking spaces will be included at the project site, while additional parking will be available off-site to accommodate dock-users. Phase I will result in 21 slips, while Phase II will add an addition 18 boat slips for a total of 39 slips. The site currently has eight (8) boat slips.

Any interested parties and/or agencies desiring to express their views concerning the above proposed activity 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 November 27, 2003.

Comments should be addressed to the Division of Coastal Resources and Waterfront Revitalization, New York State Department of State, 41 State Street, Albany, New York 12231. Telephone (518) 474-6000; fax (518) 473-2464.

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

PUBLIC NOTICE

Department of Taxation and Finance
Tax Law Section 1111 Regional Average

Retail Sales Prices for Motor Fuel and Diesel Motor Fuel

Pursuant to the provisions of section 1111(e) of the Tax Law, the Commissioner of Taxation and Finance hereby gives public notice of the regional average retail sales price for motor fuel and diesel motor fuel for purposes of the tax imposed by section 1102 of the Tax Law.

For the period December 1, 2003, through May 31, 2004, the regional average retail sales prices for motor fuel and diesel motor fuel for region 1 and region 2 are as follows:

Table with 3 columns: Region, Fuel Type, Price. Rows include Region 1 and 2 for Motor Fuel and Diesel Motor Fuel.

These are the same prices that were in effect for the period June 1, 2003, through November 30, 2003.

Region 1 includes . . . . . New York City (counties of Bronx, Kings (Brooklyn), New York (Manhattan), Richmond (Staten Island), and Queens) and counties of Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, and Westchester. (This is commonly called the Metropolitan Commuter Transportation District.)
Region 2 includes . . . . . All other counties.

For further information contact: Michael Parada, Department of Taxation and Finance, Technical Services Division, State Campus, State Campus, Albany, NY 12227, (518) 457-0346

PUBLIC NOTICE

Department of Taxation and Finance
Tax Law Article 13-A Rates

Pursuant to the provisions of subdivisions (e), (f), (g) and (h) of section 301-a, subdivision (b) of section 301-d, subdivisions (b) and (c) of section 301-e, subdivisions (a) and (c) of section 301-j and subdivision (a) of section 308 of the Tax Law, the Commissioner of Taxation and Finance hereby gives public notice regarding the petroleum business tax (Tax Law, Article 13-A) rate adjustment calculation and the resulting rates effective January 1, 2004 (effective March 1, 2004 for quarterly filers) as follows: The motor fuel and automotive-type diesel motor fuel

rate is adjusted from \$.084 to \$.088; the nonautomotive-type diesel motor fuel rate is adjusted from \$.076 to \$.079; the residual petroleum product rate is adjusted from \$.058 to \$.060; the kero-jet fuel rate is adjusted from \$.056 to \$.058; the aviation gasoline rate is adjusted from \$.084 to \$.088; the rate of the supplemental tax on aviation gasoline is adjusted from \$.056 to \$.058; and the rate of the supplemental petroleum business tax is adjusted from \$.056 to \$.058. The separate rate of supplemental petroleum business tax with respect to automotive-type diesel motor fuel is adjusted from \$.0385 to \$.0405; it is computed by subtracting one and three-quarters cents from the adjusted rate of the supplemental petroleum business tax. The railroad diesel rate is adjusted from \$.071 to \$.075; it is computed by subtracting one and three-tenths cents from the motor fuel and automotive-type diesel motor fuel rate.

The utility credit (or reimbursement) rate with respect to residual petroleum product is adjusted from \$.0453 to \$.0475 and the utility credit (or reimbursement) rate with respect to unenhanced diesel product is adjusted from \$.0456 to \$.0478. The utility credit (or reimbursement) rates are further adjusted by adding one-half of one cent to the adjusted rates of the utility credits (or reimbursements); the utility credit (or reimbursement) rate with respect to residual petroleum product is further adjusted from \$.0475 to \$.0525, and the utility credit (or reimbursement) rate with respect to unenhanced diesel product is further adjusted from \$.0478 to \$.0528.

The adjusted petroleum business tax rates are obtained by multiplying the existing rates by a fraction, the numerator of which is the sum of the monthly producer price indices (unadjusted) for refined petroleum products for the twelve consecutive months ending with the month of August 2003, and the denominator of which is the sum of the monthly producer price indices (unadjusted) for refined petroleum products for the twelve consecutive months ending with the month of August 2002. Such monthly producer price indices for the twelve consecutive months ending with the month of August 2003, are 88.2, 95.6, 85.8, 81.2, 93.1, 110.6, 118.4, 95.7, 88.0, 91.5, 94.9, 99.9 which total 1142.9. Such monthly producer price indices for the twelve consecutive months ending with the month of August 2002, are 94.6, 75.6, 68.3, 59.2, 61.3, 62.9, 72.5, 82.4, 80.7, 79.6, 80.9, 82.2 which total 900.2. The producer price index for the category of commodities designated as refined petroleum products is published monthly by the Bureau of Labor Statistics of the U.S. Department of Labor. As required by law, the adjusted rates, except the utility credit (or reimbursement) rates and the rate of supplemental petroleum business tax with respect to automotive-type diesel motor fuel, have been rounded to the nearest tenth of one cent. The utility credit (or reimbursement) rates and the rate of supplemental petroleum business tax with respect to automotive-type diesel motor fuel have been rounded to the nearest hundredth of one cent. Section 301-a of the Tax Law does not allow the rates to change by more than 5 percent of the rates in effect on December 31. The above rates reflect this limitation.

*For further information contact:* Thomas Curry, Attn.: Robert W. Donald, Department of Taxation and Finance, Technical Services, State Campus, Albany, NY 12227, (518) 457-8764, e-mail [tc Curry@tax.state.ny.us](mailto:tc Curry@tax.state.ny.us)

## 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 Roy Scott, Codes Division, Department of State, 41 State Street, Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2003-0648 Matter of Yvette Sue Vincent, 2208 Ridge Road, Ramsonville, NY 14131 for variances concerning separation of occupancies in a mixed occupancy building of ordinary construction.

Involved is the conversion of an existing two-story building, with a basement, of masonry construction for a mixed one-family dwelling and religious assembly occupancy, located at 2208 Ridge Road, Ransomville, Town of Lewiston, County of Niagara, State of New York.

2003-0651 Matter of Alfred and Ruth Gordon, 43 Westwood Circle, Village of Irvington, NY 10533 for a variance concerning fire safety requirements including sprinklering a three-story dwelling.

Involved is an existing two-story dwelling proposed to be three stories, part of a townhouse grouping, with an area of approximately 2,000 square feet, located at 43 Westwood Circle, Village of Irvington, County of Westchester, State of New York.

2003-0654 Matter of The Federated Church of West Winfield, c/o Donald McDonald, 850 East Street, Cassville, NY 13318 for a variance concerning the installation of a sprinkler system required by the New York State Uniform Fire Prevention and Building Code.

Involved is the construction of a one-story addition of wood frame construction to an assembly occupancy, located at 452 East Main Street, Village of West Winfield, County of Herkimer, State of New York.

2003-0656 Matter of John Mallery, 2450 Constitution Avenue, Olean, NY 14760, for a variance concerning a required sprinkler system in a building located at 2450 Constitution Avenue, Town of Olean, County of Cattaraugus, State of New York.

2003-0658 Matter of SWBR Architects, 387 E. Main Street, Rochester, NY 14604, for a variance concerning penetrations of a smoke barrier wall in a building, located at 9822 Route 16, Town of Machias, County of Cattaraugus, State of New York.

2003-0660 Matter of Martin Patton, 4158 NYS State Highway 23, Oneonta, NY 13820 for a variance concerning the fire-safety requirement for automatic sprinklers systems throughout all buildings with a Residential Group fire area.

Involved is the new construction of R-1 (transient residential) occupancies in six proposed buildings, each of unprotected combustible construction, two stories in height, and approximately 3,168 square feet in gross floor area. As part of the "Abner Doubleday Sports Complex", they will be located at 4158 NYS State Highway 23, Town of Oneonta, Otsego County, State of New York.

2003-0664 Matter of Linda and Robert Krall, 161 Mallory Road, Verbank, NY, for variances concerning swimming pool enclosure requirements.

Involved is the installation of an in-ground swimming pool, located at 161 Mallory Road, Town of Unionvale, County of Dutchess, State of New York.

2003-0665 Matter of Ronald and Helen Perry, 32 Bahret Avenue, Poughkeepsie, NY, for variances concerning fire safety requirements including ceiling height and stair headroom.

Involved are renovations to an existing basement, located at 32 Bahret Road, Town of Poughkeepsie, County of Dutchess, State of New York.

2003-0666 Matter of Oakcrest, LLC, represented by Hugo S. Subotvsky, Architectures LLC, 49 North Airmont Road, Suffern, NY, for variances concerning handicap accessibility requirements.

Involved is the construction of townhouses, known as Oakcrest, located at 70 Underhill Road, Town of Poughkeepsie, County of Dutchess, State of New York.

