

# 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

### Office of Fire Prevention and Control

Pursuant to Section 176-b of the Town Law, the Office of Fire Prevention and Control hereby gives notice of the following:

Application for Waiver of the Limitation on Non-resident Members of Volunteer Fire Companies

An application for a waiver of the requirements of paragraph a of subdivision 7 of section 176-b of the Town Law, which limits the membership of volunteer fire companies to forty-five per centum of the actual membership of the fire company, has been submitted by the Candor Fire District, County of Tioga.

Pursuant to section 176-b of the Town Law, the non-resident membership limit shall be waived provided that no adjacent fire department objects within sixty days of the publication of this notice.

*Objections shall be made in writing, setting forth the reasons such waiver should not be granted, and shall be submitted to:* Bryant D. Stevens, State Fire Administrator, State of New York, Office of Fire Prevention and Control, 1220 Washington Ave., State Office Campus, Bldg. 7A, Fl. 2, Albany, NY 12242

Objections must be received by the State Fire Administrator within sixty days of the date of publication of this notice.

In cases where an objection is properly filed, the State Fire Administrator shall have the authority to grant a waiver upon consideration of (1) the difficulty of the fire company or district in retaining and recruiting adequate personnel; (2) any alternative means available to the fire company or district to address such difficulties; and (3) the impact of the waiver on adjacent fire departments.

*For further information, please contact:* Deputy Chief Donald Fischer, State of New York, Office of Fire Prevention and Control, 1220 Washington Ave., State Office Campus, Bldg. 7A, Fl. 2, Albany, NY 12242, (518) 474-6746, e-mail: [Dfischer@dhses.ny.gov](mailto:Dfischer@dhses.ny.gov)

## PUBLIC NOTICE

### Office of Fire Prevention and Control

Pursuant to Section 176-b of the Town Law, the Office of Fire Prevention and Control hereby gives notice of the following:

Application for Waiver of the Limitation on Non-resident Members of Volunteer Fire Companies

An application for a waiver of the requirements of paragraph a of subdivision 7 of section 176-b of the Town Law, which limits the membership of volunteer fire companies to forty-five per centum of the actual membership of the fire company, has been submitted by the West Hoosick Fire Department Inc., County of Rensselaer.

Pursuant to section 176-b of the Town Law, the non-resident membership limit shall be waived provided that no adjacent fire department objects within sixty days of the publication of this notice.

*Objections shall be made in writing, setting forth the reasons such waiver should not be granted, and shall be submitted to:* Bryant D. Stevens, State Fire Administrator, State of New York, Office of Fire Prevention and Control, 1220 Washington Ave., State Office Campus, Bldg. 7A, Fl. 2, Albany, NY 12242

Objections must be received by the State Fire Administrator within sixty days of the date of publication of this notice.

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*For further information, please contact:* Deputy Chief Donald Fischer, State of New York, Office of Fire Prevention and Control, 1220 Washington Ave., State Office Campus, Bldg. 7A, Fl. 2, Albany, NY 12242, (518) 474-6746, e-mail: [Dfischer@dhses.ny.gov](mailto:Dfischer@dhses.ny.gov)

## PUBLIC NOTICE

### Office of Parks, Recreation and Historic Preservation

Pursuant to section 14.07 of the Parks, Recreation and Historic Preservation Law, the Office of Parks, Recreation and Historic Preservation hereby gives notice of the following:

In accordance with subdivision (c) of section 427.4 of title 9 NYCRR notice is hereby given that the New York State Board for Historic Preservation will be considering nomination proposals for listing of properties in the State and National Register of Historic Places at a meeting to be held on Thursday, September 19, 2013 at 10:30 AM, at Jones Beach State Park, Wantagh, NY 11793.

The following properties will be considered:

1. Brown-Morey-Davis Farm. Newport, Herkimer Co.
2. James Keith House. Newport, Herkimer Co.
3. Kingsford HD. Oswego, Oswego Co.
4. Riverside Cemetery. Apalachin, Tioga Co.
5. Village of Cattaraugus Commercial Historic District, Cattaraugus Co.
6. Carter-Feasel House, Henrietta, Monroe Co.
7. John White House, Brockport vic., Monroe Co.
8. Leon Grange, Leon, Cattaraugus Co.

9. Springfield Patent Historic District, Otsego Co.
10. Romanta Miller House, Scottsville, Monroe Co.
11. The New York Navy Yard, Brooklyn, Kings Co.
12. Irvington Historic District, Irvington, Westchester Co.
13. The Jewish Center of Coney Island, Brooklyn, Kings Co.
14. Kismet Temple, Brooklyn, Kings Co.
15. Guastavino House, Bay Shore, Suffolk Co.
16. Noah Hallock House, Rocky Point, Suffolk Co.
17. Theta Xi Chapter House, RPI, Troy, Rensselaer Co.
18. St. James Episcopal Church, Lake George, Warren Co.
19. Adams-Chadeayne-Taft Estate, Cornwall-on-Hudson, Orange Co.
20. Brooklyn & Queens Transit Trolley No. 1000, Kingston, Ulster Co.
21. Searle Gardner & Company Collar & Cuff Factory, Troy, Rensselaer Co.
22. Neversink Valley Grange No. 1530, Huguenot, Orange Co.
23. 44 Central Avenue, Albany, Albany Co.
24. Hopkinton Green, Hopkinton, St. Lawrence Co.

Comments may be submitted to Ruth L. Pierpont, Deputy Commissioner for Historic Preservation, Division for Historic Preservation, Peebles Island, P.O. Box 189, Waterford, New York 12188-0189, no later than Wednesday, September 18 or may be submitted in person at the meeting by contacting Ruth L. Pierpont at the same address no later than September 18.

For further information, contact: Ruth L. Pierpont, Deputy Commissioner for Historic Preservation, Peebles Island, P.O. Box 189, Waterford, New York 12188-0189, (518) 237-8643

**PUBLIC NOTICE**

Department of State

F-2013-0506 (DA)

Date of Issuance – August 14, 2013

The New York State Department of State (DOS) is required by Federal law 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 United States Army Corps of Engineers - New England District has determined that the proposed activity complies with and will be conducted in a manner consistent to the maximum extent practicable with the approved New York State Coastal Management Program. The consistency determination and accompanying public information and data is available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue in Albany, New York.

In F-2013-0506 (DA), The U.S. Army Corps of Engineers, New England District, has published a public notice containing a consistency determination for the New England General Permit (NE GP), to authorize certain activities that require Department of the Army permits under Section 404 of the Clean Water Act, Section 10 of the Rivers and Harbors Act of 1899, and/or Section 103 of the Marine Protection, Research and Sanctuaries Act. The NE GP would authorize activities in waters of the U.S. within the boundaries of and/or off the coasts of the six New England States, including activities occurring within the boundaries of Indian tribal lands that have no more than minimal adverse effects on the aquatic environment. The NE GP would be issued in accordance with Corps regulations at 33 CFR 320 - 332 [see 33 CFR 325.5(c)(1)]. General permits are issued on a regional or State-wide basis to streamline the authorization of activities that meet predetermined parameters that would result in minimal individual and cumulative adverse effects on the aquatic environment. A Division may elect to add regional conditions specific to the needs of a particular region. This New England Regional Permit will supersede the Connecticut Programmatic General Permit (CT GP).

DOS previously reviewed the CT GP, under file number F-2011-0086 (DA), and concurred with the Corps' consistency determination

with agreed upon conditions. The CT GP, including New York's conditions on that GP, have been included within the proposed NE GP. More information on the proposal to issue the New England General Permit can be found on the U.S. Army Corps of Engineers - New England District website at: <http://www.nae.usace.army.mil/Portals/74/docs/regulatory/StateGeneralPermits/NEGP/NEGP-PN.pdf> or by contacting the New England District, Corps of Engineers at: 696 Virginia Road, Concord, MA 01742-2751.

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, August 24, 2013.

Comments should be addressed to the New York State Department of State, Division of Coastal Resources, One Commerce Plaza, Suite 1010, 99 Washington Avenue, Albany, New York 12231. Telephone (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**

Department of State

Routine Program Change

STATEWIDE — Pursuant to 15 CFR 923.84(b)(4), the New York State Department of State (DOS) hereby gives notice that the federal Office of Ocean and Coastal Resource Management (OCRM) concurred on July 18, 2013 on the incorporation of the Town and Village of Clayton Local Waterfront Revitalization Program (LWRP) into the State's Coastal Management Program (CMP) as a Routine Program Change. DOS requested OCRM's concurrence on this action on April 24, 2013, in a previous notice in the New York State Register, which further described the content of the action.

The Town and Village of Clayton LWRP was prepared in partnership with DOS and in accordance with the New York State Waterfront Revitalization of Coastal Areas and Inland Waterways Act and the New York State Coastal Management Program. The LWRP is a long-term intermunicipal management program for the Town and Village's waterfront resources along the St. Lawrence River, and is based on the policies of the New York State Coastal Management Program. It also serves to update the original Village of Clayton LWRP approved in 1986, which now is withdrawn. The Town and Village of Clayton LWRP includes a comprehensive description of the existing and proposed land uses in the waterfront revitalization area, incorporates a harbor management plan, and identifies the next generation of waterfront revitalization projects.

Pursuant to the New York State Coastal Management Program and Article 42 of the New York State Executive Law, the Town and Village of Clayton LWRP was adopted by resolution by the Town of Clayton Town Board on July 25, 2012 and by the Village of Clayton Board of Trustees on March 28, 2012, and approved by the New York State Secretary of State on February 4, 2013. Federal consistency with the Town and Village of Clayton LWRP applies as of the date of this notice.

OCRM's concurrence includes the following approved changes to the Town and Village of Clayton LWRP:

| Name/Description of State or Local Law Regulation/Policy/Program Authority or Change | State/Local Legal Citation                          | Date Adopted by State | Date Effective in State |
|--|---|-----------------------|-------------------------|
| ADDED:   |   |                       |                         |
| *Town and Village of Clayton LWRP  | *Sections I, II, IV, V, VI, VII, and Appendices A-F | 02/04/2013            | 02/04/2013              |

|   |  |            |            |
|---|--|------------|------------|
| Town and Village of Clayton LWRP Policies | Section III, Policies 1-13 (note: explanatory text included in Section III is not applicable as enforceable policies for CZMA federal consistency review purposes) | 02/04/2013 | 02/04/2013 |
|---|--|------------|------------|

DELETED:

|                                |                                |            |            |
|--------------------------------|--------------------------------|------------|------------|
| Village of Clayton LWRP (1986) | Village of Clayton LWRP (1986) | 07/07/1986 | 07/07/1986 |
|--------------------------------|--------------------------------|------------|------------|

Changes marked with an asterisk (\*) are incorporated into the NEW YORK COASTAL MANAGEMENT PROGRAM, but do not contain enforceable policies that can be used for Federal Consistency.

The Town and Village of Clayton Local Waterfront Revitalization Program is available at [http://www.dos.ny.gov/communitieswaterfronts/WFRevitalization/LWRP\\_\\_status.html](http://www.dos.ny.gov/communitieswaterfronts/WFRevitalization/LWRP__status.html), the website of the New York State Department of State. If you have any questions, please contact Kevin Millington, Department of State, One Commerce Plaza, Suite 1010, Albany, NY 12231, (518) 473-2479.

**PUBLIC NOTICE**

Department of State  
Routine Program Change

STATEWIDE — Pursuant to 15 CFR 923.84(b)(4), the New York State Department of State (DOS) hereby gives notice that the federal Office of Ocean and Coastal Resource Management (OCRM) concurred on July 18, 2013 on the incorporation of the amendment to the Town of Evans Local Waterfront Revitalization Program (LWRP) into the State’s Coastal Management Program (CMP) as a Routine Program Change. DOS requested OCRM’s concurrence on this action on April 24, 2013, in a previous notice in the New York State Register, which further described the content of the action.

The amendment to the Town of Evans LWRP was prepared in partnership with DOS and in accordance with the New York State Waterfront Revitalization of Coastal Areas and Inland Waterways Act and the New York State Coastal Management Program. The Town of Evans LWRP is a long term comprehensive coastal management program for the Town’s Lake Erie waterfront resources and is based on the policies of the New York State Coastal Management Program. The Evans LWRP was originally approved by the New York State Secretary of State on February 18, 1987, and incorporated into the New York State Coastal Management Program on March 26, 1987.

The Town amended its LWRP to better reflect proposed land and water uses to be accommodated within the Waterfront Revitalization Area in accordance with the Town’s 2010 Comprehensive Plan and zoning amendments adopted after 1987, such as: R-1L Residential Lakefront; R-1 Single-Family Residential; R-2 Single and Two-Family Residential; MFR-3 Multi-Family Residential; the AOS-Agricultural and Open Space District; RR-Rural Residential District; RF-Recreational Facility; PF – Public Facility; and NB-Neighborhood Business districts. These zoning changes serve to strengthen the ability of the Town to implement the policies and uses set forth in the LWRP. To more effectively manage and protect land uses and environmental resources in the waterfront area, the LWRP amendment expands the Waterfront Revitalization Area and the coastal boundary 100 feet to the east of the centerline of Lake Shore Road, to better enable development of public trail facilities, as well as along the boundaries of the Eighteen Mile Creek and Big Sister Creek Significant Coastal Fish and Wildlife Habitats, which were designated and incorporated into the State’s CMP after the approval of the original Evans LWRP.

Pursuant to the New York State Coastal Management Program and Article 42 of the New York State Executive Law, the Evans Town Board adopted the amended LWRP on October 19, 2011, which was subsequently approved by the New York State Secretary of State on February 22, 2013. Federal consistency with the Town of Evans amended LWRP applies as of the date of this notice.

OCRM’s concurrence includes the following approved changes to the Town of Evans LWRP:

| Name/Description of State or Local Law Regulation/Policy/Program Authority or Change | State/Local Legal Citation   | Date Adopted by State | Date Effective in State |
|--|--|-----------------------|-------------------------|
| <b>ADDED:</b>  |  |                       |                         |
| *Town of Evans LWRP  | *Sections I, II, IV, V, VI, VII, and Appendices A-F  | 02/22/2013            | 02/22/2013              |
| Town and Village of Clayton LWRP Policies  | Section III, Policies 1-44 (note: explanatory text included in Section III is not applicable as enforceable policies for CZMA federal consistency review purposes) | 02/22/2013            | 02/22/2013              |

DELETED:

|                              |                              |            |            |
|------------------------------|------------------------------|------------|------------|
| Village of Evans LWRP (1987) | Village of Evans LWRP (1987) | 02/18/1987 | 02/18/1987 |
|------------------------------|------------------------------|------------|------------|

Changes marked with an asterisk (\*) are incorporated into the NEW YORK COASTAL MANAGEMENT PROGRAM, but do not contain enforceable policies that can be used for Federal Consistency.

The Town of Evans LWRP is available on the website of the New York State Department of State, at [http://www.dos.ny.gov/communitieswaterfronts/WFRevitalization/LWRP\\_\\_status.html](http://www.dos.ny.gov/communitieswaterfronts/WFRevitalization/LWRP__status.html). If you have any questions, please contact Kevin Millington, Department of State, One Commerce Plaza, Suite 1010, Albany, NY 12231, (518) 473-2479.

**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 Tollisen, Codes Division, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2013-0335 Matter of Derek Ostrom, 1725 Grand Island Boulevard, Grand Island, NY 14072 for a variance concerning the requirements for minimum clear living space and handicap accessibility.

Involved is the alterations and change of occupancy in a two-story building of non-combustible construction for use as permanent multiple dwellings, located at 1725 Grand Island Boulevard, Town of Grand Island, County of Erie, State of New York.

2013-0337 Matter of Jon Wegman, 710 Latta Road, Rochester, NY 14612 for a variance concerning the requirements for foundation systems with footings and foundation walls.

Involved is the construction of one-family dwellings of one or two stories in height, located at 19 County Line Road, Town of Kendall, County of Orleans, State of New York.

2013-0338 Matter of Spielberg Enterprises, 6577 Woleben, Portland, New York 14479. The Petitioner requests a variance to not install sprinkler system in a R-1 residential – transient occupancy. The Building Code and Fire Code section 903.2.7 requires a sprinkler system. The petitioner also requests a variance to not install Fire Apparatus Access Roads. The Fire Code D102.1 requires access Roads. The property is located at 6577 Woleben, Town of Portland, County of Chautauque, State of New York.

