

# 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.

## NOTICE OF PUBLIC HEARING Susquehanna River Basin Commission

**SUMMARY:** The Susquehanna River Basin Commission will hold a public hearing on May 23, 2013, in Harrisburg, Pennsylvania. At this public hearing, the Commission will hear testimony on the projects listed in the Supplementary Information section of this notice. Such projects are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for June 20, 2013, which will be noticed separately. The Commission will also hear testimony on amending its Regulatory Program Fee Schedule. The public should take note that this public hearing will be the only opportunity to offer oral comment to the Commission for the listed projects and other items. The deadline for the submission of written comments is June 3, 2013.

**DATES:** The public hearing will convene on May 23, 2013, at 2:30 p.m. The public hearing will end at 5:00 p.m. or at the conclusion of public testimony, whichever is sooner. The deadline for the submission of written comments is June 3, 2013.

**ADDRESS:** The public hearing will be conducted at the Pennsylvania State Capitol, Room 8E-B, East Wing, Commonwealth Avenue, Harrisburg, Pa.

**FOR FURTHER INFORMATION CONTACT:** Richard A. Cairo, General Counsel, (717) 238-0423, ext. 306, fax (717) 238-2436

Information concerning the applications for these projects is available at the SRBC Water Resource Portal at [www.srbc.net/wrp](http://www.srbc.net/wrp). Materials and supporting documents are available to inspect and copy in accordance with the Commission's Access to Records Policy at [www.srbc.net/pubinfo/docs/2009-02%20Access%20to%20Records%20Policy%209-10-09.PDF](http://www.srbc.net/pubinfo/docs/2009-02%20Access%20to%20Records%20Policy%209-10-09.PDF).

### Opportunity to Appear and Comment:

Interested parties may appear at the hearing to offer comments to the Commission on any project listed below. The presiding officer reserves the right to limit oral statements in the interest of time and to

otherwise control the course of the hearing. Ground rules will be posted on the Commission's web site, [www.srbc.net](http://www.srbc.net), prior to the hearing for review. The presiding officer reserves the right to modify or supplement such rules at the hearing. Written comments on any project listed below may also be mailed to Mr. Richard Cairo, General Counsel, Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, Pa. 17102-2391, or submitted electronically through <http://www.srbc.net/pubinfo/publicparticipation.htm>. Comments mailed or electronically submitted must be received by the Commission on or before June 3, 2013, to be considered.

**SUPPLEMENTARY INFORMATION:** The public hearing will cover amendment to its Regulatory Program Fee Schedule. Each June before the start of the next fiscal year on July 1, the Commission considers amendments to fee schedules. The public hearing will also cover the following projects:

### Project Scheduled for Rescission Action:

1. Project Sponsor and Facility: Chevron Appalachia, LLC (Chest Creek), Chest Township, Clearfield County, Pa. (Docket No. 20100603).

### Projects Scheduled for Action:

1. Project Sponsor and Facility: Aqua Infrastructure, LLC (Clearfield Creek), Boggs Township, Clearfield County, Pa. Application for renewal of surface water withdrawal of up to 2.000 mgd (peak day) (Docket No. 20081202).

2. Project Sponsor and Facility: Aqua Infrastructure, LLC (Tioga River), Hamilton Township, Tioga County, Pa. Application for surface water withdrawal of up to 2.500 mgd (peak day).

3. Project Sponsor and Facility: Michael and Sandra Buhler (Bennett Branch Sinnemahoning Creek), Huston Township, Clearfield County, Pa. Application for surface water withdrawal of up to 1.000 mgd (peak day).

4. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Athens Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 1.440 mgd (peak day) (Docket No. 20080906).

5. Project Sponsor: Chobani, Inc. Project Facility: South Edmeston, Town of Columbus, Chenango County, N.Y. Application for groundwater withdrawal of up to 0.720 mgd (30-day average) from Well 1.

6. Project Sponsor: Chobani, Inc. Project Facility: South Edmeston, Town of Columbus, Chenango County, N.Y. Application for groundwater withdrawal of up to 0.720 mgd (30-day average) from Well 2.

7. Project Sponsor: Chobani, Inc. Project Facility: South Edmeston, Town of Columbus, Chenango County, N.Y. Application for groundwater withdrawal of up to 0.720 mgd (30-day average) from Well 3.

8. Project Sponsor: Chobani, Inc. Project Facility: South Edmeston, Town of Columbus, Chenango County, N.Y. Application for consumptive water use of up to 0.283 mgd (peak day).

9. Project Sponsor: Delta Borough Municipal Authority. Project Facility: Delta Borough Water System, Peach Bottom Township, York County, Pa. Application for groundwater withdrawal of up to 0.073 mgd (30-day average) from Well 5.

10. Project Sponsor: Delta Borough Municipal Authority. Project Facility: Delta Borough Water System, Peach Bottom Township, York County, Pa. Application for groundwater withdrawal of up to 0.043 mgd (30-day average) from Well 6.

11. Project Sponsor: Delta Borough Municipal Authority. Project Facility: Delta Borough Water System, Peach Bottom Township, York County, Pa. Application for groundwater withdrawal of up to 0.064 mgd (30-day average) from Well 7.

12. Project Sponsor and Facility: Equipment Transport, LLC (Pine Creek), Gaines Township, Tioga County, Pa. Application for surface water withdrawal of up to 0.467 mgd (peak day).

13. Project Sponsor and Facility: Equipment Transport, LLC (Susquehanna River), Great Bend Township, Susquehanna County, Pa. Application for surface water withdrawal of up to 0.999 mgd (peak day).

14. Project Sponsor and Facility: Furman Foods, Inc., Point Township, Northumberland County, Pa. Application for consumptive water use of up to 0.900 mgd (peak day).

15. Project Sponsor and Facility: LDG Innovation, LLC (Tioga River), Lawrenceville Borough, Tioga County, Pa. Modification to low flow protection requirements of the surface water withdrawal approval (Docket No. 20100311).

16. Project Sponsor and Facility: Municipal Authority of the Borough of Mansfield, Richmond Township, Tioga County, Pa. Application for groundwater withdrawal of up to 0.079 mgd (30-day average) from Well 3, and authorization for interconnection with Mansfield University as a supplemental source.

17. Project Sponsor and Facility: Martinsburg Municipal Authority, North Woodbury Township, Blair County, Pa. Application for groundwater withdrawal of up to 0.288 mgd (30-day average) from Wineland Well RW-1.

18. Project Sponsor and Facility: Navitus, LLC (North Spring, Logan Branch Watershed), Spring Township, Centre County, Pa. Application for surface water withdrawal of up to 1.440 mgd (peak day).

19. Project Sponsor: New Morgan Landfill Company, Inc. Project Facility: Conestoga Landfill, New Morgan Borough, Berks County, Pa. Application for groundwater withdrawal of up to 0.007 mgd (30-day average) from Well SW-4.

20. Project Sponsor: New Oxford Municipal Authority. Project Facility: Oxen Country Meadows, Oxford Township, Adams County, Pa. Application for groundwater withdrawal of up to 0.144 mgd (30-day average) from Oxen Country Meadows (OCM) Well 1.

21. Project Sponsor and Facility: Somerset Regional Water Resources, LLC (Salt Lick Creek), New Milford Township, Susquehanna County, Pa. Modification to project features of the surface water withdrawal approval (Docket No. 20100905).

22. Project Sponsor and Facility: Southwestern Energy Production Company (Middle Lake), New Milford Township, Susquehanna County, Pa. Modification to low flow protection requirements of the surface water withdrawal approval (Docket No. 20121223).

23. Project Sponsor and Facility: State College Borough Water Authority, Ferguson Township, Centre County, Pa. Application for renewal of groundwater withdrawal of up to 0.432 mgd (30-day average) from Well 41 (Docket No. 19820501).

24. Project Sponsor and Facility: State College Borough Water Authority, Ferguson Township, Centre County, Pa. Application for renewal of groundwater withdrawal of up to 1.440 mgd (30-day average) from Well 43 (Docket No. 19820501).

25. Project Sponsor and Facility: State College Borough Water Authority, Ferguson Township, Centre County, Pa. Application for renewal of groundwater withdrawal of up to 1.720 mgd (30-day average) from Well 53 (Docket No. 19820501).

26. Project Sponsor: SWEPI LP (Tioga River), Richmond Township, Tioga County, Pa. Application for renewal of surface water withdrawal with modification to increase by an additional 0.843 mgd (peak day), for a total of 0.950 mgd (peak day) (Docket No. 20090612).

27. Project Sponsor and Facility: WPX Energy Appalachia, LLC (Susquehanna River), Great Bend Township, Susquehanna County, Pa. Application for renewal of surface water withdrawal of up to 1.000 mgd (peak day) (Docket No. 20090303).

28. Project Sponsor and Facility: York County Solid Waste and Refuse Authority, Hopewell Township, York County, Pa. Modification

to metering requirements of the groundwater withdrawal approval (Docket No. 20121226).

AUTHORITY: Public Law 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806-808.

Dated: April 19, 2013.

Paul O. Swartz

Executive Director.

## PUBLIC NOTICE

Department of Agriculture and Markets

In the Matter of Considering the Continuation of the Apple Marketing Order Pursuant to Article 25 of the Agriculture and Markets Law and 1 NYCRR Section 201.13 DETERMINATION

### PRELIMINARY STATEMENT

Section 201.13 of Title One of the Official Compilation of Codes, Rules and Regulations of the State of New York ("1 NYCRR"), relating to the Apple Marketing Order ("Order"), provides that at least once during each eight-year period the Order is in effect, the Commissioner shall conduct a referendum of eligible apple growers to substantiate approval of the Order. The approval of not less than 50 percent of all New York State apple growers participating in the referendum substantiates grower approval and acceptance of the Order.

### FINDINGS AND CONCLUSIONS

Pursuant to a Notice of Referendum, dated February 12, 2013, a referendum of eligible New York State apple growers was conducted through April 1, 2013 inclusive, to substantiate approval of the Order. The results of the referendum have been duly recorded and verified as follows:

In favor --	208 (75.1 %)	
In opposition --	66 (23.8 %)	
Total eligible ballots counted and verified:		274

Three (3) ballots were declared ineligible. Of these, two (2) ballots were received after the deadline and one (1) ballot was not marked with a "Yes" or "No."

### CERTIFICATION

Upon the results of the referendum as set forth above, I hereby certify, pursuant to 1 NYCRR Section 201.13 and Agriculture and Markets Law Section 294(2), that the percentage of eligible New York State apple growers required to substantiate approval of the Order has been met, with 75.1 percent of such apple growers participating in the referendum voting in favor of continuation of the Order.

NOW, THEREFORE, upon the findings and conclusions herein, I determine that the Apple Marketing Order (1 NYCRR Part 201) should be and hereby is continued pursuant and subject to Article 25 of the Agriculture and Markets Law and 1 NYCRR Section 201.13.

DARREL AUBERTINE  
Commissioner of Agriculture and  
Markets of the State of New York  
Dated and Sealed at the Town of Colonie  
(Albany County), New York this  
16th day of April, 2013

## PUBLIC NOTICE

Division of Criminal Justice Services  
Commission on Forensic Science

Pursuant to Public Officers Law section 104, the Division of Criminal Justice Services gives notice of a meeting of the New York State Commission on Forensic Science to be held on:

Date: Wednesday, June 26, 2013

Time: 9:30 a.m. – 1:00 p.m.  
 Place: Empire State Development Corporation (ESDC)  
 633 3rd Ave.  
 37th Fl.  
 New York, NY  
 Video Conference Site: Division of Criminal Justice Services  
 80 S. Swan St.  
 1st Fl.  
 Albany, NY

Identification and sign-in are required at Empire State Development Corporation site. For further information, or if you need a reasonable accommodation to attend this meeting, contact Louis Stellato, Division of Criminal Justice Services, Office of Forensic Services, Four Tower Place, Albany, NY 12203, (518) 457-1901.

**PUBLIC NOTICE**

Division of Criminal Justice Services  
 DNA Subcommittee

Pursuant to Public Officers Law section 104, the Division of Criminal Justice Services gives notice of a meeting of the DNA Subcommittee to be held on:

Date: Friday, June 7, 2013  
 Time: 9:30 a.m.  
 Place: Empire State Development Corporation (ESDC)  
 633 3rd Ave.  
 37th Fl.  
 New York, NY

Identification and sign-in are required at this location. For further information, or if you need a reasonable accommodation to attend this meeting, contact Louis Stellato, Division of Criminal Justice Services, Office of Forensic Services, Four Tower Place, Albany, NY 12203, (518) 457-1901.

**PUBLIC NOTICE**

County of Lewis  
 REVISED  
 Deferred Compensation Plan  
 Request for Proposal  
 Due: May 24, 2013

The County of Lewis invites proposals from qualified firms to provide administration, education, trust and investment management services for its 457 Deferred Compensation Program.

You must have the experience and ability to administer a 457 plan meeting all requirements of the Internal Revenue Code as well as the rules and regulations promulgated by the New York State Deferred Compensation Board. Enclosed you will find a copy of the most recent rules and regulations of The New York State Deferred Compensation Board (effective June 15, 2011) and a copy of the New York State Model Plan Document which the County of Lewis operates under. You must state your ability to comply with The New York State Rules and Regulations as well as the New York Model Plan Document.

Those unable to meet the criteria outline above should not respond to this RFP.

Security Benefits currently provides the deferred compensation plan administration, recordkeeping, investment, enrollment and education services. The contract will be for a term of five years with the option to extend the contract for up to two (2) one-year time periods in accordance with the New York State Rules and Regulations solely at The County of Lewis's discretion. At the time of renewal, services and fees may be renegotiated.

The County of Lewis has 159 active, as well as retired participants in the program. There are 968 eligible employees. Current assets are approximately \$7,633,907, with 40.08% in the (fixed) account and 59.92% in variable accounts. Annual contributions were approximately \$723,869 over the past year.

Please submit three (3) copies of your proposal by first-class or special delivery to be delivered no later than 4:30 p.m. on May 24, 2013 to: Teresa K. Clark, Clerk of the Board, Lewis County Board of Legislators, 7660 State St., Lowville, NY 13367

In the lower left hand corner of the outside envelope please indicate  
 Response to Request For Proposal  
 Deferred Compensation Enclosed

**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, June 13, 2013 at 10:15 AM, at Peebles Island State Park, Waterford, New York, 12188.

The following properties will be considered:

1. Oak Hill Cemetery, Herkimer, Herkimer Co.
2. Trinity Church, Syracuse, Onondaga Co.
3. Maple Avenue Historic District, Elmira, Chemung Co.
4. Shantz Button Factory, Rochester, Monroe Co.
5. Sidney Historic District, Sidney, Delaware County
6. Guilford Historic District, Guilford, Chenango County
7. Hartwick Historic District, Hartwick, Otsego County
8. Old Hartwick Village Cemetery, Hartwick Vicinity, Otsego County
9. West Endicott Fire Station, West Endicott, Broome County
10. Congregation Tifereth Yehuda Veyisroel, Kerhonkson, Ulster County
11. Quogue Cemetery, Quogue, Suffolk County
12. First Presbyterian Church of Newtown, Queens, Queens County
13. Beebee-Feasel House, Henrietta, Monroe Co.
14. Hammondsport High School, Hammondsport, Steuben Co.
15. Packer Farm & Barkersville Store, Providence, Saratoga Co.
16. Lakeview Grange, Westport, Essex Co.
17. Watkins-Sisson House, Potsdam, St. Lawrence Co.
18. Theta Xi Fraternity, Troy, Rensselaer Co.
19. Adams Farmstead, Pittstown, Rensselaer Co. (Historic Farms of Pittstown MPDF)
20. Colletti Farmstead, Pittstown, Rensselaer Co. (Historic Farms of Pittstown MPDF)

Comments may be submitted to Ruth L. Pierpont, Deputy Commissioner for Historic Preservation, Division for Historic Preservation, Peebles Island, P.O. Box 189, Waterford, NY 12188-0189, no later than Wednesday, June 12 or may be submitted in person at the meeting by contacting Ruth L. Pierpont at the same address no later than June 12, 2013.

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

**PUBLIC NOTICE**

Department of State

The New York State Appearance Enhancement Advisory Committee will hold an open board meeting on Monday, May 13, 2013 at 10:30 a.m. at the Department of State, 99 Washington Ave., 5th Fl. Conference Rm., Albany; 65 Court St., 2nd Fl. Conference Rm., Buffalo; and, 123 William St., 2nd Fl. Conference Rm., New York City.

*Should you require further information, please contact:* Carol Fansler at carol.fansler@dos.ny.gov or (518) 486-3857

**PUBLIC NOTICE**

Department of State  
F-2011-0212

Date of Issuance – May 8, 2013

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 One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2011-0212, The Seawanhaka Corinthian Yacht Club, Oyster Bay Harbor, Centre Island, Nassau County, is proposing to modify their consistency certification for the maintenance dredging at the existing facility. The original proposal, which met the general concurrence criteria, involved the maintenance dredging of an approximately 43,143 ft<sup>2</sup> area with the subsequent placement of approximately 3,944 cubic yards (cy) of dredged material upland on the Yacht Club property.

The applicant has submitted a request to modify the project to allow placement of the dredged material at either the Western or Central Long Island Sound Disposal Sites (WLIS or CLIS). The applicant has received a suitability determination from the U.S. Army Corps of Engineers, New England District's Marine Analysis Section for this material, which states: "MAS finds that the materials proposed to be dredged from S-1 and S-2 are suitable for unconfined open-water disposal at WLIS or CLIS. However, the materials represented by core S-3 are not suitable for open water disposal at WLIS and require disposal management for open-water disposal at CLIS in the form of capping of the most contaminated material with suitable material."

The WLIS is an open-water disposal site located within Long Island Sound, approximately 2.8 nautical miles (nmi) south of Long Neck Point, Noroton, CT and approximately 2.58 nmi north of Lloyd's Point, Lloyd Neck, Suffolk Co., NY. The CLIS is an open-water disposal site located within Long Island Sound, approximately 5.6 nautical miles south of East Haven, CT and approximately 11 nmi north of Shoreham, Suffolk Co., NY.

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, by Thursday, May 23, 2013.

Comments should be addressed to the Department of State, Division of Coastal Resources, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Comments can also be submitted electronically via e-mail at: CR@dos.ny.gov

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

**PUBLIC NOTICE**

Department of State

Notice of Review for the Town of Penfield

Draft Local Waterfront Revitalization Program Amendment

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 Penfield, located within Monroe County, prepared a draft amendment to its approved Local Waterfront Revitalization Program (LWRP). The LWRP is a comprehensive management program for the Town's waterfront resources along Irondequoit Bay and Creek.

To approve the draft amendment to the Town of Penfield LWRP, pursuant to Article 42 of the NYS Executive Law, it is required that potentially affected State, federal, and local agencies be consulted to

assure that the program does not conflict with existing policies and programs. For this purpose, this draft LWRP amendment is available online at [http://www.dos.ny.gov/communitieswaterfronts/WFRRevitalization/LWRP\\_draft.html](http://www.dos.ny.gov/communitieswaterfronts/WFRRevitalization/LWRP_draft.html).

The draft LWRP amendment was accepted by the New York State Department of State as complete and is now available for review by potentially affected State, federal, and local agencies, and the public. Comments on the draft LWRP are due by July 12, 2013. At the close of this required review period, the Department of State will coordinate responses to comments received with the Town of Penfield and modifications to the LWRP amendment will be made, as needed. Following adoption of the LWRP amendment by the Town and its subsequent approval by the Secretary of State, pursuant to 15 CFR 923.84(b), the New York State Department of State (DOS) will request incorporation of the LWRP amendment into the State's Coastal Management Program by the federal Office of Ocean and Coastal Resource Management (OCRM), as a Routine Program Change.

Comments on the draft Town of Penfield LWRP amendment should be submitted by July 12, 2013, to: Kevin Millington, Department of State, Office of Communities and Waterfronts, 99 Washington Ave., Suite 1010, Albany, NY 12231-0001, (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 Tollsen, Codes Division, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2013-0149 Matter of America's Xtreme Amusement Center, c/o Rex Layton, 4622 State Highway 28, Hartwick, NY 13348 for a variance related to the installation of a sprinkler system in accordance with the New York State Uniform Fire Prevention and Building Code.

Involved is an existing one story building located at 4622 State Highway 28, Town of Hartwick, Otsego County, State of York.

2013-0155 Matter of Thomas Horn, P.O. box 2936, Sag Harbor, NY 11963, for a variance concerning requirements for maximum building area.

Involved is the construction of a new horse riding arena of a (U) occupancy, one story in height, approximately 23,490 square feet in area and of type IIB construction, located at, 1241 Deerfield Road, Southampton, Town of Southampton, Suffolk County, New York.

2013-0156 Matter of Thomas Horn, P.O. box 2936, Sag Harbor, NY 11963, for a variance concerning requirements for minimum ceiling height requirements.

Involved is alterations to a basement for an existing motel/restaurant of a mixed (R-2/A-2) occupancy, two stories in height, approximately 3,456 square feet in area and of type VB construction, located at, 548 West Lake Drive, Montauk, Town of Easthampton, Suffolk County, New York.